

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

OTHERS ABSENT: Jeny Hughes, Administrative Assistant

INVOCATION

Richard Tallent, Pastor of First United Methodist Church of Pennington Gap, led in the invocation.

PLEDGE TO THE FLAG

Richard Tallent led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:07 p.m.

DEPARTMENTAL REPORTS

ECONOMIC DEVELOPMENT

Mike James, Community Development Director, reported that the primary focus of the Industrial Development Authority has been promoting local entrepreneurs. The IDA has assisted five local businesses with openings or expansions and there is at least

one more on track for the first quarter. There is still no word from the state on the Enterprise Zone Application that the County and the IDA applied for in June. He added that Lee Health and Rehab in Pennington Gap is still looking for CNA and LPN license holders. He added that the Coalfields Legislative Reception will be held Thursday January 22, 2015 at the Omni Hotel and all the Board of Supervisors are invited. He stated that there were 27 Zoning permits, 1 Variance and 2 Special Use Permits issued this quarter.

Mr. Slemph asked if the coal processing business is operating.

Mr. James stated they are not operating yet, they are on target to start production in March or April.

TOURISM

Ashley Seals, Tourism Director, reported that the brochure and website work is still underway. The Tourism Committee applied for a MLP grant and was awarded \$2,500, which will go toward the \$5,400 cost for the brochure and website. The Committee is reviewing the second draft of the brochures with a target date for production in January or February and the website work to follow. She stated that the Heart of Appalachia has developed an Appalachian Back Roads brochure for motorcycles. The brochure will include ads for Lee County as well. The Crooked Road Mountains of Music event will be in June with several events that will tie into that event.

Mr. Bailey stated that one thing he would like to work on is something countywide the weekend of the Martin's Station Raid re-enactment.

Ms. Rowe stated she would also like to see some countywide events the weekend of the Tobacco Festival.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 7,482,362.01
Expenditures	\$ 4,974,068.01
General Fund	\$ 11,751,173.49
Total Assets and Liabilities	\$ 16,324,662.49

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.

Jerry Stapleton thanked the Board for all of the work they have done.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Bailey, seconded by Ms. Rowe, to approve the minutes of the November 18, 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

APPROVAL OF REFUNDS

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the request for refund for Jerry Lee Tankersley in the amount of \$336.12. 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 approve the request for refund for Jack Hall in the amount of \$757.76. 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 November in the amount of \$137,272.99. Upon the question being put the vote was as follows.

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

FINANCE

MONTHLY AND QUARTERLY APPROPRIATIONS

It was moved by Mr. Bailey, 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

RESOLUTION

MONTHLY AND QUARTERLY APPROPRIATIONS

14-034

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 March 31, 2015

HEADSTART

Federal Funds	\$ <u>1,283,218</u>
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 January 31, 2015;

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

DRYDEN WATER AUTHORITY

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

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

SOUTHWEST VIRGINIA EMERGENCY MEDICAL SERVICES

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 Board. Ms. Ayers's term will expire December 31, 2015. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA WORKFORCE INVESTMENT

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to re-appoint Larry Mosley to a one-year term on the Southwest Virginia Workforce Investment Board. Mr. Mosley's term will expire December 31, 2015. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA REGIONAL JAIL AUTHORITY

It was moved by Ms. Rowe, seconded by Mr. Bailey, to appoint Larry Mosley to an un-expired term on the Southwest Virginia Regional Jail Authority. Mr. Mosley's term will expire December 31, 2015. Upon the question being put the vote was as follows.

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

UPPER TENNESSEE RIVER ROUNDTABLE

It was moved by Mr. Mosley, seconded by Mr. Bailey, to re-appoint Shawn Morris to a two-year term on the Upper Tennessee River Roundtable Board. Mr. Morris'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. Slemp

AIRPORT ENGINEERING CONSULTING CONTRACT RENEWAL

Mr. Poe stated that the base contract for airport engineering services with Delta Airport Consultants, Inc. is a one-year term agreement renewable for two additional one-year terms. The first anniversary of the agreement was in August and there needs to be a formal vote to renew it for another year. There is no cost to the base agreement as fees are derived as projects are developed.

It was moved by Ms. Rowe, seconded by Mr. Slemp, to approve the renewal of the Airport Engineering Consulting Contract. Upon the question being put the vote was as follows.

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

KEOKEE SCHOOL SEWER TREATMENT PLANT

Mr. Poe stated that on November 26, 2014 Lane Engineering oversaw the pumping of a manhole and plugging of two influent lines to the Keokee School sewer treatment plant. It has been pumped to remove all liquids and sludge that was present and was hauled to the PSA's treatment facility for disposal. This effectively closed the plant as there would be no additional influent wastewater from the school or gymnasium. The effluent line was left open in order to drain any rainwater that might accumulate in the tank. Mr. Poe asked Lane to confirm the tank was clean, the engineer returned to the site on December 3 and discovered that the high saturation of the surrounding ground had caused the tank to basically float out of its installed position. At this point the concern is that the tank will break loose from the manhole and the recommendation is to demolish the unit. The PSA would like to salvage some of the equipment for their use. There will be a demolition company in Keokee to take down an old water tank in the next few weeks and the tank removal could be added to that contract to get this done quickly.

Mr. Bailey asked if the Alumni Association could use a pump and haul system.

Mr. Poe stated he had already advised Mr. Gullion that this could be an option.

Larry Gullion, Keokee Alumni Association, asked if there was any way the County could either leave the unit in place or store it on the school property if it was removed. He stated that the water saturation issue may be related to mining in the area. He asked that the Board delay action at this time.

Mr. Poe stated he would need to talk with representatives of DEQ to determine whether they would allow this without requiring the hole to be backfilled and the plant area reclaimed.

Mr. Slemp asked about operating costs of the plant and whether it could be moved and used at Stickleyville.

Mr. Poe stated he did not have costs for a new plant but the cost of moving and setting at a new location could potentially be more expensive than a new unit, especially given the age of this unit.

Mr. Mosley stated that it would probably not be feasible to reset the tank at the current site due to the water issues.

It was the consensus of the Board to seek additional time from DEQ to resolve this matter.

COYOTE BOUNTY UPDATE

Mr. Poe stated that previously the Board approved a supplemental appropriation in the amount of \$1,000 for coyote bounty payments of \$25 for each female checked in by Animal Control. There have been thirty claims for the coyote bounty processed, leaving enough funds for ten additional claims.

It was moved by Mr. Slempp, seconded by Mr. Bailey, to appropriate \$1,000 for the Coyote Bounty. Upon the question being put the vote was as follows.

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

RURAL ADDITION PROGRAM

Mr. Poe stated that the County has approximately \$195,000 available in VDOT Rural Addition Program funds. The Rural Addition Program provides funds to upgrade private roads not currently in the State Secondary System to state standards and allow them to be taken into the system for state maintenance. The road must serve at least three homes per mile and property owners must be willing to donate any needed right-of-way or drainage easements. Even though it has been several years since the County has advertised for applications for this program, we still have several on file. Districts 1 and 3 already have preliminary cost estimates for several projects in their districts. If the

Board intends to pursue any Rural Additional projects, they need to be evaluated by VDOT and the Road Viewers with a written report submitted to the Board as to eligibility.

PROPOSED CHANGES TO ROAD NAMING ORDINANCE

Mr. Poe stated that at the November meeting he advised that individuals seeking to change the name of their road for E-911 purposed would be required to pay the cost of changing the signs. This was not correct. The Road Naming Ordinance currently states that the petition to change a road name requires a \$25 fee. The current cost of changing sign plates is \$70 per post. With the administrative work required, he suggested a fee of at least \$100 per request with \$70 refunded if the petition is denied. That would provide \$30 towards the administrative work required to process the petition.

In reviewing the ordinance both Alan Bailey and Mr. Poe see other areas that should probably be amended. This ordinance was adopted before the first road was named and prior to development of the E-911 project. The proposed changes are not significant in nature but should help to clarify some issues. Mr. Poe requested permission to schedule a public hearing for amending the ordinance and to postpone any petitions to change names until after the ordinance is amended.

It was the consensus of the Board to advertise for a public hearing on the proposed changes to the Road Naming Ordinance.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

LEGISLATIVE RECEPTION

Mr. Poe stated that the Legislative Reception is scheduled for January 22, 2015 in Richmond and would need to know by Friday if anyone will be attending so reservations can be made.

STATE AID TO LOCALITIES REDUCTION

Mr. Poe reported that the General Assembly recently approved action to amend the state budget due to an expected revenue shortfall. Included in this action was a provision to again reduce State Aid-to-Localities funding by a total of \$30 million for the current fiscal year. This action reduces our expected revenue from state aid for Fiscal Year 2014-15 by a total of \$47,204 in eleven different areas or departments as follows:

General Registrar	\$ 1,029
Electoral Board	\$ 202
Court Services - Sheriff's Department	\$12,126
Commissioner of the Revenue	\$ 1,253
Commonwealth's Attorney	\$ 7,796
Circuit Court Clerk	\$ 5,026
Treasurer	\$ 534
Rolling Stock Taxes	\$ 3,253
Deed Recordation Taxes	\$ 502
Child & Youth Services (CSA)	\$14,654
Comm. Based Alt. Treatment Svcs. Juveniles	<u>\$ 829</u>
Total	\$47,204

By January 1, 2015, the county must elect to either allow the state to reduce payments or make payment directly to the state for the total amount. In years past when the state made these reductions during the normal budget process, we elected to pay the full amount. Mr. Poe recommends full payment as it is much easier to deal with on the accounting side. Since this is not budgeted, Mr. Poe requests a supplemental appropriation in the amount of \$47,204 to Fund 001, State Revenue Reduction Reimbursement, Line Item 4-001-019400-9130 and the source of revenue is the General Fund reserve.

Mr. Mosley stated he has a problem with this. The state keeps taking money and expects the County to pay it when there are no resources to pay it.

Ms. Rowe asked how the state came up with this number.

Mr. Poe stated it is a pro-rated share based on a percentage of the amount received in those areas.

It was moved by Mr. Crabtree, seconded by Mr. Slemp, to approve a supplemental appropriation in the amount of \$47,204 to Fund 001, State Revenue Reduction Reimbursement, Line Item 4-001-019400-9130 and the source of revenue is the General Fund reserve. The payment is to be made in lump sum amount to the State. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Ms. Rowe, Mr. Slemp
VOTING NO: Mr. Mosley

CLOSED SESSION

It was moved by Ms. Rowe, seconded by Mr. Bailey, to enter Closed Session pursuant to Section 2.2-3711 A.3., Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and 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. 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.

REPORTS AND RECOMMENDATIONS OF THE BOARD

WESTERN LEE LEASE AGREEMENT

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the negotiation of a lease agreement for property in Western Lee for a communications tower site. Upon the question being put the vote was as follows.

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

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

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

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

Ms. Rowe wished everyone a Merry Christmas.

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to recess to January 7, 2015 at 5:00 pm. Upon the question being put the vote was as follows.

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

