

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 September 16, 2014 at 5:00 p.m. thereof.

MEMBERS PRESENT: Charles Slemp, Jr., Chairman
Carl Bailey
Jason Crabtree
Larry Mosley
Tina Rowe

MEMBERS ABSENT: None

OTHERS PRESENT: C.M. Callahan, Jr. County Attorney
Dane Poe, County Administrator
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:17 p.m.

PUBLIC HEARING

JAMES TALBOTT - SPECIAL USE PERMIT

The Lee County Board of Supervisors held a Public Hearing on September 16, 2014 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Special Use Permit request. James Talbott has requested a Special Use Permit to allow a doublewide manufactured home in a V-C, Village Commercial district. The property is located on Route 23 in the Wildcat Community near Big Stone Gap approximately 200 yards South of the Valero Station and consists of approximately .89 acres of land.

Mike James, stated that he has not received any public comment in his office, and the Planning Commission voted to approve this request and is recommending the Board's approval.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to approve the Special Use Permit for James Talbott. Upon the question being put the vote was as follows.

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

DEPARTMENTAL REPORTS

ECONOMIC DEVELOPMENT

Mike James, Economic Development Director, reported that with the assistance of the Board of Supervisors, the Industrial Development Authority has assisted four companies with business expansion or business opening. In the next few weeks, the IDA will be making an announcement in cooperation with Virginia Tech and one of the largest coal companies in the state. The Authority is also pursuing an Enterprise Zone Designation, decisions are due at the end of the month and there are 5 slots available. He stated that Lee Health and Rehab will be holding a job fair for CNA and LPN license holders at the Virginia Employment Commission on October 1, 2014 from 10:00 a.m. to 3:00 p.m. The Wise Inn will also be hosting a job fair at VEC on September 23 to fill several positions. The Federal Prison will be hiring 15 to 20 positions. He added that Regional Adult Educational Program GED is now available at 3 locations in the County, Jonesville, Pennington Gap and Rose Hill. He reported that construction is continuing on the O'Reilly Auto Parts building and on the Stone Mountain Clinic. He added that the Zoning Department has issued 12 zoning permits, 1 Variance and 1 Special Use Permit. He has been in contact with one prospect and made one site consultation.

Mr. Mosley asked how many employees O'Reilly's would have.

Mr. James stated there will be 10 or 12 employees, some part time and some full time.

TOURISM

Ashley Seals, Tourism Director, was unable to attend the meeting.

CONSTITUTIONAL OFFICERS

TREASURERS REPORT

The Treasurer's Report for the month of August 2014 was submitted as follows:

Revenues	\$ 3,619,163.81
Expenditures	\$ 5,070,927.93
General Fund	\$ 7,751,073.91
Total Assets and Liabilities	\$13,691,395.78

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 group.

There was no public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to approve the minutes of the August 19, 2014 Regular Meeting. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the disbursements for the month of September in the amount of \$204,391.68. Upon the question being put the vote was as follows.

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

DELEGATIONS

**WAYNE'S PLACE MUSIC CENTER
STEPHEN JESSEE**

Mr. Jessee was unable to attend the meeting.

FINANCE

MONTHLY APPROPRIATIONS

It was moved by Mr. Mosley, seconded by Mr. Crabtree, 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

**RESOLUTION
MONTHLY AND QUARTERLY APPROPRIATIONS
14-026**

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2014-15; 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 December 31, 2014

HEADSTART

Federal Funds	\$ 1,283,218
TOTAL HEADSTART	\$ 1,283,218

WHEREAS, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2014-15; 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 October 31, 2014;

Federal/State Funds	\$ 6,205,658
Local Funds	<u>1,061,545</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 7,267,203

LEE COUNTY PUBLIC SCHOOLS

Categorical Appropriation:

Instruction	\$ 24,784,965
Administration, Attendance and Health	2,045,217
Pupil Transportation	2,013,034
Operation and Maintenance	3,344,950
School Food Services	1,573,100
Facilities	449,000
Technology	805,390
Partially Self-Funded Insurance Fund	<u>4,200,000</u>
TOTAL	\$39,215,656

Source of Revenue:

Federal Funds	\$ 4,249,948
State Funds	25,474,642
Other Funds	75,600
Self Insured Health Fund	3,750,000
Local Funds	5,040,466
Textbook Carryover Funds	<u>625,000</u>

TOTAL PUBLIC SCHOOLS

\$ 39,215,656

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 one and 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 2014-2015.

NEW BUSINESS

BOARD APPOINTMENTS

AIRPORT AUTHORITY

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

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

LONESOME PINE OFFICE ON YOUTH

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

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

TOURISM COMMITTEE

It was moved by Mr. Mosley, seconded by Ms. Rowe, to re-appoint Debbie Garrett to a four-year term on the Tourism Committee. Ms. Garrett's term will expire September 30, 2018. Upon the question being put the vote was as follows.

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

PERSONAL PROPERTY TAX RELIEF RATE

Mr. Poe reported that the Commissioner of the Revenue's office has calculated the appropriate percentage of personal property tax relief for personal automobiles for 2014. The Personal Property Tax Relief Act provided for State reimbursement of a portion of the tax on personal automobiles. The percentage of relief must be re-calculated each year in order to account for changes in the total number and value of vehicles eligible for relief. The percentage of relief for the 2014 tax year has been calculated at 64.75%.

It was moved by Ms. Rowe, seconded by Mr. Slemp, 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

Prior to the second to the motion being made, Mr. Slemp asked what vehicles qualify for this relief.

Mr. Poe stated any under \$20,000 value qualify, any vehicle value over that amount is only eligible for relief on the first \$20,000, and it has to be a personal vehicle.

Mr. Crabtree asked for further explanation on this.

Mr. Poe stated that in 1998 the State adopted legislation to eliminate the personal property tax on automobiles. It was designed to increase over time before it went to 100%, but the State saw that this was a continuing escalating cost and decided that this cannot continue. Legislation was adopted to set a cap on the reimbursements to Counties. Lee County receives the same amount of reimbursement, but at the same time the number and value of the vehicles that are subject to the tax changes every year. The amount available is the same but the valuation of vehicles is always different. Therefore, they have to make that calculation every year on what the actual percentage amount of relief will be.

**RESOLUTION
14-027**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code 58.1-3523 et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2005-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles;

NOW, THEREFORE, BE IT RESOLVED, by the Lee County Board of Supervisors that qualifying vehicles obtaining situs within the County during tax year 2014, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$100 to \$20,000 will be eligible for 64.75% tax relief;
 - Personal use vehicles valued at \$20,001 or more shall only receive 64.75% tax relief on the first \$20,000 of value; and
 - All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
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LENOWISCO FUNDING REQUEST

Mr. Poe reported that LENOWISCO Planning District Office is looking to pursue a planning grant through Virginia's Agricultural and Forestry Industries Development program. It is a dollar for dollar match, and they were looking at going through the Tobacco Commission. Unfortunately the Commission funding in this area has been depleted for the last several months, but there may be an opportunity there now with the Agribusiness funding round. They are looking to secure \$10,000 to \$12,000 in local cash match, if so they can get an equal amount in the planning grant. They are asking Lee County for \$3,000.

Mr. Mosley stated that there have been a couple of meetings on the Agritourism and there was a good turnout for those meetings. It is something that needs to be invested in.

It was moved by Mr. Mosley, seconded by Ms. Rowe, to provide \$3,000 funding to LENOWISCO for the planning grant. Upon the question being put the vote was as follows.

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

ARMY CORP OF ENGINEERS PROPOSED PROJECTS

Mr. Poe reported that he has met with the Army Corp of Engineers regarding possible acid mine drainage mitigation projects. In the past Department of Mines Minerals and Energy has provided the local match through grant funds available to them for these projects. Lack of COE funding for several years has delayed implementation of any new projects. At the meeting, COE representatives advised that funding is again available and proposed six projects in the target area. Preliminary cost estimates have been prepared. Unfortunately, DMME has advised that their grant funding has been reduced drastically and they do not feel they can take on any new projects and provided maintenance on projects already constructed. To date, there has not been any other sources available unless the Board of Supervisors want to provide it. They have identified the Robbins Chapel project as providing the best results for the lowest cost ecosystem-wise. The project would require \$120,000 local funds in the first year and between \$84,000 and \$146,000 the second year. A second, and lowest cost option would be to construct the Bee Mine project which would require \$82,000 - \$106,000 in local funds over two years but would not provide as great a result for the ecosystem.

Mr. Bailey asked if this could be advertised in the Powell Valley News.

Mr. Poe stated that projects of this scope are usually advertised in the Kingsport Times but one could be placed in the Powell Valley.

Mr. Crabtree asked if a grant became available later on if the County would be able to recoup money already spent on this project.

Mr. Poe stated that would depend on the funding sources guidelines.

Mr. Mosley stated that he could not see spending that money with the budget shortfalls.

Ms. Rowe stated that with the current economic condition of the County and the State she does not think it is a good time to pull money out of reserves for this project.

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

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

ROSE HILL ELEMENTARY SCHOOL REQUEST

Mr. Poe reported that he received a request from Rose Hill Elementary School asking that the playground equipment be moved from the old Ewing Elementary School to Rose Hill Elementary School for student use.

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to allow the playground equipment to be moved from Ewing School to Rose Hill School, and the School be responsible for moving the equipment and ensuring all parts are picked up and moved. Upon question being put the vote was as follows.

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

SUB HOLLOW ROAD IMPROVEMENT BIDS

Mr. Poe reported that the Coal Road Improvement Plan adopted earlier this year included funding for improvements to Sub Hollow Road. The project has been advertised and the bids were received as follows. He stated that the specs may have been a little more complex than the money available allows. If there was only one bid, or if there was \$23,000 Mr. Poe would suggest negotiating down to less of a project. But with \$12,000 available there will need to be a complete change on the scope of the project. Mr. Poe suggests taking some footage off and going less than four courses of gravel.

Estes Brothers Construction Jonesville, VA	\$28,400.00
Glass Machinery & Excavation Jonesville, VA	\$27,200.00

Mr. Bailey stated that the project is only 305 feet.

Mr. Poe stated that the scope of the project could be reduced to lower the cost, and suggested to reject all bids.

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to reject all bids, change the scope of the project and re-advertise for bids. Upon question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

ADDITIONAL SECURITY CAMERAS

Mr. Poe reported that after adding the additional outside security cameras and installing a new 16 channel DVR recorder, there are three remaining slots available on the DVR. He added that he and Sheriff Parsons had discussed the possibility of adding a camera in each of the courtrooms and one in the corridor outside the District Courtroom. Sheriff Parsons has discussed this with the Judges from both courts and they have consented. The cost for installing three additional cameras and the required cable is \$2,700. The Sheriff suggested using the Courthouse Security funds for this since it is strictly covering the courtrooms and these funds can only be used for security purposes.

Mr. Crabtree asked who monitors the cameras.

Mr. Poe stated that the monitors can be viewed in dispatch, the Major's office and in his office.

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to approve the purchase of additional security cameras for each courtroom and the corridor in the amount of \$2,700 to come out of the Courthouse Security fund. Upon the question being put the vote was as follows.

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

SHERIFF'S CRUISERS

Mr. Poe reported that he should receive the Letter of Conditions on the Rural Development Community Facilities Grant on Thursday. The grant will provide \$50,000 towards the purchase of three new Sheriff's cruisers. Funds are already budgeted for fully equipping these units for the road. He added that two of the 2010 Chevrolets were wrecked at a total loss earlier this year, and neither have been replaced. The total amount of insurance proceeds on these two units was \$13,925. He stated that these units could be replaced with used units but because of previous experience of purchasing used cruisers the Sheriff's Department would prefer to use these funds toward the purchase of two new units. Purchasing two new units outright would cost approximately \$54,000 road-ready which would be about \$40,000 above the insurance proceeds. If we financed them for four years, the initial cost would be approximately \$22,500, which is about \$8,500 above

the insurance proceeds. If we replace these with new units, we could advertise for bids for five new cars instead of three.

Mr. Mosley asked if the light bars could be taken off the other cars.

Mr. Poe stated the old light bars could be used if they fit. The maximum additional cost would be \$8,500 if the vehicles are financed to get the two new units.

Ms. Rowe asked how much is budgeted for this purchase.

Mr. Poe stated the money to cover the Rural Development Grant is budgeted, and there is approximately \$800 cushion.

Mr. Bailey asked why we need to bid for five cruisers if we only budgeted for three.

Mr. Poe stated that the County has match money for three cruisers that will replace three older cruisers and the other two will replace two cars that were wrecked.

It was moved by Mr. Crabtree to bid for five cruisers.

Mr. Mosley stated he would like to see a listing.

Mr. Poe stated he could get this information during the break.

Mr. Crabtree withdrew his motion.

STICKLEYVILLE SCHOOL LEASE

Mr. Poe reported that the lease for Sticklelyville School was a 90 day lease, and the lease expired on June 30.

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to extend the lease for Sticklelyville School for six months, retroactive to July 1, 2014. Upon the question being put the vote was as follows.

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

REMOTE AREA MEDICAL

Mr. Poe reported that he was amazed at how the RAM event came off. He stated that initially they were thinking we could see about 200 patients a day, but they were able to provide dental, vision and or medical to 525 patients. He does not have the official data back from RAM yet, they will send us all of that. He does know that there were patients from as far away as Florida, and the surrounding states as well. There was a very good turnout of volunteers. It has been a learning process, but everything worked. Officials from RAM and the Heath Wagon stated that this event went off as good as they had seen. There were some things here and there that needed to be straightened out, and some things we can do a little better.

Mr. Crabtree thanked everyone that participated in the event.

Mr. Poe stated that none of this would have been possible without Dr. Smiddy.

REPORTS AND RECOMMENDATIONS OF THE BOARD

RAM VOLUNTEERS

Ms. Rowe thanked all the RAM volunteers and donors.

CHIARI WALK

Ms. Rowe stated that the Chiari Walk for Sam Gailey would be on Saturday September 20 at Leeman Field in Pennington Gap at 10:00 AM.

COYOTE BOUNTY

Mr. Mosley asked about the Ordinance on Coyote Bounty and farm tags.

Mr. Poe stated that he still needs to do more research on the farm tags, and the Coyote Bounty Ordinance was passed several years ago with the last amendment being in 2005 or 2006 for females only. There have been two different amounts of bounties placed ranging from \$25 to \$50. The Ordinance was amended to allow the amount of the bounty to be set by resolution, which means there does not have to be a public hearing. The Ordinance that is in place right now was amended in 2005 and says the payment of the bounty will be contingent upon the appropriation of funds by the Lee County Board of Supervisors, execution of an affidavit that the animal was killed in Lee County, and verification of the dead animal by the Lee County Animal Control Officer. All it takes to get the bounty started again is a resolution to set the amount or to use the current resolution that is in place or appropriate funds for the bounty.

Mr. Mosley asked if the bounty could be for Lee County residents only.

Mr. Callahan stated he would be hesitant to do that because there are land owners that do not live in the County.

Mr. Bailey stated that to protect for farmers it could be done for a short period to get them thinned out.

CLOSED SESSION

It was moved by Ms. Rowe, seconded by Mr. Bailey, 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. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

It was moved by Mr. Bailey, seconded by Mr. Mosley, to come out of Closed Session. Upon the question being put the vote was as follows.

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

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.

SHERIFF'S CRUISERS

Mr. Poe reported that the two cars that were wrecked and totaled were 2010 models and were not scheduled to be downed. The Sheriff's Department is double shifting two cars. Three of the four vehicles that were hail damaged have not been repaired and are planned to be downed. With the insurance proceeds from those three

cars, it gives us \$21,242. It's going to cost approximately \$22,500 to buy five new ones and finance the last two. We may not need that much if the light bars and cages transfer.

Mr. Callahan asked how much is in the budget annually for vehicle purchases.

Mr. Poe stated that it is adjusted year by year. There is \$96,500 budgeted for this year, including three purchased with the grant. The additional two would have to be financed.

Ms. Rowe asked what the local match for the three cars would be.

Mr. Poe stated that \$33,000 is budgeted.

Mr. Bailey asked what will be done with the cars that aren't being repaired.

Mr. Poe stated that they would be sold as surplus.

Mr. Mosley asked how many more years are owed on the cruisers purchased before.

Mr. Poe stated that he believe there are two more years owed.

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to advertise for the purchase of five new cruisers. Upon the question being put the vote was as follows.

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

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

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