

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 November 15, 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
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the invocation.

PLEDGE TO THE FLAG

Charles Slemp led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:04 p.m.

DEPARTMENTAL REPORTS

ANIMAL CONTROL

Allen Fortner, Animal Control Officer, reported that for the months of September and October his department received 380 calls at the Pound and 149 calls through the

Sheriff's Department for a total of 529 calls. His department picked up 34 strays, had 59 owner surrenders, 3 bite cases, 1 seized with 13 being reclaimed, 5 adopted, 69 transferred to rescue, 6 euthanized and 1 died in the facility. They issued 46 summonses, \$1,550.00 in fines and restitution, \$92 collected for holding fees for a total of \$1,642.00. The officers attended training in Lebanon with USDA Wildlife Services. The USDA Wildlife Services dropped a rabies inoculation and they asked that the departments assist them in collecting samples of wildlife. It is a \$20,000,000.00 project that the State has invested in, trying to push rabies to the East Coast to eradicate it. He stated that the State has sent down multiple changes on Shelter Operations and he is waiting for the State Veterinarian because she would be able to help understand the changes. He will get back to the Board once she comes and explains things better. He added that he is starting to get complaints about the cat problems in the County.

LITTER CONTROL

Josh Fleenor, Litter Control Coordinator, stated that for the month of October there were 159 people in the Community Service Program with 103 participating for a total of 1,361 hours. He is getting ready to start working on some of the illegal dumpsites. He worked on some illegal dumping on Veteran's Day and will work on issuing tickets on that. He has been working on the complaints and some of the cleanup is underway.

Mr. Smith asked about Spring Valley Road.

Mr. Fleenor stated that this site is on his cleanup list.

Mr. Smith asked that no dumping signs be put there at the location.

Mr. Mosley suggested that an ad be ran in the paper for people to report illegal dumping.

SOLID WASTE

Gary Collingsworth, Transfer Station Superintendent, reported that there were 1,166.63 tons of garbage and 14.41 tons of tires brought into the Transfer Station. The

department has been working on routine maintenance, clearing brush at the Convenience Centers, and graded some of the sites. There are still fence repairs to be done and a few dumpster fire repairs to be made. He stated that the electric fence at the Keokee Center seems to have done the job and the bear sightings are down, however, there are now bears at other sites and an electric fence might help at these sites as well. Most of the repairs on the new building have been resolved and should be finished in the next couple of weeks. Construction for the new Forestry shed will begin as soon as Mr. Cope is able to get a crew down to help with that.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 5,221,723.87
Expenditures	\$ 3,620,951.69
General Fund	\$ 4,113,392.13
Total Assets and Liabilities	\$11,144,909.57

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.

Leonard Bowen, Jasper Fire Department, addressed the Board about purchasing a new fire truck and asked that the Board help with the purchase of this vehicle.

Richard Shuler, Dryden, asked the Board to look at the positions of Economic Development Director and Tourism Director and try to get these vacancies filled as soon as possible. He also thanked the Board and Mr. Poe for helping get the Public Service Authority a place to go and getting them moved quickly after their building burned. He also asked the Board for their consideration in waiving the disposal fees from the Transfer Station when the building is torn down.

There was no further 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 October 18, 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

REFUNDS

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the refund to Gary Thomas in the amount of \$186.28. 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.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of November in the amount of \$127,444.32. Upon the question being put the vote was as follows.

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

DELEGATIONS

**DANIEL BOONE SOIL AND WATER CONSERVATION
ROGER ELKINS AND JERRY INGLE
QUARTERLY UPDATE**

Mr. Elkins and Mr. Ingle were unable to attend the meeting.

**WHITE ROCKS COMMUNITY CENTER
DAVE JONES
PROGRESS UPDATE**

David Jones, Appalachians for Resource Technology Stewardship, Inc., stated that the 501(c)(3) has been approved for the ARTS and they now have the tax-exempt status. He stated that the last time the Committee came before the Board, they were told to come back when all of this was in order. The ARTS is asking the Board for \$5,000.00 to help with startup costs of the White Rocks Community Center.

Mr. Slemph stated that this would be a onetime grant to help get started.

**AIR EVAC
MEGAN MCILQUHAN
MUNICIPAL SITE PLAN**

Jason Monday addressed the Board about the municipal site plan and to find out if the Board had any questions regarding the coverage.

Mr. Cope stated that he is hoping to see the hospital move forward.

Mr. Monday stated that if the hospital does reopen, it would not change much.

Mr. Slemph stated that the Board has been more focused on getting the hospital back.

Mr. Cope stated that finance is the main issue.

FINANCE

SUPPLEMENTAL APPROPRIATIONS

BOARD OF SUPERVISORS

It was moved by Mr. Mosley, seconded by Mr. Slemph, to approve a supplemental appropriation in the amount of \$6,767.48 to Board of Supervisors as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-18030-0016	Reimbursements	\$ 6,767.48
Expenditure		
4-001-11010-5899	Miscellaneous	\$ 6,767.48

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

SHERIFF'S DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Slemph, to approve a supplemental appropriation in the amount of \$600.00 Sheriff's Department as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-18990-0002	Sheriff Donations	\$ 600.00
Expenditure		
4-001-31200-5899	Miscellaneous	\$ 600.00

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

LITTER CONTROL

It was moved by Mr. Mosley, seconded by Mr. Slemph, to approve a supplemental appropriation in the amount of \$46.00 to Litter Control as follows. Upon the question being put the vote was as follows.

Revenue Source
3-001-24040-0007 Litter Control \$ 46.00

Expenditure
4-001-35600-5890 DEQ Litter Control Grant \$ 46.00

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

TOURISM

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental re-appropriation in the amount of \$2,089.79 to Tourism as follows. Upon the question being put the vote was as follows.

Revenue Source
3-001-24040-0036 Tourism \$ 2,089.79

Expenditure
4-001-71370-5840 VA Tourism Corp Marketing Grant \$ 2,089.79

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

GENERAL EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation in the amount of \$3,927.76 to General Expenses as follows. Upon the question being put the vote was as follows.

Revenue Source
3-001-41050-0099 Budget Supplements from Reserve \$ 3,927.76

Expenditure
4-001-91500-5840 Disbursements General Expenses \$ 3,927.76

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

MISCELLANEOUS EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation in the amount of \$440.83 to Miscellaneous Expenses as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-13030-0008	Building Permits	\$ 440.83

Expenditure		
4-001-92100-5870	Building Fund Expenses & Refunds	\$ 440.83

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

GAS SEVERANCE TAX

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation in the amount of \$720.98 to Gas Severance Tax as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-027-12150-0001	Gas Severance Tax	\$ 720.98

Expenditure		
4-027-95100-5860	Gas Severance Tax Disbursements	\$ 720.98

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

BAILEY TOWN WATER PROJECT

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation in the amount of \$1,500.00 to Bailey Town Water Project as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-055-16020-0001	Bailey Town Water Project	\$ 1,500.00

Expenditure		
4-055-94960-8212	Bailey Town Water Project Expenses	\$ 1,500.00

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

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

There was no action taken on these appointments.

PLANNING COMMISSION

It was moved by Mr. Slemph, seconded by Mr. Mosley, to re-appoint Greg Rasnic to a four-year term on the Planning Commission. Mr. Rasnic's term will expire November 30, 2020. Upon the question being put the vote was as follows.

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

ANNUAL GAS & GROUNDWATER MONITORING AGREEMENTS

Mr. Poe presented the Board with the proposed agreements for the annual landfill Gas and Groundwater Monitoring reports, which are required by the Department of Environmental Quality. Per the agreements, the cost of the Gas Monitoring Report is estimated at \$5,700, which is the same as the prior year. The cost of the Groundwater monitoring Report is estimated at \$12,750, which is a \$1,000 increase over the prior year. The increase is primarily due to changes in groundwater elevations and flow from year to year which trigger more analysis to maintain DEQ compliance. Mr. Poe recommends approval of both agreements.

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the Gas and Groundwater Monitoring Agreements. Upon the question being put the vote was as follows.

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

**SOLE SOURCE PROVIDER DESIGNATION FOR EMERGENCY
COMMUNICATIONS EQUIPMENT**

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the following Sole Source Contract for Emergency Communications Equipment. Upon the question being put the vote was as follows.

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

COUNTY OF LEE, VIRGINIA

NOTICE OF AWARD OF SOLE SOURCE CONTRACT

Posting Date: November 16, 2016

Date of Sole Source Contract Award: Not later than January 15, 2017

Provider Name: Motorola, Inc.

Take notice that, pursuant to §2.2-4303(E) of the Code of Virginia (1950), as amended, the County of Lee, Virginia has awarded or intends to award a contract on a Sole Source basis to Motorola, Inc. for the following goods and services:

Emergency Radio Communications System

- Mobile Radios
- Portable Radios
- Mobile Data Terminals
- Dispatch radios and Consoles
- Communication Towers
- Antennae
- Repeaters
- Any Associated Equipment and Services

The Lee County Board of Supervisors has determined that there exists no other practicable source of the goods or services to be obtained, which justifies the obtaining of the goods or services without the process of comparable quotes from other vendors as required by the County's purchasing procedures for the goods and services to be obtained.

The basis for which the County has determined that the proposed vendor is a sole practicable source for these good and services is as follows:

- Compatibility with current equipment
 - Knowledge and experience with existing system and conditions
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Mr. Poe suggested that the Board form a committee to work with the Sheriff's Office.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to appoint Mr. Cope and Mr. Leonard to the committee to work with the Sheriff's Office on the Radio System. Upon the question being put the vote was as follows.

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

CERTIFY DOG HANDLER

Mr. Poe reported that the Sheriff is requesting \$2,500.00 to certify a dog handler. The current dog handler has decided to give up the position and another officer has agreed to take the position, but in order to do so he has to be certified with the dog. The cost of the certification is \$2,500.00.

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve a supplemental appropriation in the amount of \$2,500.00 to the Sheriff's Department to certify a dog handler. Upon the question being put the vote was as follows.

Revenue Source		
3-001-41050-0099	Budget Supplements From Reserve	\$ 2,500.00

Expenditure		
4-001-31200-5540	School / Training	\$ 2,500.00

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

DROUGHT DECLARATION

Mr. Poe reported that he has been contacted by Amy Fannon with the Extension Office about a Drought Declaration. The County has been recognized by the US Drought Monitor three times this year for drought circumstances. Forage and hay crops have decreased by as much as 50% this year and due to the limited rain fall, farmers have not been able to stock pile forage. Ms. Fannon is requesting that the County do an Emergency Declaration based on the drought.

It was moved by Mr. Mosley, seconded by Mr. Cope, to adopt Resolution 16-035.
Upon the question being put the vote was as follows.

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

**RESOLUTION
DECLARATION OF LOCAL EMERGENCY
16-035**

WHEREAS, Lee County forage production for 2016 has been greatly diminished due to a decrease in rainfall, with August September and October being extremely drier than normal; and

WHEREAS, this has resulted in a decrease of as much as 50% in some areas of the County with no forage stockpiling and a reduction in hay crops; and

WHEREAS, many producers began feeding hay in October and have sold livestock due to the dry conditions;

WHEREAS, on November 8, 2016, the U.S. Drought Monitor moved Lee County to the "Severe Drought" classification; and

WHEREAS, there is no foreseeable end to the drought conditions in the near future which will create hardships for many farmers with little or no feed available for winter feeding of livestock;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors does hereby declare a local emergency to exist in Lee County due to the drought conditions;

BE IT FURTHER RESOLVED, the Lee County Board of Supervisors hereby petitions the Honorable Terry McAuliffe, Governor of the Commonwealth of Virginia, to declare that a drought emergency exists in Lee County, and the Governor is further petitioned to request the President of the United States, and any agency thereof, to provide relief and assistance to the extent allowable by law.

TRANSFER STATION PAY REQUEST NUMBER 15

Mr. Poe reported that he has received a pay request from Green's Construction for all but \$2,000.00 of the retainage. Mr. Poe felt like that number is low so he met with the engineer and they agree that leaving \$20,000.00 in the retainage is reasonable, which would give the County leverage in getting the rest of the repairs made. The pay request will now be in the amount of \$40,929.58.

TRANSFER STATION CHANGE ORDER

Mr. Poe reported that there is a change order in the amount of \$5,465.39 for drainage at the dock area. The work has already been completed for this change order because of water coming into that area.

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approval Pay Request Number 15 in the amount of \$40,929.58 to Green Construction Company, Inc. and to approve the Change Order in the amount of \$5,465.39. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

None.

REPORTS AND RECOMMENDATIONS OF THE BOARD

None.

CLOSED SESSION

It was moved by Mr. Leonard, seconded by Mr. Mosley, 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. Slemp, Mr. Smith

It was moved by Mr. Mosley, seconded by Mr. Cope, 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. Slemp, 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.

PART TIME CONVENIENCE CENTER EMPLOYEES

It was moved by Mr. Mosley, seconded by Mr. Leonard, to give Part Time Convenience Center Employees 3 hours of Holiday leave on each holiday the centers are closed. Upon the question being put the vote was as follows.

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

JASPER FIRE DEPARTMENT TRUCK

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

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

ADDITIONAL ENGINEERING SERVICES FOR NEW TRANSFER STATION

It was moved by Mr. Cope, seconded by Mr. Mosley, to approve the Lane Group's additional engineering services for the new Transfer Station in the amount of \$18,447.31. Upon the question being put the vote was as follows.

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

GREEN CONSTRUCTION COMPANY

It was moved by Mr. Cope, seconded by Mr. Mosley, to approve change requests in the amount of \$21,968.11 to Green Construction Company for upgrades to the Transfer Station. Upon the question being put the vote was as follows.

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

DONATIONS TO COMMUNITY CENTERS

It was moved by Mr. Slemp, seconded by Mr. Leonard, to donate \$5,000.00 each to the ARTS, Inc., Stickleyville School Community Center Association, and Keokee Alumni Association. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Mosley, Mr. Cope

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

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD