

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 December 18, 2018 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Kyle Burnette, Pastor of First United Methodist Church of Pennington Gap, led in the Invocation.

PLEDGE TO THE FLAG

Kyle Burnette led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:03 p.m.

PUBLIC HEARING

PROPOSED AMENDMENT TO FY 2018-2019 BUDGET

The Lee County Board of Supervisors held a public hearing on Tuesday, December 18, 2018 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse, Jonesville, Virginia. The purpose of the public hearing was to solicit public comment on a proposed amendment to the Fiscal Year 2018-2019 Budget. The Lee County School Board has requested a supplemental re-appropriation of revenue from the prior fiscal year in the amount of \$1,307,495.71, which requires no local match. The requested re-appropriation is the result of budget savings from the FY2017-2018 budget year, which the state will allow to be carried over to next fiscal year.

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.

Dr. Brian Austin stated that this request is for a re-appropriation of state revenues from last fiscal year to this fiscal year; if it is not re-appropriated the funds would go back to the state.

It was moved by Mr. Leonard, seconded by Mr. Slemp, to adopt Resolution 18-029. Upon the question being put the vote was as follows.

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

**RESOLUTION
18-029**

**LEE COUNTY SCHOOL BOARD
SUPPLEMENTAL APPROPRIATION**

WHEREAS, Lee County Public Schools has eligible carryover funds of \$1,307,495.71 from the prior fiscal year; and

WHEREAS, Lee County Public Schools has requested the re-appropriation of \$1,307,495.71 of funds from the prior year to Fiscal year 2018-2019; and

WHEREAS, these funds require no additional local match;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors grants a supplemental appropriation to the 2018-19 School Budget in the amount of \$1,307,495.71;

BE IT FURTHER RESOLVED, that the revised total Lee County School Board appropriation for the 2018-19 fiscal year be increased from Forty Three Million, Four Hundred Forty One Thousand, Four Hundred Fifty Two Dollars (\$43,441,452) to Forty Four Million, Seven Hundred Forty Eight Thousand, Nine Hundred Forty Seven Dollars and Seventy One Cents (\$44,748,947.71).

DEPARTMENTAL REPORTS

Written departmental reports for Community Development and Tourism were included in the packet.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of November 2018 was submitted as follows:

Revenues	\$ 9,645,128.98
Expenditures	\$ 5,432,498.55
General Fund	\$ 7,785,708.09
Total Assets and Liabilities	\$ 12,617,498.01

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.

Tim Bradshaw, Kingsport, addressed the Board about opposing Ballad Health's proposed changes and asked the Board to adopt Resolutions.

Danni Cook addressed the Board about the changes Ballad Health is trying to make and how those changes will affect out of pocket charges for individuals.

Chuck Slempp, Wise, thanked the Board for all of their work.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

Mr. Poe stated there was an error on page 8 that should be Moral instead of Mortal.

It was moved by Mr. Cope, seconded by Mr. Smith, to approve the minutes of the November 20, 2018 Regular Meeting with the noted change. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the following Refunds. Upon the question being put the vote was as follows.

David Lynn Huff

\$ 55.68

Michael & Jerrica Carter	\$ 121.34
Gale & Vicki Washburn	\$ 91.57

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

OPPORTUNITY ZONE ROBERT BOST GRANT WRITER

Robert Bost, Grant Writer, addressed the Board about Opportunity Zones. He stated that a new tax law has been set up to allow people that earn capital gains to invest in Opportunity Zones and have those gains eliminated. The rules for this provision are still under review with the comment period for the regulation ending January 10, 2019 and the actual law would be implemented in early 2019. This is designed to help economically depressed areas throughout the Country, with 8,700 zones designated and 212 of those being in Virginia. He stated that this is a real opportunity to go out and make the case for investments to be made in the County.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the disbursements for the month of November in the amount of \$171,367.05. Upon the question being put the vote was as follows.

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

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Mosley, seconded by Mr. Cope, to appoint Carla Fountain to an un-expired term on the Lonesome Pine Office on Youth. Ms. Fountain's term will expire September 30, 2021. Upon the question being put the vote was as follows.

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

DRYDEN WATER AUTHORITY

It was moved by Mr. Slempp, seconded by Mr. Leonard, to re-appoint Patsy Quillen to a four-year term on the Dryden Water Authority. Ms. Quillen's term will expire December 31, 2022. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA EMERGENCY SERVICES COUNCIL

It was moved by Mr. Smith, seconded by Mr. Mosley, to re-appoint Freda Ayers to a one-year term on the Southwest Virginia Emergency Services Council. Ms. Ayers' 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. Slempp, Mr. Smith

SOUTHWEST VIRGINIA COMMUNITY CORRECTIONS

It was moved by Mr. Cope, seconded by Mr. Smith, to appoint Jared Glass to an un-expired term on the Southwest Virginia Community Corrections. Mr. Glass's term will expire August 31, 2020. Upon the question being put the vote was as follows.

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

UPPER TENNESSEE RIVER ROUNDTABLE

It was moved by Mr. Mosley, seconded by Mr. Smith, to re-appoint Shawn Morris to a two-year term on the Upper Tennessee River Roundtable and Bill Carter as

alternate. Mr. Morris and Mr. Carter's term will expire December 31, 2020. Upon the question being put the vote was as follows.

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

HIRING OF RECENT EMPLOYEES

Mr. Poe stated that the Board recently approved a motion to hire a Litter Control and Recycling Coordinator. The motion contained a contingency that, should the candidate not accept the job, the second ranked candidate could be hired. Accordingly, Jared Glass has been hired for this position at an annual salary of \$25,792.00

Also, the Sheriff's Office recently hired one of the County's E-911 dispatchers as the new School Resource Officer. Sheena Lawson has worked on a part-time basis as a dispatcher for two years and the Sheriff, E-911 Director and Mr. Poe all concurred that she should be promoted to full-time to fill this vacancy. Ms. Lawson's first day of full-time employment was December 1, 2018 at an annual salary of \$23,723.00.

Mr. Poe requests a formal motion by the Board for both of these new hires.

It was moved by Mr. Leonard, seconded by Mr. Smith, to hire Jared Glass as Litter Control Coordinator at an annual salary of \$25,792.00 and to hire Sheena Lawson as 911 Dispatcher at an annual salary of \$23,723.00 on a one year probationary period. Upon the question being put the vote was as follows.

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

AIRPORT WEATHER STATION COMPUTER

Mr. Poe reported that the computer that controls the Automated Weather Observation System at the airport is not functioning correctly and will not upload the observed weather data to links that provide the information on a wide scale basis. The system does broadcast by radio, with a limited radius, and telephone but data cannot be accessed by computer. The cost of a new control computer is \$19,728.13. The County has received a grant offer from the Virginia Department of Aviation for 95% of the cost and the County's matching share would be \$986.41. A motion to accept the grant is needed to obtain the grant and repair this system.

It was moved by Mr. Cope, seconded by Mr. Leonard, to accept the grant from the Virginia Department of Aviation in the amount of \$18,741.72 with a local match of \$986.41 to purchase a new Airport Weather Station Computer. Upon the question being put the vote was as follows.

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

IDA FUNDING REQUEST

Mr. Poe presented the Board with a letter from Aaron Fee, IDA Director, that stated the Shell Building fan installation and electrical repair project is complete. The original quote did not provide a definitive price for the electrical repairs. The IDA recently received an invoice for the completed work in the amount of \$21,944.00. On December 6, the IDA approved supplemental funding from the Economic Development Fund in the amount of \$944.00 to cover the shortfall of the initial appropriation. At this time, the IDA would like to formally request this amount be approved from the Economic Development Fund to cover the full cost of the invoice. The IDA is also requesting a loan of up to \$25,000.00 to fund operating expenses.

It was moved by Mr. Cope, seconded by Mr. Slemp, to table this matter until later in the meeting. Upon the question being put the vote was as follows.

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

HOSPITAL AUTHORITY LEGAL EXPENSES

Mr. Poe asked that this be discussed in closed session.

SHERIFF'S VEHICLES

Mr. Poe stated that he was informed by Short Redmond Ford of LaFollette, TN that Ford Motor has cut off orders for 2019 Ford Utility Police Interceptors and canceled some existing orders. Ford Motor is closing the Utility vehicle production plant for three months and will resume production of the units as 2020 models in the spring of 2019. If ordered now, the 2020 models would not be available until late May or early June of 2019 and would cost \$36,936.00 per unit, which is a \$7,672.00 increase over the bid price received last month for the 2019 models. Based on this pricing, the Chevrolet Tahoe

offered by RK Chevrolet of Virginia Beach, VA would be the lower bid of those previously received.

Another option to consider would be to take new bids for all-wheel drive sedans, which would have a lower cost than the Utility style vehicles previously bid.

It was moved by Mr. Mosley, seconded by Mr. Cope, rebid for all-wheel drive sedans. Upon the question being put the vote was as follows.

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

THE FIELDS WATERLINE REPLACEMENT PROJECT DOCUMENTS

Mr. Poe stated that the County has been awarded \$256,308.00 in a Community Development Block Grant for the Fields Waterline Replacement Project in Ewing. In order to complete all the pre-contract grant requirements, the enclosed Resolution for Compliance must be adopted. The Resolution for Compliance references seven specific documents, which are required and will be adopted by reference. These are as follows:

1. Residential Anti-Displacement and Relocation Assistance Plan
2. County Local Business and Employment Plan
3. Nondiscrimination Policy
4. Nondiscrimination Based on Handicap Policy
5. Resolution to Appropriate Funds
6. Fair Housing Certification
7. 504 Grievance Procedure

The Local Business and Employment Plan was already signed. It was adopted for a project last year and is still effective for this project.

It was moved by Mr. Leonard, seconded by Mr. Cope, adopt the Resolution of Compliance. Upon the question being put the vote was as follows.

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

RESOLUTION FOR COMPLIANCE THE FIELDS WATER LINE REPLACEMENT PROJECT CDBG #18-14

WHEREAS, Lee County anticipates a DHCD award to replace 6,415 linear feet of water line and

WHEREAS, Lee County adopts the following requirements as required by the Department of Housing and Community Development:

- a) Residential Anti-Displacement and Relocation Assistance Plan
- b) County Local Business and Employment Plan
- c) Nondiscrimination Policy
- d) Nondiscrimination Based on Handicap Policy
- e) Resolution to Appropriate Funds
- f) Fair Housing Certification
- g) 504 Grievance Procedure

NOW THEREFORE BE IT RESOLVED, the Lee County Board of Supervisors hereby adopts the above-mentioned items as required, showing that Lee County will be in conformance with all requirements set forth by the Virginia Department of Housing and Community Development.

**RESIDENTIAL ANTI-DISPLACEMENT
AND
RELOCATION ASSISTANCE PLAN**

Lee County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than low/moderate-income dwelling units as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, Lee County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. a description of the proposed assisted activity;

2. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. a time schedule for the commencement and completion of the demolition or conversion;
4. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. the source of funding and a time schedule for the provision of replacement dwelling units;
6. the basis for concluding that each replacement dwelling unit will remain low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low-and moderate-income households in the jurisdiction.

Lee County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Lee County's FY 2018 The Fields Water Line Replacement Project includes the following activities:

- Installation of 5,400 linear feet of water line water distribution line
- Installation of 1,015 linear feet of water service line
- Installation of 12 Gate Valve in-place-complete
- Installation of 4 blow off valves
- Installation of 31 Water Service Replacement and Reconnects

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. Lee County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, all occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

SECTION 3
BUSINESS AND EMPLOYMENT PLAN

1. Lee County designates as its Section 3 Business and Employment Project Area the boundaries of Lee County.
2. Lee County, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the County in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, non-construction, materials, and supplies to Lee County, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the County:
 - (a) Lee County shall identify the contracts required to conduct the CDBG activities.
 - (b) Lee County shall identify through various and appropriate sources including:

Powell Valley News
Pennington Gap, Virginia

the business concerns within the County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.

- (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CDBG funds.
 - (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG funds.
4. Lee County) and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the County:
 - (a) Lee County in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.

- (b) Lee County shall advertise through the following sources

Powell Valley News
Pennington Gap, Virginia

the availability of such positions with the information on how to apply.

- (c) Lee County, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
- (d) To the greatest extent feasible, the (Lee County), its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).
5. In order to document compliance with the above affirmative actions and Section 3 of the *Housing and Community Development Act of 1974, as amended*, Lee County shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

NONDISCRIMINATION POLICY

The *County of Lee* or any employee thereof will not discriminate against an employee or applicant for employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. Administrative and personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

PUBLIC NOTICE

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HANDICAPPED
REGULATIONS**

This notice is published pursuant to the requirements of 24 CFR Part 8, Non discrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development, as published in the Federal Register on June 2, 1988. 24 CFR part 8 prohibits discrimination against qualified individuals because of their handicapped status.

Lee County advises the public, employees and job applicants that it does not discriminate on the basis of handicapped status in admission or treatment or employment in its programs and activities.

Lee County has designated the following as the contact to coordinate efforts to comply with this requirement.

Inquiries should be directed to:

Mr. Dane Poe
County Administrator
Lee County
Post Office Box 367
Lee, Virginia 24263

Phone - (276) 346-7714
Fax - (276) 346-7712
Virginia Relay Center - 711

8:00 a.m. – 4:30 p.m.

RESOLUTION

County of Lee

County of Lee does hereby resolve to appropriate up to \$256,308 from the Virginia Department of Housing and Community Development Block Grant funds

for the construction of the

The Fields Water Line Replacement Project.

County of Lee is in no way committed to spend the \$256,308 if funds from the Virginia Department of Housing and Community Development Block Grant if the funds are not received.

FAIR HOUSING CERTIFICATION

Compliance with Title VII of the Civil Rights Act of 1968

WHEREAS, Lee County has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and;

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing;

THEREFORE, Lee County agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

SECTION 504 GRIEVANCE PROCEDURE

Lee County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual... shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

Complaints should be addressed to: Mr. Dane Poe, County Administrator, County of Lee, P. O. Box 367, Jonesville, Virginia, 24263, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 10 after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Mr. Dane Poe. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), Lee County need not process complaints from applicants for employment or from applicants for admission to housing.

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mr. Dane Poe and a copy forwarded to the complainant no later than 30 days after its filing.
5. The Section 504 coordinator shall maintain the files and records of the Mr. Dane Poe relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within *10 days* to Mr. Dane Poe, County Administrator.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the County complies with Section 504 and the HUD regulations.

TAX EXEMPTIONS

Mr. Poe stated that in the late 1980s the General Assembly provided several tax exemptions for different organizations, there was no sunset clause included in that, which means it never expires. In 2002 there was a Referendum approved that permitted the General Assembly to adopt legislation that would allow the localities to exempt property from taxation. In 2003 the General Assembly Session did adopt a bill that provided procedures for how to grant exemptions and how previously granted exemptions could be revoked, but there was still no sunset clause on those that had already been granted under the General Assembly, and it would take General Assembly action to remove those. Last month there was a proposed Resolution from Fredrick County regarding legislation that would provide a sunset date for General Assembly authorized tax exemptions for certain agencies and organizations. Mr. Poe has drafted a Resolution supporting Delegate LaRock's Legislative Proposal Regarding Tax Exemptions.

It was moved by Mr. Mosley, seconded by Mr. Cope, to adopt Resolution 18-030. Upon the question being put the vote was as follows.

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

**RESOLUTION SUPPORTING DELEGATE LAROCK'S LEGISLATIVE
PROPOSAL REGARDING TAX EXEMPTIONS
18-030**

WHEREAS, §§58.1-3650.1 through 58.1-3650.1001 of the Code of Virginia, 1950, as amended, exempt various individually designated properties from taxation which were authorized by actions of the Virginia General Assembly; and

WHEREAS, in November 2002 a referendum was approved that permitted the General Assembly to adopt legislation enabling localities to exempt property from taxation; and

WHEREAS, during the 2003 General Assembly session HB 1750 was adopted, which detailed the procedure for how the granting of exemptions was to be done and also how a previously granted exemption could be revoked; and

WHEREAS, §58.1-3605 of the Code of Virginia, 1950, as amended, provides for a process by which a locality may seek revocation of a tax-exempt designation under §58.1-3650.1 et seq. which a local governing body wants to remove from its exempt property list, which process requires legislation and action by the General Assembly; and

WHEREAS, Delegate David LaRock has proposed a bill which would repeal §§58.1-3650.1 through 58.1-3650.1001 of the Code of Virginia, 1950, as amended, relating to tax exemptions; and

WHEREAS, this bill would terminate existing exemptions previously granted by the General Assembly pursuant to §§58.1-3650.1 through 58.1-3650.1001 of the Code of Virginia, 1950, as amended, as of July 1, 2024 and would enable localities to exempt by ordinance the real and/or personal property of any entity whose property tax exemption has been repealed;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Lee, Virginia, expresses its support for Delegate LaRock's proposed legislation as it completes the process started in 2003 to enable localities to decide the appropriateness of tax exempt requests.

BE IT FURTHER RESOLVED, that this Board requests the Virginia Association of Counties support of this proposal as part of its 2019 legislative agenda.

GENERAL DISTRICT COURT REQUEST

Mr. Poe stated that the County recently hired an Architectural Firm to renovate space in the building for dividing the General District and Juvenile and Domestic Relations Courts. The Board supported this move by agreeing to renovate approximately 700 square feet of space on the west end of the Courthouse. The Thirtieth Judicial Court of Virginia Lee County District Court has submitted a letter stating that the Judges do not feel that is sufficient space and are also requesting the space that is currently occupied by the Children’s Advocacy Center. The space is currently used for interviews on an as needed basis and it is not a full time office. Mr. Poe stated that the preliminary drawing provides two counter top work stations and one office for the Clerk and one office for the Judge in the 700 square foot space.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

OPIOID LAWSUIT UPDATE

Ms. Munsey reported that she received notice from the Attorneys on the Opioid Litigation that some of the defendants have filed a notice to move the case to Federal Court, which was anticipated. The Attorneys will be filing a motion to move it back to State Court and she will report to the Board when she receives that update.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

THOMPSON AND LITTON RETAINER AGREEMENT

Mr. Poe reported that he has received the proposed retainer agreement for Thompson and Litton. It does not list a dollar amount, but states that the client agrees to pay Thompson and Litton for their services as outlined in each Memorandum of Understanding. Mr. Poe requests that the Board authorize the Chairman to sign the contract.

It was moved by Mr. Leonard, seconded by Mr. Slemph, to allow the Chairman to sign the Retainer Agreement for Thompson and Litton. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE BOARD

HOSPITAL BUILDING

Mr. Mosley reported that a local news station had filmed equipment being taken out of the hospital. The Hospital Authority has put the pressure on Americore the past 6 months, and not all is lost. The Hospital Authority cannot negotiate with another entity, but that does not keep other folks from doing it. He stated that Mr. Leonard, Mr. Poe and himself had a meeting with another provider earlier in the day and it was a very positive meeting. He is very hopeful that the hospital will be reopened.

Mr. Poe stated that any meetings with other medical providers have not been in conjunction with the Hospital Authority. It was informational meetings only.

SOUTHWEST REGIONAL RECREATION AUTHORITY LETTER OF SUPPORT

Mr. Poe stated that Shawn Lindsey, Director of Spearhead Trails emailed Mr. Leonard and himself about legislation that will be going to the General Assembly to amend a couple sections of code which would allow funds to go to Mountain Empire Older Citizens and Appalachian Agency for Senior Citizens Inc. to help with heating bills. In addition to that, a portion of those abandoned funds from unidentified proceeds on gas or oil wells would be sent to the Heart of Appalachia Tourism Authority and Southwest Regional Recreation Authority to be used in helping them further the development of a tourism and recreation based economy in the coalfields. The Bill helps the region become more sustainable utilizing natural and cultural assets of the coalfields through a boost in the resources available to develop their capacity to create new, and to maintain existing, outdoor recreation assets and to develop businesses and market the assets providing long term jobs while taking care of basic needs of the older citizens. The letter of support would be to support the legislation to the amend Sections 45.1-361.21 and 45.1-361.22.2.

Mr. Leonard stated that Mr. Lindsey feels like this is a good opportunity for Lee County.

It was moved by Mr. Leonard, seconded by Mr. Cope, to provide a letter of support for Southwest Regional Recreation Authority. Upon the question being put the vote was as follows.

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

Mr. Smith called a 45 minute recess for members to attend a funeral visitation service.

The meeting was called back to order at 9:08 p.m.

CLOSED SESSION

It was moved by Mr. Slemph, 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.

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

It was moved by Mr. Mosley, seconded by Mr. Leoard, to exit Closed Session. 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.

INDUSTRIAL DEVELOPMENT AUTHORITY LOAN

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve a loan of up to \$25,000.00 to the Lee County IDA from the General Fund and approve a supplemental appropriation of \$944.00 from the Economic Development Funds. Upon the question being put the vote was as follows.

Revenue Source:			
3-061-15020-0001	Economic Development Fund	\$	944.00

Expenditure:			
4-061-94100-5899	Economic Development Fund	\$	944.00

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD