

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on July 18, 2017 at 6:00 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Nathan Cope
Larry Mosley
Charles Slemp, Jr.
Robert Smith

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Jeny Hughes, Administrative Assistant
Stacy Estep Munsey, County Attorney

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:04 p.m.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of June 2017 was submitted as follows:

Revenues	\$ 5,627,325.69
Expenditures	\$ 5,915,801.06
General Fund	\$ 6,384,130.74
Total Assets and Liabilities	\$12,549,530.06

PUBLIC EXPRESSION

The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

There was no public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the minutes of the June 20, 2017 Public Hearing, June 20, 2017 Regular Meeting, and the June 22, 2017 Recessed Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Mosley, Mr. Leonard, Mr. Slempp, Mr. Smith

It was moved by Mr. Cope, seconded by Mr. Smith, to approve the minutes of the June 27, 2017 Recessed Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

ABSTAINING: Mr. Mosley

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve a refund for Billy Wynn and Treva Riley in the amount to \$74.91. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of July in the amount of \$773,543.08. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

FINANCE

PRIOR YEAR SUPPLEMENTAL APPROPRIATIONS

SHERIFF'S DEPARTMENT

It was moved by Mr. Cope, seconded by Mr. Smith, to approve a prior year supplemental appropriation in the amount of \$11,340.00 to Fund 001, Sheriff's Department, as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-23020-0015	VDOT Litter/Road Cleanup	\$ 11,340.00

Expenditure		
4-001-31200-1350	VDOT Road Crew	\$ 11,340.00

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

HEADSTART

It was moved by Mr. Cope, seconded by Mr. Smith, to approve a prior year supplemental appropriation in the amount of \$249,206.90 to Fund 024, Headstart, as follows. Upon the question being put the vote was as follows.

Revenue Source			
3-024-33020-0024	Headstart Funds	\$	249,206.90
Expenditure			
4-024-62170-5860	Disbursements Headstart	\$	249,206.90

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

COAL ROAD IMPROVEMENT

It was moved by Mr. Cope, seconded by Mr. Smith, to approve a prior year supplemental appropriation in the amount of \$419.04 to Fund 027, Coal Road Improvement, as follows. Upon the question being put the vote was as follows.

Revenue Source			
3-027-12150-0001	Gas Severance Tax	\$	419.04
Expenditure			
4-027-95100-5860	Gas Severance Tax Disbursements	\$	419.04

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

NEW BUSINESS

BOARD APPOINTMENTS

AIRPORT AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Cope, to re-appoint Charlie Culbertson to a four-year term on the Airport Authority. Mr. Culbertson's term will expire July 31, 2021. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

AIRPORT AUTHORITY

It was moved by Mr. Leonard, seconded by Mr. Mosley, to table this appointment. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

BOARD OF ZONING APPEALS

It was moved by Mr. Cope, seconded by Mr. Smith, to recommend Betty Grable for a five-year term on the Board of Zoning Appeals. Ms. Grable's term will expire July 31, 2022. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

INDUSTRIAL DEVELOPMENT AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Cope, to re-appoint A.J. Hatmaker and Wayne Bonham to a four-year term on the Industrial Development Authority. Mr. Hatmaker and Mr. Bonham's term will expire July 31, 2021. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SOUTHWEST VIRGINIA 911 STANDARDS COMMITTEE

It was moved by Mr. Cope, seconded by Mr. Smith, to re-appoint Alan Bailey, Billie Kay Barber and Dane Poe to a two-year term on the Southwest Virginia 911 Standards Committee. Mr. Bailey, Ms. Barber and Mr. Poe's term will expire July 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

WOODWAY WATER AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Smith, to re-appoint Mike Mooney to a four-year term on the Woodway Water Authority. Mr. Mooney's term will expire July 31, 2021. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

ST. CHARLES WATER AUTHORITY

It was moved by Mr. Leonard, seconded by Mr. Cope, to appoint Rochester Woodard to an un-expired term on the St. Charles Water Authority. Mr. Woodard's term will expire September 30, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

EMERGENCY OPERATIONS PLAN APPROVAL

Mr. Poe reported that the Emergency Operations Plan is required to be updated and approved by the governing body at least every four years. Contact information and facility updates are typically the items that are required to be changed but the plan has been reviewed in its entirety for this update. A Resolution of Approval would need to be adopted.

It was moved by Mr. Cope, seconded by Mr. Mosley, to adopt Resolution 17-007. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

**RESOLUTION
EMERGENCY OPERATIONS PLAN
17-007**

WHEREAS, the Board of Supervisors of Lee County, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, Lee County has a responsibility to provide for the safety and well being of its citizens and visitors; and

WHEREAS, Lee County has established and appointed a Director and Coordinator of Emergency Management; and

NOW, THEREFORE, LET IT BE RESOLVED, by the Board of Supervisors of Lee County, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED, that the Director of Emergency Management, or his/her designee, are tasked and authorized to maintain and revise as necessary this document over the next four (4) year period or until such time be ordered to come before this board.

UNITED WAY IGNITE PROGRAM FUNDING REQUEST

Mr. Poe reported that the Board received a funding request from United Way of Southwest Virginia to assist with their Ignite Program and in particular the Career Expo for Youth event to be held in September. This matter was initially tabled and then was discussed during a budget workshop. He has since met with representatives of United Way and learned that the Lee County School System will be sending students to the Career Expo for Youth, that the Lee County Chamber of Commerce is involved and that local businesses will be encouraged to provide information booths at the event. The original request was for \$2,500.00 but any amount will be accepted.

It was moved by Mr. Cope, seconded by Mr. Slemph, to donate \$2,500.00 to the United Way Ignite Program. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

COMMONWEALTH'S ATTORNEY COLLECTION OF FINES & COSTS AGREEMENT

Mr. Poe reported that last spring the Commonwealth's Attorney presented a proposed fines and cost collection agreement to the Board for their approval. After receiving the Board's approval, they chose not to sign it. The Commonwealth Attorney has now presented a new Memorandum of Understanding that is basically the same as the agreement approved last year with just a few minor changes.

It was moved by Mr. Slemph, seconded by Mr. Cope, to approve the new Memorandum of Understanding with the Commonwealth's Attorney. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

EMPLOYEE REQUEST FOR CLOSED SESSION

Mr. Poe stated that this could be taken up at the end of the meeting.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

HYDROELECTRIC PUMP STORAGE AND REVENUE SHARING

Mr. Poe reported that there was a meeting about new legislation, which became effective July 1, for a Hydroelectric Pump Storage Facility to be located in the Coalfield Counties of Virginia. It has been requested that Boards of Supervisors of affected localities consider adopting a Resolution in support of the concept. There is not a specific location as to where it could be located, and there could be some other spin off facilities. This is not a short-term project, based on the information that was given at the meeting it could be five to eight years developing something like this. By adopting this resolution the Board is stating that they strongly support the construction of the Hydroelectric Pump Storage Facility in the Coalfield Region and that they support the evaluation of sights in this area for possible construction of a facility and that they support the concept of the revenue and cost sharing among all City and County Governments within the Coalfield Region for the tax revenue and costs derived from such facility. There may be some local costs, which would be determined at a future date, and at such time, if a facility were determined to be feasible, better numbers would be available before they formally entering into a Revenue and Cost Sharing agreement. This resolution just states that they support the concept rather than committing to anything at this time.

Mr. Mosley stated that he thinks this is a great project, even after it is up and running. The one in Bath County has been running since the early 1980s. It is a long-term revenue source.

Mr. Leonard stated that this is a lot of potential for a lot of jobs in the Coalfield Counties.

It was moved by Mr. Cope, seconded by Mr. Leonard, to adopt Resolution 17-008. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

**RESOLUTION IN SUPPORT OF
HYDROELECTRIC PUMPED STORAGE AND REVENUE SHARING
17-008**

WHEREAS, the legislative leadership of Virginia’s Coalfield Region has recognized that development of a hydroelectric pumped storage facility could produce new jobs and investment that will bring significant economic benefits for Southwest Virginia localities; and

WHEREAS, the 2017 session of the General Assembly also recognized these benefits in passing House Bill 1760, sponsored by Delegates Terry Kilgore and Todd Pillion, and Senate Bill 1418, sponsored by Senator Ben Chafin; and

WHEREAS, the legislation designed to promote construction of hydroelectric pumped storage and renewable facilities in the Coalfield Region was signed by Governor McAuliffe and became law on July 1, 2017; and

WHEREAS, the Board of Supervisors and administration of Lee County have consistently worked for many years to bring more investment and jobs to our locality; and

WHEREAS, a proposed hydroelectric pumped storage facility offers a rare and significant opportunity to our county and region to gain these benefits and to strengthen our economy; and

WHEREAS, regional cooperation and prosperity can best be achieved by the sharing of any tax revenues and cost derived from any hydroelectric pumped storage located in Virginia’s Coalfield Region among all the city and county governments within the region; and

WHEREAS, this revenue and cost sharing would result in the greatest benefits to the citizens and local governments in the region;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Lee County, Virginia that this Board strongly supports construction of a hydroelectric pumped storage facility in Virginia's Coalfield Region, and

BE IT FURTHER RESOLVED, that this Board also supports evaluation of sites in our area for possible construction of such a facility, a project with great potential to strengthen our community and provide a better quality of life for many generations of our residents; and

BE IT FURTHER RESOLVED, that this Board supports the concept of revenue and cost sharing among the city and county governments within Virginia's Coalfield Region for any tax revenue and cost derived from a hydroelectric pumped storage facility constructed within the region.

RADIO PROJECT

Mr. Poe reported that at the last meeting the Board authorized the execution of the lease agreement for a portion of the radio purchase. The balance of the purchase, which is \$265,000 will be from the COPS Technology Grant. The approval letter for the budget amendments and the sole source procurement stated that the procurement would also need to meet Federal Statutes. Mr. Poe will be reviewing the Federal guidelines to ensure that all requirements have been met. Once that has been done the County will be free to spend the funds. This is a reimbursement program, which means the County has to pay the money up front and request reimbursement. In anticipation that all procurement requirements have been met, Mr. Poe is requesting he be authorized to issue a check to Motorola in the amount \$265,000. Two-Way does have some of the radios in stock, but cannot release them until this amount is paid.

It was moved by Mr. Leonard, seconded by Mr. Cope, to authorize the County Administrator to pay Motorola \$265,000 upon completion of all requirements. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

VACO ANNUAL CONFERENCE

Mr. Poe reminded the Board that the Annual VACO Conference is November 12 to November 14 and advised them that he would need to know by the end of the week who will be attending so reservations can be made.

GENERAL LABORER INTERVIEWS

Mr. Poe reminded the Board that interviews for the General Laborer position at the Transfer Station would be Wednesday July 19, 2017 at 5:00 p.m.

HOSPITAL AUTHORITY MEETING

Mr. Poe advised the Board that there would be a Hospital Authority Meeting on Wednesday July 19, 2017 at 7:00 p.m.

JOINT MEETING WITH SCHOOL BOARD

Mr. Poe reported that the School Board is requesting a joint meeting to hear from vendors on the facilities study sometime next week.

It was the consensus of the Board to meet jointly with the School Board on Thursday July 27, 2017 at 5:00 p.m.

REPORTS AND RECOMMENDATIONS OF THE BOARD

None.

CLOSED SESSION

It was moved by Mr. Slemph, seconded by Mr. Cope, to enter Closed Session pursuant to 2.2-3711 A.1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

It was moved by Mr. Leonard, seconded by Mr. Cope, to exit Closed Session. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

CERTIFICATE OF CLOSED SESSION

It was unanimously agreed as follows.

WHEREAS, the Lee County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a Certification by this Lee County Board of Supervisors that such Closed Meeting was conducted within Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Closed Meeting in which this Certification Resolution applies and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed or considered by the Lee County Board of Supervisors.

It was moved by Mr. Cope, seconded by Mr. Leonard, to recess until July 19, 2017 at 5:00 p.m. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD