

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on July 17, 2018 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Mr. Leonard, led the Pledge to the Flag.

MEETING CALLED TO ORDER

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

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 6,673,419.37
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Expenditures	\$ 5,412,413.98
General Fund	\$ 6,471,545.91
Total Assets and Liabilities	\$13,282,413.50

PUBLIC EXPRESSION

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

There was no public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the minutes of the June 19, 2018 Public Hearing, June 19, 2018 Regular Meeting and June 27, 2018 Recessed Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

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

Theresa Dean	\$386.36
John Chester	\$185.18

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Slemph, to approve the disbursements for the month of June in the amount of \$908,465.90. Upon the question being put the vote was as follows.

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

DELEGATIONS

**LEE COUNTY RESCUE SQUAD
FUNDING ISSUES
ANTHONY ROBBINS**

Mr. Robbins was not present at the meeting.

FINANCE

PRIOR YEAR SUPPLEMENTAL APPROPRIATIONS

GENERAL EXPENSES

It was moved by Mr. Cope, seconded by Mr. Slemph, to approve the following Supplemental Appropriation to Fiscal Year 2018 in the amount of \$85.95. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplements from Reserve	\$	85.95

Expenditure:			
4-001-91500-5840	Disbursements General Expenses	\$	85.95

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

FINES & FORFEITURES

It was moved by Mr. Cope, seconded by Mr. Slemp, to approve the following Supplemental Appropriation to Fiscal Year 2018 in the amount of \$1,131.10. Upon the question being put the vote was as follows.

Revenue Source:			
3-007-14010-0004	State Forfeiture Proceeds	\$	1,131.10
Expenditure:			
4-007-94100-5840	State Forfeiture Proceeds	\$	1,131.10

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

HEADSTART

It was moved by Mr. Cope, seconded by Mr. Slemp, to approve the following Supplemental Appropriation to Fiscal Year 2018 in the amount of \$179,675.37. Upon the question being put the vote was as follows.

Revenue Source:			
3-024-33020-0024	Headstart Funds	\$	179,675.37
Expenditure:			
4-024-62170-5860	Disbursements Headstart	\$	179,675.37

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

COAL ROAD IMPROVEMENT

It was moved by Mr. Cope, seconded by Mr. Slemp, to approve the following Supplemental Appropriation to Fiscal Year 2018 in the amount of \$177.77. Upon the question being put the vote was as follows.

Revenue Source:			
3-027-12150-0001	Gas Severance Tax	\$	177.77
Expenditure:			
4-027-95100-5860	Gas Severance Tax Disbursements	\$	177.77

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

NEW BUSINESS

BOARD APPOINTMENTS

LEE COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

It was moved by Mr. Cope, seconded by Mr. Leonard, to appoint June Etta Pillion to an un-expired term on the Lee County Redevelopment and Housing Authority. Ms. Pillion's term will expire September 30, 2020. Upon the question being put the vote was as follows.

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

MOUNTAIN EMPIRE COMMUNITY COLLEGE

It was moved by Mr. Smith, seconded by Mr. Slempp, to appoint Helen Chadwell to a four-year term on Mountain Empire Community College Board. Ms. Chadwell's term will expire June 30, 2022. Upon the question being put the vote was as follows.

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

LEE COUNTY AIRPORT AUTHORITY

It was moved by Mr. Cope, seconded by Mr. Leonard, to re-appoint Allen Crockett to a four-year term on the Lee County Airport Authority. Mr. Crockett's term will expire July 30, 2022. Upon the question being put the vote was as follows.

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

LEE COUNTY BOARD OF ZONING APPEALS

It was moved by Mr. Smith, seconded by Mr. Leonard, to recommend Clyde Scott, Jr. for a five-year term on the Board of Zoning Appeals. Mr. Scott's term will expire July 31, 2023. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

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

LEE COUNTY HOSPITAL AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Smith, to appoint Travis Lawson to a six-year term on the Lee County Hospital Authority. Mr. Lawson'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. Slemm, Mr. Smith

REGIONAL LIBRARY CHANGE OF OPERATING HOURS

Mr. Poe reported that the Regional Library Director and Lee County's Library Trustees recently came by his office to discuss their operating budget. They were very appreciative for the level funding the County has provided for several years. Despite this, their costs are increasing which has necessitated a slight reduction into their hours of operation for their Pennington Gap and Rose Hill Facilities. The reductions will be as follows:

Pennington Gap Library hours will be reduced by 4 hours per week. This reduction will be taken from their Saturday hours. The library will now be open from 10:00 a.m. until 2:00 p.m. on Saturdays. This facility will remain open seven days per week.

The Rose Hill Library hours will be reduced by 2 hours per week with the facility open from 1:00 until 4:30 p.m. Monday, Tuesday Thursday and Friday.

POSSIBLE NOISE ORDINANCE

Mr. Poe reported that as a follow up to a matter that came before the Board last month, he has done some research and learned that the Board of Supervisors adopted a Noise Nuisance Ordinance in 1981. That ordinance only dealt with the parking and operation of truck tractors and refrigerated trailers along public roads between the hours of 10:00 p.m. and 6:00 a.m. If the Board wishes to move forward with this matter, there could be an amendment to the current ordinance or the Board could start from scratch and create a new ordinance based on general noise issues rather than specific items.

Mr. Cope suggested that the Ordinance be based on a noise level and not specific items.

Mr. Poe stated the original Ordinance came from specific complaints, and if the Board wishes to move forward, he would need to know how to proceed.

Mr. Cope stated that he would like to see a noise level ordinance.

Mr. Leonard stated that the cost of the equipment to monitor the noise level needs to be priced prior to making a decision.

Mr. Poe stated he would gather that information and get sample ordinances.

RESOLUTION OF SUPPORT FOR SMART SCALE PROJECT SUBMISSIONS

Mr. Poe presented the Board with a Resolution of Support for the final submittals to the Highway Improvement Program for this cycle. The County submitted four possible projects in the pre-application process for the new VDOT Smart Scale Highway Improvement Program earlier this year. After submitting these projects, the safety data for one of the projects expired leaving the County with no chance of scoring high enough to get the project funded. For the final application on August 1, 2018, the County has three projects remaining as follows:

- 1) Intersection of Highway 421 and Route 606
- 2) U.S. 58 and Curt Russell Road Realignment in Jonesville
- 3) U.S. 58 Alternate between Mulberry St. and Riverbend Dr. in Pennington Gap

The Highway 421 project near the Virginia/Kentucky line was the project that was dropped.

It was moved by Mr. Leonard, seconded by Mr. Smith, to adopt Resolution 18-016. Upon the question being put the vote was as follows.

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

RESOLUTION OF SUPPORT

**FOR LEE COUNTY SMART SCALE PROJECT SUBMISSIONS
18-016**

WHEREAS, Lee County has prepared and submitted three projects into the Smart Scale Six Year Primary Road Improvement Program for the current year; and

WHEREAS, the Smart Scale projects identified are the US 58 and Curt Russell road Realignment project, the US 58 Alternate between Mulberry Street and River Bend Drive, and the US 421 and SR 606 project; and

WHEREAS, each of these projects is considered to be vital to improving and enhancing the safety of the transportation system in Lee County; and

WHEREAS, the Lee County Board of Supervisors has determined that each of these projects meet the guidelines for submission;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby acknowledges and affirms its full support for these projects for the FY2020 Six Year Improvement Program Cycle;

BE IT FURTHER RESOLVED, this Board does encourage and request the Commonwealth Transportation Board and Virginia Department of Transportation to fund the submitted projects and does support any and all such efforts.

GRANT WRITER APPLICATIONS

Mr. Poe requested that this be taken into closed session under Personnel.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

CLASS ACTION LAWSUIT

Mr. Poe reported that there is a class action lawsuit due to the Federal Government's underpayment to Local Governments of payment in lieu of taxes. It has been determined that there has been an underpayment, however the amount has not yet

been determined. This would be for Federal Fiscal Years 2015, 2016 and 2017. There has already been an agreement between the attorney's and the government for fiscal years 2015 and 2016. The amount due to Lee County is not yet known. Mr. Poe would like to take this matter into closed session for Legal Counsel.

BIDS

Mr. Poe reported that he would be advertising bids over the next few weeks for a few projects. The first will be for replacement doors on the old section of the Courthouse to prepare for the security of the building. Under the proposed plan, no more than one door would be open to the public and the rest would be used for emergency exits.

Mr. Leonard asked if it is necessary to replace the front door since there is another door within 25 feet.

Mr. Poe stated that the Fire Marshal would have to answer that question. Because of the way the steps come down from the Courtroom, that would be the closest exit. The side doors may be the ones that have the best chance of being eliminated, but even then, something would need to be done to seal the entry.

Mr. Leonard stated that those would be just used as exit doors.

Mr. Poe stated that the next projects would be the sidewalks at the Health Department and carpet in the District Court Clerk's Office.

Mr. Leonard asked about paving the parking lot behind the Courthouse.

Mr. Poe stated that it is budgeted; however, it would probably be wise to consider what is to be done with the old Extension Office building in conjunction with paving.

Mr. Leonard stated that he would green light demolition now.

Mr. Poe stated that Mr. Collingsworth has already spoke with him about the possibility of having to do a lot of demolition work on the property the School Board is going to deed back to the County, and if that is the case, the County might be better off to purchase a used excavator rather than renting one, and using this equipment for the demolitions.

REQUEST FOR CLOSED SESSION

Mr. Poe requested closed session under Personnel and Consultation of Legal Counsel.

REPORTS AND RECOMMENDATIONS OF THE BOARD

None.

CLOSED SESSION

It was moved by Mr. Slempp, seconded by Mr. Leonard, 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, 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 advise by such counsel. Upon the question being put the vote was as follows.

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

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

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

CERTIFICATE OF CLOSED SESSION

It was unanimously agreed as follows.

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

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

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

GRANT WRITER

It was moved by Mr. Cope, seconded by Mr. Mosley, to re-advertise the Grant Writer position due to only receiving one application. Upon the question being put the vote was as follows.

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

DELEGATIONS

**LEE COUNTY RESCUE SQUAD
FUNDING ISSUES
ANTHONY ROBBINS**

Mr. Robbins reported that the Rescue Squad is stretched to its limits and is asking for help. The Rescue Squad has responded to 708 calls from January to June and logged 33,567 miles on one truck. In the past two years, Pennington Gap Rescue Squad has responded to every call in the Jasper area. Mr. Robbins met with the Captain of Jasper's

Rescue Squad and Jasper is in the process of closing that unit. He stated that Jasper Rescue wants to forfeit the Four-for-Life State and Local funding to the Pennington Rescue Squad for the previous year. However, that decision would have to be made by the Board of Supervisors. Mr. Robbins is asking the Board to consider that option. Mr. Robbins also asked if there is any way to change the way funds are disbursed in the future. Right now, funds are given equally to all of the Rescue Squads in the County, and suggested that funds be disbursed by the percentage of calls that are ran in that Squads service area.

Mr. Mosley stated that when the Hospital opens it would help cut down on some of the expenses.

Mr. Robbins stated that he does not know if it would help the other coverage areas.

It was moved by Mr. Cope, seconded by Mr. Leonard, to give Jasper Rescue Squad's FY 18 money to Pennington Gap Rescue Squad, contingent upon receiving a letter from Jasper Rescue agreeing to give Pennington Gap Rescue Squad their money. Upon the question being put the vote was as follows.

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

It was moved by Mr. Cope, seconded by Mr. Mosley, 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