

**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 May 15, 2018 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: Charles Slemp, Jr.

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

OTHERS ABSENT: None

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**INVOCATION**

Dane Poe, County Administrator, led in the Invocation.

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**PLEDGE TO THE FLAG**

Larry Mosley led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 6:07 p.m.

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**CONSTITUTIONAL OFFICERS**

**TREASURER'S REPORT**

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

Revenues	\$ 5,351,928.06
Expenditures	\$ 6,096,414.22

General Fund	\$ 6,329,051.57
Total Assets and Liabilities	\$11,969,852.64

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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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There was no public comment.

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The Chairman closed the floor for public comment.

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**APPROVAL OF MINUTES**

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the minutes of the April 17, 2018 Regular Meeting. Upon the question being put the vote was as follows.

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

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**PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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**DELEGATIONS**

**PLANNING DISTRICT ONE BEHAVIORAL HEALTH  
FISCAL YEAR 2017 ANNUAL REPORT  
DONNA STANLEY**

Donna Stanley, Financial Officer, thanked the Board for their continued support of local funding, gave an overview of services offered and an overview of the 2017 Annual Report.

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**SPEARHEAD TRAILS  
ECONOMIC IMPACT STUDY  
SHAWN LINDSEY, EXECUTIVE DIRECTOR**

Michelle Settle gave the Board an overview of the regional economic impact of the trail system. She stated that Lee County saw an impact of \$551,000 in economic activity, \$400,000 impact from travelers, \$223,000 in labor income and \$33,000 in state and local taxes.

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**APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the disbursements for the month of May in the amount of \$246,106.34. Upon the question being put the vote was as follows.

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

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**LEE COUNTY HOSPITAL AUTHORITY**

Mr. Leonard asked whom the Hospital Authority had recommended.

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Mr. Poe stated it was Jill Couch and Bennie Sergent, and there was some discussion about adding two more members. The Hospital Authority has a meeting scheduled for May 24, 2018, and he will ask for that to be added to the agenda.

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Mr. Leonard asked if the Board could approve both appointees.

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Mr. Mosley stated that Patton Speak recommended that an appointment be made from the Western end of the County. He has also spoken with Malcom Purdue who represents Stone Mountain Health Services, and Mr. Purdue stated that in order to avoid a potential conflict he would resign from the Authority if another Stone Mountain Health Services representative is appointed.

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Mr. Poe stated that he does not believe there would be a conflict, but more of the appearance of a conflict with one entity having more than one vote, which is nowhere near the majority.

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It was moved by Mr. Leonard, seconded by Mr. Mosley, to appoint Bennie Sergent to an un-expired term on the Lee County Hospital Authority. Mr. Sergent's term will expire April 30, 2022. Upon the question being put the vote was as follows.

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

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It was moved by Mr. Leonard, seconded by Mr. Mosley, to appoint Jill Couch to a six-year term on the Lee County Hospital Authority. Ms. Couch's term will expire April 30, 2024. Upon the question being put the vote was as follows.

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

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#### **NINTH DISTRICT DEVELOPMENT FINANCING COMMITTEE**

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

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

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#### **REDEVELOPMENT AND HOUSING AUTHORITY**

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

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

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**HOUSING AUTHORITY MEMBER RESIGNATION**

It was moved by Mr. Smith, seconded by Mr. Leonard, to accept the resignation of Robert Hall and to table the appointment. Upon the question being put the vote was as follows.

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

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**WESTERN LEE COMMUNICATION TOWER SITE LEASE**

Mr. Poe reported that he has gotten the lease agreement signed for the Western Lee Communication Tower site. The property owner had no problem with the terms of the lease, which was written identical to the Hunters Gap Tower Lease. The lease fee is \$1450 per year for a twenty-year period, with the cost adjusted every five years based on the consumer price index increase. Either party will have the right to terminate the lease after the initial five years. In addition to the lease agreement, there was also a right of way agreement with an easement for utilities at no cost. Mr. Poe recommends approval of the agreements and authorization for the Chairman to sign the agreements.

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It was moved by Mr. Leonard, seconded by Mr. Cope, to approve of the lease and right of way agreements for the Western Lee Communications Tower site in the amount of \$1450 per year and to authorize the Chairman to sign those agreements. Upon the question being put the vote was as follows.

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

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**KEOKEE COMMUNICATION TOWER SITE LEASE**

Mr. Poe stated that he does not have the agreement for this site yet. Penn Virginia provided a lease agreement on the Keokee site and Mr. Poe requested a few changes be made. The initial agreement stated that there were no utilities at the site and the lessee would be responsible for providing the utilities. Mr. Poe requested that the agreement state that Penn Virginia would work with the County to provide any utilities easements. There was also a 30-day termination notice and Mr. Poe requested that be changed to at least a 60 or 90 notice in order to give the County enough time to find another location for the tower. The cost for this lease is \$1,200 per year. Mr. Poe recommends approval

of the agreements contingent upon those changes being made and authorization for the Chairman to sign the agreements.

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It was moved by Mr. Leonard, seconded by Mr. Cope, to approve of the lease agreement for the Keokee Communications Tower site in the amount of \$1200 per year, contingent upon the requested changes being made and to authorize the Chairman to sign those agreements. Upon the question being put the vote was as follows.

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

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## **REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

### **REQUEST FOR CLOSED SESSION**

Ms. Munsey stated she has a request for closed session.

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## **REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

### **TOWN OF ST. CHARLES ELECTION**

Mr. Poe reported that even though there are no sitting council members in the Town of St. Charles, the Registrar was still required to conduct an election. They did provide for the election to be held, with no candidates running for office and zero voter turnout. Because there is no sitting council to pay the bills, the cost falls to the County for payment. The costs associated with the election total \$1,368.00. Mr. Poe requests approved payment for the Town of St. Charles election.

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It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the payment of the fees associated with the Town of St. Charles election. Upon the question being put the vote was as follows.

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

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Mr. Poe stated that the previous County Attorney had spoken with the last sitting council for St. Charles when they all tried to resign, and suggested that the council vote to dissolve the Town Charter. In order to annul town charters, there are certain steps that

must be taken by the Town Council and the General Assembly. Since there is not a sitting council to take the required actions, Mr. Poe is going to defer this issue to the County Attorney for legal advice.

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**THOMAS WALKER POOL EMPLOYEES**

It was moved by Mr. Smith, seconded by Mr. Leonard, to hire the following for the Thomas Walker Pool. Upon the question being put the vote was as follows.

Manger \$8.00 per hour  
Nikki Brewer

Lifeguards \$7.75 per hour  
Tyler Hunley  
Hunter Cope  
Tanner Cope  
Tanner Redinger

Concessions \$7.25 per hour  
Jacob Davis  
Peyton Redinger  
Hannah Schwartz  
Emilee Webb

Reserve Employees  
Concession - Madison Mayes  
Lifeguard – Austin Williams

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

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**SECONDARY SIX-YEAR ROAD IMPROVEMENT PLAN**

Mr. Poe reported that this year the Board may have the opportunity to recommend roads to be added to the plan. VDOT has stated that all roads on the inventory list have been completed. Mr. Poe went back to confirm and there are three roads on the list that were not added to the plan. He also went back through the public hearings from 2004 to 2017 and made a list of all roads that were discussed during the hearings. The public hearing will be June 19, 2018 at 5:00 p.m.

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**SMART SCALE PLAN**

Mr. Poe reported that the Smart Scale is being adapted this year and a pre-application must be submitted by the first of June, then the full application is due by the first of August. As of now, the four proposed projects for this program are: the intersection at Highway 421 and State Route 606, a section of Highway 421 near the Virginia / Kentucky line, an extension of the turn lane in the Town of Pennington, and closure of the intersection west of the Town of Jonesville at Curt Russell Road. The plan is awarded on a point system, which is weighted by safety, high accident areas or fatality areas.

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Mr. Leonard stated that the intersection of 421 and 606 is a high safety concern.

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Mr. Poe state that there is sight distance concern, but there are not a lot of accidents.

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**REQUEST FOR CLOSED SESSION**

Mr. Poe stated he also has a request for closed session under Personnel and Acquisition or Disposition of Real Property.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**GRANT WRITER POSITION**

Mr. Leonard asked the status of the grant writer advertisement.

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Mr. Poe stated that he has contacted the Superintendent and is waiting for a response.

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Mr. Leonard instructed Mr. Poe to move forward with the advertisement.

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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. 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and Section 2.2-3711 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 advice by such counsel. Upon the question being put the vote was as follows.

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

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

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, 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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**TOWN OF JONESVILLE PROPERTY**

It was moved by Mr. Cope, seconded by Mr. Leonard, to list the property in the Town of Jonesville for sale. Upon the question being put the vote was as follows.

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

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**BUDGET OVERVIEW**

Mr. Poe stated that by just looking through the budget, he has found between \$325,000 to \$350,000 that could be cut; however, he does not have a strong feeling that the revenue side will increase.

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It was moved by Mr. Leonard, seconded by Mr. Smith, to recess to May 29, 2018 at 6:00 p.m. Upon the question being put the vote was as follows.

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

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD