

VIRGINIA: County of Lee, to-wit:

At the Annual Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on January 19, 2018 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: Stacy Munsey, County Attorney

INVOCATION

Dane Poe 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 6:06 p.m.

ELECTION OF CHAIRMAN

It was moved by Mr. Cope, seconded by Mr. Leonard, to elect Robert Smith as Chairman for 2018. Upon the question being put the vote was as follows.

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

ELECTION OF VICE-CHAIRMAN

It was moved by Mr. Leonard, seconded by Mr. Slempp, to elect Nathan Cope as Vice-Chairman for 2018. Upon the question being put the vote was as follows.

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

ESTABLISH TIME, DATE AND PLACE OF REGULAR MEETING

It was moved by Mr. Smith, seconded by Mr. Cope, to establish regular monthly meetings on the third Tuesday of each month at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse. Upon the question being put the vote was as follows.

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

RULES OF PROCEDURE

It was moved by Mr. Cope, seconded by Mr. Leonard, to adopt the following Rules of Procedure. Upon the question being put the vote was as follows.

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

RULES OF PROCEDURE

LEE COUNTY BOARD OF SUPERVISORS

Section I – Meeting

Section 1-1: When and where regular meetings held

The date, time and place of the regular Board of Supervisors meeting shall be established at the January annual meeting. Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended. (1)

Section 1-2: Special Meetings

The Board of Supervisors may hold such special meetings, as it deems necessary, at such time and place as it may find convenient; and it may adjourn from time to time as

it may find convenient and/or necessary. A special meeting of the Board of Supervisors shall be called pursuant to, and in full compliance with, Sections 15.2-1417 and 15.2-1418 of the Code of Virginia, as amended. (2)

Section 1-3: Annual/semi-annual meetings

The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting. (3)

Section 1-4: Quorum and method of voting

At any meeting a majority of the Supervisors shall constitute a quorum. (4) All questions submitted to the Board for decision shall be determined by a voice vote of a majority of the Supervisors voting on any such question, unless otherwise provided by law. (5) The name of each member voting and how he or she voted must be recorded. (6)

Section 1-5: Member absenting himself from meeting prior to adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, a member shall not leave the meeting previous to adjournment unless by consent of the Board.

Section 1-6: Board to sit with open doors

The Board of Supervisors shall sit with open doors and all persons conducting themselves in an orderly manner may attend meetings; (7) provided, however, that Board may hold closed meetings as permitted by law. (8)

Section II – Officers

Section 2-1: Chair and Vice-Chair

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chair and a Vice-Chair in accordance with the provisions of Section 15.2-1422 of the Code of Virginia, as amended. The term of office for the Chair and Vice-Chair shall be for one (1) year, but they may be re-elected. In the case of the absence from any meeting of the Chair and Vice-Chair, the members present shall choose one of their number as temporary Chair, provided those members constitute a quorum. (9)

Section 2-2: Chair may administer oaths

The Chair shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its' powers and duties. (10)

Section 2-3: Clerk (duties, etc.)

The Clerk for the Board shall be the County Administrator and his/her duties and responsibilities shall be as set out in Section 15.2-1540 of the Code of Virginia, as amended. The Clerk may appoint a deputy as recording secretary if needed.

Section 2-4: Preservation of order

At meetings of the Board the presiding officer shall preserve order and decorum (11) and may require the Sheriff of Lee County, or at the Sheriff's option, a deputy to attend meetings of the Board to preserve order.

Section III – Conduct of Business

Section 3-1: Order of business

At meetings of the Board, subject to rearrangement by the Chair, absent an objection by the full Board, the order of business shall be as follows:

- (A) Call of order and roll call of members
- (B) Departmental Reports
- (C) Public hearings
- (D) Reports, requests, and recommendations of other departments
- (E) Citizens expression
- (F) Submission and approval of the minutes of the preceding meeting
- (G) Approval of Refunds
- (H) Approval of Warrant List
- (I) Delegations
- (J) Finance
- (K) Unfinished business
- (L) New business
- (M) Reports, requests and recommendations of the County Attorney
- (N) Reports, requests and recommendations of the County Administrator
- (O) Communications and instructions of members of the Board

When any matter is made the special order of business for a future meeting, it shall at such meeting take priority of all other business except the approval of the minutes of the last meeting.

Section 3-2: Manner of addressing Board generally; speaking only on question before Board

- (A) When any person, including Board Members, speaks to the Board, that person shall address the Chair and shall speak directly to the question before the Board.

(B) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any Motion, Resolution or Ordinance preliminary to a vote on the same except at the discretion of the Chair.

(C) No Board Member shall engage in discussion or ask questions of those addressing the Board without first being recognized by the Chair.

Section 3-3: Use of offensive language or gestures; sectarian or political discussion

No member of the Board shall, in debate at any meeting of the Board, use any language or gesture calculated to offend or insult another member. No discussion of sectarian or partisan character shall be allowed at meetings of the Board. (12)

Section 3-4: Priority in speaking to Board

When two or more members wish to speak at the same time, the Chair shall name the person who shall speak first. (13)

Section 3-5: Speaking more than once on same subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless consent of the Board has been given. (14)

Section 3-6: Form of petitions, etc.

Every petition, communication or address to the Board shall be respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-7: Motions

No proposition shall be entertained by the Chair until a Motion for the same has been duly made. The Chair may make a Motion without vacating the Chair. (15)

Section 3-8: Decisions on points of order

The Chair, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made on any point of order and such decision shall be made without debate. (16)

Section 3-9: Same, appeal to Board

Any member of the Board may appeal to the Board regarding the decision of the Chair on any question of order, a majority vote of those present being necessary to overrule the Chair. (17)

Section 3-10: Motion to adjourn

At a meeting of the Board, a Motion to adjourn shall always be in order and shall be decided without debate. (18)

Section 3-11: Voting on appointments to office

Every appointment by the Board shall be by voice vote, recorded by name in the Minutes of the Board of Supervisors. (19)

Section 3-12: Suspending rules

The rules of the Board may be suspended with the concurrence of four-fifths (4/5) of the members present. (20)

Section 3-13: Roberts Rules of Order

The proceedings of the Board, except as otherwise provided in applicable State law, shall be governed by Roberts Rules of Order, Newly Revised.

Section IV – Public Hearings

Section 4-1: Speakers

At every public hearing, speakers wishing to address the Board shall clearly state their name and address and shall be subject to a time limitation of three (3) minutes per individual or five (5) minutes for an individual representing a group, or such other limitation as the Board, in its' discretion, may impose. Each speaker shall be limited to one appearance at each public hearing.

Section 4-2: Members' participation

Board Members shall limit their comments in public hearings to insure participation by the public without Board interference.

Section 4-3: Close of hearing

When a public hearing shall have been closed by the order of the Chair of the Board, no further public comments are in order.

Section V – Agenda

Section 5-1(A): Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except where emergency circumstances require otherwise, every item to be placed on the Agenda shall be received in the Office of the County Administrator by 10:00 a.m. on the Tuesday prior to any regular meeting of the Board.

Section 5-1(B): Notification

Any member absent from a meeting shall be notified of a recessed meeting, including place, time and items to be placed on the Agenda.

Section 5-2: Delivery

The Agenda shall be mailed, or hand delivered, to each Member of the Board and the Attorney to the Board at least six (6) days prior to the meeting.

Section 5-3: Request to appear before the Board of Supervisors

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors to request Board action on any matter shall make such request to the Clerk or Agent as provided; however, no request shall be required in order to speak to the Board during the Citizens' Expression period.

Note: The purpose of the Citizens' Expression period at each regular meeting is to give all citizens an opportunity to appear before the Board to voice their opinions on matters of concern to them over which the Board has influence. Sections 4-1, 4-2 and 4-3 of these Rules of Procedure regarding public hearings will also apply to the Citizens' Expression period. This period should not be used to request specific Board action at that meeting. (See Section 5-3) If Board action is indicated as a result of information provided during this period, the matter should be placed on the Agenda for a future Board meeting.

NOTES

1. Code of Virginia, as amended, Section 15.2-1416.
2. Code of Virginia, as amended, Section 15.2-1417 and 1418.
3. Code of Virginia, as amended, Section 15.2-1416.
4. Code of Virginia, as amended, Section 15.2-1415.
5. Code of Virginia, as amended, Section 15.2-1420.
6. Constitution of Virginia, Article VII, Section 7.

7. Code of Virginia, as amended, Section 2.2-3707.
8. Code of Virginia, as amended, Section 2.2-3711.
9. Code of Virginia, as amended, Section 15.2-1422.
10. Code of Virginia, as amended, Section 15.2-1410.
11. The Virginia Local Legislator, Virginia Municipal League, Virginia Association of Counties, and the Institute of Government, University of Virginia, (1972) pp. 62-63.
12. Roberts, pp. 386-389.
13. Roberts, pp. 28-31.
14. Roberts, pp. 42-43.
15. Roberts, pp. 477-478.
16. Roberts, pp. 214-215.
17. Roberts, pp. 254-259.
18. Roberts, pp. 67-68, 234-240.
19. Roberts, pp. 43-50, 403-405.
20. Roberts, pp. 259-265.

PUBLIC HEARING

PROPOSED FENCING LAW ORDINANCE

The Lee County Board of Supervisors held a Public Hearing on Friday, January 19, 2018 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse in Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on the proposed fencing law for Lee County, Virginia. If adopted, the boundary line of each lot or tract of land within the County of Lee would be declared to be a lawful fence as to any and all domesticated livestock referred to in Code of Virginia, Section 55-306. Further, it shall be unlawful for the owner or manager of any animal or type of animal described in Section 55-306 to permit such animal to run at large beyond the limits of his lands within the County of Lee, Virginia

Mr. Poe reported that the last time fencing laws were addressed in the County was over 50 years ago; from 1905 until 1959, and the law was adopted in districts. That law established that the boundary line of each lot or tract of land was to be considered a lawful fence, which is typically referred to as the no fence law. That means that a landowner does not have to erect a fence to keep livestock from coming on to their property. This is to reenact what is already on the books.

He added there is a provision in State Law that states if the boundary lines are established as a legal fence, if any of the animals specified in Section 55-306, *as to which the boundaries of the lots or tracts of land in any County or Magisterial District thereof; or in any selected portion of such County, if it is established to constitute a lawful fence,*

if any animal shall be found going at large within such County District or portion of such County or upon the lands of any person other than the owner, the owner or manager of such animal shall be liable for all damages or injury done by such animals to the owner of the crops or lands on which they may trespass. The only exception to that would be if the property owners are adjoining in adjacent Counties, if one County has adopted the No Fence Law and the other has not, then there may be a difference on whether the owner is liable for damages.

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.

Steve Surgener, Sticklelyville, stated that there is nothing to protect the farmers and there is already a fence law on the books, and asked the Board not to adopt this Ordinance.

Michael Watson, Jonesville, asked about the 2005 Virginia Fence Law, which states that if someone has livestock and builds a fence and the neighbor also has livestock, the neighbor is required to pay half the cost.

Mr. Poe stated that would be a division fence law that falls under State Laws, that is not up to the locality to decide. This Ordinance determines that the boundary line is a legal fence.

Richard Shuler, Dryden, asked if what the setbacks on a fence would be.

Mr. Poe stated that the setbacks would fall under Zoning. Fences may be placed on the boundary line. Disputes regarding boundary lines are civil matters.

Mr. Cope stated that he believed there is confusion on what is being done because of different beliefs over the years on the Fence Laws. He added that if a farmer

is doing the right thing and trying to keep their cattle fenced, nothing would be changing. This Ordinance is just for clarification on the Fencing Law.

The Chairman closed the floor for public comment.

It was moved by Mr. Cope, seconded by Mr. Mosley, to adopt the following Ordinance. Upon the question being put the vote was as follows.

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

ORDINANCE NO. 18-001

LEE COUNTY FENCE ORDINANCE

Be it enacted and ordained by the County of Lee, Virginia, as follows:

Pursuant to the Code of Virginia, Section 55-310, the boundary line of each lot or tract of land within the County of Lee, Virginia is hereby declared to be a lawful fence as to any and all domesticated livestock referred to in Code of Virginia, Section 55-306.

It shall be unlawful for any person to knowingly allow or permit any livestock or poultry or other fowl of any description owned by him or under his control to repeatedly stray into any public highway or public property or private premises of another, and all livestock or poultry or fowl shall be sufficiently confined or fenced by the owner or person exercising control over the same so as to prevent the same from trespassing or straying.

This Ordinance shall be effective immediately upon adoption.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 9,410,009.73
Expenditures	\$ 5,300,525.20
General Fund	\$ 8,428,408.57
Total Assets and Liabilities	\$15,120,089.97

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. Cope, to approve the minutes of the December 19, 2017 Regular Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

Mr. Mosley questioned the reason for the refund for Lawrence McGeorge, in the amount of \$924.58, stating that the vehicles are titled in Tennessee but the owner's address is listed as Ewing.

Mr. Poe stated that this request came from the Commissioner of the Revenue's Office.

It was moved by Mr. Cope, seconded by Mr. Slemph, to table the refund request for Lawrence McGeorge until next month for additional information. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

Mary Anne Holbrook was unable to attend the meeting.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of January in the amount of \$885,018.67. Upon the question being put the vote was as follows.

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

FINANCE

QUARTERLY APPROPRIATIONS

It was moved by Mr. Mosley, seconded by Mr. Cope, to adopt Resolution 18-001. Upon the question being put the vote was as follows.

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

RESOLUTION QUARTERLY APPROPRIATIONS 18-001

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2017-18; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Headstart, Lee County Public School and Virginia Public Assistance Budgets;

NOW, THEREFORE, BE IT RESOLVED, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending March 31, 2018.

HEADSTART

Federal Funds	\$ 1,370,586
TOTAL HEADSTART	\$ 1,370,586

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds	\$ 7,785,822
Local Funds	<u>1,329,890</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 9,115,712

LEE COUNTY PUBLIC SCHOOLS

Federal, State & Other Funds	\$38,931,987
Local Funds	<u>4,515,273</u>
TOTAL LEE COUNTY PUBLIC SCHOOLS	\$43,447,260

1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the General Fund to the Headstart, Public School and Virginia Public Assistance funds and will not exceed the foregoing one and three months appropriations.

OLD BUSINESS

RESOLUTION FOR SOLSMART COMMUNITY DESIGNATION PROGRAM

Mr. Poe reported that last month the Board heard a request to participate in the SolSmart Community Designation Program. In addition to a Resolution of Support for the SolSmart, Mr. Poe provided the Board a copy of the application, and outlined the

activities and actions that would be required of the County in order to receive the designation.

Mr. Cope asked which part of the Zoning Ordinance would need to change.

Mr. Poe stated that could fall under height regulations and setbacks.

It was moved by Mr. Slemph, seconded by Mr. Smith, to adopt Resolution 18-002. Upon the question being put the vote was as follows.

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

**RESOLUTION OF SUPPORT FOR
SOLSMART DESIGNATION APPLICATION
18-002**

WHEREAS, the Department of Energy’s SolSmart program provides recognition and no-cost technical assistance to help local governments reduce barriers to solar energy growth; and

WHEREAS, by encouraging solar energy development at the local level, SolSmart helps local governments bring new businesses to their community, promote economic growth, and foster the creation of new jobs; and

WHEREAS, SolSmart is funded by the U.S. Department of Energy Sunshot Initiative and supports its goal of making it faster, cheaper, and easier to go solar; and

WHEREAS, attaining regional SolSmart designation for Southwest Virginia coalfield counties is a goal of the Solar Workgroup, an initiative that formed through the Southwest Virginia Economic Forum hosted at UVa-Wise; and

WHEREAS, no-cost technical assistance through the Department of Energy, National Association of Counties, Appalachian Voices and other Solar Workgroup members is available to the County to navigate the designation process; and

WHEREAS, developing solar capacity in our county will support the development of Information Technology based industries; and

WHEREAS, Lee County has taken numerous measures in the past to support the growth and development of energy technology;

NOW, THEREFORE, BE IT RESOLVED The Lee County Board of Supervisors supports and approves Lee County initiating the SolSmart application processes with technical assistance from the National Association of Counties and Appalachian Voices.

RESOLUTION IN SUPPORT OF FUNDING VIRGINIA STATE PARKS

Mr. Poe reported that last month the Board heard a request to adopt a Resolution of Support for full funding of Virginia State Parks as detailed in the Virginia Association for Parks Needs Assessment. The top two priorities in the Needs Assessment are State Park staffing funds and State Park operations funds. He provided information he had received from the Friends of Wilderness Road group.

Mr. Slempp asked if there would be any cost to the County.

Mr. Poe stated that there is no way to know. There is a State Park in the County and if the parks were not fully staffed it would limit the things they are able to do and could potentially limit the number of visitors that come into the County.

Mr. Mosley stated that the County needs to support full funding for the State Parks because it could potentially help the County.

It was moved by Mr. Mosley, seconded by Mr. Cope, to adopt Resolution 18-003. Upon the question being put the vote was as follows.

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

**RESOLUTION OF SUPPORT
FOR FULL FUNDING FOR VIRGINIA STATE PARKS
18-003**

WHEREAS, Virginia State Parks are a critical element of Virginia’s travel and tourism infrastructure contributing over \$224 million to state and local economies; and

WHEREAS, Wilderness Road State Park in Lee County attracted 172,252 visitors in 2016, up from 118,588 in 2015; and

WHEREAS, tourists travel through Lee County to get to Wilderness Road State Park and other Virginia State Parks in southwest Virginia to include, but not limited to, Grayson Highlands State Park, Hungry Mother State Park, New River Trail State Park, Natural Tunnel State Park, Southwest Virginia Museum Historical State Park, plus Breaks Interstate Park;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors formally requests the members of the Virginia General Assembly to support full funding for Virginia State Parks and to support what is needed to adequately maintain and operate current facilities and infrastructure and authorized future construction, as detailed in the Virginia Association for Parks Needs Assessment;

BE IT FURTHER RESOLVED, the Lee County Board of Supervisors formally requests the Virginia Municipal League and Virginia Association of Counties place this issue on their legislative agendas and support it in the General Assembly.

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Mosley, seconded by Mr. Cope, to appoint Brynna Bundy and Alex Haley to a one-year term on the Lonesome Pine Office on Youth. Ms. Bundy and Mr. Haley’s appointment will expire September 30, 2018. Upon the question being put the vote was as follows.

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

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Smith, seconded by Mr. Cope, to appoint Stephanie Fee to an un-expired term on the Lonesome Pine Office on Youth. Ms. Fee’s term will expire December 31, 2019. Upon the question being put the vote was as follows.

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

THE CROOKED ROAD

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

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

REGIONAL INDUSTRIAL FACILITIES AUTHORITY

It was moved by Mr. Slempp, seconded by Mr. Cope, to appoint Aaron Fee and Dane Poe to the Regional Industrial Facilities Authority. Mr. Poe's term will expire December 31, 2019 and Mr. Fee's term will expire December 31, 2021. Upon the question being put the vote was as follows.

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

COOPERATIVE EXTENSION OFFICE INTERNSHIP REQUEST

Mr. Poe reported that the Lee County Extension Office is still short an FSC agent and it does not appear the position will be filled in the near future. Since funds were budgeted for the local share of this position, Unit Coordinator Amy Fannon is requesting a portion of these funds be spent for another summer internship. The local cost for an internship is \$2,584.00, which is one-half of the intern's wages and FICA. The Virginia Cooperative Extension central administration office funds the other one-half. Any travel reimbursement or other cost must also be paid with local funds. This is the same program that the County participated in last year to provide some additional help in the office since there is a vacant position.

Amy Fannon, added that the Family Consumer Science Agent (FCS) and 4-H Agent retired last year. The 4-H Agent has been replaced but not the FCS Agent. Ms. Fannon is asking the Board for permission to hire a summer intern with the money that is already in the budget.

Mr. Mosley asked if a college student would be hired.

Ms. Fannon stated that it does have to be a college junior or senior.

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the Cooperative Extension Office Internship Request. Upon the question being put the vote was as follows.

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

SHERIFF'S DEPARTMENT VEHICLE FINANCING PROPOSALS

Mr. Poe reported that the County currently has four vehicles on order for the Sheriff's Department. Since there were no financing proposals submitted, he has requested proposals from local banks. The total price of the four new Ford Explorers is \$110,188.00 with the County to make a down payment of \$27,547.00, leaving a balance of \$82,641.00 to finance with a three-year payment term. Quotes received are as follows:

Farmers and Miners Bank

Interest rate of 2.475% on a tax exempt basis; 2.927% if not tax exempt.

Lee Bank & Trust Company

Interest rate of 3.09% fixed for three year term; or
Variable rate of WSJ Prime minus 1.75% (currently 2.75%)

Powell Valley National Bank

Interest rate of 3.95% on a tax-exempt basis

As this will be a tax-exempt instrument, Farmers and Miners Bank has submitted the lowest rate.

It was moved by Mr. Mosley, seconded by Mr. Slemph, to accept the financing proposal from Farmers and Miners Bank at an interest rate of 2.475%, the amount of \$82,641.00 for four new Ford Explorers. 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 HOUSE BILL NUMBER 222

Mr. Poe reported that Delegate James W. Morefield introduced a Bill into the Virginia General Assembly seeking to provide a state income tax modification for companies who invest in Southwest Virginia Counties. The income tax modification is providing a means where companies would be reimbursed for their state income tax liability for the years the companies are qualified. In order to qualify, the companies have to invest at least \$5,000,000.00 in new capital investment and create at least 10 new jobs in a qualified locality, or create at least 50 jobs in a qualified locality. The money would come from grants from different agencies and the state would provide money to reimburse those funds. The other feature is that employees of the eligible companies residing in a qualified locality would also be eligible for the reduction of state income taxes.

It was moved by Mr. Mosley, seconded by Mr. Cope, to adopt Resolution 18-004. Upon the question being put the vote was as follows.

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

**RESOLUTION IN SUPPORT
OF HOUSE BILL NUMBER 222
18-004**

WHEREAS, the Honorable Delegate James W. Morefield has introduced House Bill Number 222 into the Virginia General Assembly for consideration in the 2018 session, which seeks to provide a state income tax modification for companies who invest in the Counties of Bland, Buchanan, Dickenson, Grayson, Halifax, Henry, Lee, Pittsylvania, Russell, Scott, Smyth, Tazewell and Wise or the Cities of Bristol, Danville, Galax, Martinsville, Norton and Petersburg; and

WHEREAS, companies are eligible for this income tax modification by either 1) investing at least \$5 million in new capital investment and create at least 10 new jobs in a qualified locality, or 2) create at least 50 jobs in a qualified locality; and

WHEREAS, this income tax modification would also be available to new employees of the eligible companies residing in a qualified locality;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby supports the passage of House Bill Number 222 as it has the potential to help the residents of Lee County and the surrounding region

MASTER AGREEMENT FOR ACCEPTING STATE AVIATION FUNDING

Mr. Poe reported that periodically the Virginia Department of Aviation updates their Master Agreement on Terms and Conditions for Accepting State Aviation Funding. This was most recently done in November 2017. Mr. Poe asked the Board to consider acceptance of the Master Agreement in order to be eligible for grants in the future.

It was moved by Mr. Cope, seconded by Mr. Leonard, to accept the Master Agreement for accepting State Aviation Funding. Upon the question being put the vote was as follows.

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

REPLACEMENT VEHICLE FOR SHERIFF'S DEPARTMENT

Mr. Poe reported that the Sheriff's Department recently wrecked one of the newest cruisers resulting in a total loss. There was some discussion as to replacing the vehicle with another cruiser or 4-wheel drive vehicle. Because the 4-wheel drive SUVs are not police package vehicles, they are actually cheaper than a fully equipped all wheel drive police cruiser. The dealer that got the bid on the other SUVs will honor the same bid price of \$27,547.00. The police package cruiser is \$28,400.00 and there may need to be a few additional add-ons. The County received \$23,375.00 in insurance proceeds on the wrecked cruiser. Mr. Poe checked the budget and there will be enough in the budget to purchase an additional 4-wheel drive vehicle and to install the lighting package.

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the purchase of an additional Ford Explorer from Freedom Ford of Wise in the amount of \$27,547.00. Upon the question being put the vote was as follows.

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

SCHOOL BOARD FUNDING REQUESTS

Mr. Poe reported that the School Board has requested additional funding that is a result of their obtaining five years of reimbursement of State Technology funds not previously requested and the discovery of two Certificates of Deposits held since the late

1990's. No formal action is needed at this time as a public hearing will be required to appropriate these funds and will be held at the February 20, 2017 Regular Meeting. The Certificates of Deposits have already been cashed and deposited into the School Board Capital Reserve fund. Mr. Poe does not believe those funds will need to be appropriated until they are spent, but he will confirm that with the auditor prior to the end of the fiscal year.

In addition, the School Board is asking for support in refinancing the loan for the Dryden Elementary School Addition under the Literary Fund at a 2% fixed rate.

Dr. Austin, School Board Superintendant, added that the School Board would continue to make the same payment at a reduced interest rate, which would result in dramatic savings.

Mr. Cope asked if the loan payments are already in the budget.

Dr. Austin stated that it is budgeted.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

REQUEST FOR CLOSED SESSION

Mr. Poe stated that he has a request for closed session under investing of public funds.

REPORTS AND RECOMMENDATIONS OF THE BOARD

RADIO TOWERS

Mr. Leonard asked about the radio towers.

Mr. Poe stated that the coordinates have been determined and the license process has begun. He still has not received the lease from Penn Virginia on the Keokee property.

Mr. Leonard stated that there was a huge investment on radios and they are not being used.

Mr. Poe stated that it could take up to 6 months for the FCC license.

Mr. Leonard stated that he would follow up with Penn Virginia on the lease.

HONORING CITIZENS

Mr. Leonard stated that the Board has honored people for their accomplishments, and he thinks that the Board needs to look at Cynthia Kinser. Not only is she from Lee County, she became the first female Chief Justice of the Virginia State Supreme Court, and that is a huge accomplishment.

Mr. Smith asked what Mr. Leonard had in mind.

Mr. Leonard stated he was thinking about having signs at the entry points of the County.

Mr. Poe stated that there are seven welcome signs at the entry points, and there are metal "I Love Lee" signs attached to those. He stated some of those need to be refurbished, and it could possibly be added to that. He would also check with DMV about additional signage.

Mr. Mosley stated the Board could do a plaque and publicly recognize her at a meeting.

CLOSED SESSION

It was moved by Mr. Cope, seconded by Mr. Leonard, to enter Closed Session pursuant to Section 2.2-3711 A.6. The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected. Upon the question being put the vote was as follows. 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. Slemph, seconded by Mr. Mosley, to exit Closed Session. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

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

DOMESTIC VIOLENCE GRANT

Mr. Poe reported that the County has received notice of renewal of our Domestic Violence Officer grant for the 2018 calendar year. The grant provides \$36,056.00 in Federal funds and requires a local match of \$12,019.00, which is provided through in-kind services, for a total of \$48,075.00.

It was moved by Mr. Leonard, seconded by Mr. Cope, to approve the Domestic Violence Grant in the amount of \$48,075.00. Upon the question being put the vote was as follows.

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

LOAN TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve a loan to the Industrial Development Authority in the amount of \$130,000.00. 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. Cope, seconded by Mr. Leonard, to adjourn. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD