

**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 March 21, 2017 at 6:00 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman  
Nathan Cope  
Charles Slemp, Jr.  
Robert Smith

MEMBERS ABSENT: Larry Mosley

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

OTHERS ABSENT: None

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**INVOCATION**

Emery Minton, Pastor of Christian Life Fellowship Church, led in the Invocation.

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**PLEDGE TO THE FLAG**

Nathan Cope 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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**PUBLIC HEARING**

**COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE FROG LEVEL II  
WATER PROJECT**

The Lee County Board of Supervisors and the Lee County Public Service Authority conducted a public hearing on Tuesday, March 21, 2017 to solicit public input

on a proposed Community Development Block Grant (CDBG) proposal to be submitted to the Virginia Department of Housing and Community Development for the Frog Level II Water Project. The proposed project will involve constructing a new potable public water system in the Frog Level community, providing new public water service in a previously un-served area of Lee County situated between the community of Ewing to the east and Caylor to the west.

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Jimmy Adkins, Lenowisco, stated that funding is being sought to aid in the creation of a water project that will service sections of the Frog Level community that were not served during the phase I project. This will connect Lick Branch Road to the completed end of Frog Level, create a connection near State Route 744 and will include a water tank. He stated that the CDBG application stands for \$625,000 and there was an application to ARC for \$500,000. The Public Service Authority anticipates 50 residential connections.

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The chairman opened the floor for public expression.

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There was no public expression.

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The chairman closed the floor.

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

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

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**RESOLUTION  
IN SUPPORT OF  
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION  
FROG LEVEL II WATER PROJECT  
17-002**

**WHEREAS**, the County of Lee, Virginia, wishes to apply for \$625,000 in Virginia Community Development Block Grant (VCDBG) funds for the “Frog Level II Water Project”; and

**WHEREAS**, funding from sources noted within the application will provide the balance of the total project cost of \$1,583,123; and

**WHEREAS**, citizen participation requirements have been met through two duly advertised public hearings; and

**WHEREAS**, the project will meet the VCDBG National Objective of providing benefit to low- or moderate-income (LMI) persons by providing new public sewer service to a projected 50 households, of which an estimated 36 will be LMI households.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of Lee County, Virginia, that the County Administrator of Lee County, Virginia, is hereby authorized to sign and submit any and all appropriate documents relevant to this Virginia Community Development Block Grant proposal.

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**DEPARTMENTAL REPORTS**

**ECONOMIC DEVELOPMENT**

Dane Poe reported that there were 14 Zoning Permits and 1 Variance issued for a total of \$380. He stated that the Planning Commission has begun reviewing the zoning maps; they will be doing one district at a time and will not bring changes to the Board until all districts are complete. The Planning Commission will also be completing the 5-year review of the Comprehensive Plan. He added that the Marketing Firm continues to market the Constitutional Oaks building.

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**TOURISM**

Dane Poe reported that there were no updates for the Tourism Department.

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**CONSTITUTIONAL OFFICERS**

**TREASURER’S REPORT**

The Treasurer’s Report for the month of February 2017 was submitted as follows:

Revenues	\$ 5,903,924.02
Expenditures	\$ 5,247,254.44
General Fund	\$ 6,902,982.15
Total Assets and Liabilities	\$13,193,725.00

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The chairman amended the agenda to hear Delegations before public expression.

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**DELEGATIONS**

**FY 2015-2016 FINANCIAL AUDIT  
SCOTT WICKAM  
ROBINSON, FARMER, COX ASSOCIATES**

Scott Wickham presented the audit brief, stating that the General Fund balance is up at a comfortable level from a low point in 2006. The debt per capita ratio is very low, which is good. Local Revenues are up at a rate of .60%, Expenditures for the period have shown a decrease of .11%. The ending fund balance has grown by 14.01% over the past 10 years, which is very impressive. Overall, the audit went well and the County is in good financial shape.

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**QUARTERLY UPDATE  
DR. SCOTT HAMILTON  
MOUNTAIN EMPIRE COMMUNITY COLLEGE**

Dr. Hamilton reported that the enrollment was down 5% for the Fall Term and was down 7.4% for the Spring Term. He stated that the college would see a 4% budget cut next year but the staff would get raises in July. He stated that there are some good things going on with the college receiving an ARC grant in partnership with Big Stone Gap and a CDBG grant in partnership with Wise County to provide training for the call center. Dr. Hamilton stated that this will be his last report to the Board as he will be retiring June 30<sup>th</sup>.

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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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Melissa Samspon, Virginia Department of Veteran's Services, addressed the Board about raising awareness of the Veteran's Services program. The office is located at Cloverleaf Square in Big Stone Gap.

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Mr. Leonard stated that he invited St. Charles Fire Department and St. Charles Rescue Squad to attend the meeting to find out why calls are not being run.

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Jean Alsup, Capitan of St. Charles Rescue Squad, stated that the squad was in need of EMTs. When EMTs join they either want to be paid to run, or the chief of the fire department tells them they are not needed.

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Mr. Smith asked how many members the rescue squad had.

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Ms. Alsup stated that there are 15 members.

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Joyce Lenoard, Secretary of St. Charles Rescue Squad, stated that she does not want to see the rescue squad shut down and if the fire department would help for about 6 months, she believes that the squad could get back on its feet.

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Jeff Oaks, Captain of the St. Charles Fire Department, stated that the fire department has tried to make attempts to help the Rescue Squad, but he believes that the best solution would be for the fire department to take over the rescue squad.

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Mr. Leonard asked if the two departments could combine.

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Mr. Oaks stated that he does not think that would be possible.

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Mr. Cope asked how many EMT's were on the fire department.  
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Mr. Oaks stated that he is the only one, but there were several in the area that would come out to help if the fire department took over the rescue squad.  
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Chris Sprinkle, Assistant Fire Chief, stated that he has had a few EMT's tell him that they would come help if there were a new Rescue Squad Captain.  
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Mr. Cope stated that it looks like both departments are understaffed and need to look at what needs to be done to help save lives. He stated that he would have a meeting with Departments, Mr. Leonard and Alan Bailey to help come to a solution.  
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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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### **APPROVAL OF MINUTES**

It was moved by Mr. Cope, seconded by Mr. Smith, to approve the minutes of the February 21, 2017 Regular Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Slempe, Mr. Smith  
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### **APPROVAL OF REFUNDS**

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

Ruth E. Hughes

\$192.07

Claude, Harold & Clark Cavin \$100.85

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

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**PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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**APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Cope, seconded by Mr. Smith, to approve the disbursements for the month of March in the amount of \$220,191.23. Upon the question being put the vote was as follows.

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

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**FINANCE**

**QUARTERLY APPROPRIATIONS**

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

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

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**RESOLUTION  
QUARTERLY APPROPRIATIONS  
17-001**

**WHEREAS**, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2016-17; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending June 30, 2017

**HEADSTART**

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

**VIRGINIA PUBLIC ASSISTANCE**

Federal/State Funds	\$ 7,492,260
Local Funds	<u>1,306,622</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 8,798,882

**LEE COUNTY PUBLIC SCHOOLS**

Federal, State & Other Funds	\$36,487,212
Local Funds	<u>4,542,042</u>
TOTAL LEE COUNTY PUBLIC SCHOOLS	\$41,029,254

Source of Revenue:

Federal Funds	\$ 3,576,454
State Funds	26,213,792
Other Funds	73,600
Self Insured Health Fund	3,759,000
Local Funds	4,542,042
Textbook Carryover Funds	967,366
Child Nutrition Program	<u>1,897,000</u>

TOTAL PUBLIC SCHOOLS	\$ 41,029,254
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1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the General Fund to the Headstart, Public School and Virginia Public Assistance funds and will not exceed the foregoing three months appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Headstart, Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2016-2017.

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**SUPPLEMENTAL APPROPRIATIONS**

**COMMISSIONER OF THE REVENUE**

It was moved by Mr. Slep, seconded by Mr. Smith, to approve a supplemental appropriation in the amount of \$32,100.00 to the Commissioner of the Revenue as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-41050-0099	Budget Supplements from Reserve	\$ 32,100.00

Expenditure		
4-001-12310-8112	Tax Map Digitization Project	\$ 32,100.00

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

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**CIRCUIT COURT CLERK**

It was moved by Mr. Slep, seconded by Mr. Smith, to approve a supplemental appropriation in the amount of \$28,202.00 to the Circuit Court Clerk as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-23070-0005	Grants Circuit Court	\$ 28,202.00

Expenditure		
4-001-21600-5866	Clerks Misc Grants	\$ 28,202.00

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

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**CIRCUIT COURT CLERK**

It was moved by Mr. Slep, seconded by Mr. Smith, to approve a supplemental appropriation in the amount of \$671.68 to the Circuit Court Clerk as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-18030-0006	Reimbursements	\$ 671.68

Expenditure		
4-001-21600-6001	Office Supplies	\$ 671.68

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

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**DEPARTMENT OF SOCIAL SERVICES**

It was moved by Mr. Slemp, seconded by Mr. Smith, to approve a supplemental appropriation in the amount of \$233,923.00 to the Department of Social Services as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-002-24010-0005	State & Federal Funding	\$233,923.00
Expenditure		
4-002-53100-0011	IV-E Foster Care	\$220,000.00
4-002-53100-0005	CDC-Quality Initiative	\$ 7,423.00
4-002-53100-0030	VaCMS Implementation	\$ 6,500.00

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

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**ECONOMIC DEVELOPMENT FUND**

It was moved by Mr. Slemp, seconded by Mr. Smith, to approve a supplemental appropriation in the amount of \$50,000.00 to the Economic Development Fund as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-061-15020-0001	Economic Development Revenue	\$ 50,000.00
Expenditure		
4-061-94100-5899	Lee County IDA	\$ 50,000.00

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

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**LONESOME PINE OFFICE ON YOUTH**

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

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

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### **COAL HAUL ROAD COMMITTEE**

It was moved by Mr. Leonard, seconded by Mr. Cope, to re-appoint Patricia Williams to a four-year term on the Coal Haul Road Committee. Ms. Williams' term will expire March 31, 2021. Upon the question being put the vote was as follows.

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

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### **RESIGNATION OF SOCIAL SERVICES BOARD MEMBER**

It was moved by Mr. Slemp, seconded by Mr. Cope, to accept the resignation of Amanda Fig from the Social Services Board. Upon the question being put the vote was as follows.

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

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### **APPOINTMENT OF SOCIAL SERVICES BOARD MEMBER**

It was moved by Mr. Slemp, seconded by Mr. Cope, to appoint Linda Wampler to the un-expired term of Amanda Fig on the Social Services Board. Ms. Wampler's term will expire December 31, 2019. Upon the question being put the vote was as follows.

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

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### **ELYDALE WATER PROJECT ARC AND CDBG GRANTS**

Mr. Poe presented the Board with copies of the grant agreements for the Elydale Water Line Replacement project. The Appalachian Regional Commission (ARC) grant is in the Amount of \$140,000 and the Community Development Block Grant is in the amount of \$696,141. These are separate agreements for each grant as each has their own requirements and guidelines. Both grants will be administered by the Virginia

Department of Housing and Community Development and these are standard agreements for these funding sources.

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It was moved by Mr. Cope, seconded by Mr. Smith, to approve the Appalachian Regional Commission grant and the Community Development Block Grant for the Elydale Water Project. Upon the question being put the vote was as follows.

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

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**ADMINISTRATIVE AGREEMENT FOR ELYDALE WATER PROJECT**

Mr. Poe presented the Board with the proposed Administrative Agreement with the LENOWISCO Planning District Commission for project management services for the Elydale Water Line Replacement project. This agreement is required in order for the Planning District Commission to provide these services under the grant agreement.

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It was moved by Mr. Cope, seconded by Mr. Smith, to accept the Administrative Agreement for the Elydale Water Project. Upon the question being put the vote was as follows.

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

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**DATE EXTENSION FOR RADIO SYSTEM SOLE SOURCE CONTRACT**

Mr. Poe reported that in November the Board approved a Notice of Award of Sole Source Contract with Motorola for the proposed purchase of the new radio communication system. At the time of adoption, the expected contract award date was projected to be no later than January 15, 2017. Various delays have not allowed the date to be met and an extension is needed to complete the negotiating process. Mr. Poe recommends the date be extended to September 15, 2017 to allow sufficient time to complete negotiations, frequency coordination and purchasing.

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It was moved by Mr. Cope, seconded by Mr. Smith, to approve the date extension for the Radio System Sole Source Contract to September 15, 2017. Upon the question being put the vote was as follows.

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

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**SUPPORT FOR REGIONAL COOPERATION ON ECONOMIC DEVELOPMENT**

Mr. Poe reported that efforts are underway to develop some type of regional entity to assist and enhance economic development efforts for localities. This entity would represent the Counties of Dickenson, Lee, Scott, Wise and the City of Norton. A resolution to indicate your support of such an entity is enclosed. The resolution is not binding and does not create anything, it simply states the Board's support at this time.

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

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

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**RESOLUTION  
IN SUPPORT OF REGIONAL COLLABORATION FOR ECONOMIC  
DEVELOPMENT EFFORTS  
17-003**

**WHEREAS**, there exists a recognition among the legislative leaders and economic development professionals of Southwest Virginia that there exists a need for a new strategy for economic development within the counties of far Southwest Virginia; and

**WHEREAS**, the Virginia General Assembly is working to establish a vehicle to market the counties of far Southwest Virginia for the purpose of economic development, job creation, and also a desire that the localities within far Southwest Virginia develop a strategy for possible revenue sharing and cost sharing for projects of mutual economic development interests; and

**WHEREAS**, there exists localities that share similar interest in attracting and growing economic and business opportunities and who also share various resources, encompassing the LENOWISCO Planning District areas of the City of Norton, Lee, Scott and Wise Counties, along with neighboring Dickenson County; and

**WHEREAS**, the above named localities recognize the need to mobilize resources, business and community leaders, and partners in education and government, in

generating new ideas and advancing policies which help secure a future of expanding opportunity for the citizens of far Southwest Virginia; and

**WHEREAS**, the above named localities agree there exists an immediate and imperative need for regional cooperation to increase the diversity and availability of job opportunities for their citizens through collaborative economic development efforts; and

**WHEREAS**, the above named localities see great benefit in establishing either a regional authority or joint authority that best fulfills the mission to be embarked upon; and

**WHEREAS**, the County of Lee embraces the concept of creating such a regional or joint authority.

**NOW, THEREFORE, LET IT BE RESOLVED**, the Board of Supervisors of the County of Lee, Virginia adopts this resolution in support of working collaboratively with the counties of Dickenson, Scott, Wise and the City of Norton and to develop a plan for regional economic development efforts.

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**RABIES CLINIC APPROVAL**

Mr. Poe reported that the Health Department requires the Board of Supervisors approval of any rabies clinic scheduled in the County. Lee County Animal Hospital has proposed the enclosed schedule for rabies clinics in Lee County during the month of May.

Saturday, May 6, 2017  
Saturday, May 13, 2017  
Saturday, May 20, 2017

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It was moved by Mr. Slemph, seconded by Mr. Leonard, to approve the schedule for the Rabies Clinic. Upon the question being put the vote was as follows.

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

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**MEOC**

Mr. Poe stated that had been contacted by MEOC about the Walk-A-Thon coming up in May. MEOC is asking the Board to be a sponsor again this year and to match the \$5,000 donation that was given last year.

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It was moved by Mr. Slemph, seconded by Mr. Leonard, to donate \$5,000 to MEOC for the annual Walk-a-Thon. Upon the question being put the vote was as follows.

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

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**SCHOOL FACILITIES STUDY**

Mr. Poe reported that the School Board had a consultant prepare a facilities study for them and are now looking at means of moving the process forward. The Public-Private Education Facilities and Infrastructure Act (PPEA) is a way to potentially contract construction or renovation services and is a way to speed the process and to help contain cost. The guideline required to use this process must be adopted by the School Board along with the Board of Supervisors.

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Dr. Brian Austin stated that by adopting the guidelines it would allow the School Board to solicit unsolicited proposals for not to exceed costs and will help in securing funding. There is no financial commitment to the School Board or the Board of Supervisors in adopting the PPEA.

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Mr. Poe reported that just prior to the meeting starting he received an email that contained one small change in the first paragraph of the introduction to define a term.

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It was moved by Mr. Slemph, seconded by Mr. Smith, to adopt the Public-Private Education Facilities and Infrastructure Guidelines with the change on page one. Upon the question being put the vote was as follows.

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

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Mr. Poe requested for Closed Session for Personnel and Investing of Public Funds.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

None.

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**CLOSED SESSION**

It was moved by Mr. Slempp , seconded by Mr. Cope , to enter Closed Session pursuant to 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. Slempp, Mr. Smith

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

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Slempp, 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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**CONSOLE AWARD**

It was moved by Mr. Cope, seconded by Mr. Leonard, to award the dispatch console purchase to Two-Way Radio in the amount of \$127,689.85 . Upon the question being put the vote was as follows.

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

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**MOTOROLA AGREEMENT**

It was moved by Mr. Cope, seconded by Mr. Leonard, to authorize the County Administrator to finalize negotiations for the Motorola Radio System. Upon the question being put the vote was as follows.

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

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

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

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD