

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 May 21, 2019 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led the invocation.

PLEDGE TO THE FLAG

D. D. Leonard led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:01 p.m.

DEPARTMENT REPORTS

Written departmental reports for Animal Control and Solid Waste were included in the packet.

CONSTITUTIONAL OFFICERS

TREASURER’S REPORT

The Treasurer’s Report for the month of April 2019 was submitted as follows:

Revenues	\$ 5,190,981.80
Expenditures	\$ 6,056,287.75
General Fund	\$ 6,196,908.04
Total Assets and Liabilities	\$10,932,726.73

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.

Dr. Jose Echeverria, addressed the Board about the Hospital building and offered for ARH to operate the hospital if the deal with Ballad falls through.

Debbie Artrip, Keokee, addressed the Board about the School Board’s budget request and stated that there are areas of concern that should be addressed before giving the School Board additional 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. Leonard, to approve the minutes of the April 16, 2019 Regular Meeting and April 30, 2019 Recessed 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. Leonard, to approve the following refunds. Upon the question being put the vote was as follows.

Joel T. Miller	\$543.85
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VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of May in the amount of \$270,699.73. 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

SHERIFF'S DEPARTMENT

It was moved by Mr. Smith, seconded by Mr. Slemp, to approve the following Supplemental Appropriation in the amount of \$1,050.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18990-0002	Sheriff Donations	\$ 1,050.00
Expenditure:		
4-001-31200-5899	Donation Expense	\$ 1,050.00

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

FINES AND FORFEITURES

It was moved by Mr. Smith, seconded by Mr. Slemp, to approve the following Supplemental Appropriation in the amount of \$1,411.00. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0004 LCSO State Forfeiture Proceeds \$ 1,411.00

Expenditure:
4-007-94100-5840 LCSO State Forfeiture Proceeds \$ 1,411.00

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

FINES AND FORFEITURES

It was moved by Mr. Smith, seconded by Mr. Slemp, to approve the following Supplemental Appropriation in the amount of \$1,350.00. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0020 Sheriff Surplus Sales \$ 1,350.00

Expenditure:
4-007-94100-5896 LCSO Surplus Sale Proceeds \$ 1,350.00

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

DEPARTMENT OF SOCIAL SERVICES

It was moved by Mr. Smith, seconded by Mr. Slemp, to approve the following Supplemental Appropriation in the amount of \$90,800.00. Upon the question being put the vote was as follows.

Revenue Source:
3-002-24010-0005 State and Federal Funding \$ 90,800.00

Expenditure:
4-002-53100-0011 IV-E Foster Care (F/S) \$ 90,800.00

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

DEBT SERVICE FUND

It was moved by Mr. Smith, seconded by Mr. Slemph, to approve the following Supplemental Appropriation in the amount of \$109,354.12. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplements from Reserve \$ 190,354.12

Expenditure:
4-040-67100-9122 DSS Building Debt \$ 190,354.12

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

ECONOMIC DEVELOPMENT FUND

It was moved by Mr. Smith, seconded by Mr. Slemph, to approve the following Supplemental Appropriation in the amount of \$31,944.00. Upon the question being put the vote was as follows.

Revenue Source:
3-061-15020-0001 Economic Development Revenue \$ 31,944.00

Expenditure:
4-061-94100-5899 Lee County IDA \$ 31,944.00

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

ECONOMIC DEVELOPMENT FUND

It was moved by Mr. Smith, seconded by Mr. Slemph, to approve the following Supplemental Appropriation in the amount of \$128,840.00. Upon the question being put the vote was as follows.

Revenue Source:

3-061-15020-0001 Economic Development Revenue \$ 128,840.00

Expenditure:

4-061-94100-5899 Lee County IDA \$ 128,840.00

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

NEW BUSINESS

BOARD APPOINTMENTS

INDUSTRIAL DEVELOPMENT AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Smith, to re-appoint Chad Hines to a four-year term on the Industrial Development Authority. Mr. Hines' term will expire May 31, 2023. Upon the question being put the vote was as follows.

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

EMERGENCY MANAGEMENT COORDINATOR

It was moved by Mr. Mosley, seconded by Mr. Cope, to re-appoint Alan Bailey to a two-year term as the Emergency Management Coordinator. Mr. Bailey's term will expire May 31, 2021. Upon the question being put the vote was as follows.

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

**RESOLUTION ON EXTENDING THE TERM OF DRYDEN WATER
AUTHORITY'S CHARTER**

Mr. Poe reported that it has been brought to his attention that water authorities created by the county in the period of the mid-1960's to early 1970's would require an extension of their charter term in order to continue providing services to their customers. Section 15.2-5114.1. of the Code of Virginia, 1950, as amended, states these authorities may "Exist for a term of 50 years as a corporation, and for such further period or periods as may from time to time be provided by appropriate resolutions of the political subdivisions which are members of the authority; however, the term of an authority shall not be extended beyond a date 50 years from the date of the adoption of such resolutions"

The Dryden Water Authority, per the State Corporation Commission, was formed or registered on August 4, 1967. That would mean their initial charter term of 50 years expired on August 3, 2017. Code Section 15.2-5109 states in part “Notwithstanding the provisions of subdivision 1 of §15.2-5114, an authority shall continue in existence and shall not be dissolved because the term for which is was created, including any extensions thereof, has expired, unless all of such authority’s functions have been taken over and its obligation have been paid or have been assumed by one or more political subdivisions or by an authority created thereby, or cash or United States government securities have been deposited for their payment.” Since the authority’s function and obligations have not been taken over by another entity, they legally continue in existence but would benefit from the Board of Supervisors adopting a resolution to extend the term of their charter as allowed by Section 15.2-5114.

It was moved by Mr. Cope, seconded by Mr. Leonard, to adopt the following Resolution with a 20-year extension of Dryden Water Authority’s Charter. Upon the question being put the vote was as follows.

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

**RESOLUTION EXTENDING THE TERM OF THE CHARTER OF
DRYDEN WATER AUTHORITY
19-006**

WHEREAS, the Dryden Water Authority was created by the Lee County Board of Supervisors and formed or registered with the State Corporation Commission on August 4, 1967; and

WHEREAS, per Virginia Code Section 15.2-5114. 1., the authority existed for a term of 50 years as a corporation, and for such further period or periods as may from time to time be provided by appropriate resolution of the political subdivision creating the authority; and

WHEREAS, it appears to this Board that the purposes for which the Dryden Water Authority was created have not been completed and it is vital to the community that the authority continue to exist and serve their customers;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors extends the term of the charter existence for the Dryden Water Authority for a 20-year period from the date of adoption of this resolution.

**OPPORTUNITY ZONE PLANNING AND STRATEGY DEVELOPMENT
PLANNING GRANT**

Mr. Poe reported that the County recently submitted an application to the Department of Housing and Community Development for a Planning Grant for funding to plan and develop a marketing strategy for the County's Opportunity Zone as designated by federal law. The Department of Housing and Community Development has responded with a preliminary approval for \$3,000.00 to complete several tasks which will then be evaluated for further consideration of a planning grant in the amount of \$15,000.00.

Three of the required tasks are to conduct a public meeting for citizens and to establish a project management team and conduct an initial management team meeting and a follow-up meeting after other tasks are completed.

It was moved by Mr. Cope, seconded by Mr. Mosley, to appoint D.D. Leonard to serve on the Project Management Team. Upon the question being put the vote was as follows.

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

AIRPORT SELF SERVE FUELING TERMINAL

Mr. Poe reported that the self-serve fueling terminal at the airport has been in service since 2007 and operates via a phone line connection for credit card sales approvals and monitoring for the Administration Office. QT Pod, the sales distributor of the terminal, developed an updated terminal two years ago which uses an internet based platform for both sales approvals and monitoring purposes. They have recently advised that, due to the age of the old machines (M3000) and the newer technology allowed on their new machines, they would discontinue support for the M3000 in the very near future. That means that new parts will no longer be available and the possibility of repairing the machine will depend on the availability of reconditioned parts.

In addition to this, our machine has experienced phone connection problems sporadically over the past five years or so and the problem has gotten worse in the past few months. This results in either lost sales or detaining pilots who must wait sometimes up to an hour to get a credit sale approved. This affects future business when a problem is reported by a pilot and other potential users will not take the chance of stopping for fuel if they feel they may be delayed unnecessarily. Since this is a totally self serve operation, there is nothing we can do to alleviate the problem.

QT Pod is currently offering a trade-in credit on the M3000 unit of \$1,995.00 until June 30, 2019. The M4000 unit, with the trade-in credit and shipping costs, is \$13,295.00. The County would be responsible for running internet service to the terminal or purchasing an optional cellular kit for the terminal at a cost of \$1,000.00. With the existing phone line in place, it should not be a big task to run the internet cable to the terminal.

The existing fueling system was funded partially by the Virginia Department of Aviation, the Tobacco Commission and some local funds; however, state funding is a one-time option for fueling systems and this would be a 100% locally funded replacement.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to purchase the M4000 fueling terminal from QT Pod in the amount of \$13,295.00. Upon the question being put the vote was as follows.

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

APPROVAL OF SECONDARY SIX-YEAR PLAN & CONSTRUCTION BUDGET

Mr. Poe stated that this Resolution would adopt the Secondary Six-Year Road Plan as presented at the public hearing, if the Board wants to make changes there would have to be cost estimates complete before June 30, 2019.

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

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

**RESOLUTION
SECONDARY SIX-YEAR ROAD PLAN AND CONSTRUCTION BUDGET
19-007**

WHEREAS, Sections 33.2-331 of the 1950 Code of Virginia, as amended provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2019/2020 through 2024/25) as well as the Construction Priority List (2019/20) on May 21, 2019, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Jackie Christian, Wise Residency Assistant Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2019/20 through 2024/25) and the Construction Priority List (2019/20) for Lee County, Virginia;

NOW, THEREFORE, BE IT RESOLVED, that since said Plan appears to be in the best interests of the Secondary Road System in Lee County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2019/20 through 2024/25) and Construction Priority List (2019/20) are hereby approved as presented at the public hearing.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

Ms. Munsey stated that she has a request for closed session under Consultation with Legal Counsel.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

BUDGET WORKSHOP

Mr. Poe stated that the Board needs to set a date for the next budget workshop.

It consensus of the Board to meet on Tuesday May 28, 2019 at 5:00 p.m.

REPORTS AND RECOMMENDATIONS OF THE BOARD

ROAD SIDE DEDICATION CEREMONY

Mr. Leonard asked about holding a dedication ceremony for the new County welcome signs that honor Supreme Court Justice Cynthia Kinser.

Mr. Poe stated that Mr. Leonard would need to get dates from the others that would be asked to attend.

QUILLEN BRIDGE

Mr. Slempp asked about a dedication for the Quillen Bridge in Dryden.

Mr. Poe advised Mr. Slempp to check with the family on a date.

CLOSED SESSION

It was moved by Mr. Slempp, seconded by Mr. Cope, to enter Closed Session pursuant to Section 2.2-3711 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. Slempp, Mr. Smith

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

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

It was moved by Mr. Cope, seconded by Mr. Leonard, to recess to May 28, 2019 at 5:00 p.m. 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