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 20, 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 Jeny Hughes, Administrative Assistant	
OTHERS ABSENT:	Stacy Estep Munsey, County Attorney	
INVOCATION Fred Cagle, Pastor of Friendship Baptist Church, led in the invocation. PLEDGE TO THE FLAG		
Mr. Smith led the Pledge to the Flag.		
MEETING CALLED TO ORDER The meeting was called to order at 6:09 p.m. by Vice-Chairman Leonard at the Chairman's request.		

PUBLIC HEARINGS

PROPOSED AMENDMENT TO FY 2016-2017 BUDGET

The Lee County Board of Supervisors held a public hearing on Tuesday, September 20, 2016 at 6:00 p.m. in the General District Courtroom of the Lee County

Courthouse, Jonesville, Virginia. The purpose of the public hearing was to solicit public comment on a proposed amendment to the Fiscal Year 2016-2017 Budget. The Lee County School Board has requested a supplemental appropriation in the amount of \$1,588,661.00 which requires no local match. The requested appropriation is the result of budget savings from the FY15-16 budget year, which the state will allow to be carried over to next fiscal year.

Mr. Poe reported that the School Board ended the previous Fiscal Year with surplus funds and they are requesting to re-appropriate them to the current year as the code allows. In addition to the re-appropriation request, they did not spend \$55,603.00 of local appropriation, and they are returning \$106,194.00 of local appropriations that reverts to the County, which means there was a total local savings last fiscal year of \$161,797.00. These funds are coming from the Cafeteria Fund, which is broken down separately in the Treasurer's Office. Based on previous action by the Board to establish the Lee County Public School's Capital Reserve Fund, any year money is returned to the County, 2/3 of the amount will go into the School's Capital Reserve Fund.

The Vice-Chairman opened the floor for public comment.
There was no public comment.
The Vice-Chairman closed the floor.
It was moved by Mr. Cope, seconded by Mr. Leonard, to adopt the following Resolution and to authorize the transfer of \$107,865.00 to the Public School's Capital Reserve Account. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Cope, Mr. Mosley, Mr. Leonard, Mr. Slemp, Mr. Smith

RESOLUTION 16-031

LEE COUNTY SCHOOL BOARD SUPPLEMENTAL APPROPRIATION

WHEREAS, Lee County Public School had a savings of \$1,750,458 in Fiscal Year 2015-2016 consisting of \$1,588,661 in state funds and \$161,797 in local effort; and

WHEREAS, Lee County Public Schools has requested re-appropriation of the unspent state funds from the 2015-2016 fiscal year and the return of local effort funds to the County; and

WHEREAS, these funds require no additional local match;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors grants a supplemental appropriation to the 2016-17 School Budget in the amount of \$1,588,661;

BE IT FURTHER RESOLVED, that the revised total Lee County School Board appropriation for the 2016-17 fiscal year be increased from Forty One Million, Twenty Nine Thousand, Two Hundred Fifty Four Dollars (\$41,029,254.00) to Thirty Nine Million, Four Hundred One Thousand, Eight Hundred Thirty Seven Dollars and Eighty Six Cents (\$42,617,915).

REZONING REQUEST GREG AND NANCY WHEELER

The Lee County Board of Supervisors and Lee County Planning Commission held a joint public hearing on Tuesday, September 20, 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 request from Greg & Nancy Wheeler to rezone property from R-1 (Single-Family Residential District) to A-1 (Agricultural District). Property is located in the Ewing Community and consists of approximately 2.170 acres of land. (Parcel # 61-(6)-1). Property is located on the North side of Wilderness Rd. approximately 1/2 mile west of Caylor Rd. (Rt.690).

The Vice-Chairman opened the floor for public comment.
Nancy Wheeler stated that this request was made to have more opportunity with the land if it was rezoned to A-1.

There was no public comment.
The Vice-Chairman closed the floor.
ZONING TEXT AMENDMENT
The Lee County Board of Supervisors and Lee County Planning Commission will held a joint public hearing on Tuesday, September 20, 2016 at 6:00 p.m. in the General District Court Room of the Lee County Courthouse in Jonesville, Virginia. The purpose of the public hearing was to define administrative and professional offices in Article XI of the Lee County Zoning Ordinance.
 Professional and Administrative Offices: Offices where services are provided that require specialized training or professional certification including but not limited to accountant, appraiser, attorney, architect, landscape architect, engineer, surveyor, stockbroker, physician, dentist, chiropractor, massage therapist, psychologist, and optometrist. No goods or merchandise are sold or exchanged.
Remove from the A-1 (Agricultural District)
j.) Administrative Offices by Special Use Permit as defined in Article XI
Mr. Poe reported that this originated from looking at the A-1 zone under special use, which allowed for Administrative Offices. Several of the other zones combine Administrative and Professional as one group. Because it looked as if Professional Offices had been left off, Mr. Poe requested that Mr. James take the matter up with the Planning Commission to look at a possible Zoning Text Amendment and to define Administrative and Professional offices. The Planning Commission recommended to provide the listed definition and to remove Administrative Offices as a Special Use from the A-1 zone.
Mike Brindle, Planning Commission Chairman, stated that the reason to remove Administrative Offices by Special Use Permit from A-1 is because uses in the A-1 zone are growing larger and the other zones are becoming irrelevant.

lment.	mmission is in favor of the Zoning Text
sional Offices as listed, and to take the out of A-1.	s in favor of defining Administrative and Administrative Offices by Special Use
The Vice-Chairman opened the floor	for public comment.
There was no public comment.	
The Vice-Chairman closed the floor.	
DEPARTMEN	ΓAL REPORTS
TOU	RISM
Ashley Seals, Tourism Director, was	unable to attend the meeting.
	NAL OFFICERS
TREASURE	R'S REPORT
The Treasurer's Report for the month	of August 2016 was submitted as follows:
Revenues	\$ 5,079,945.44
Expenditures General Fund	\$ 4,591,907.44
Characan I I have al	\$ 5,489,871.82

PUBLIC EXPRESSION

The Vice-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.
Bryan Hogan, Pennington Gap, addressed the Board about his concerns on how the building codes are being enforced in the County.
Judy Williams, Pennington Gap, addressed the Board on letters she has written to each Board member and has not yet received a response from anyone.
There was no further public comment.
The Vice-Chairman closed the floor.
APPROVAL OF MINUTES
It was moved by Mr. Cope, seconded by Mr. Mosley, to approve the minutes of the August 16, 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
APPROVAL OF REFUNDS
It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve a refund to Harold Woliver in the amount of \$1,285.44 for the Disabled Veterans Tax Relief Program. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Cope, Mr. Mosley, Mr. Leonard, Mr. Slemp, Mr. Smith

The County Administrator reports that payroll warrants have been issued.
DELEGATIONS
AGENCY REQUESTS FOR CONSIDERATION STEVE WOLLE APPALACHIAN COMMUNITY ACTION
Steve Wolle, Housing Director, addressed the Board about the trash issue the Agency faces. He stated that Scott and Wise Counties allow the Agency to dump their trash at their Landfills free of charge, and asked the Board to allow them to waive any dump fees in Lee County. He also stated that Scott County has waived fees for building permits and asked that be done in Lee County.
APPROVAL OF DISBURSEMENTS
It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve the disbursements for the month of August in the amount of \$213,130.27. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith
FINANCE
QUARTERLY APPROPRIATIONS
It was moved by Mr. Mosley, seconded by Mr. Smith, to adopt the following Resolution. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

RESOLUTION QUARTERLY APPROPRIATIONS 16-029

WHEREAS, the Lee County Board of Supervisors has approved the Headstart

Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2016-17; 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, 2016

HEADSTART

Federal Funds	\$ 1,370,586
TOTAL HEADSTART	\$ 1,370,586
VIRGINIA PUBLIC ASSISTANCE	
Federal/State Funds Local Funds	\$ 7,492,260 1,306,622
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 8,798,882
LEE COUNTY PUBLIC SCHOOLS	
Federal, State & Other Funds Local Funds	\$36,487,212 4,542,042
TOTAL LEE COUNTY PUBLIC SCHOOLS	\$41,029,254
Source of Revenue:	
Federal Funds State Funds Other Funds Self Insured Health Fund Local Funds Textbook Carryover Funds Child Nutrition Program	\$ 3,576,454 26,213,792 73,600 3,759,000 4,542,042 967,366 1,897,000
TOTAL PUBLIC SCHOOLS	\$ 41,029,254

^{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 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 2016-2017.

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

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

LEE COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

It was moved by Mr. Smith, seconded by Mr. Cope, to re-appoint Bob Hall to a four-year term on the Lee County Redevelopment and Housing Authority. Mr. Hall's term will expire September 30, 2020. Upon the question being put the vote was as follows.

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

TOURISM COMMITTEE

It was moved by Mr. Leonard, seconded by Mr. Cope, to appoint Harold Hall to a four-year term on the Tourism Committee. Mr. Hall's term will expire September 30, 2020. Upon the question being put the vote was as follows.

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

SHERIFF'S REQUEST FOR TACTICAL HELMETS

Mr. Poe reported that the Sheriff's Office is requesting funds to purchase new ballistic helmets for the agency's Special response Team. These helmets are critical to the team's operators for protection in high-risk search warrants, responding to active shooter, and when tactical criteria are needed. The current ballistic helmets are over 10 years old and no longer meet safety requirements. The Sheriff's Office is requesting \$2,800.00 for seven brand new helmets.

It was moved by Mr. Leonard, seconded by Mr. Cope, to approve the purchase of ballistic helmets and make the following supplemental appropriation. Upon the question being put the vote was as follows.

Revenue Source

3-001-41050-0099 Budget Supplements from Reserve \$ 2,800.00

Expenditure

4-001-31200-6011 Uniforms \$ 2,800.00

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

APPALACHIA COMMUNITY ACTION REQUEST FOR FUNDING

Mr. Poe reported that he had received a request from Appalachia Community Action asking for donations for their Personal Care and Hygiene Program.

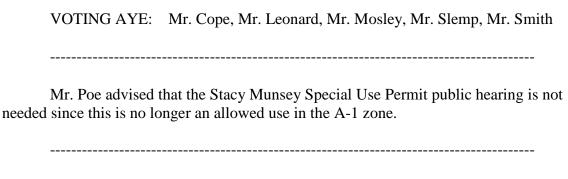
It was moved by Mr. Mosley, seconded by Mr. Slemp, to table this request. Upon the question being put the vote was as follows.

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

PLANNING COMMISSION'S RECOMMENDATIONS ON PUBLIC HEARINGS

Mike Brindle, Chairman, reported that the Planning Commission voted to recommend approval of the Rezoning Request for Greg and Nancy Wheeler and voted to pass the Zoning Text Amendment to define administrative and professional offices in Article XI of the Lee County Zoning Ordinance, and to remove Administrative Office from the A-1 zone.

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the Rezoning Request for Greg and Nancy Wheeler and to approve the Zoning Text Amendment as presented by the Planning Commission. Upon the question being put the vote was as follows.



NEW TRANSFER STATION PAY REQUEST NUMBER 14

Mr. Poe reported that he has received Green Construction Company Pay Request Number 14 in the amount of \$92,181.17 for work completed to date on construction of the new Transfer Station. The engineer has reviewed the pay request and recommends payment, Mr. Poe concurs.

He added that all payments to the contractor including this request represent 94.7% of the total amount of the contract price. A punch list inspection was conducted on August 23 and the contractor was provided a copy on August 31. The contractor is currently working to correct any deficiencies and hopes to be finished by the end of this month.

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the New Transfer Station Pay Request Number 14 for Green Construction Company in the amount of \$92,181.17. Upon the question being put the vote was as follows.

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

SHERIFF'S DEPARTMENT REQUEST FOR ADDITIONAL FUNDING

Mr. Poe reported that the Sheriff's Department currently has five in-car laptop computers in use, which allow officers to have faster access to needed information. They also have grant funding available that would allow them to purchase additional laptops to install in 14 cruisers. The full cost of the computers and mounts would be covered by the grant but the monthly data connection charge is not. They would need 14 additional data accounts with Verizon at a cost of \$40.01 per month per car. They anticipate having the

additional units in use by December 1, which would require an additional \$3,921.00 in data connection fees for the remainder of this fiscal year. The annual data connection cost for the additional units would be \$6,722.00. A supplemental appropriation of \$3,921.00 would be required to approve this.

It was moved by Mr. Cope, seconded by Mr. Smith, to approve the purchase of ballistic helmets and make the following supplemental appropriation. Upon the question being put the vote was as follows.

Revenue Source

3-001-41050-0099 Budget Supplements from Reserve \$ 3,921.00

Expenditure

4-001-31200-5250 Vehicle Mobile Connectivity \$ 3,921.00

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

LETTER OF SUPPORT FOR LEE COUNTY LIVESTOCK ASSOCIATION GRANT

Mr. Poe reported that the Lee County Livestock Association is preparing a grant application to the Tobacco Commission for \$300,000.00 for a Pasture Improvement and Grazing Initiative for Le County livestock farmers. The Livestock Association is requesting a letter of support from the Board of Supervisors for this grant application.

It was moved by Mr. Cope, seconded by Mr. Smith, to provide a letter of support for the Lee County Livestock Association Grant. Upon the question being put the vote was as follows.

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

STATEWIDE LOCALITY ISSUES – MEAL TAX AND LOTTERY PROCEEDS

Mr. Poe presented the Board with two letters he had received from York and Nottaway Counties regarding two separate issues with respect to funding for localities.

The letter from York County deals with an effort for counties to obtain the authority to impose a meals tax without a public referendum. Currently all cities and towns in the state can adopt a meals tax with city or town council approval. Counties are the only governing unit required to hold a public referendum to approve adoption of a meals tax. While this would not provide much revenue to the county, Mr. Poe recommends support if for no other reason than to place counties on equal footing with cities and towns.

The letter from Nottaway County deals with an effort to have 5% of state lottery ticket sales allocated back to the locality in which the tickets were sold. Any action to redirect lottery proceeds requires a 4/5 majority vote in both Houses of the General Assembly. Under this scenario, for fiscal year 2015, Lee County would have received \$154,609.00, and while that is a fair amount of additional revenue, the lobbying efforts and political energy needed for this to occur would be substantial. Personally, Mr. Poe believes those efforts would be better spent lobbying for an additional ½ or 1 cent local option sales tax. Again for the 2015 fiscal year, this could have generated \$643,000 - \$1,286,000 in additional revenue for Lee County.

Mr. Poe is confident that both these issues will be considered by the Virginia Association of Counties committees in drafting their Legislative Agenda for the 2017 General Assembly session.

TOURISM OFFICE REQUEST EXTEND OFFICE HOURS

Mr. Poe reported that the Tourism Director, Ashley Seals, is requesting the Board's consideration for her office to remain open two additional hours on Thursday of each week to accommodate the public. The office of the Commissioner of the Revenue is currently open late on Thursday as well.

It was moved by Mr. Leonard, seconded by Mr. Cope, to leave the Tourism Office hours as they are currently. Upon the question being put the vote was as follows.

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

COMMUNITY DEVELOPMENT DIRECTOR RESIGNATION

Mr. Poe reported that the Community Development Director submitted his letter of resignation. This will be effective as of the close of business on September 15, 2016.

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It was moved by Mr. Cope, seconded by Mr. Leonard, to discuss this matter in closed session. Upon the question being put the vote was as follows.

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

PERSONAL PROPERTY TAX RELIEF FOR 2016

Mr. Poe reported that the Personal Property Tax Relief Act provides 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 eligible vehicles. The percentage of relief for the 2016 tax year has been calculated by the Commissioner of the Revenue's Office at 63.71%.

It was moved by Mr. Mosley, seconded by Mr. Smith, to adopt the following Resolution. Upon the question being put the vote was as follows.

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

RESOLUTION 16-030

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 2016, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$100 to \$20,000 will be eligible for 63.71% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 63.71% 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.

CLOSED SESSION

It was moved by Mr. Mosley, 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. Slemp, Mr. Smith
	Mr. Slemp left th	e meeting at 8:50 p.m.
Sessio	•	Mr. Mosley, seconded by Mr. Leonard, to come out of Closed on being put the vote was as follows.
	VOTING AYE:	Mr. Cope, Mr. Leonard, Mr. Mosley, 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.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

CARPET REPLACEMENT

Mr. Poe stated that some of the offices got new carpet in 2004, it is now showing a lot of wear and staining, and that it has been even longer since a couple offices have been carpeted. He has been through the Courthouse checking carpet in all of the offices, and there would be about 900 square yards needed to re-carpet the offices. Out of all of the offices in the Courthouse, the two Clerks offices are in most need of new carpet. Mr. Poe stated that knows the budget is tight, but he asked the Board to consider replacing the carpet in at least the two Clerks Offices.

EXTENSION OFFICE OPEN HOUSE

Mr. Poe reported that the Extension Office would be having an Open House on Friday September 30, 2016 from 1:00 pm to 4:00 pm.

REGION 12 AND 13 VACO MEETING

Mr. Poe reported that there would be a Region 12 and 13 VACO meeting in Lebanon on Thursday September 22, 2016 from 6:00 pm to 8:00 pm.

REPORTS AND RECOMMENDATIONS OF THE BOARD

CONVENIENCE CENTER HOURS

Mr. Smith stated that the men that work the Convenience Center work 362 days a year, and do not get paid vacation or days off. He would like for them to have more holidays off.
It was moved by Mr. Smith, seconded by Mr. Leonard, to close the Convenience Centers on the same holidays that the Transfer Station is closed. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Smith
IDA LOAN
It was moved by Mr. Cope, seconded by Mr. Mosley, to extend a \$46,875.00 loan on a letter of credit to the IDA. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Smith
It was moved by Mr. Mosley, seconded by Mr. Leonard, to recess to October 12, 2016 at 5:00 pm. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Smith
CHAIRMAN OF THE BOARD CLERK OF THE BOARD