

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 April 17, 2018 at 6:00 p.m. thereof.

MEMBERS PRESENT: Robert Smith, Chairman
Nathan Cope
D. D. Leonard
Larry Mosley
Charles Slemm, Jr.

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Jeny Hughes, Administrative Assistant
Stacy Munsey, County Attorney

OTHERS ABSENT: None

INVOCATION

Layne Pennington, Pastor of Jonesville First United Methodist Church, led in the Invocation.

PLEDGE TO THE FLAG

Charles Slemm led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:05 p.m.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of March 2018 was submitted as follows:

Revenues	\$ 5,189,628.76
Expenditures	\$ 5,554,902.21
General Fund	\$ 7,191,311.89
Total Assets and Liabilities	\$12,711,006.59

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 time-period for a group.

There was no 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 March 20, 2018 Regular Meeting and March 28, 2018 Special Called Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the refund request for Gary Rutherford in the amount of \$15.00. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

**JEFFERSON NATIONAL FOREST UPDATE
MICHELLE DAVALOS
CLINCH RANGER DISTRICT**

Michelle Davalos, District Ranger for Clinch River District of the George Washington and Jefferson National Forest, introduced herself to the Board and gave an overview of her background. She stated that her goal is to better understand the needs of the area. The Recreation program in the District is facing several challenges due to personnel shortages as well as aging infrastructure, so there will be some closed sites as well as reduced services at other sites. A portion of Little Stony Creek Trail will be closed this year for repairs and Cave Springs Campground will be closed this year. The District will be looking at sustainable recreation to better serve visitors. She added that Congress gave the District Stewardship Authority, which allows the District to use receipts from the timber sales to put back into the area and forest.

Mr. Leonard asked if it would be possible for the District to work with Spearhead Trails to help keep some of those sites open.

Ms. Davalos stated that she has been talking with Shawn Lindsey and is hoping to set up an agreement to work together.

Mr. Leonard asked if the timber money stays in the locality from which it is removed.

Ms. Davalos stated that it does not have to remain in the same county as the sale.

Mr. Leonard stated that he has gotten several complaints on the maintenance of Keokee Lake.

Ms. Davalos stated that could be looked into, but as of now, there is no mechanism for the money to stay in the area where the timber is removed.

Mr. Mosley asked about the budget on the Cave Springs Recreation Area.

Ms. Davalos stated that she did not have those figures with her, but she would forward them to Mr. Poe.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Slempp, seconded by Mr. Mosley, to approve the disbursements for the month of April in the amount of \$908,885.61. Upon the question being put the vote was as follows.

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

FINANCE

SUPPLEMENTAL APPROPRIATIONS

COMMISSIONER OF THE REVENUE

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$2,692.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-23030-0015	COR VITA Grant	\$ 2,692.00

Expenditure:		
4-001-12310-5885	COR VITA Grant	\$ 2,692.00

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

CIRCUIT COURT CLERK

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$13,285.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-23070-0005	Grants Circuit Court	\$ 13,285.00
Expenditure:		
4-001-21600-5866	Clerks Misc Grants	\$ 13,285.00

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 \$2,594.35. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-41050-0099	Budget Supplement from Reserve	\$ 2,594.35
Expenditure:		
4-001-91500-5840	Disbursements General Expenses	\$ 2,594.35

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

FINES AND FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the following Supplemental Appropriation in the amount of \$303.18. Upon the question being put the vote was as follows.

Revenue Source:		
3-007-14010-0004	State Forfeiture Proceeds (SHRF)	\$ 303.18
Expenditure:		
4-007-94100-5840	State Forfeiture Precedes	\$ 303.18

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

It was moved by Mr. Mosley, seconded by Mr. Leonard, to re-appoint Howard Elliot to a six-year term on The Lee County Hospital Authority. Mr. Elliot's term will expire April 30, 2024. Upon the question being put the vote was as follows.

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

LEE COUNTY HOSPITAL AUTHORITY

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

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

NINTH DISTRICT DEVELOPMENT FINANCING

It was moved by Mr. Smith, 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. Slempp, Mr. Smith

WINTER STORM HOUSING REHAB PROJECT ADMINISTRATIVE AGREEMENT

Mr. Poe reported that in finalizing the documents for the 2015 Urgent Need Housing Rehab grant project, it was discovered that the Administrative Agreement with the LENOWISCO Planning District Commission was not included. The Planning District Commission will provide all administrative management services for this project as outlined in the agreement and will be paid \$35,000 for these services. These costs are fully allowed by the Department of Housing and Community Development and will be paid by grant funds.

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the Winter Storm Housing Rehab Project Administrative Agreement. Upon the question being put the vote was as follows.

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

FROG LEVEL PHASE II WATER PROJECT AGREEMENTS

Mr. Poe provided the Board with two agreements for implementation of the Frog Level Phase II Water Project. The first agreement is between the County and the Public Service Authority outlining the responsibilities of each for construction of this project. The Public Service Authority agrees to oversee construction of the project and the County agrees to accept the grant funds and remit them to the Public Service Authority for payment of all project expenses.

The second agreement is between the County and the LENOWISCO Planning District Commission for administrative management services for the project. The Planning District Commission will be paid up to \$57,400 in fees for providing these services on the County's behalf. These fees are eligible for grant reimbursement.

This project is funded by a Community Development Block Grant in the amount of \$575,000 and an Appalachian Regional Commission grant in the amount of \$500,000.

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the Frog Level Phase II Water Project Agreements. Upon the question being put the vote was as follows.

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

APPALACHIAN REGIONAL COMMISSION GRANT

Mr. Poe stated that he received the ARC Grant Contract after the Board packet went out. This is the grant agreement from the Appalachian Regional Commission in the amount of \$500,000. Mr. Poe requests a motion to accept and approve the agreement.

It was moved by Mr. Leonard, seconded by Mr. Slemp, to approve and accept the Appalachian Regional Commission grant agreement for the Frog Level Phase II Water Project in the amount of \$500,000. Upon the question being put the vote was as follows.

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

AUDIT CONTRACT EXTENSION

Mr. Poe stated that the auditing services contract agreement with Robinson, Farmer, Cox Associates provided for the annual audits for the fiscal years ending June 30, 2015, June 30, 2016 and June 30, 2017, which have all been completed. The contract includes a provision for extending the agreement to include audit services for fiscal years ending June 30, 2018 and June 30, 2019 upon mutual agreement by the County and RFC. Mr. Poe presented a Contract Modification Agreement to extend the contract to include these two additional fiscal years. The proposed audit fees are as follows:

Fiscal Year Ending June 30, 2018	\$45,400
Fiscal Year Ending June 30, 2019	\$46,000

At the end of these additional two years, the County will be required to advertise for proposals for these services under a new contract.

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the Audit Contract Extension with Robinson, Farmer, Cox Associates for Fiscal Years ending June 30, 2018 and June 30, 2019. Upon the question being put the vote was as follows.

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

TELEVISED GRADUATION CEREMONY ADVERTISING

Mr. Poe reported that Heritage TV is requesting the Board of Supervisors' advertising support for coverage and airing of graduation exercises of both Thomas Walker High School and Lee High School. The cost of the advertising is \$200, which is the same as last year.

It was moved by Mr. Leonard, seconded by Mr. Cope, to approve the advertising request in the amount of \$200. Upon the question being put the vote was as follows.

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

ST. CHARLES WATER & SEWER AUTHORITY DISSOLUTION

Mr. Poe reported that the St. Charles Water and Sewer Authority recently voted to request the Board of Supervisors concur in their dissolution and merger in the Lee

County Public Service Authority. The Public Service Authority has also voted to approve this action contingent upon the approval to bonding and funding agencies. No action is being requested at this time. Subject of approval by all concerned parties, the Board will be requested to consider a Resolution concurring in the dissolution at a later date.

It was moved by Mr. Leonard, seconded by Mr. Slemph, to move forward with this project and to adopt a Resolution when all the funding agencies concur in the action as well. Upon the question being put the vote was as follows.

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

DEPARTMENT OF SOCIAL SERVICES REQUEST FOR SALARY SUPPLEMENT

Mr. Poe reported that the Lee County Department of Social Services is requesting approval to provide a one-time salary supplement of \$750 per employee prior to June 30, 2018. Local funds to provide this supplement would not exceed \$6,200, the other portion will be state funds.

Mr. Cope asked if this is unused funds.

Mr. Poe stated that it is savings incurred through the year, there are no additional local funds required.

It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the Department of Social Services request for salary supplement with local funds not to exceed \$6,200. Upon the question being put the vote was as follows.

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

TRUCK SCALE AND SCALEHOUSE BIDS

Mr. Poe reported that the County recently advertised for sealed bids for the old Transfer Station truck scales and scalehouse. No bids were received for the truck scales and only one bid was received for the scalehouse although several individuals had expressed interest. The sole bid for the scalehouse was \$200.00. He added that although there were no formal bids on the scale, he has been contacted by someone that is interested and would like to discuss that in closed session.

It was moved by Mr. Cope, seconded by Mr. Smith, to accept the \$200.00 bid on the scalehouse. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

Ms. Munsey stated she has a request for closed session.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

TRUCK CHASSIS AND PACKER BIDS

Mr. Poe reported that bids were received for a new truck chassis and packer. Bid results are as follows:

Bidder	Chassis	Packer	Price
Fitzgerald Peterbilt Glade Spring, VA	2019 Peterbilt 520	40 cu. Yd. New Way with financing	\$224,123.00 \$243,706.16
	The truck was bid with an Allison 4000 automatic transmission. All others were Allison 4500.		Upgrade price for 4500 is \$1,400
Martin's Peterbilt London KY,	2019 Peterbilt 520 with PACCAR engine	40 cu. Yd. New Way with financing	\$231,300.00 \$250,952.00
Martin's Peterbilt London KY,	2019 Peterbilt 520 with Cummins engine	40 cu. Yd. New Way with financing	\$233,600.00 \$253,448.00
Mid-State Equipment Buchanan, VA	2019 Mack Terro Pro	40 cu. Yd Pak-Mor with financing	\$225,860.00 \$244,059.20
Municipal Equipment Louisville, KY	2019 Peterbilt 520	40 cu. Yd. Curbtender with financing	\$243,000.00 \$263,648.00

Municipal Equipment 2019 Mack Terro Pro 40 cu. Yd. Curbtender	\$247,800.00
Louisville, KY	with financing \$268,856.00

The Fitzgerald Peterbilt bid is the low bid even when considering the additional \$1,400 cost to upgrade the transmission. With financing costs factored in, the Mid-State Equipment bid is low but the rated engine horsepower does not meet the minimum advertised and it is the same model and engine as the 2010 model that has given so much trouble. There were also some issues with the Pak-Mor packer on the 2010 truck and modifications had to be made at the County's expense.

Martin's Peterbilt submitted a bid for two trucks with different engines. The PACCAR engine is built by Cummins but does not carry their brand name. The truck with the Cummins brand engine is considered more rugged but has a price difference of over \$8,000 more than the Fitzgerald bid. Based on these factors, staff recommends award of the bid to Fitzgerald Peterbilt.

Mr. Cope asked the year model of the oldest truck and if the County purchases new trucks on a rotation similar to how the cruisers are purchased.

Mr. Poe stated that the oldest truck is a 2006, but the 2010 will be the truck taken out of commission because of all of the issues, the 2006 would be kept as a spare.

Mr. Cope asked about the financing and stated that over an eight-year period the County would have paid enough in finance charges to pay for another truck.

Mr. Poe stated that the purchase price could be looked at during budget time.

It was moved by Mr. Cope, seconded by Mr. Leonard, to accept the bid from Fitzgerald Peterbilt for the 2019 Peterbilt 520 with the \$1,400 transmission upgrade in the amount of \$225,523.00, with a decision on financing to be made at a later date. Upon the question being put the vote was as follows.

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

Mr. Poe stated he had a request for closed session under personnel, investing of public funds, and legal counsel.

REPORTS AND RECOMMENDATIONS OF THE BOARD

GRANT WRITER POSITION

Mr. Leonard asked the status of the grant writer position.

Mr. Poe stated that he has contacted the Superintendent and is waiting for a response.

PROPERTY IN TOWN OF JONESVILLE

Mr. Leonard asked about selling the property in the Town of Jonesville.

Mr. Poe stated that the lot was purchased for a new Extension Office and requested this be discussed in closed session.

CLOSED SESSION

It was moved by Mr. Leonard, 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, 2.2-3711 A. 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, 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. Upon the question being put the vote was as follows.

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

It was moved by Mr. Mosley, seconded by Mr. Cope, to exit Closed Session. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

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

GENERAL LABORER

It was moved by Mr. Cope, seconded by Mr. Smith, to hire Robert Allen as Transfer Station General Laborer at an annual salary of \$22,280.00 effective May 1, 2018. Mr. Allen is hired on a one-year probationary period. Upon the question being put the vote was as follows.

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

OLD TRUCK SCALES

It was moved by Mr. Cope, seconded by Mr. Leonard, to accept the bid offer of \$1,000 on the old truck scales with the bidder being responsible for all removal. Upon the question being put the vote was as follows.

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

TRANSFER STATION ASSISTANT SUPERINTENDENT

It was moved by Mr. Cope, seconded by Mr. Mosley, to promote Brian Woliver to Assistant Superintendent at the Transfer Station and increase his salary to \$31,200.00 effective May 1, 2018. Upon the question being put the vote was as follows.

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

PUBLIC SERVICE AUTHORITY LOAN FORGIVENESS

It was moved by Mr. Cope, seconded by Mr. Slemph, to forgive the loan made to the Public Service Authority in the amount of \$103,820.98 for the Central Lee Sewer Project, which dates back to 2005 . Upon the question being put the vote was as follows.

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

INDUSTRIAL DEVELOPMENT AUTHORITY LOAN

It was moved by Mr. Cope, seconded by Mr. Mosley, to approve a loan to the Industrial Development Authority in the amount of \$25,000 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	\$ 25,000.00
Expenditure		
4-001-11010-5899	Miscellaneous	\$ 25,000.00

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

It was moved by Mr. Mosley, seconded by Mr. Leonard, to recess to May 8, 2018
at 5:00 p.m. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD