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 August 15, 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 Emery Minton, Pastor of Christian Life Fellowship, led in the Invocation.			
PLEDGE TO THE FLAG Nathan Cope led the Pledge to the Flag.			
MEETING CALLED TO ORDER The meeting was called to order at 6:03 p.m.			

PUBLIC HEARING

THE FIELDS WATER LINE REPLACEMENT PROJECT

Notice was given that on Tuesday, August 15, 2017, at 6:00 p.m., in the General District Courtroom of the Lee County Courthouse, the Lee County Board of Supervisors conducted a public hearing to solicit public input on a proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development for The Fields Water Line Replacement project. The project will involve replacing over 5,500 linear feet of dilapidated and failing galvanized water line in The Fields community, serving up to 40 households. All interested citizens are encouraged to attend.

households. All interested citizens are encouraged to attend. Jimmy Adkins, Lenowisco Regional Planning, stated that Lee County plans to seek Community Development Block Grant (CDBG) Construction Ready funds through the Virginia Department of Housing and Community Development for the Fields Water Line Replacement Project. The request is for \$256,308 and will complete the replacement of over 6,450 linear feet of dilapidated and failing galvanized water line in the Fields community. The improvements will benefit 29 households with a population of approximately 66 people. This project meets one of CDBG core objectives of benefit of lower to moderate-income persons, the County has met the CDBG requirements for two advertised public hearings, and an environmental review was with no negative environmental impact being identified in the process. Mr. Cope asked is this would be full block grant funds. Mr. Adkins stated that this is a construction ready project and is different from regular block grant projects. This one will only cover up to 75% of the cost. The construction ready projects are ready to start within 90 days. The chairman opened the floor for public comment. There was no comment.

The Chairman closed the public hearing.

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve Resolution 17-009 for the Fields Water Line Replacement Project. Upon the question being put the vote was as follows.

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

RESOLUTION THE FIELDS WATER LINE REPLACEMENT PROJECT COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION 17-009

WHEREAS, the County of Lee, Virginia, wishes to apply for \$256,308 in Virginia Community Development Block Grant (VCDBG) Construction-Ready funds for The Fields Water Replacement Project; and

WHEREAS, the LENOWISCO Planning District Commission is committed to allocate \$85,436 of Water/Wastewater General Assembly Funds for a total project cost of \$341,744; and

WHEREAS, citizen participation requirements have been met through two duly advertised and held public hearings; and

WHEREAS, the project will meet the VCDBG National Objective of providing benefit to low- or moderate-income (LMI) persons by providing new public water service to a projected 29 households, of which 20 will be LMI households.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Lee County, Virginia, that the County Administrator of Lee County, Virginia, is hereby authorized to sign and submit any and all appropriate documents relevant to this Virginia Community Development Block Grant proposal.

SPECIAL USE PERMIT – ROBERT MCPHERSON

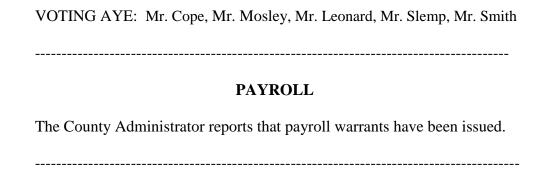
The Lee County Board of Supervisors held a Public Hearing on August 15, 2017 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Special Use Permit request. Robert McPherson has applied for a Special Use Permit to allow farm equipment sales in an A-1, Agricultural District. The property is located on the north side of US Hwy. 58 (Wilderness Rd) approximately 1.25 miles west of Rte. 670 (Hennegar Town Rd) and consists of 1.7 acres of land (Tax Parcel 48A-(2)-Bk1, 7-16).

Mr. Poe reported that the Planning Commission took this item up at their meeting last month. He stated that while there was no opposition at the meeting, there was one phone call from an adjacent property owner. The Planning Commission did recommend approval.
The chairman opened the floor for public comment.
Robert McPherson stated that he is looking to start a farm equipment sale business with a parts and service department.
Mr. Slemp asked if there was a franchise.
Mr. McPherson stated that there is not a franchise yet, but he has an idea of which way he will be going.
Mr. Slemp asked if there is already a building up and how far this would be from the main road.
Mr. McPherson stated that there is already building there that is about 100 feet off the four lane.
Mr. Smith asked what would be sold.
Mr. McPherson stated that he is looking into two different brands of equipment, but a decision has not been made on which brand to sale.
There was no other public comment.

	The Chairman closed the public hearing.			
	It was moved by Mr. Smith, seconded be to farm equipment sales in an A-1, Agrice vote was as follows.	y Mr. Cope, to approve the Special Use cultural District. Upon the question being		
	VOTING AYE: Mr. Cope, Mr. Mosley,	Mr. Leonard, Mr. Slemp, Mr. Smith		
	CONSTITUTIONA	AL OFFICERS		
	TREASURER'S	SREPORT		
	The Treasurer's Report for the month of	July 2017 was submitted as follows:		
	Revenues Expenditures General Fund Total Assets and Liabilities	\$ 3,852,360.88 \$ 5,538,253.05 \$ 5,586,153.38 \$10,816,874.46		
	PUBLIC EXP	RESSION		
The Chairman opened the floor for public comment and advised that each s would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.				
	There was no public comment.			
	The Chairman closed the floor for public	c comment.		

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve the minutes of the July 18, 2017 Regular Meeting, July 19, 2017 Recessed Meeting, and the July 27, 2017 Recessed Meeting. Upon the question being put the vote was as follows.



APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve a refund for Leroy and Lorene Deirth in the amount to \$57.62. Upon the question being put the vote was as follows.

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

DELEGATIONS

MOUNTAIN EMPIRE COMMUNITY COLLEGE DR. KRISTEN WESTOVER, PRESIDENT UPDATE

Dr. Westover, President of Mountain Empire Community College, introduced herself to the Board and shared her background. She reported that the enrollment for the fall semester is down 5.4% from last year, and that the summer semester was down 4.5%. She stated that Senator Warner attended Drone Demo Day at the college and stated there is a certification class for Unmanned Aircraft Systems Operations. The 13th Annual Mountain Music School has finished with the highest attendance ever. The College also started a Power Lineman program with 19 students enrolled for the summer semester.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the disbursements for the month of August in the amount of \$275,610.24. Upon the question being put the vote was as follows.

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

FINANCE

PRIOR YEAR BUDGET TRANSFERS

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve a prior year Budget Transfer in the amount of \$5,354.55, as follows. Upon the question being put the vote was as follows.

hare) \$	3,728.90 284.52			
hare) \$	284 52			
	204.32			
\$	272.14			
\$	1,068.99			
WOTING AVE. M. G. M. J. M. A. J. M. G. M.				
E	ey, Mr. Slemp, Mr.			

NEW BUSINESS

BOARD APPOINTMENTS

AIRPORT AUTHORITY

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

VICTIM WITNESS GRANT RENEWAL

Mr. Poe reported that he has received the grant renewal for the Victim Witness Program. The grant provides \$75,035 in Federal funds and \$25,012 in State funds for a total grant amount of \$100,047. There is no local match required for the grant.

It was moved by Mr. Cope, seconded by Mr. Leonard, to accept the Victim Witness Grant renewal in the amount of \$100,047. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith TASK ORDER FOR ANNUAL GROUNDWATER MONITORING REPORT Mr. Poe reported that he has received Task Order Number 17-02 for preparation of the 2017 Annual Groundwater Monitoring Report for the closed Landfill. The estimated cost of this mandatory report is \$14,000, which is slightly higher than prior years due to problems with the monitoring network and the addition of a new well. It was moved by Mr. Cope, seconded by Mr. Smith, to approve Task Order 17-02. Upon the question being put the vote was as follows. VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith TASK ORDER FOR ANNUAL LANDFILL GAS MONITORING REPORT Mr. Poe reported that he has received Task Order Number 17-03 for preparation of the 2017 Annual Landfill Gas Monitoring Report for the closed landfill. The estimated cost of this mandatory report is \$5,700, which is the same as last year. It was moved by Mr. Mosley, seconded by Mr. Cope, to approve Task Order 17-03. Upon the question being put the vote was as follows.

SCHOOL BOARD REQUEST FOR BOND REFERENDUM

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

Mr. Poe stated that the School Board has presented an amended facilities plan and based on the School Board's amended bond amount request of \$44,965,210, he has made some additional calculations as to annual debt service and the real property tax rate increase needed to service the debt. He used only real estate taxes for this exercise, assumed that a 1ϕ increase in the tax rate will yield \$83,204 and a 30 year term at both 2

½% and 3½% interest rates. An additional factor in this calculation is the potential bond issuance costs and whether they would be paid by the bond issue itself. He has rounded the total to an even number of \$45,500,000 which provides an additional \$534,790. He has no opinion at this time on what the actual cost might be.

	Interest	Annual	Tax Rate	% of
Bond Issue	Rate	Debt Service	Increase	Increase
\$44,965,210	2.50%	\$2,132,003	\$.2562	41.41%
\$44,965,210	3.50%	\$2,422,966	\$.2912	47.07%

Additional Funding for Issuance Costs (Estimate Only)

	Interest	Annual	Tax Rate	% of
Bond Issue	Rate	Debt Service	Increase	Increase
\$45,500,000	2.50%	\$2,157,360	\$.2593	41.91%
\$45,500,000	3.50%	\$2,451,784	\$.2947	47.63%

Ms. Munsey stated that she has been in discussion with Mr. Martin, the attorney for the Bond Counsel, and he strongly recommended a minimum of 5% of issuance costs because Lee County is not a frequent issuer of bonds.

Mr. Poe stated that the lower the amount of the bond the higher percentage of the bond issuance.

Ms. Munsey stated that during her discussion with Mr. Martin, he voiced his concern about the School Board having enough cushion built in for demolition and additional construction cost since their budget had decreased so much.

Mr. Mosley asked if demolition costs were included.

Dr. Austin, School Superintendent, stated that demolition is not included in this budget, but this is a not to exceed cost. He added that there is 8% included for planning and 10% contingency cost for renovation.

Mr. Cope stated that the School Board has met several times and the numbers have been different every time. He does not feel that all avenues have been explored.
Mr. Leonard stated that the citizens should have a say in this.
Dr. Austin stated that the School Board started at \$110,000,000 and worked to get that number down to what they feel is the best option.
Mr. Mosley stated that he was concerned with moving the Middle School into the Vo-Tech building and then being in need of a new Middle School in a few years.
Dr. Austin stated that the Career Tech Center and Lee High is not the best option. If a new Middle School was in the plan, the Board would probably end up doing away with the Career Tech Building, or portions of the building, because of the age and current condition, but that would be 3 to 5 years down the road.
Mr. Smith stated that the schools are in bad shape and something needs to be done.
Mr. Cope stated that he is not sure that 60 or 70 years of neglect could be fixed at one time. He added that there are only a small percentage of people in the County that work and they would have to foot 100% of the bill.
Ms. Munsey stated that the Board had discussed the possibility of an incremental tax increase, and stated that Mr. Martin advised that if the tax increase were done over a period, the bond is less appealing because the debt service would not be there.
It was moved by Mr. Slemp, seconded by Mr. Smith, to adopt the following Resolution requesting the referendum for the School Bond at the maximum amount of

\$47,213,470 to be put on the ballot for the next election. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith VOTING NO: Mr. Cope

RESOLUTION LEE COUNTY PUBLIC SCHOOLS PROJECTS 17-011

WHEREAS, the Board of Supervisors of Lee County, Virginia, has determined that it is advisable to undertake certain capital projects for Lee County Public Schools, as described below; and

WHEREAS, it appears that \$47,213,470 of such improvements cannot be financed from current revenues; and

WHEREAS, the Lee County School Board has requested by resolution adopted August 10, 2017 that the Board of Supervisors request the Circuit Court of Lee County to order an election on the question of the proposed issuance of bonds to finance such projects;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LEE COUNTY, VIRGINIA:

- 1. It is hereby determined that it is advisable for Lee County to contract a debt and issue its general obligation bonds in the maximum principal amount of \$47,213,470 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the design and construction costs for new schools, school facility additions and renovations, and various capital projects for Lee County Public Schools (the "Projects").
- 2. The Circuit Court of Lee County is hereby requested to order an election to be held on November 7, 2017, provided that such date is at least 81 days after the date on

which the Court enters its order, upon the question of contracting such debt and issuing bonds for such purposes. The question on the ballot shall be in substantially the form shown in Attachment A.

- 3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Lee County.
- 4. The Board of Supervisors adopts this declaration of official intent under the Treasury Regulations Section 1.150-2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its bonds.
 - 5. This resolution is adopted this 15th day of August, 2017 and shall take effect immediately.

PERSONAL PROPERTY TAX RELIEF

Mr. Poe reported that the Commissioner of the Revenue's Office has calculated the appropriate percentage of personal property tax relief for personal automobiles for 2017. The Personal Property Tax Relief Act provides for State reimbursement of a portion of tax on personal automobiles. This reimbursement is now a fixed amount so the percentage of relief must be re-calculated each year in order to account for changes in the total number of value of vehicles eligible for relief. The percentage of relief for the 2017 tax year has been calculated at 62.16%. A Resolution will need to be adopted to enact this rate for the 2017 tax year.

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve Resolution 17-010. Upon the question being put the vote was as follows.

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

RESOLUTION 17-010

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 62.16% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 62.16% 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.

SURPLUS PROPERTY BIDS

Mr. Poe reported that sealed bids for two parcels of surplus property were received and opened on August 7, 2017. The results are as follows:

Stone Creek Polling House Property
Rochester Woodard

Rochester Woodard \$400.00 HK Lee Properties \$501.00

Ewing Elementary School Property

Mark Perkins \$10,000.00 Jacqueline Davis Williams \$10,001.00

Helen Chadwell	\$10,000.00
\$501.00 for the Stone Creek Polling House	ded by Mr. Smith, to accept the high bid of se Property and the high bid of \$10,001.00 for Jpon the question being put the vote was as
VOTING AYE: Mr. Cope, Mr. Le	eonard, Mr. Mosley, Mr. Slemp, Mr. Smith

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

110110.

None

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR POTENTIAL VOTING MACHINE DECERTIFICATION

Mr. Poe reported that the Voter Registrars Association of Virginia has learned from the Virginia Department of Elections that the voting equipment in use by the County was being security tested by Virginia Information and Technology Agency (VITA).

The equipment in question has been made the subject of hacking attempts recently by "white hat" hackers in an effort to reveal what they see as flaws in software security. The machines were able to be hacked within an hour and a half. VITA is exploring the reliability of the machines and the decision of decertification is in the hands of the State Board of Elections. If the machines were decertified before the next election, the current machines could not be used.

The County has budgeted for the purchase of six new ballot machines, but may want to look into replacing all of the machines now. There was \$56,000 budgeted for new machines, the cost to replace all machines would be \$163,000. The Board could take \$107,000 to \$108,000 out of reserves to purchase all of them, or Mr. Poe could look into financing options. The advantages to replacing all of the machines would be that all voting precincts would be using the same machines and all officials would be trained on the same machine.

	Mr. Cope asked how many units are in this budget.		
	Mr. Poe stated that six units were budgeted.		
Mr. Cope asked if there would be any reimbursement if the machines were decertified.			
	Mr. Poe stated that there would not.		
	Mr. Cope asked that Mr. Poe get some information on financing the total amount.		
	WOODWAY CONVENIENCE CENTER OPERATOR		
hours a through propose	Mr. Poe reported that the Woodway Convenience Center Operator passed away reeks ago. The County uses a program that allows older workers to work a few week which has allowed additional coverage at the Convenience Centers nout the day. That program will be changing October 1, 2017, and with the ed changes, each worker would have to be supervised by a County employee at all which will make it impossible for the County to use that program any longer.		
	LEGISLATIVE RECEPTION		
and the	Mr. Poe reported that the Legislative Reception would be on January 25, 2018 County typically contributes \$2,500 for this event.		
	EXTENSION OFFICE INTERVIEWS		
August	Mr. Poe reported that the Extension Office will be conducting interviews Friday 18 for 4-H Agent position and has invited the Board to sit in on the interviews.		

REPORTS AND RECOMMENDATIONS OF THE BOARD

COMMUNITY POLICY AND MANAGEMENT TEAM

Mr. Cope reported that due to the times of this meeting, he would no longer be able to sit on this board. The appointment for this Team must be a member of the Board of Supervisors and asked if anyone wanted to step up and take his place.

CLOSED SESSION

It was moved by Mr. Slemp, seconded by Mr. Mosley, to enter Closed Session pursuant to 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 to 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. Mo	osley, Mr. Slemp, Mr. Smith
Mr. Slemp left the meeting at 9:10 p.m.	
It was moved by Mr. Cope, seconded by Mr. Mo Upon the question being put the vote was as follows.	sley, to exit Closed Session.
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mo	osley, 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.

BUILDING OFFICIAL

It was moved by Mr. Cope, seconded by Mr. Smith, to terminate the Building Official effective immediately and to advertise for the position at a salary range of \$33,000 to \$55,000. Upon the question being put the vote was as follows.

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

LEGISLATIVE RECEPTION

It was moved by Mr. Cope, seconded by Mr. Mosley, participate in the Legislative Reception and to contribute \$2,500. Upon the question being put the vote was as follows.

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

VOTING EQUIPMENT

It was moved by Mr. Cope, seconded by Mr. Smith, to approve a supplemental appropriation to the Electoral Board as follows to purchase 18 machines, 16 bases and 48 voting stations. Upon the question being put the vote was as follows.

Revenue Source 3-001-41050-0099

Budget Supplement from Reserve \$ 108,000.00

Expenditure

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Smith
SURPLUS PROPERTY DEEDS
It was moved by Mr. Cope, seconded by Mr. Mosley, to authorize the chairman to sign the deeds for the surplus property sales. 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. Smith, to adjourn. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Smith

CLERK OF THE BOARD

Capital Outlay

4-001-13100-8102

CHAIRMAN OF THE BOARD

\$ 108,000.00