

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 April 18, 2017 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

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

PLEDGE TO THE FLAG

Nathan Cope led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:08 p.m.

DEPARTMENTAL REPORTS

BUILDING INSPECTOR

Keith Herring, Building Inspector, reported that his department issued 81 permits, collected \$18,323.31 in permit fees and \$2,359.85 in contractor's tax for the last quarter. He made 270 construction site visits with 10 violations and had 13 property complaints.

E-911

Alan Bailey, E-911 Director, reported that there were 3,395 calls received in dispatch with 668 being 911 calls and 458 of those being wireless 911 calls. He reported that the three grant projects are underway. He added that there have been changes in the officers with the St. Charles Rescue Squad and the new Captain is hopeful the agency will be able to resume running calls this week. The road sign work has encountered delays due to conflicting schedules but will resume in May.

Mr. Mosley asked about the delay on road sign installation.

Mr. Bailey stated that it there were some days in April that he and the contractor were wanting to install some signs, but their schedules conflicted and they were not able to get days scheduled.

Mr. Poe asked Mr. Bailey if he had to go out with the sign company to install signs and stated that it is costing the County double labor. He asked that Mr. Bailey prepare maps that would show where the new signs need to be located in order that he would not have to go out in the field with the sign company.

Mr. Slempp asked about the St. Charles Rescue Squad.

Mr. Bailey stated that there has been a change in the Captain, and there is a meeting scheduled for Saturday that he was asked to attend.

Mr. Poe stated that if the squad is asking to draw down funding they would need to submit a current roster, current list of officers and a list of expenses for last year.

Mr. Cope asked about the radios.

Mr. Poe stated that the order was submitted on the Monday after the last Board Meeting. There were a couple issues once the invoices started coming in but that has been worked out. He submitted a request to the COPS office to change the purpose of the grant, a budget modification had to be completed and once that was done, COPS would expedite the process. Mr. Poe has contacted Motorola and Two-Way Radio to inform them of the financing status. He stated that because the tower sites were estimates, and not an exact price, this will probably be an incremental lease agreement. He still needs a definite answer from the COPS office stating that the \$265,000 has been approved for the new purpose. The radios have been delivered to Two-Way Radio and they will begin preliminary work but cannot do a full install until the lease agreement is complete. The dispatch consoles are in the shop being configured, they will be able to install some of that, as it is ready. Everything is in limbo until the lease agreement and financing is in place.

EXTENSION OFFICE

Amy Fannon, Extension Agent, reported that she held a cattle conference at the LMU DeBusk facility, held a bee keeping workshop at Mountain Empire Community College with about 25 participants, and worked with the tobacco growers. She added that Jeanie Mullins and Sheila Belcher retired in January; and she has been trying to keep the 4-H program going.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of March 2017 was submitted as follows:

Revenues	\$ 4,961,449.90
Expenditures	\$ 5,008,227.34
General Fund	\$ 6,934,956.85
Total Assets and Liabilities	\$13,146,689.71

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. Slemph, seconded by Mr. Cope, to approve the minutes of the March 21, 2017 Regular Meeting. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Mosley

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the disbursements for the month of April in the amount of \$727,165.46. Upon the question being put the vote was as follows.

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

DELEGATIONS

OFFICE SPACE

**GARRY WILLIAMS
ELECTORAL BOARD**

Garry Williams, Electoral Board was unable to attend the meeting.

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

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. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

TRANSFER STATION PAY REQUEST NUMBER 16

Mr. Poe reported that he received a copy of Green Construction Company's pay request number 16 in the amount of \$38,302.71 for construction of the new Transfer Station. All punch list work has been completed except for one item, the subcontractor has been made aware, and that will be completed within the next week or so. The engineer has signed off on payment of the final work including retainage, Mr. Poe concurs that the pay request is in order and should be approved for payment. He stated that the Department of Environmental Quality has inspected the new facility and approved the facility for use. Transfer Station Superintendent, Gary Collingsworth, plans to phase in the use of the facility to allow proper operational safety training for all employees and familiarity of the new location and entry to the public.

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the final pay request number 16 to Green Construction Company in the amount of \$38,302.71. Upon the question being put the vote was as follows.

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

SHERIFF'S REQUEST FOR ADDITIONAL FUNDING

Mr. Poe reported that he received a request from Sheriff Parsons asking the board to do a budget supplement in the amount of \$15,000 to the Sheriff Department's transportation line item to pay officers for taking juvenile transports because it causes a strain on the department and results in a loss of road coverage.

Mr. Poe stated that there are several questions that should be answered before a decision is made on this request. There are other funding sources that pay off duty officers as contract labor. DMV funds are used for extra road checks during the holidays, and VDOT funds are for off duty officers to take inmates out to pick up trash. The funds the Sheriff is requesting would be local funds and would be the same type of work as the officers perform in normal shifts, which could apply against their hours of service as it applies to overtime. Mr. Poe recommends delaying a decision to allow him time to research the issues.

It was moved by Mr. Slemph, seconded by Mr. Cope, to table this matter until it can be looked into further. Upon the question being put the vote was as follows.

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

CRUISER FINANCING RESOLUTION

Mr. Poe reported that in February the Board awarded a bid for the purchase of five new cruisers and financing with Powell Valley National Bank. Approval of the financing was not included in the motion and the bank needs formal approval that states the Board selected them to provide the financing.

It was moved by Mr. Leonard, seconded by Mr. Cope, to adopt Resolution 17-004. Upon the question being put the vote was as follows.

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

RESOLUTION 17-004

WHEREAS, the Lee County Board of Supervisors has previously awarded a bid for the purchase of five new police cruisers at a total cost of \$128,250.00; and

WHEREAS, the County wishes to make a down payment of \$32,062.50 with the balance of \$96,187.50 to be financed; and

WHEREAS, Powell Valley National Bank submitted a competitive quote for financing of 2.50% interest;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors awards the financing \$96,187.50 to Powell Valley National Bank at an interest rate of 2.50%;

BE IT FURTHER RESOLVED, the County Administrator is authorized to sign all documents necessary to complete the financing transaction.

PUMP AND HAUL REQUEST

Mr. Poe reported that there are certain areas of the County where it is impossible to get a septic approval because the ground will not perk. There is an alternative method of dealing with that called a pump and haul system. The system consists of installing a holding tank that has a gauge and alarm, which would go off when the tank reaches a certain level. The person must also file a \$1,000 bond or letter of credit with the County and submit a copy of the contract with the company that will be emptying the tank. In order for the Health Department to approve the request, it must come from the Board of Supervisors. There is a request from Auction 58, Inc. to obtain a pump and haul permit. They have been providing service with Port-A-John's, but they would like to go ahead and build a handicap accessible restroom on site.

It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve the pump and haul request from Auction 58, Inc. Upon the question being put the vote was as follows.

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

BYRNE JUSTICE GRANT

Mr. Poe reported that he received notice of award for the Byrne Justice Assistance Grant to the Lee County Sheriff's Office. The total amount of funding is \$2,128.00, of which \$1,915.00 is federal money and \$213.00 is required local funds. The Sheriff's Office generally use these funds for prevention and education.

It was moved by Mr. Mosley, seconded by Mr. Leonard , to approve the Byrne Justice Assistance Grant in the amount of \$2,218.00. Upon the question being put the vote was as follows.

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

GRADUATION AD

Mr. Poe reported that Heritage TV has submitted an offer to the County to support airing the Thomas Walker High School and Lee High School graduation ceremonies on Heritage TV. The County would receive two weeks of video boards to provide a congratulation statement to the class of 2017, listing the supervisor’s name and districts for the total price of \$200.00.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to sponsor the airing of the Thomas Walker High School and Lee High School graduations on Heritage TV. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

Ms. Munsey requested a closed session for consultation with legal counsel.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

Mr. Poe requested a closed session for personnel.

REPORTS AND RECOMMENDATIONS OF THE BOARD

Robert Smith stated that school is out on May 19, and the ad has been placed in the paper for applications for the Thomas Walker Pool with the deadline being May 3.

Mr. Mosley asked about the Fencing Law update.

Mr. Poe stated that it is on his list, he has information together on that but it could be June before he has it worked up.

CLOSED SESSION

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

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. Slemm, 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.

TRANSFER STATION EMPLOYEE SALARY INCREASE

It was moved by Mr. Mosley, seconded by Mr. Cope, to give Brian Woliver a raise of \$1,000 per year for obtaining his Transfer Station Operator license, effective April 16, 2017. 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. Mosley, seconded by Mr. Leonard, to recess until April 27, 2017 at 5:00 p.m. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD