

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 October 18, 2016 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Stacy Estep Munsey, County Attorney

OTHERS ABSENT: Jeny Hughes, Administrative Assistant

INVOCATION

Dane Poe, County Administrator, led in the invocation.

PLEDGE TO THE FLAG

Mr. Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:03 p.m.

PUBLIC HEARINGS

STACY MUNSEY REZONING REQUEST

The Lee County Board of Supervisors and Lee County Planning Commission held a joint public hearing on Tuesday, October 18, 2016 at 6:00 p.m. in the General District Court Room of the Lee County Courthouse in Jonesville, Virginia. The

purpose of the hearing was to solicit input on a rezoning request from Stacy Estep Munsey to rezone property that is currently zoned A-1 (Agricultural District) to B-1 (Limited Business District). The property is located in the Ewing Community and consists of 2.0 acres of land. (Parcel # 63-(A)-15). Property is located on the South side of Wilderness Rd. approximately 6/10 mile west of Chadwell Station Rd. (Rt. 684).

Mr. Poe stated that typically this would be viewed as spot zoning; however, in this instance there was a business that existed prior to zoning being adopted in Lee County. It's being looked at that this was an error from the original adoption of the zoning map in 1993, and to correct that by rezoning this parcel as B-1 Business.

Ms. Munsey stated that when she checked into this she was shocked that this property was zoned A-1 since the property had a business on it for over 50 years.

Mike Brindle, Planning Commission Chairman, stated that this property should not have been A-1 to begin with and it needs to be rezoned to B-1.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor.

DEPARTMENTAL REPORTS

BUILDING INSPECTION

Keith Herring, Building Inspector, reported that his department has issued 93 permits, collected \$8,465.92 in permit fees and \$1,972.51 in contractor's tax. He made 313 construction site visits with 1 violation.

E-911

Alan Bailey, E-911 Director, was unable to attend the meeting.

EXTENSION OFFICE

Jeannie Mullins, Extension Agent, reported that the Agriculture Agent went to Fredericksburg for the Young Farmer Summer Expo, assisted with the National 4-H Forestry Invitational in West Virginia, restarted the weekly 4-H meetings, hosted a Grazing School at the Vet Campus in Ewing, worked with Kids in the Creek, and started practicing the 4-H Cattle Working Teams. The 4-H Agent assisted with the rabbit, poultry, pig and sheep show at the Lee County Fair, started school enrollments, and set up a booth at the Festival in the Park. The Extension Agent held a presentation for the Lovelady DAR, and made goody bags for the RAM event. The agency also held an Open House on September 30 to encourage the public to view their new offices.

PUBLIC HEARINGS

STACY MUNSEY REZONING REQUEST

Mike Brindle, Chairman of the Planning Commission, reported that the Planning Commission voted to recommend approval of Stacy Munsey's Rezoning Request.

It was moved by Mr. Leonard, seconded by Mr. Slemp, to approve the Rezoning Request for Stacy Munsey. Upon the question being put the vote was as follows.

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

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of September 2016 was submitted as follows:

Revenues	\$ 4,010,530.83
----------	-----------------

Expenditures	\$ 7,954,321.35
General Fund	\$ 3,790,201.95
Total Assets and Liabilities	\$ 9,584,354.40

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 5-minute time-period for a group.

There was no public comment.

The Chairman closed the floor.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the minutes of the September 20, 2016 Regular Meeting. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

BRYAN HOGAN
BUILDING INSPECTION EQUAL PRACTICES

Mr. Hogan asked to be removed from the agenda prior to the meeting.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of September in the amount of \$770,118.16. Upon the question being put the vote was as follows.

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

OLD BUSINESS

APPALACHIAN COMMUNITY ACTION TIPPING FEE WAIVER REQUEST

It was moved by Mr. Slemph, seconded by Mr. Leonard, to take this matter into closed session. Upon the question being put the vote was as follows.

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

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Slemph, seconded by Mr. Leonard, to table these appointments until next month. Upon the question being put the vote was as follows.

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

HOSPITAL AUTHORITY LETTER OF INTENT ISSUES

Mr. Poe reported that the Hospital Authority has signed a Letter of Intent to work with Americore Health to work toward re-opening the hospital. In order to accomplish this, there will be some action required by the Board of Supervisors. This discussion will need to be taken into Closed Session.

ELYDALE WATER LINE REPLACEMENT PROJECT RESOLUTIONS

Mr. Poe reported that the County has been awarded an Appalachian Regional Commission (ARC) grant in the amount of \$140,000 for the Elydale Water Line Replacement Project. As administered by the Department of Housing and Community Development, several documents are required to be adopted in order to comply with grant conditions. These are standard documents required for any ARC or Community Development Block Grant. The Compliance Resolution outlines the subject documents and one motion to adopt the Compliance Resolution will approve all the documents by reference.

It was moved by Mr. Slemph, 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. Mosley, Mr. Slemph, Mr. Smith

**RESOLUTION FOR COMPLIANCE
ELYDALE WATER LINE REPLACEMENT PROJECT
16-032**

WHEREAS, Lee County anticipates a DHCD award to replace 10,000 LF of water line; and

WHEREAS, Lee County adopts the following requirements as required by the Department of Housing and Community Development:

- (a) Fair Housing Compliance Certification as required by Title VII of the Civil Rights Act of 1968
- (b) Residential Anti-Displacement and Relocation Assistance Plan
- (c) Lee County Local Business and Employment Plan
- (d) Section 504 Grievance Procedure
- (e) Resolution to Appropriate Funds

NOW THEREFORE BE IT RESOLVED, the Lee County Board of Supervisors hereby adopts the above-mentioned items as required, showing that Lee County will be in conformance with all requirements set forth by the Virginia Department of Housing and Community Development.

TOURISM DIRECTOR RESIGNATION

Mr. Poe reported that he had received a Letter of Resignation from the Tourism Director. He stated that her last day of employment was October 7, 2016, which leaves a vacancy in that position.

RADIO COMMUNICATIONS SYSTEM UPGRADE

Mr. Poe reported that in May of this year, Mr. Leonard and Mr. Smith met with representatives of the Sheriff’s Department, E-911 and the radio vendor to discuss the possible upgrade of our emergency communication systems. As a result of that meeting, estimates were provided on several upgrade scenarios. With other grants in play, Mr. Poe believes it would be advisable to discuss this matter with the full Board in Closed Session.

CLOSED SESSION

It was moved by Mr. Leonard, seconded by Mr. Cope, 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, and Section 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. Mosley, Mr. Slemm, Mr. Smith

It was moved by Mr. Cope, seconded by Mr. Leonard, to come out of 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.

COMMUNITY DEVELOPMENT/BUILDING INSPECTOR SECRETARY

It was moved by Mr. Cope, seconded by Mr. Mosley, to leave Cathy Wilder as Community Development/Building Inspector Secretary at an annual salary of \$33,197, effective October 16, 2016. Upon the question being put the vote was as follows.

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

HOSPITAL AUTHORITY LETTER OF INTENT ISSUES

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the First Amendment to Deed of Trust, Assignment and Security Interest with the Lee County Hospital Authority. 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. Slemm, seconded by Mr. Cope, to recess to November 10, 2016 at 5:00 pm. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD