

**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 February 20, 2018 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: Nathan Cope

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

OTHERS ABSENT: None

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**INVOCATION**

Dane Poe led in the Invocation.

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**PLEDGE TO THE FLAG**

Charles Slemp led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 6:02 p.m.

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**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.

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Douglas Graham, Ewing, addressed the Board about the School Board appropriation public hearing, stating that it is a step in the right direction to get started on the schools repairs.

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Patrick Thomas, Dryden Heights, addressed the Board about Carter Minton Drive in Dryden Heights being paved and becoming State maintained.

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Mr. Poe stated that since this is a privately maintained road the only way for the road to become State maintained is by the Rural Addition program, and there are currently no funds for any new roads.

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Mr. Slemph stated that the County only gets a small amount of money for the Rural Addition program and added that he would get some gravel for that road within the next week or so.

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Mr. Thomas stated that would help, but this matter needs to be resolved, and asked if there is a list to be put on.

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Mr. Poe stated that the County has not taken applications for Rural Additions for approximately ten years and that the applications that are on file now have been there since the 1990s.

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Mr. Thomas stated that by law the Board of Supervisors is supposed to take formal action to get a road taken into state maintenance.

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Mr. Poe stated that means in order for the State to take a road into the Secondary System, by law it is required that the local Board of Supervisors go through that approval process. It does not mean that the Board is required to submit any road that is requested.

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Mr. Thomas stated that from what he understands, the Board is not going to do anything and asked that the road be put on the list.

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Mr. Poe stated that the Rural Addition process is the way to do it, but a formal list has not been established. The Rural Addition program is purely dependant on how much state funding is in the state road construction budget for the County.

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Mr. Leonard stated that at the appropriate time the Board could take action, but until there are funds in the program there is no action to take.

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Mr. Slemp stated that there is nothing else that could be done and suggested that Mr. Thomas come back to the public hearing with VDOT.

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There was no further public comment.

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The Chairman closed the floor for public comment.

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## **PUBLIC HEARING**

### **MELANIE SALYER SPECIAL USE PERMIT REQUEST**

The Lee County Board of Supervisors held a Public Hearing on February 20, 2018 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Special Use Permit request. Melanie Salyer has applied for a Special Use Permit to allow a professional and administrative office in a V-C (Village Commercial) District. The property is located at the intersection of Rt. 726 (Chris Barney Rd) and Rt. 619 (Orr Rd) in the Dryden Community and consists of .29 acres of land (Tax Parcel 25A-(5)-BK6, 1-4).

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Ms. Salyer addressed the Board about the property stating that she would like to purchase the property in order to open a small law firm. She stated that there are already

businesses in the area, but a law firm is not an allowable use. She asked the Board for their favorable consideration of her request.

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Mr. Poe stated that the Planning Commission voted to recommend approval of the Special Use Permit for Ms. Salyer.

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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.

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There was no public comment.

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The Chairman closed the floor for public comment.

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It was moved by Mr. Leonard, seconded by Mr. Slemp, to approve the Special Use Permit for Melanie Salyer. Upon the question being put the vote was as follows.

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

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### **PROPOSED AMENDMENT TO THE FY 2017-2018 BUDGET**

The Lee County Board of Supervisors held a public hearing on Tuesday, February 20, 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 2017-2018 Budget. The Lee County School Board has requested a supplemental appropriation in the amount of \$1,550,000, which requires no local match. These funds were received as reimbursements for expenses related to the Virginia Public School Authority Technology notes for the five (5) previous fiscal years (FY13-FY17).

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Dr. Brian Austin, School Superintendent, stated that this is a request to appropriate \$1,550,000 to this year's fiscal operating budget. These funds are a result of

unclaimed state revenue over the past five fiscal years. The School Board is appropriated \$310,000 in state funding for the purpose of purchasing technology equipment, once the purchase has been made paperwork is submitted to request the funds related to those expenditures. This process had not been completed for the past five years. The paperwork has now been filed and the funds have been received. The reason the School Board is asking for those funds be appropriated to this fiscal year is for facility repairs that are priorities.

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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.

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Debbie Artrip, Keokee, asked if the funds being appropriated would go toward fixing the school. She stated that she is concerned the money would be used to renovate the new location of the Central Office and not for fixing the schools for the students.

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Mr. Smith advised Ms. Artrip that she needed to ask the School Board these concerns.

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Ms. Artrip asked why the money was not used in the previous years.

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Mr. Leonard stated that the money was not requested in the past, but the Superintendent has now requested the money. He added that moving the School Board Office instead of repairing the Central Office building resulted in huge savings.

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Ms. Artrip stated that once the money is appropriated it belongs the School Board, and they are not going to care what the concerns are.

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Mr. Leonard stated that if the money is not appropriated it would just sit there.

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Mr. Poe stated that it is the School Board's money, the Board of Supervisors have to take action to appropriate it or it cannot be spent. If it is not appropriated, it will revert to the State.

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Ms. Artrip stated she does not know anyone in the County that trusts the School Board with the money.

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Mr. Smith stated that Ms. Artrip has gone over her time limit, and the questions need to be taken to the School Board.

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The Chairman closed the floor for public comment.

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

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

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**RESOLUTION  
18-005**

**LEE COUNTY SCHOOL BOARD  
SUPPLEMENTAL APPROPRIATION**

**WHEREAS**, Lee County Public School has received reimbursement of State Technology Funds for Fiscal Years 2013-2017 totaling \$1,550,000; and

**WHEREAS**, Lee County Public Schools has requested appropriation of these funds to the current 2017-2018 fiscal; 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 2017-18 School Budget in the amount of \$1,550,000 to the Facilities category;

**BE IT FURTHER RESOLVED**, that the revised total Lee County School Board appropriation for the 2017-18 fiscal year be increased from Forty Four Million, Five Hundred Thirty One Thousand, Two Hundred Twelve Dollars (\$44,531,212) to Forty Six Million, Eighty One Thousand, Two Hundred Twelve Dollars (\$46,081,212).

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**CONSTITUTIONAL OFFICERS**

**TREASURER'S REPORT**

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

Revenues	\$ 4,157,329.01
Expenditures	\$ 6,452,459.50
General Fund	\$ 7,235,210.04
Total Assets and Liabilities	\$12,800,216.14

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**APPROVAL OF MINUTES**

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the minutes of the January 19, 2018 Annual Meeting. Upon the question being put the vote was as follows.

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

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**APPROVAL OF REFUNDS**

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

Lawrence McGeorge	\$924.58
MB Financial	\$520.95

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

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**PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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## **DELEGATIONS**

### **IGNITE PROGRAM UPDATE MARY ANNE HOLBROOK UNITED WAY OF SOUTHWEST VIRGINIA**

Travis Staton, President and CEO of United Way of Southwest Virginia, thanked the Board for their investment in the Ignite Program. He stated that the program reached over 1600 students that are getting hands on awareness and hands on opportunities for career pathways in Southwest Virginia. This past fall United Way hosted Regional Careers Expo for Youth where every seventh grader in Lee County was able to talk with over 80 regional employers and learn hands on the types of opportunities that are in the area. Seventh grade is a critical time period because in eight grade the students start transitioning more toward their career and academic planning. United Way is helping in that area with software functions in the schools and helping the students learn more about the opportunities available. The Virginia Department of Education requires every seventh grader have a written career plan by the end of the school year. Part of this initiative is working with the private sector and employers in the communities and helping the employers make the connection with the youth so they are better informed. There is also a partnership with the US Department of Labor for a soft skill curriculum, teaching students to show up on time and work as a team. There is also a partnership with Virginia Tech and Extension throughout all of the service area, where every eighth grader in Lee County will receive a Reality Store Simulation. The students are given a career with a wage and they have to pay taxes, buy transportation and find housing, which will help them learn the importance of financial security and staying in school. United Way is also building out to work with the K-12 systems to help develop internships and apprenticeships programmatic functions to build the hands on skill development.

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Mr. Mosley stated that he appreciates what the United Way does to help the area youth.

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## **APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Slempp, seconded by Mr. Smith, to approve the disbursements for the month of February in the amount of \$118,302.50. Upon the question being put the vote was as follows.

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

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**THE CROOKED ROAD**

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

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

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**2015 WINTER STORM URGENT NEED PROJECT**

Mr. Poe reported that there has been work to get under a grant contract with the Department of Housing and Community Development for the 2015 Winter Storm Urgent Need Project, which will repair or replace five homes in the county, which were damaged by the heavy snows of 2015. In order to get under contract, the following items remain which require action by the Board of Supervisors:

- Adoption of the Rehab Program Design
- Appointment of Housing Rehabilitation Oversight Board Members
  - D. D. Leonard
  - Alan Bailey
  - Steve Garrett
  - Tom Bush
  - Dane Poe
- Approval of Housing Rehab Oversight By-Laws
- Approval of Program Income Plan

Once these items are approved, the County should be able to conclude negotiations and get under contact with DHCD and implement the project.

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It was moved by Mr. Slemph, seconded by Mr. Mosley, to adopt the Rehab Program Design, Appoint the Board Members, Approve the Housing Rehab Oversight By-Laws and to approve the Program Income Plan. Upon the question being put the vote was as follows.

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

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**RESOLUTION AUTHORIZING LITERARY FUND LOAN**

Mr. Poe reported that last month the Board heard a request for the School Board to proceed with refinancing the existing loan for Dryden Elementary School addition from 2008. The original proposed debt of \$2,300,000 was expected to come from the State Literary Fund but issues at the state level prevented that from occurring in a timely manner and other financing was used to complete the project. The Literary Fund is now offering this loan at a 2% interest rate which would result in savings to the County as the current debt interest rate ranges from 3% - 5%. Although the existing balance of this debt is less than \$1,700,000, the original application was for \$2,300,000 and the Resolution is required to list that amount even though the full amount will not be borrowed. The School Board will only borrow an amount sufficient to pay off the existing debt and any costs associated with the new bond issue. The Resolution grants approval to move forward with the issuance of bonds with the Literary Fund to refinance the existing debt. Mr. Poe added that with Bonds, there is a window of opportunity of when the bond can be refinanced; there is a question of whether there would be a penalty to pay the bond off early.

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Dr. Austin stated if there was a penalty incurred through Virginia Public School Authority in excess of the interest savings it would not be beneficial. He reported that he had been contacted by Davenport and it would appear that using the 2% Literary Loan to refinance does produce savings. Virginia Public School Authority and the Department Of Education will not make the County move forward with a refinance if the County does not save money.

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Mr. Poe stated that he does not know when there would be an answer about the penalty; it could be next week or the week after. If the Board chooses to adopt the Resolution, it grants the Authority to issue refinancing bonds not to exceed \$2,300,000. Mr. Poe recommends adoption of the Resolution with the contingency that it be effective unless there will be no cost savings from refinancing.

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It was moved by Mr. Slemp, seconded by Mr. Leonard, to adopt Resolution 18-006 with the contingency that it be effective unless there will be no cost savings from refinancing.. Upon the question being put the vote was as follows.

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

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**Resolution No. 18-006**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED  
\$2,300,000 GENERAL OBLIGATION SCHOOL BONDS OF  
LEE COUNTY, VIRGINIA, AND PROVIDING  
FOR THE FORM AND DETAILS THEREOF**

**WHEREAS**, the Board of Supervisors (the "Board") of Lee County, Virginia (the "County"), has determined that it is necessary and expedient to issue its general obligation school bonds (the "Bonds") to refinance the acquisition and construction of Dryden Elementary School (the "Project") that was originally financed by the County's General Obligation School Board, Series 2013 (the "Prior Debt");

**WHEREAS**, the School Board of the County (the "School Board") and the Board submitted an application to the Virginia Board of Education (the "Application") for the purpose of borrowing an amount not to exceed \$2,300,000 from the Commonwealth of Virginia's Literary Fund (the "Literary Fund") to finance, along with other available funds, the Project;

**WHEREAS**, the Application was approved by the Virginia Board of Education and pursuant to Chapter 10 of Title 22.1 of the Code of Virginia of 1950, as amended (the "Literary Fund Chapter"), and the Project was placed on the Literary Fund First Priority Waiting List;

**WHEREAS**, the Board intends to effect the refunding of all or a portion of the Prior Debt and paying the costs of issuance of the Bonds and of the refunding of the refunded portion of the Prior Debt (collectively, the "Authorized Purposes") by issuing the Bonds in the form of a general obligation school bond in a principal amount not to exceed \$2,300,000 (the "Maximum Principal Amount") payable to the Commonwealth of Virginia for the benefit of the Literary Fund;

**WHEREAS**, the Project constitutes a capital project for public school purposes;

**WHEREAS**, the issuance of the Bonds will be subject to the terms and conditions in this Resolution, including the conditions that (i) the maximum aggregate principal amount of the Bonds not exceed the Maximum Principal Amount and (ii) the maximum interest rate of the Bonds not exceed the rate specified in the Application and related materials;

**WHEREAS**, the County will issue the Bonds pursuant to the applicable provisions of the Literary Fund Chapter and Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended (the "Public Finance Act");

**WHEREAS**, on January 11, 2018, the School Board adopted a resolution that, among other things, requested the Board to cause the County to issue the Bonds and

consented to the issuance and sale of the Bonds to the Commonwealth of Virginia for the benefit of the Literary Fund; and

**WHEREAS**, pursuant to Section 15.2-2643 of the Public Finance Act no public hearing is required in connection with the issuance of the Bonds.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF LEE COUNTY, VIRGINIA:**

**1. Authorization of Bonds and Use of Proceeds.** The Board hereby finds and determines that it will benefit the inhabitants of the County through the promotion of their safety, health, welfare, convenience or prosperity for the County to contract a debt and issue and sell its Bonds to the Commonwealth of Virginia in an aggregate principal amount not to exceed the Maximum Principal Amount for the Authorized Purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution and in accordance with the Literary Fund Chapter and the Public Finance Act.

**2. Refunding.** (a) The Board hereby authorizes and directs the Chairman of the Board and the County Administrator, either of whom may act, to exercise their discretion in determining whether or not to refund all or any portion of the Prior Debt and in selecting the particular portions of the Prior Debt to be refunded.

(b) The Board hereby authorizes and directs the Chairman of the Board and the County Administrator, either of whom may act, to cause each portion of the Prior Debt selected for refunding under subparagraph (a) above to be called for optional redemption on its earliest optional redemption date required under applicable federal tax law. The proceedings for the redemption of the refunded Prior Debt, including the giving of redemption notices to the holders thereof, shall be in accordance with the terms of the Prior Debt.

**3. Issuance and Sale of the Bonds; Details of the Bonds.** (a) The Board hereby authorizes the issuance and sale of the Bonds in a principal amount not to exceed the Maximum Principal Amount to the Commonwealth of Virginia for the benefit of the Literary Fund for the Authorized Purposes. The County Administrator, the Chairman of the Board, the Clerk of the Board, the Chairman of the School Board and the Clerk of the School Board are authorized and directed or requested, as appropriate, to execute and deliver any appropriate documents (the "Loan Documents") with the School Board, the State Treasurer, the Board of Education or any other officer, agent, office, agency or political subdivision of the Commonwealth of Virginia, as appropriate, providing for the sale and delivery of the Bonds.

(b) The maximum interest rate of the Bonds shall not exceed the rate specified in the Application and related material and the final maturity of the Bonds shall be not more than 20 years from the date of issuance of the Bonds. The Bonds may be prepayable or redeemable (or not) as determined by the Chairman of the Board and the County Administrator, either of whom may act. The approval of the final terms and

conditions of the Bonds subject to the foregoing parameters shall be evidenced conclusively by the execution and delivery of the Bonds by the Chairman of the Board. The Chairman of the Board and the Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto, and the Chairman of the School Board and the Clerk of the School Board are authorized and requested to execute and deliver the Bonds and to affix the seal of the School Board thereto.

**4. Forms of the Bonds.** The Bonds shall be in substantially the form attached hereto as Exhibit A with such appropriate variations, omissions and insertions as are permitted or required by this Resolution, the Literary Fund Chapter and the Public Finance Act. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

**5. Payment; Paying Agent and Bond Registrar.** The Treasurer of the County ("County Treasurer") is appointed as Bond Registrar and Paying Agent for the Bonds. The Board or the County Treasurer may appoint successor Bond Registrars and/or Paying Agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such successor Bond Registrar or Paying Agent.

**6. Pledge of Full Faith and Credit.** For the prompt payment of the principal of, premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

**7. Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with Circuit Court of Lee County, Virginia pursuant to Sections 15.2-2607 and 15.2-2627 of the Public Finance Act.

**8. Election to Proceed under Public Finance Act.** In accordance with Section 15.2-2601 of the Public Finance Act, the Board elects to issue the Bonds pursuant to the provisions of the Public Finance Act.

**9. Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and otherwise in furtherance of this Resolution and any such action previously taken is hereby ratified and confirmed.

10. **Effective Date.** This Resolution shall take effect immediately.

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**RESOLUTION IN SUPPORT OF SB 780 AND HB1555**

Mr. Poe presented the Board with a Resolution in Support of Senate Bill 780 and House Bill 1555 in furtherance of the regional efforts to establish a revenue sharing agreement for the construction of hydroelectric pump storage facilities in the coalfield region of Southwest Virginia. The bills are identical and provide for the distribution of tax revenues generated by such facility to the seven coalfield counties and one city at the various percentages listed in the bills. Under this legislation, Wise and Tazewell Counties would receive 16% each; Buchanan, Lee, Russell and Scott Counties would receive 12% each; Dickenson County would receive 10%; the City of Norton would receive 4%; and the host locality would receive an additional 6%.

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to adopt Resolution 18-007. Upon the question being put the vote was as follows.

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

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**RESOLUTION IN SUPPORT OF SENATE BILL 780 AND HOUSE BILL 1555  
18-007**

**WHEREAS**, the Lee County Board of Supervisors desires to improve the economy and expand the tax base within the County so as to decrease the tax burden on individual residents;

**WHEREAS**, the General Assembly acted in 2017 to authorize special, private funding for the construction of Hydroelectric pump storage facilities in the VCEDA region of Southwest Virginia with the specific intent that any such construction would benefit the entire region; and

**WHEREAS**, this Board approved a resolution in 2017 supporting a revenue sharing agreement among the Counties of the VCEDA region with respect to the anticipated revenue from a Hydroelectric Pumped storage facility; and

**WHEREAS**, Senator Chaffin has introduced Senate Bill Number 780 and Delegate Pillion has introduced House Bill 1555, which is identical to Senate Bill 780, into the Virginia General Assembly for consideration in the 2018 session, which both seek to require a regional revenue sharing agreement as above described according to certain terms therein set forth; and

**WHEREAS**, this Board now supports these bills to establish the parameters of the terms of any such agreement and intends to enter into such agreement in accordance with the general terms as set forth in Senate Bill 780 and House Bill 1555; and

**NOW THEREFORE**, the Board of Supervisors for Lee County, Virginia, does hereby resolve to support Senate Bill Number 780 and House Bill Number 1555, in the form as hereto attached for the purposes of broadening the tax base for Lee County.

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**RESOLUTION CONFIRMING LOCAL EMERGENCY**

Mr. Poe reported heavy rains from February 7 through 11 resulted in flooding in various portions of the County. Accordingly, on February 10, 2018, at 10:55 p.m., Emergency Management Director Nathan Cope declared a local emergency. State Law requires the Board of Supervisors to confirm the existence of said emergency within 45 days of the declaration. Adoption of a Resolution serves that purpose.

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It was moved by Mr. Slemp, seconded by Mr. Mosley, to adopt Resolution 18-008. Upon the question being put the vote was as follows.

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

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**RESOLUTION  
DECLARATION OF LOCAL EMERGENCY  
18-008**

**WHEREAS**, Lee County received significant heavy rainfall beginning February 7 through February 11, 2018 resulting in widespread flooding of low lying areas, mudslides, and roadways covered by water in portions of the County; and

**WHEREAS**, the Lee County Emergency Management Director, in consultation with the Emergency Management Coordinator and local emergency services responders, determined that a local emergency did in fact exist due to flooding from heavy rains throughout Lee County; and

**WHEREAS**, pursuant to Section 44-146.21 of the Code of Virginia, the Lee County Emergency Management Director declared a local emergency at 10:55 p.m. on February 10, 2018; and

**WHEREAS**, pursuant to Section 44-146.21 of the Code of Virginia, the local governing body is required to confirm the declaration of a local emergency within forty five days of the declaration;

**NOW, THEREFORE, BE IT RESOLVED**, the Lee County Board of Supervisors hereby confirms the declaration of a local emergency on February 10, 2018 for flooding in Lee County.

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**COMMUNICATION TOWERS COST REVISIONS**

Mr. Poe reported that Two-Way Radio, Inc. has advised of cost increases associated with the two new communication towers proposed for Ewing and Keokee. The Ewing site total cost has increased by \$4,740.06 for a new total of \$247,900.40. This is due to material increases for the tower itself. The Keokee site cost increased accordingly and they have also included costs to increase the height of the tower. Keokee site costs are as follows:

150' Tower (increase of \$3,512.20)	\$221,159.54
150' Tower expandable to 199'	\$235,123.25
199' Tower	\$246,973.40

This pricing is good until March 1, so the County needs to lock these numbers down as soon as possible.

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Mr. Smith asked about the height of the tower in Ewing.

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Mr. Poe stated that it was 150' and explained that Mr. Leonard had requested expanding the tower in Keokee to 199' for the possibility of leasing space for cell service.

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Mr. Leonard stated that the reason he requested the height increase was to get cell companies to attach to the tower.

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Mr. Smith stated that cell service in the Western end is very sparse as well.

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It was moved by Mr. Leonard, seconded by Mr. Slemp, to purchase the 199' tower at both locations. Upon the question being put the vote was as follows.

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

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### **POSSIBLE REGISTRAR OFFICE RELOCATION**

Mr. Poe reported that for several months there have been discussions of possible options for relocating the Electoral Board and Registrar Offices due to the need for more space for storing equipment, preparing for election and training election workers. The School Board's recent decision to relocate their office has presented an opportunity for one of their buildings. The Adult Education Center (formerly the Cafeteria building) has approximately 2,150 square feet of space. The current configuration of the building is such that it would need minimal renovation to provide the space needed by these two offices and has ample storage room. It has new ceilings and is heated and cooled by a heat pump. Mr. Poe and the Registrar have viewed the building and feel this is a possible option to consider. The building could be used as is, but for optimum use of the facility, there would probably need to be at least one partition built to separate the 1,000 square foot area in the center of building to be offices and training.

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It was moved by Mr. Leonard, seconded by Mr. Slemp, to approve relocating the Registrar to the Adult Education Building. Upon the question being put the vote was as follows.

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

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Prior to the vote Mr. Mosley asked if the building was coming back to the County.

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Mr. Poe stated that the plan is for the all the buildings, except the Head Start building, will be coming back to the County.

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### **HEALTH INSURANCE RENEWAL**

Mr. Poe reported that last week he received the health insurance renewal and the County's premium will increase 6.1%. Last year the County changed to the Key

Advantage 250 coverage as the basic plan, giving employees the option to pay the difference for the Key Advantage Expanded. There was discussion last year about changing companies and a lot of time was spent with a consultant who looked at four or five different carriers that serve this area. In each case, they would not submit a proposal because they could not match the price, or the quotes submitted were higher. The County has until April 1, 2018 to notify with Local Choice for renewal.

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to accept the health insurance renewal of 6.1% from the Local Choice. Upon the question being put the vote was as follows.

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

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**TRANSFER STATION TRUCK BED**

Mr. Poe reported that there is a new cab and chassis on order for the Transfer Station and Gary Collingsworth had obtained quotes for a truck bed. He was given prices for the County to install or to have it installed by the dealer. Mr. Poe feels like it is worth the extra \$500 for full installation in case something does not operate the way it should. Quotes were received as follow:

Greene Tractor	\$2,965.00
TKC, LLC	\$2,995.00

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to accept the bid from Greene Tractor in the amount of \$2,965.00. Upon the question being put the vote was as follows.

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

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

Ms. Munsey stated she had a request for closed session for consultation with legal counsel.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

Mr. Poe stated he had a request for closed session under investing of public funds, and personnel.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**GRANT WRITER**

Mr. Leonard asked about the grant writer position being advertised.

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Mr. Poe stated that position is in conjunction with the School Board and he would get with the Superintendent to write an ad for that.

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**LIGHTING OF STONE FACE ROCK**

Mr. Leonard stated that he and Mr. Mosley had their committee meeting about the lighting of Stone Face rock. The total material is \$2,700, after some discussion it was agreed the County and Town of Pennington Gap would split the cost of material making the County's portion \$1,350.00.

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It was moved by Mr. Slemph, seconded by Mr. Leonard, to proceed with the lighting of Stone Face Rock. Upon the question being put the vote was as follows.

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

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**OLD DOMINION RATE INCREASE**

Mr. Mosley asked Mr. Poe about the resolution in opposition of the Old Dominion rate increase.

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Mr. Poe stated he is working on that but it is not completed.

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Mr. Mosley stated that several counties have adopted resolutions opposing the rate increase and he felt the County needs to adopt one also because it is a considerable increase.

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to adopt a Resolution in opposition of Old Dominion's rate increase. Upon the question being put the vote was as follows.

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

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**RESOLUTION  
OPPOSING OLD DOMINION POWER COMPANY RATE  
INCREASE REQUEST  
18-009**

**WHEREAS**, Kentucky Utilities Company, d/b/a Old Dominion Power Company, filed a request with the State Corporation Commission on September 29, 2017 seeking an increase in its base electric rates; and

**WHEREAS**, the proposed rate increase would result in a 12.17% increase in the monthly bill of a residential customer using 1,000 kilowatt hours per month; and

**WHEREAS**, the economy of the region would be negatively impacted by such a significant rate increase at a time when many individuals are coping with lost jobs and businesses are struggling to survive; and

**WHEREAS**, the County of Lee acknowledges that a modest increase may be in order as for any business but an increase of this magnitude will create hardships for individuals living on fixed incomes and many other already struggling to survive financially; and

**WHEREAS**, the County of Lee and its citizens as ratepayers should not be adversely impacted and affected by the utility's efforts to increase revenues without exploring and exhausting all feasible measures to reduce costs;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Lee, Virginia opposes the rate increase requested on September 29, 2017 by Kentucky Utilities Company, d/b/a Old Dominion Power Company, and files this resolution with the State Corporation Commission to demonstrate its opposition to the proposed increase.

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**OPIOID LAWSUIT**

Mr. Leonard asked Mr. Poe about the opioid lawsuit.

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Mr. Poe stated that he contacted Mr. Kilgore but no one has gotten back to him about how the County needs to move forward.

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It was moved by Mr. Leonard, seconded by Mr. Smith, to proceed with the opioid lawsuit and to authorize the Chairman to sign any required documents. Upon the question being put the vote was as follows.

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

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**CLOSED SESSION**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to enter Closed Session pursuant to Section 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, 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 and Section 2.23711 A.7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the public body; and consultation with legal counsel employed or retaining by a public body regarding specific legal matters requiring the provision of legal advise by such counsel. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

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

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It was moved by Mr. Leonard, 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. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

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**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.

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**BIDS ON TRUCKS**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to advertise for a new truck and packer unit for garbage collection to take delivery after the first of the next fiscal year. Upon the question being put the vote was as follows.

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

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

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

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD

