

VIRGINIA: County of Lee, to-wit:

At the Recessed Meeting of the Lee County Board of Supervisors in the Town Council Meeting Room of the Pennington Gap Town Hall on September 27, 2022 at 6:00 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Sidney Kolb
Larry Mosley
Charles Slemp
Robert Smith

OTHERS PRESENT: Larry Holbrook, Mayor
Jill Carson
Gary McElyea
Terry Pope

OTHERS ABSENT: Stacy Munsey, County Attorney
Dane Poe, County Administrator

The Chairman called the meeting to order at 6:05 p.m.

PSA ARPA FUNDING REQUEST

Duane Miller, LENOWISCO PDC, Tracy Puckett, Lee County PSA, and Jon Broskey, The Lane Group, were present to request the board consider funding for the St. Charles Waterline Replacement Phase III Project. The request is for \$1,100,000 in ARPA funds to meet the shortfall from other funding agencies.

It was moved by Mr. Smith, seconded by Mr. Mosley, to provide funding for the St. Charles Waterline Replacement Phase III project in the amount of \$1,100,000 from American Rescue Fund Act funds. Upon the question being put the vote was as follows.

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

AUDIT CONTRACT AMENDMENT

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve a contract amendment with Robinson, Farmer, Cox Associates for audit services for FY22 at an increase of \$6,000.00 to account for additional work required by GASB 84 and GASB 87 requirements. Upon the question being put the vote was as follows.

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

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Mosley, to enter Closed Session pursuant to 2.2-3711, A.5., discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; 2.2-3711, A.6., discussion or consideration of the investment 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; 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 litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter. Upon the question being put the vote was as follows.

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

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

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, 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.

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

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD