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 21, 2017 at 6:00 p.m. thereof.

MEMBERS PRESENT:	D. D. Leonard, Chairman Nathan Cope Larry Mosley Charles Slemp, Jr. Robert Smith
MEMBERS ABSENT:	None
OTHERS PRESENT:	Dane Poe, County Administrator Jeny Hughes, Administrative Assistant Stacy Estep Munsey, County Attorney
OTHERS ABSENT:	None

INVOCATION

Dane Poe led 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 6:07 p.m.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of October 2017 was submitted as follows:

Revenues	\$ 6,495,602.95
Expenditures	\$ 6,308,585.45
General Fund	\$ 3,217,611.14
Total Assets and Liabilities	\$ 7,796,657.72

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 five-minute timeperiod for a group.

Douglas Graham, Ewing, addressed the Board about the conditions of the schools and stated that he hoped the Board could come up with a plan and find the money to fix the schools as soon as possible.

Mr. Leonard stated that the Board would be meeting with the School Board in December to discuss the issue, and added that it is up to the School Board to come up with a plan and up to the Board of Supervisors to find the money.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the minutes of the October 17, 2017 Regular Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve the following Refunds. Upon the question being put the vote was as follows.

Lena Jones	\$ 297.72
Deborah Myers	\$ 57.35
Gregory & Nancy Wheeler	\$ 844.72
Vault Trust	\$ 113.72
Carolyn A. Barnette	\$ 14.23
Farmers & Miners Bank	\$ 290.81

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

REQUEST FOR AUTHORITY TO PROVIDE MEDICAL TRANSPORT DAVID RIVERS D & C MED TRANSPORT

Mr. Rivers was unable to attend the meeting.

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

FIRE WISE PROGRAM MANDY WORRELL BLACK DIAMOND R C & D

William Worrell addressed the Board about a grant from the Virginia Department of Forestry and USDA for removing hazardous natural fuels from around woodland homes in rural areas. With this grant, funding is available to pay a contractor to remove natural fuel loads and create a safe barrier between the home and woodlands, which would allow time for wildfires to die down before reaching the home.

Mr. Cope asked if the program went on a first come first serve basis.

Mr. Worrell stated that it is first come first serve to a certain degree, but there are assessments done to determine risk factors.

Mr. Slemp asked if there is a cost to the homeowner.

Mr. Worrell stated that the homeowner is not charged.

Mr. Smith asked if this program is for low-income housing.

Mr. Worrell stated that anyone could apply for this program. He added that Black Diamond got involved in this program over a year ago, and he just wanted to make the County aware of the program.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of October in the amount of \$128,772.05. Upon the question being put the vote was as follows.

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

FINANCE

SUPPLEMENTAL APPROPRIATIONS

CIRCUIT COURT CLERK

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$612.00. Upon the question being put the vote was as follows.

Revenue Source: 3-001-18030-0006	Reimbursements	\$ 612.00
Expenditure: 4-001-21600-1350	Part-Time Salaries	\$ 612.00

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

FIRE PROGRAM FUNDS

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$700.00. Upon the question being put the vote was as follows.

Revenue Source: 3-001-24040-0012	Fire Program Fund	\$	700.00
Expenditure: 4-001-32100-5644	Other Fire Program Grants	\$	700.00
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith			

GENERAL EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$27,398.54. Upon the question being put the vote was as follows.

Revenue Source: 3-001-41050-0099	Budget Supplements from Reserve	\$ 27,398.54
Expenditure: 4-001-91500-5840	Disbursements General Expenses	\$ 27,398.54

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

MISCELLANEOUS EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$479.78. Upon the question being put the vote was as follows.

Revenue Source: 3-001-13030-0008	Building Permits	\$	479.78
Expenditure: 4-001-92100-5870	Building Fund Expenses & Refunds	\$	479.78
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith			

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$264.11. Upon the question being put the vote was as follows.

Revenue Source: 3-007-14010-0004	State Forfeiture Proceeds	\$ 264.11
Expenditure: 4-007-94100-5840	State Forfeiture Proceeds	\$ 264.11

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

COAL ROAD & GAS SEVERANCE

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$573.82. Upon the question being put the vote was as follows.

Revenue Source: 3-027-12150-0001	Gas Severance Tax	\$ 573.82
Expenditure: 4-027-95100-5860	Gas Severance Tax Disbursements	\$ 573.82

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

OLD BUSINESS

TRANSFER STATION SECURITY BIDS

Mr. Poe stated that the Board requested references at last month's meeting, and provided a list for Fleenor Security Systems and ADT. He added that there have been two instances of reports of someone on the property at night, with the latest being the past Friday. He stated that he has advised Mr. Collingsworth to post no trespassing signs around the property and to block off an old trail leading onto the property.

Mr. Collingsworth stated that the Transfer Station had been broken into once and something needs to be done to deter any future break-ins.

It was moved by Mr. Cope, seconded by Mr. Slemp, to approve the purchase of a security system from Fleenor Security Systems in the amount of \$3,947.58 for the equipment and \$159.95 monthly monitoring fee. Upon the question being put the vote was as follows.

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

NEW BUSINESS

BOARD APPOINTMENTS

APPALACHIA JUVENILE COMMISSION

It was moved by Mr. Smith, seconded by Mr. Cope, to re-appoint Brenda Bailey to a two-year term on the Appalachia Juvenile Commission. Ms. Bailey's term will expire on November 30, 2019. Upon the question being put the vote was as follows.

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

LONESOME PINE OFFICE ON YOUTH

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

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

ST. CHARLES WATER AUTHORITY

It was moved by Mr. Leonard, seconded by Mr. Cope, to appoint Doug Blakely to an un-expired term on the St. Charles Water Authority. Mr. Blakely's term will expire on October 31, 2019. 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. Cope, seconded by Mr. Smith, to re-appoint Garry Carroll to a four-year term on the Tourism Committee. Mr. Carroll's term will expire on November 30, 2021. Upon the question being put the vote was as follows.

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

WOODWAY WATER AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Cope, to re-appoint Scott Napier to a four-year term on the Woodway Water Authority. Mr. Napier's term will expire on November 30, 2021. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

It was moved by Mr. Cope, seconded by Mr. Slemp, to re-appoint Sidney Kolb to a three-year term on the Southwest Virginia Alcohol Safety Action Program. Mr. Kolb's term will expire on December 1, 2020. Upon the question being put the vote was as follows.

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

DUFFIELD DEVELOPMENT AUTHORITY SUCCESSOR RESOLUTION

Mr. Poe reported that after serving the region for over 40 years, the Duffield Development Authority Board of Directors determined in 2011 that the Authority's mission was complete. The Duffield Industrial Park was virtually out of property to market and sell and they saw no need to continue as a legal entity. Accordingly, the governing bodies of the Counties of Lee, Scott and Wise and the City of Norton all voted to concur in the dissolution of the authority. At the time, it was determined that Scott County was the logical successor organization to deal with any future marketing of industrial park properties and any other day to day operational issues. While this matter was discussed at length and agreed to by all parties, there was apparently no formal document approved to formalize that intent.

In order to name a successor organization, Scott County's Attorney has prepared a proposed resolution to be adopted by the governing bodies listed above which would formally name Scott County as the successor organization for Duffield Development Authority. Since this was the plan of both the Duffield Development Authority and all participating localities in the Duffield Development Authority, Mr. Poe recommends approval of the resolution.

It was moved by Mr. Mosley, seconded by Mr. Cope, to adopt the following Resolution 17-017. Upon the question being put the vote was as follows.

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

A JOINT RESOLUTION TO NAME THE ECONOMIC DEVELOPMENT AUTHORITY OF SCOTT COUNTY AS THE SUCCESSOR ORGANIZATION TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF LEE, WISE AND SCOTT COUNTIES AND THE CITY OF NORTON 17-017

WHEREAS, in 1969, the governing bodies of the City of Norton, Virginia and the Virginia counties of Lee, Wise and Scott each adopted an ordinance (the "Enabling Ordinance") establishing a joint industrial development authority for said counties and city known as the Industrial Development Authority of Lee, Wise and Scott Counties and the City of Norton, and commonly known as the Duffield Development Authority (the DDA);

WHEREAS, in 1974, the governing bodies of the counties of Lee, Wise and Scott and the City of Norton each adopted a uniform ordinance ("the Uniform Ordinance") ratifying the Enabling Ordinance and all actions previously taken under it;

WHEREAS, in 2010, the Board of Directors of the DDA enacted a resolution (the "Authority Dissolution Resolution"), which stated that the purposes for which the Industrial Development Authority of Lee, Wise and Scott Counties and the City of Norton was formed had been substantially complied with and that all bonds theretofore issued and all obligations theretofore incurred by the Industrial Development Authority of Lee, Wise and Scott Counties and the City of Norton had been fully paid;

WHEREAS, in 2011, each of the four governing bodies adopted a Joint Resolution to Dissolve the Industrial Development Authority of Lee, Wise and Scott Counties and the City of Norton;

WHEREAS, in this process of dissolution a successor organization to the DDA was never formally authorized or assumed;

WHEREAS, a successor organization is necessary to oversee the Duffield Industrial District, specifically to assume the role as "the Authority" as described in the Declaration of Protective Covenants and Restrictions made and entered into the 29th day of December 1971, of record in the Circuit Court Clerk's Office of Scott County, Virginia, in Deed Book 266, Page 391, and as amended in Deed Book 307, Page 697, Deed Book 308, Page 288, and Deed Book 384, Page 673, by the DDA, therein called "the Authority," in order to further the development and improvement of the Duffield Industrial District for industrial, commercial and public uses; and

WHEREAS, the Economic Development Authority of Scott County, by a majority vote of its board of directors on October 25, 2017, has agreed to assume the responsibility of being the successor organization to the DDA; now, therefore, be it

NOW, THEREFORE, BE IT RESOLVED that the Lee County Board of Supervisors, in accordance with Section 15.2-4914 of the Code of Virginia (1950), as amended, as one of the four localities creating the DDA, authorizes the Economic Development Authority of Scott County to be the successor organization to the DDA, primarily to assume the role as "the Authority" in the Declaration of Protective Covenants and Restrictions for the Duffield Industrial District, as well as any marketing, dialogue with existing park tenants, and other day to day needs of the District.

ADDITIONAL RADIO SYSTEM EQUIPMENT FOR INTER-COUNTY COMMUNICATION

Mr. Poe reported that the Sheriff's Office is requesting additional equipment for the radio system in order to allow Lee County Dispatchers to talk directly with Wise and Scott County in the event of a situation where both counties have officers standing by or potentially answering the call. The mobile units already have this capability but this will provide the same for dispatch. The total cost of the equipment is \$2,690.00

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the purchase of additional radio system equipment, and to approve the following supplemental appropriation. Upon the question being put the vote was as follows.

Revenue Source 3-001-41050-0099	Budget Supplements from Reserve	\$2,690.00
Expenditure 4-009-31400-8102	E-911 Capital Outlay	\$2,690.00

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

NEW RADIO SYSTEM TOWER COST ESTIMATES

Mr. Poe reported that Two-Way Radio, Inc. has provided updated estimated costs for the two additional sites proposed under the new emergency communication radio system. One new site is near Ewing and the second one is near Keokee. Previously, both sites were estimated to cost \$218,669.00 each. The current estimate for Ewing is \$243,160.34 and the current estimate for Keokee is \$217,647.24. This is a total increase of \$23,469.58. In order to include these sites and costs in the financing proposal, approval is needed for the increased costs.

Mr. Cope asked if the costs would increase in the future.

Mr. Poe stated that if there were to be an increase later, it would only be slight.

Mr. Leonard asked about the height of towers.

Mr. Poe stated that the towers would be 150 feet high.

Mr. Leonard stated that the one in Keokee is supposed to be 199 feet to allow for the possibility of cellular company usage.

Mr. Poe stated that adding the additional height would add to the weight and could get into zoning issues with property lines.

Mr. Leonard stated that would not be an issue in Keokee.

It was moved by Mr. Cope, seconded by Mr. Smith, to approve the increase of \$23,469.58 for the radio system towers. Upon the question being put the vote was as follows.

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

CREEKWOOD SUBDIVISION ADDITION TO SECONDARY SYSTEM

Mr. Poe reported that he received an email from VDOT stating that the fees have not been received for this request and asked the Board to table the matter until next month.

It was moved by Mr. Mosley, seconded by Mr. Cope, to table this matter 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

COMMONWEALTH'S ATTORNEY REQUEST FOR BUDGET SUPPLEMENT

Mr. Poe reported that per the Commonwealth's Attorney's presentation to the Board last month, Mr. Cridlin is requesting a supplemental appropriation to his budget in the amount of \$23,432.00 which is the amount of revenue generated by his office's collection of delinquent court fines and costs for the year ended June 30, 2017. Mr. Cridlin is proposing to use the funds for salary increases with the remaining money to go into a single line-item to continue updating equipment. His proposed salary increases are total costs, individual employees will not receive the full amount in the salary but the associated employment costs will be deducted from those amounts. Employment related cost are FICA, state retirement and workmen's compensation. Otherwise, there would be an increase in the amount of funding required of the County to support these salary increases. Mr. Poe cautioned Mr. Cridlin that, should the collection program fail to provide revenues sufficient to cover these salary increases in future years, the employee's salaries will revert back to Compensation Board approved amounts only. If the Board is in agreement, a motion to approve a supplemental appropriation in the amount of \$23,432.00 to the Commonwealth's Attorney budget would be in order.

Mr. Slemp asked what will happen next year if the money does not come in like it did this year.

Mr. Poe explained that the salaries would to revert back to Comp Board approved salaries.

Mr. Cope asked if this would have to be approved each year.

Mr. Poe stated that it would and the employees are aware that their salaries could decrease if the collection amount changes.

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following supplement to the Commonwealth Attorney's budget. Upon the question being put the vote was as follows.

Revenue Source3-001-41050-0099Budget Supplements from Reserve\$23,432.00

Expenditure

4-001-22100-1136	Salaries	\$15,671.00
4-001-22100-2100	FICA (Employers Share)	\$ 1,193.50
4-001-22100-2210	VRS – Retirement	\$ 1,482.48
4-001-22100-2400	VRS-SGL	\$ 81.49
4-001-22100-2500	VRS – The Standard	\$ 56.36
4-001-22100-2700	Workers Compensation	\$ 15.17
4-001-22200-5899	CWA Collection Program Expenses	\$ 4,932.00

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

SCHOOL BOARD FINANCE MATTERS

Mr. Poe that the School Board is requesting a supplemental appropriation to the current fiscal year for state funds in the amount of \$1,083,952.00 that were unspent at June 30, 2017. Another action is the return of \$77,654 in local funding for the prior year and a request that two-thirds of that amount (\$51,769.00) be transferred to the School Facilities Capital Reserve Fund as previously agreed. They are also advising of a refund of \$157,958.00 in local funds which was transferred from the General Fund in excess of the appropriated amount for FY 2016-2017.

Mr. Mosley asked if the Board could do this at one time because of the amount.

Mr. Poe stated that it would need a public hearing prior to being adopted because it exceeds \$500,000.

It was moved by Mr. Mosley, seconded by Mr. Cope, to table this matter 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

SCOTT COUNTY RESOLUTION REGARDING TRANSPORTATION FUNDING

Mr. Poe presented the Board with a resolution adopted by the Scott County Board of Supervisors addressing issues that Scott County faces with having the 2nd largest number of unpaved roads in the Commonwealth. Scott County is requesting flexibility

for the Bristol District to be able to use their allocation in a way that localities need it most, and asking that the Board adopt a similar resolution.

Mr. Cope asked how many miles of unpaved roads are in Lee County.

Mr. Poe stated that it is less than Scott County, which has the highest number of unpaved roads in the state. He added when asking for guidelines and regulations to change in only one district, the legislature could agree to change it statewide, and that type of change may not be as good as what is in place currently.

Mr. Leonard stated that the money is going to be spent anyway, and there are many primary roads that are repayed while they are still in good shape.

Mr. Poe stated that the primary roads are taking more of a beating than the secondary roads.

Mr. Cope stated that it would still all be under VDOT on how the money is spent.

Mr. Poe stated that if the Board wishes to adopt a similar resolution, he would have one ready at the next meeting.

It was moved by Mr. Cope, seconded by Mr. Mosley, to table this matter 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

HOSPITAL AUTHORITY REQUESTED ACTION

Ronnie Montgomery, Vice Chair of the Lee County Hospital Authority, reported that the Virginia Department of Health granted the request for an extension of the

Certificate of Public Need through July 2018. This was a major step toward reopening the hospital. The Hospital Authority met on November 20 to approve the transaction of documents related to the sale of the hospital building to Americore. The transaction will occur through a subsidiary, Lee County Medical Center, LLC, and closing on the sale is expected on November 30. The Hospital Authority cannot transfer the Certificate of Public Need as a separate asset, therefore the transaction states that the Authority will engage Americore to assist in reopening the hospital, including obtaining all necessary license at Americore's expense. Once all licensures and other requirements are in place the Hospital Authority will sell the hospital operation to Americore and will transfer the Certificate of Public Need to Americore as part of that transaction. The attorneys have suggested that Americore issue the promissory note directly to the County. The Hospital Authority requests that the Board approve the transaction documents, the promissory note, the deed of trust and the subordination agreement. With the approval of these documents, the Authority can wrap up the transaction and get started on the process. As the Hospital Authority moves forward with Americore, it will do so as a joint committee of four members, two from the Hospital Authority and two from Americore.

Mr. Cope asked if the \$500,000 cash down payment comes back to the County.

Mr. Montgomery stated that it will go to the Hospital Authority for expenses.

Mr. Poe stated that there is \$1,700,000 against the property, so the County is looking at a \$200,000 payment from the Hospital Authority out of the first \$500,000. He added that he did not receive any documents until Sunday night and he has not had much opportunity to review them.

Ms. Munsey stated that the majority of the documents did not come in until after 4:00 p.m. today.

Mr. Poe added that he still has not gotten the proposed note between Americore and the County.

Ms. Munsey stated that she received an email since the meeting has started stating that Americore will be using the original note to the Authority and will change the parties.

Mr. Poe stated that it is to the Boards advantage to discuss this further in closed session.

Mr. Mosley thanked the Hospital Authority Board members for their dedication and hard work, and recognized Jeff Mitchell, stating that without him this process would not be where it is today.

2015 WINTER STORM URGENT NEED PROJECT MANDATORY RESOLUTION

The 2015 Winter Storm Urgent Need Project has been awarded funding through the Virginia Department of Housing and Community Development which requires adoption of several mandatory resolutions. A master resolution incorporating each of the mandatory actions has been prepared for the Board's consideration. By adopting the master resolution the Board will be approving and adopting the following:

> Residential Anti-Displacement and Relocation Assistance Plan Lee County Local Business and Employment Plan Resolution to Appropriate Funds Non-Discrimination Policy

It was moved by Mr. Cope, seconded by Mr. Mosley, to adopt Resolution 17-020. Upon the question being put the vote was as follows.

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

RESOLUTION FOR COMPLIANCE LEE COUNTY 2015 WINTER STORM URGENT NEED PROJECT CDBG 17-UN-15 17-020

WHEREAS, Lee County anticipates a DHCD award to rehabilitate three (3) single-family owner-occupied housing units to DHCD Housing Quality Standards; substantially reconstruct two (2) single-family owner-occupied housing units that present blighting influence on the project area; clear all junk, debris, weeds, and inoperable vehicles and dilapidated structures from the project area (individual sites), including neighborhood cleanup sessions to assist residents to dispose of outside debris.

WHEREAS, Lee County adopts the following requirements as required by the Department of Housing and Community Development:

- (a) Residential Anti-Displacement and Relocation Assistance Plan
- (b) Lee County Local Business and Employment Plan
- (c) Resolution to Appropriate Funds
- (d) Non-Discrimination Policy

NOW THEREFORE BE IT RESOLVED, the Lee County Board of Supervisors hereby adopts the above-mentioned items as required, showing that Lee County will be in conformance with all requirements set forth by the Virginia Department of Housing and Community Development.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Lee County will replace all occupied and vacant occupiable low/moderateincome dwelling units demolished or converted to a use other than low/moderateincome dwelling units as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, Lee County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- 1. a description of the proposed assisted activity;
- 2. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other

than as low/moderate-income dwelling units as a direct result of the assisted activity;

- 3. a time schedule for the commencement and completion of the demolition or conversion;
- 4. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- 5. the source of funding and a time schedule for the provision of replacement dwelling units;
- 6. the basis for concluding that each replacement dwelling unit will remain low/moderate-income dwelling for at least 10 years from the date of initial occupancy; and
- 7. information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low-and moderate- income households in the jurisdiction.

Lee County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provide under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Lee County's FY 2017 17-UN-15 Project includes the following activities:

- Rehabilitation of three (3) single-family housing units to DHCD Housing Quality Standards
- Substantial reconstruction and relocation of (2) dwellings
- Clearance of junk, debris, and dilapidated structures from the project area

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing rightof-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. Lee County will work with the grant management staff, engineers, project area residents and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures. In all cases, all occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

SECTION 3 BUSINESS AND EMPLOYMENT PLAN

- 1. Lee County designates as its Section 3 Business and Employment Project Area the boundaries of Lee County.
- 2. Lee County, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the County in carrying out all activities, to the greatest extent feasible.
- 3. In awarding contracts for construction, non-construction, materials, and supplies to Lee County, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial pa1t by persons residing in the County:
 - (a) Lee County shall identify the contracts required to conduct the CDBG activities.
 - (b) Lee County shall identify through various and appropriate sources including:

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the business concerns within the County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.

- (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CDBG funds.
- (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG funds.
- 4. Lee County) and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the County:

- (a) Lee County in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.
- (b) Lee County shall advertise though the following sources

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the availability of such positions with the information on how to apply.

- (c) Lee County, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.
- (d) To the greatest extent feasible, the (Lee County), its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).
- 5. In order to document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1974, as amended, Lee County shall keep, and obtain from its contractors and subcontractors, Registers of Contractors, Subcontractors and Suppliers and Registers of Assigned Employees for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

RESOLUTION County of Lee

County of Lee does hereby resolve to appropriate \$358,950 from the Virginia Department of Housing and Community Development Block Grant funds to the Construction of the Lee County Urgent Need Housing Project.

County of Lee is in no way committed to spend the \$358,950 if funds from the Virginia Department of Housing and Community Development Block Grant if the funds are not received.

NON-DISCRIMINATION POLICY

The County of Lee, or any employee thereof, will not discriminate against an employee or applicant for employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. Administrative and personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

FROG LEVEL WATER PROJECT MANDATORY RESOLUTION

The Frog Level Phase II Water Project has been awarded funding through the Virginia Department of Housing and Community Development which requires adoption of several mandatory resolutions. A master resolution incorporating each of the mandatory actions has been prepared for the Board's consideration. By adopting the master resolution the Board will be approving and adopting the following:

Residential Anti-Displacement and Relocation Assistance Plan Lee County Local Business and Employment Plan Resolution to Appropriate Funds Non-Discrimination Policy

It was moved by Mr. Cope, seconded by Mr. Mosley, to adopt Resolution 17-021. Upon the question being put the vote was as follows.

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

RESOLUTION FOR COMPLIANCE FROG LEVEL WATER PROJECT PHASE II CIG-17-06 I ARC 17-04A 17-021 **WHEREAS,** Lee County anticipates a DHCD award to install30,145 LF of water line and a 75,000-gallon water storage tank; and

WHEREAS, Lee County adopts the following requirements as required by the Department of Housing and Community Development:

- (a) Residential Anti-Displacement and Relocation Assistance Plan
- (b) Lee County Local Business and Employment Plan
- (c) Non-Discrimination Policy
- (d) Resolution to Appropriate Funds

NOW THEREFORE BE IT RESOLVED, the Lee County Board of Supervisors hereby adopts the above-mentioned items as required, showing that Lee County will be in conformance with all requirements set f01ih by the Virginia Department of Housing and Community Development.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Lee County will replace all occupied and vacant occupiable low/moderateincome dwelling units demolished or converted to a use other than low/moderate-income dwelling units as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, Lee County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- 1. a description of the proposed assisted activity;
- 2. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- 3. a time schedule for the commencement and completion of the demolition or conversion;

- 4. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- 5. the source of funding and a time schedule for the provision of replacement dwelling units;
- 6. the basis for concluding that each replacement dwelling unit will remain 1 low/moderateincome dwelling for at least 10 years from the date of initial occupancy; and
- 7. information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low-and moderate- income households in the jurisdiction.

Lee County will provide relocation assistance to each low/moderateincome household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provide under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Lee County's FY 2017 Frog Level Phase II Water Project includes the following activities:

- Installation of 30,145 LF of water line water distribution line/related appurtenances
- Installation of 75,000-gallon water tank
- Installation of 10 fire hydrants
- Installation of 46 Water Service connections

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. Lee County will work with the grant management staff, engineers, project area residents and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, all occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$12,500 or less.

SECTION3

BUSINESS AND EMPLOYMENT PLAN

1. Lee County designates as its Section 3 Business and Employment Project Area the boundaries of Lee County.

2. Lee County, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the County in carring out all activities, to the greatest extent feasible.

3. In awarding contracts for construction, non-construction, materials, and supplies to Lee County, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the County:

- (a) Lee County shall identify the contracts required to conduct the CDBG activities.
- (b) Lee County shall identify through various and appropriate sources including:

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the business concerns within the County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.

- (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CDBG funds.
- (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG funds.

4. Lee County) and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the County:

(a) Lee County in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.

(b) Lee County shall adve1iise through the following sources

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the availability of such positions with the information on how to apply.

- (c) Lee County, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.
- (d) To the greatest extent feasible, the (Lee County), its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).

5. In order to document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1974, as amended, Lee County shall keep, and obtain from its contractors and subcontractors, Registers of Contractors, Subcontractors and Suppliers and Registers of Assigned Employees for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll rep01ts and invoices, and through audits if necessary.

The County of Lee or any employee thereof will not discriminate against an employee or applicant for employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. Administrative and personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

RESOLUTION COUNTY OF LEE

County of Lee does hereby resolve to appropriate \$575,000 from the Virginia Department of Housing and Community Development Block Grant funds and\$500,000 from the Appalachian Regional Commission to the Construction of the Frog Level Phase II Water Project. County of Lee is in no way committed to spend the \$1,075,000 if funds from the Virginia Department of Housing and Community Development Block Grant and from the Appalachian Regional Commission if the funds are not received.

RESOLUTION FOR COMPLIANCE FROG LEVEL WATER PROJECT PHASE II CIG-17-06 I ARC 17-04A

WHEREAS, Lee County anticipates a DHCD award to install 30,145 LF of water line and a 75,000-gallon water storage tank; and

WHEREAS, Lee County adopts the following requirements as required by the Department of Housing and Community Development:

- (a) Residential Anti-Displacement and Relocation Assistance Plan
- (b) Lee County Local Business and Employment Plan
- (c) Non-Discrimination Policy
- (d) Resolution to Appropriate Funds

NOW THEREFORE BE IT RESOLVED, the Lee County Board of Supervisors hereby adopts the above-mentioned items as required, showing that Lee County will be in conformance with all requirements set f01ih by the Virginia Department of Housing and Community Development.

NON-DISCRIMINATION POLICY

The County of Lee, or any employee thereof, will not discriminate against an employee or applicant for employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. Administrative and personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

VEHICLE BIDS

Mr. Poe reported that the County requested bids on a new vehicle at the Transfer Station to replace a 20 year old pickup truck, and bids on a new truck for Litter Control. This was budgeted but the current truck was recently involved in an accident and was a total loss. Bids were also requested for four mid-sized SUV's with four-wheel drive for the Sheriff's Department. All of these were included in the FY 2017 – 2018 budget.

LITTER CONTROL TRUCK BIDS

Bids for a new quad cab pickup truck for Litter Control were received as follows:

<u>Freedom Ford – Claypool Hill</u> 2018 Ford F-150, Crew Cab, 4x2	\$26,900.00
<u>Freedom Ford – Wise</u> 2018 Ford F-150, Crew Cab, 4x2	\$23,206.00
<u>Freedom Chevrolet – Big Stone Gap</u> 2018 Chevrolet 1500, Double Cab, 4x2	\$23,345.00

Mr. Poe reported that all the above meet the minimum specifications listed in the bid. The Chevrolet has power windows and doors, which was not a requirement, but does add some value. This is a budgeted expense for the current fiscal year.

It was moved by Mr. Slemp, seconded by Mr. Cope, to accept the bid on the 2018 Chevrolet 1500 Double Cab from Freedom Chevrolet in the amount of \$23,345.00. Upon the question being put the vote was as follows.

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

TRANSFER STATION TRUCK BIDS

Bids for a new one ton, dual rear wheel, 4 wheel drive truck cab and chassis for the Transfer Station were received as follows:

<u>Freedom Ford – Wise</u>	
2018 Ford F-350, Regular Cab, 6x4	\$30,107.00
Freedom Chevrolet – Big Stone Gap	
2018 Chevrolet 3500, Regular Cab, 4x4	\$29,432.00

Mr. Poe reported that in confirming the specifications of the bid vehicles, it was discovered that the Chevrolet bid was single rear wheel instead of dual as was specified in the bid requirements. This is a budgeted expense for the current fiscal year.

It was moved by Mr. Mosley, seconded by Mr. Slemp, to accept the bid on the 2018 Ford F-350 from Freedom Ford in the amount of \$30,107.00. 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 VEHICLE BIDS

Bids for four new mid-size, four wheel drive, Sport Utility vehicles for the Sheriff's Department were received as follows:

Freedom Ford – Wise
2018 Ford Explorer, 4WD\$27,547.00Freedom Chevrolet – Big Stone Gap
2018 Chevrolet Equinox, AWD\$24,293.00

Mr. Poe reported that the bid specifications stated that the vehicle was to be four wheel drive and the Chevrolet Equinox does not meet that specification. This is a budgeted expense for the current fiscal year.

It was moved by Mr. Mosley, seconded by Mr. Cope, to accept the bid on the 4 new 2018 Ford Explorers from Freedom Ford in the amount of \$27,547.00 each. Upon the question being put the vote was as follows.

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

FENCING LAW PUBLIC HEARING

Mr. Poe reported that a rough draft of the proposed fencing law ordinance has been prepared but, in checking state code requirements, the process of adopting the ordinance is more stringent than typical ordinances. Notice of a proposed fencing law ordinance must be advertised four successive weeks (instead of the normal two) and must also be posted at all voting places in the County for at least 30 days prior to the public hearing. Due to these differences, the public hearing for this ordinance cannot be held until the January meeting.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

REQUEST FOR CLOSED SESSION

Mr. Poe reported that he has a request for closed session for the discussion of prospective business, investing of public funds and consultation with legal counsel.

REPORTS AND RECOMMENDATIONS OF THE BOARD

RE-STOCKING OF HARDY CREEK

Mr. Cope reported that he called the Virginia Department of Game and Inland Fisheries about the possibility of getting Hardy Creek as a designated stocked trout water. A biologist did come down to look at the stream, was very pleased with the stream, and would like to try to make something happen. A resolution would need to be adopted authorizing the County to partner with Virginia Department of Game and Inland Fisheries to include Hardy Creek as a designated stocked trout waters.

It was moved by Mr. Cope, 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

A RESOLUTION OF LEE COUNTY, VIRGINIA, AUTHORIZING THE COUNTY TO PARTNER WITH THE VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES TO INCLUDE HARDY CREEK AS DESIGNATED STOCKED TROUT WATERS 17-023 **WHEREAS,** Lee County, Virginia has determined that it is advisable and in the best interest of the County to utilize its natural resources to increase recreational fishing opportunities for the enjoyment of its residents and visitors; and,

WHEREAS, the County and the Virginia Department of Game and Inland Fisheries (DGIF) have explored the possibility of adding Hardy Creek to DGIF's catchable trout stocking program;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Lee County, Virginia that it hereby agrees to partner with Virginia Department of Game and Inland Fisheries (DGIF) to include Hardy Creek as "Designated Stocked Trout Waters", and to promote this new fishing opportunity for anglers;

BE IT FURTHER RESOLVED by said Board of Supervisors that it will support policies and procedures of the Virginia Department of Game and Inland Fisheries (DGIF) and that it will abide by all state regulations enacted in regard to fishing in Virginia. This Resolution shall take effect immediately.

CLOSED SESSION

It was moved by Mr. Cope, seconded by Mr. Mosley, to enter Closed Session pursuant to Section 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, 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, and Section 2.23711 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 litigation posture of the public body; and consultation with legal counsel employed or retaining by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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.

TRANSFER STATION SUBSTITUTE EMPLOYEES

Mr. Smith reported that he had spoken with Mr. Collingsworth and they both feel like it would be a benefit to the County to have three substitute employees to cover the Convenience Centers on days that Convenience Center workers needed to be off work.

Mr. Cope stated that he felt like it would be a good idea.

Mr. Poe stated that in years past there were several Good Will workers to cover several places in the County, which helped in those situations. The program began to change a few years ago and there is a new policy that would require the participants in the program to be directly supervised at all times.

It was moved by Mr. Cope, seconded by Mr. Mosley, to advertise for substitute employees for the Convenience Centers, and for the County Administrator and Transfer

Station Superintendant to hire three individuals. Upon the question being put the vote was as follows.

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

HOSPITAL TRANSACTION DOCUMENTS

It was moved by Mr. Cope, seconded by Mr. Mosley, to approve the documents contingent on final changes being reviewed and approved by the County Attorney, the Chairman and the County Administrator, and to authorize the Chairman to execute those documents upon final approval. Upon the question being put the vote was as follows.

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

LETTER OF SUPPORT

It was moved by Mr. Cope, seconded by Mr. Slemp, to provide a letter of support for a grant application to the Tobacco Commission for code compliance and repairs to the IDA's building at Dryden. Upon the question being put the vote was as follows.

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

PROMISSORY NOTE

It was moved by Mr. Cope, seconded by Mr. Mosley, to approve the \$1,500,000 promissory note for the hospital property be between Americore and the County. Upon the question being put the vote was as follows.

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

SCHOOL BOARD MEETING

Mr. Mosley stated that if the meeting is going to be in closed session he will not be attending, the meeting should be transparent.

ECONOMIC DEVELOPMENT DIRECTOR

Mr. Mosley stated that the County needs to hire an Economic Development Director and take some pressure off Mr. Poe.

It was moved by Mr. Mosley, seconded by Mr. Cope, to recess to November 29, 2017 at 6:00 p.m. for interviews. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD