

**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 December 15, 2015 at 5:00 p.m. thereof.

MEMBERS PRESENT: Carl Bailey, Chairman  
Larry Mosley  
Tina Rowe  
Charles Slemm, Jr.

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator  
C.M. Callahan, Jr., County Attorney

OTHERS ABSENT: Jeny Hughes, Administrative Assistant

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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 5:05 p.m.

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**PUBLIC HEARINGS**

**DANIEL VENDLEY REZONING REQUEST**

The Lee County Board of Supervisors held a Public Hearing on December 15, 2015 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Rezoning request. Daniel Vendley has

requested to rezone property from A-1, Agricultural District to B-2, General Business District in order to expand an existing business. The property is located on the south side of US Hwy. 58 west of Henegartown Rd. (Rt. 670) approximately 2 miles east of Rose Hill and consists of 31.73 acres of land (Tax Parcel 48-(A)-78 & 111).

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Mike James stated that the Planning Commission approved this request last month, and he has not received any public comment in his office. It is the recommendation of the Planning Commission to approve the request.

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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, five minutes 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. Bailey, seconded by Mr. Crabtree, to approve the rezoning request. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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#### **PROPOSED ORDINANCE FOR ANIMAL IMPOUNDMENT FEE**

The Lee County Board of Supervisors held a Public Hearing on December 15, 2015 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a proposed ordinance to charge a daily fee for impoundment of dogs that are reclaimed by their owner.

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Mr. Poe stated that the Board voted on this last month; however, it requires an Ordinance so that is the need for a public hearing. An Ordinance has been prepared that would allow the Board to set a fee from time to time.

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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, five minutes 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. Slempp, seconded by Mr. Crabtree, to adopt the Animal Impoundment Ordinance and set a fee at \$4.00 per day per dog. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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## **DEPARTMENTAL REPORTS**

### **ECONOMIC DEVELOPMENT**

Mike James, Economic Development Director, reported that in October the IDA closed a \$50,000 financing facility loan to Southwest Propane to aid in their expansion. The Research and Development Facility at Lone Mountain is still operational but will be closed down for the winter. The IDA sold 55 acres at auction over the Thanksgiving weekend for a net profit of around \$96,000. He added that the IDA came in second with a couple of prospects. The Town of Pennington Gap has several options for the New Town Hall with one of those being the IDA property it is currently using. During the quarter, he has met with three current business owners about plans to open or expand. His department has issued 30 Zoning permits, two Variances, 1 rezoning request and made four property visits.

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Mr. Crabtree asked what issues resulted in our losing the prospect at the Patriot Center.

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Mr. James stated that the company that was looking into the Center was a government contractor, and the government contract has stipulations that the building has to have a masonry work exterior, and the Patriot Center has metal siding.

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**TOURISM**

Ashley Seals, Tourism Director, reported that almost all of the tourism brochures have been distributed at various locations. The website has had 26,161 views since April from locations all across the nation. She stated that she has several different avenues of advertisements in place across the area. There are three projects in the making; she is just waiting on the approval of the Tourism Committee.

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**CONSTITUTIONAL OFFICERS**

**TREASURER’S REPORT**

The Treasurer’s Report for the month of November 2015 was submitted as follows:

Revenues	\$ 8,322,517.21
Expenditures	\$ 4,843,848.20
General Fund	\$ 9,298,322.04
Total Assets and Liabilities	\$ 14,802,704.80

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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, five minutes 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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**MINUTES**

It was moved by Ms. Rowe, seconded by Mr. Slemp, to approve the minutes from the November 17, 2015 Regular Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **REFUNDS**

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

Douglas & Shirley Wilder	\$182.28
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VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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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. Mosley, seconded by Mr. Slemp, to approve the disbursements for the month of November in the amount of \$225,769.92. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **FINANCE**

#### **MONTHLY APPROPRIATIONS**

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

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**RESOLUTION  
MONTHLY AND QUARTERLY APPROPRIATIONS  
15-040**

**WHEREAS**, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2015-16; 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 March 31, 2016

**HEADSTART**

Federal Funds	<u>\$ 1,370,586</u>
TOTAL HEADSTART	\$ 1,370,586

**WHEREAS**, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2015-16; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the following activities 1/12 of the amount shown is appropriated for a 1-month period ending January 31, 2016

Federal/State Funds	\$ 7,082,972
Local Funds	<u>1,292,948</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 8,375,920

**LEE COUNTY PUBLIC SCHOOLS**

Categorical Appropriation:

Instruction	\$ 24,512,881
Administration, Attendance and Health	2,038,267
Pupil Transportation	1,862,995

Operation and Maintenance	3,213,825
School Food Services	1,589,425
Facilities	449,000
Technology	1,262,110
Partially Self-Funded Insurance Fund	<u>4,200,000</u>
 TOTAL	 \$39,128,503

Source of Revenue:

Federal Funds	\$ 4,639,454
State Funds	24,889,483
Other Funds	39,100
Self Insured Health Fund	3,750,000
Local Funds	5,040,466
Textbook Carryover Funds	<u>770,000</u>
 TOTAL PUBLIC SCHOOLS	 \$ 39,128,503

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 Public School and Virginia Public Assistance funds and will not exceed the foregoing one month appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2015-2016.

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**OLD BUSINESS**

**ODOR ISSUES AT SOCIAL SERVICES**

Mr. Poe stated that this was tabled by the Board last month, it is the proposal to install the UV Lights at the Social Services Building.

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Mr. Bailey asked if the cleaning process is completed.

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Mr. Poe stated to the best of his knowledge it has been. Generally the only time there will be an odor from that issue is when there is heating and cooling going on the same day. Since the cleaning was started, he has not had any further complaints.

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Mr. Bailey stated that it could just be monitored.

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

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**APPALACHIA JUVENILE COMMISSION**

It was moved by Mr. Slemp, seconded by Mr. Mosley, to appoint Brenda Bailey to a two year term on the Appalachia Juvenile Commission. Ms. Bailey's term will expire November 30, 2017. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**LONESOME PINE OFFICE ON YOUTH**

It was moved by Mr. Slemp, seconded by Mr. Mosley, to re-appoint Carol Benham to a four year term on the Lonesome Pine Office on Youth. Mr. Benham's term will expire December 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**SOCIAL SERVICES BOARD**

It was moved by Mr. Slemp, seconded by Mr. Mosley, to appoint Amanda Fig to a four year term on the Social Services Board. Ms. Fig's term will expire December 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp  
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**SOUTHWEST VIRGINIA EMERGENCY MEDICAL SERVICES COUNCIL**

It was moved by Mr. Bailey, seconded by Mr. Mosley, to re-appoint Freda Ayers to a one-year term on the Southwest Virginia Emergency Medical Services Council. Ms. Ayer's term will expire December 31, 2016. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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**BOARD OF EQUALIZATION**

It was moved by Mr. Slempp, seconded by Mr. Crabtree, to appoint Brenda Hill to the Board of Equalization. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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**AIRPORT AUTHORITY**

It was moved by Mr. Slempp, seconded by Mr. Mosley, to appoint Paul Johnson to an unexpired term on the Airport Authority. Mr. Johnson's term will expire July 31, 2016. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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**BOARD OF EQUALIZATION**

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to appoint Arthur Poteet to the Board of Equalization. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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**BOARD OF EQUALIZATION**

It was moved by Mr. Bailey, seconded by Mr. Slempp, to authorize the County Administrator to accept a name to be submitted by Ms. Rowe by the end of December for recommendation to the Board of Equalization appointment. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**EXTENSION OFFICE BIDS**

Mr. Poe reported that bids for construction of a 900 square foot addition and remodeling of the old mental health building in Pennington Gap were opened on November 24. Four bids were received with the following results:

Egan Construction Kingsport, TN	\$222,307.00
Green Construction Co. Middlesboro, KY	\$204,500.00
Haynes & Sons Construction Pennington Gap, VA	\$182,800.00
Pete Sumpter General Contractor Ewing, VA	\$231,000.00

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Mr. Crabtree asked if there was anything budgeted for this.

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Mr. Poe stated that the County is seeking a loan for \$1,300,000. The construction of the new Transfer Station will be \$1,100,000, which will leave around \$200,000 that could be used on this project.

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It was moved by Mr. Bailey, seconded by Mr. Crabtree, to award the bid to Haynes & Sons Construction in the amount of \$182,800.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**TREASURER'S REQUEST FOR ADDITIONAL PART-TIME FUNDING**

Mr. Poe stated that Rita McCann, Treasurer, has requested an additional \$800.00 in funding for part-time salaries to assist with tax season traffic. These funds would be used to cover both wages and the FICA taxes.

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**SUPPLEMENTAL APPROPRIATION  
TREASURER'S OFFICE**

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to approve a Supplemental Appropriation to the Treasurer's Offices as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-41050-0099	Budget Supplements from Reserve	\$800.00
Expenditure		
4-001-12410-1350	Part-Time Salaries	\$800.00

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**LEE COUNTY HOUSING & REDEVELOPMENT AUTHORITY REQUEST FOR  
BOARD FEE INCREASE**

Mr. Poe stated that he has a request from the Lee County Redevelopment and Housing Authority asking the Board to consider increasing the monthly compensation for the Board members from \$50 a month to \$100 a month due to the time and travel expense.

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

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**SOUTHWEST VIRGINIA LONG TERM RECOVERY COALITION MOU**

Mr. Poe reported that the Southwest Virginia Long Term Recovery Coalition is a regional effort to address recovery efforts to this past winter's disaster due to snow, flooding and cold temperatures as well as a mechanism to better address future disaster

related events. The Coalition will be made up of partners from faith-based, non-profit, governmental, business and other organizations and agencies in a six county, one city region. There are currently no anticipated funding obligations from partners other than to apply for grants to address needs within the service area.

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It was moved by Ms. Rowe, seconded by Mr. Crabtree, to approve the Southwest Virginia Long Term Recovery Coalition MOU. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **INTRADO 9-1-1 HOSTING PROPOSAL**

Mr. Poe stated that this needs to be tabled because there is not enough information at this time. Lee County participates with Dickenson, Lee, and Wise Counties and the City of Norton, and there are only two units and Lee County and the City of Norton access those remotely. Intrado is proposing going away from backroom equipment and going to cloud hosted services. To obtain the greatest amount of state grant funding for this initiative, the four localities have partnered as two teams in applying for state grants. The Grant funds are based on wired lines and a different amount of money goes to each locality. Full data is still being compiled to determine the overall cost effectiveness of the hosted solution. At this point, Norton thinks their grant funds will pay for 40 of the 60 months, but Lee County's funds will only pay for about 20 months. Mr. Poe wants to make sure it will make financial sense for Lee County, so he asks that this be tabled.

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It was moved by Mr. Mosley, seconded by Ms. Rowe, to table this item until more information is available. Upon the question being put the vote was as follows.

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

None.

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

**COMMONWEALTH ATTORNEY ACCRUED LEAVE TIME**

Mr. Poe reported that upon the appointment of the former Commonwealth Attorney Shawn Hines to a judgeship, the Chief Deputy Attorney in that office became interim Commonwealth Attorney. Any accrued leave time due to that employee was frozen at that time in the case that they did not seek that office, the leave time would be intact when they reassumed the same position. Since she did not win election to that office, the term of office will expire December 31 of this year. She had 94.67 hours of accrued leave time at \$25.44 per hour; total amount due in Salary is \$2,408.40, FICA \$184.24 for a total of \$2,592.64.

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**SUPPLEMENTAL APPROPRIATION  
COMMONWEALTH ATTORNEY**

It was moved by Ms. Rowe, seconded by Mr. Crabtree, to approve the following Supplemental Appropriation. Upon the question being put the vote was as follows.

Revenue Source		
3-001-41050-0099	Budget Supplements from Reserve	\$2,592.64
Expenditure		
4-001-22100-1136	Salaries	\$2,408.40
4-001-22100-2100	FICA	\$ 184.24

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**COMMONWEALTH ATTORNEY OFFICE WINDOW**

Mr. Poe stated that the Commonwealth Attorney-elect has contacted him about having a larger window at the Reception area. He thinks that it would be covered by Asset Forfeiture Funds and at no cost to the County.

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It was moved by Ms. Rowe, seconded by Mr. Slemp, to allow a larger window to be installed. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

Mr. Crabtree stated that is has been an honor and privilege to serve on this Board, and wished the new Board good luck.

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Mr. Mosley wished everyone a Merry Christmas and Happy New Year.

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Mr. Slempp stated that he has made friends over the past four years and will miss the three that will not be returning.

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Ms. Rowe thanked the citizens for allowing her to serve on the Board.

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Mr. Bailey stated he has made a lot of friends in the last eight years and did a lot of work. He thanked Mr. Poe for all of his hard work. He wished everyone a Merry Christmas and a Happy New Year.

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

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp