

VIRGINIA: County of Lee, to-wit:

At the Recessed Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on June 28, 2021 at 5:00 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Larry Mosley, Vice Chairman
Sidney Kolb
Charles Slempp, Jr.
Robert Smith

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

MEETING CALLED TO ORDER

The meeting was called to order at 5:05 p.m.

APPROVAL OF DISBURSEMENTS

Mr. Poe stated that this as many of the end of the year bills as possible in order to close out the year.

Mr. Kolb asked about the contract services listed on page 3.

Mr. Poe stated that is for gun safety classes and is paid by the permit fees.

Mr. Kolb asked if the County had considered purchasing fuel in bulk.

Mr. Poe stated that the County does not have a facility or tank to store bulk fuel. The County does have a Marathon Fleet card which allows for purchasing fuel while traveling and fuel purchases are tax exempt.

Mr. Kolb asked about the Jail operation costs and stated that it looked a little low.

Mr. Poe asked if he was looking at the appropriations resolution.

Mr. Kolb stated that he was.

Mr. Poe stated that the budgeted amount for the jail was \$2,277,000.00 for the current year and the projected expenditure for 2021-2022 is \$1,807,855.00,

Mr. Mosley asked if the Board of Equalization expense had been added to the budget.

Mr. Poe stated that it is included under the Reassessment budget.

Mr. Kolb stated that it was discussed at one of the workshops as to whether there was any discretionary funding with the Department of Social Services budget.

Mr. Poe stated that it would have to get into individual line items and a lot of it is 90 / 10 funding, 80 / 20 funding or 50 / 50 funding, while other funding is mandatory. He stated he would look into it further for next year's budget.

It was moved by Mr. Smith, seconded by Mr. Leonard, to approve the end of the year disbursements in the amount of \$314,759.43. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

ADOPTION OF TAX LEVIES

Mr. Poe reported that the Fiscal Year 2021-2022 revenues were proposed based on a \$0.70 real property rate.

Since a motion to adopt the \$0.70 rate was defeated on June 23, 2021, revenues have been recalculated on the current rate of \$0.6187.

The reduction in the revenue estimate will result in a proposed deficit for Fiscal Year 2021-2022 of \$1,313,283.00.

Mr. Kolb asked what the general fund balance is as of now.

Mr. Poe stated that as of the May Treasurer's Report there was roughly \$6,200,000.00. Of that amount approximately \$1,200,000.00 is CARES Act funds and \$600,000.00 is School Board funds.

FINANCE

FISCAL YEAR 2021 – 2022 BUDGET ADOPTION

Mr. Poe reported that after all adjustments to both revenues and expenditures; the current Fiscal Year 2021-2022 proposed budget anticipates revenues of \$73,268,061.00 and expenditures of \$74,581,344.00. This would require a transfer of \$1,313,283.00 from General Fund reserve to balance with the projected revenues.

Mr. Leonard asked if there needed to be a motion to transfer the funds from the reserves.

Mr. Poe stated there needs to be 3 motions made tonight: one to adopt the tax levies, one to adopt the budget and one to adopt the budget appropriation resolution.

ADOPTION OF TAX LEVIES

It was moved by Mr. Smith, seconded by Mr. Slempp, to adopt the tax levies as follows. Upon the question being put the vote was as follows.

Real Property	\$0.6187 per \$100.00 of assessed valued
Personal Property	\$2.00 per \$100.00 of assessed valued
Machinery & Tools	\$2.00 per \$100.00 of assessed valued
Merchants Capital	\$1.41 per \$100.00 of assessed valued

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

VOTING NO: Mr. Kolb, Mr. Mosley

FISCAL YEAR 2021 -2022 BUDGET ADOPTION

It was moved by Mr. Slempp, seconded by Mr. Smith, to adopt the budget as presented. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb, Mr. Mosley

FISCAL YEAR 2021 -2022 BUDGET APPROPRIATIONS

It was moved by Mr. Slempp, seconded by Mr. Leonard, to adopt the following Appropriations Resolution for the Fiscal Year ending June 30, 2022. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

**LEE COUNTY BOARD OF SUPERVISORS
APPROPRIATIONS RESOLUTION
FISCAL YEAR ENDING JUNE 30, 2022
21-015**

WHEREAS, the Lee County Board of Supervisors has heretofore prepared a budget for information and fiscal planning purposes only; and

WHEREAS, the preparation, publication, and approval of the budget is not deemed to be appropriations (§15.2-2506);

NOW, THEREFORE, BE IT RESOLVED, by the Lee County Board of Supervisors that the Budget for Fiscal Year 2021-22 has been approved by separate action and by this Resolution appropriations for the General Fund be made as follows;

Board of Supervisors	137,124
Housing Authority	3,000
Public Service Authority	3,236
Appalachian Community Action	1,942
County Administrator	158,609
Legal Services	23,285
Delinquent Tax Collection	42,000
Independent Auditor	79,000
Commissioner of the Revenue	355,800
Property Reassessment	104,409
Treasurer's Office	298,604
Central Accounting	67,272
Data Processing	60,463
Central Garage	145,791
Central Purchasing	45,576
Electoral Board	82,746
Registrar	173,456
Circuit Court	61,465
General District Court Clerk	2,550
Special Magistrates	1,601
Juvenile Court Services	246,872
Circuit Court Clerk	488,395
Juvenile & Domestic Relations Court Clerk	3,325
Victim/Witness Assistance	102,033
Commonwealth's Attorney	602,908
Sheriff	2,262,725
Domestic Violence	48,282
School Resource Officers	140,000
Courtroom Security	22,476
Courthouse Security	45,113

Sheriff-Vehicle Expense	428,090
Fire Prevention	270,281
Emergency Medical Services	84,950
Emergency Services	60,398
Jail Operation	1,807,855
Works Program	108,257
Building Official	165,535
Animal Control	146,630
Medical Examiner	500
Litter Enforcement	55,991
Road Viewers	500
Maintenance of Buildings & Grounds	271,419
Local Health Department	255,324
The Health Wagon	5,000
Community Services Board	180,148
Brain Injury Services of SW Virginia	1,500
Southwest VA Food Bank	5,500
Lonesome Pine Office on Youth	4,500
Children's Advocacy Center	5,000
Senior Citizens Program	31,400
Junction Center For Independent Living	5,000
Mountain Empire Community College	25,062
Thomas Walker Pool	28,342
Tourism	4,240
Spearhead Trails	35,000
Heart of Appalachia Tourism Authority	5,000
SW VA Cultural Heritage Foundation	10,000
Pro-Art Association	5,000
Lonesome Pine Regional Library	222,082
Lenowisco PDC	41,878
Economic Development Authority	6,802
Board of Zoning Appeals	2,321
Planning Commission	3,738
Community Development	99,170
Lee County Airport	157,888
Soil & Water Conservation	44,976
Black Diamond Resource Conservation & Dev.	1,000
VPI Extension Service	63,926
DSS Contributions to VRS/SGL	279,807
Courthouse Renovations/Maintenance	30,000
Extension Office Demolition	30,000
Parking Lot Site Prep & Paving	100,000
Miscellaneous & Contingency	25,000
E-911 Operations	548,607
Debt Service	434,008
Landfill Monitoring	50,000

Solid Waste	1,646,557
Capital Project-Giles Hollow CDBG	369,887
Capital Project-Giles Hollow ARC	497,500
Capital Project-St. Charles Water Phase III CDBG	1,000,000
Capital Project-St. Charles Water Phase III ARC	500,000
Capital Project-The Fields Waterline ARC	215,520
GENERAL FUND TOTAL	\$16,187,147

1. Appropriations are payable in the amounts named herein, provided the aggregate revenues collected and other resources available during the year ending June 30, 2022, from which the appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportions as the sum of all realized revenue is to the total amount of revenues estimated by the Board of Supervisors to be available for appropriations in the year ending June 30, 2022.
2. No department, agency, or individual receiving appropriations under the provision of this Resolution shall exceed the sum approved for that department, agency or individual by the Lee County Board of Supervisors.
3. The Board of Supervisors for Lee County reserves the right to change at any time during the Fiscal Year ending June 30, 2022, compensation provided to any officer or employee and to establish or abolish any office or position excepting such office or position as may be prohibited by law from abolishing.
4. The purchase of machinery, equipment, or motor vehicles (capital outlay items) in the Budget not exceeding \$2,500.00 per item, may be approved by justifying said items to the County Administrator on an as needed basis. A purchase order will be issued and must be signed by the County Administrator or his designee; all requests for items exceeding \$2,500.00 must be justified and approved by the Board of Supervisors.

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2021-22; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Headstart, Lee County Public School and Virginia Public Assistance Budgets;

NOW, THEREFORE, BE IT RESOLVED, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending September 30, 2021

HEADSTART

Federal Funds	\$ <u>1,553,635</u>
TOTAL HEADSTART	\$ 1,553,635

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds	\$ 9,275,139
Local Funds	<u>1,426,036</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 10,701,175

LEE COUNTY PUBLIC SCHOOLS

Federal, State & Other Funds	\$41,163,965
Local Funds	<u>4,975,422</u>
TOTAL LEE COUNTY PUBLIC SCHOOLS	\$46,139,387

1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the General Fund to the Headstart, Public School and Virginia Public Assistance funds and will not exceed the foregoing one and three months appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Headstart, Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2021-2022.

TOTAL FY 2021-22 BUDGET \$74,581,344

SUPPLEMENTAL APPROPRIATIONS

BOARD OF SUPERVISORS

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$30,028.00. Upon the question being put the vote was as follows.

Revenue Source:

SHERIFF'S DEPARTMENT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$2,380.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-16010-0014	Sheriff's Gun Permits	\$	2,380.00
Expenditure:			
4-001-31200-3160	Contract Services	\$	2,380.00

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

VOTING NO: Mr. Kolb

FIRE AND RESCUE SERVICES

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$7,214.93. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplements from Reserve	\$	7,214.93
Expenditure:			
4-001-32100-5641	Fire Program Funds	\$	7,214.93

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

VOTING NO: Mr. Kolb

EMERGENCY SERVICES

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$15,848.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplements from Reserve	\$	8,348.00
3-001-24040-0003	EMS Grant	\$	7,500.00

Expenditure:			
4-001-32400-5890	EMS Grant	\$	15,848.00

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

VOTING NO: Mr. Kolb

TOURISM

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$10,000.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-24040-0036	Tourism	\$	10,000.00

Expenditure:			
4-001-71500-5650	Spearhead Trails	\$	10,000.00

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

VOTING NO: Mr. Kolb

DVTC HOUSING STUDY EXPENDITURES

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$40,000.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplements from Reserve	\$	40,000.00

Expenditure:			
4-001-91300-8212	DVTC Housing Study	\$	40,000.00

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

VOTING NO: Mr. Kolb

RETIREE HEALTH INSURANCE

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$1,257.76. Upon the question being put the vote was as follows.

Revenue Source:
3-001-19030-0001 Retiree/COBRA BC/BS Reimbursements \$ 1,257.76

Expenditure:
4-001-91200-2390 Retiree/COBRA BC/BS Payments \$ 1,257.76

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

VOTING NO: Mr. Kolb

SOLID WASTE MANAGEMENT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$2,715.20. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplements from Reserve \$ 2,715.20

Expenditure:
4-050-42400-3175 Disposal Fees \$ 2,715.20

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

VOTING NO: Mr. Kolb

LANDFILL EXPENDITURES

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$8,063.95. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplements from Reserve	\$	8,063.95
Expenditure:			
4-056-94100-5860	Landfill Expenses	\$	8,063.95

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

VOTING NO: Mr. Kolb

BUDGET TRANSFERS

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve the following Budget Transfer. Upon the question being put the vote was as follows.

From:			
Miscellaneous Expenses	4-001-91400-5840	\$	(9,280.00)
To:			
Coroners & Medical Examiners	4-001-35300-3110	\$	20.00
Capital Outlay	4-001-81800-8107	\$	9,260.00

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

BUDGET TRANSFERS

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve the following Budget Transfer. Upon the question being put the vote was as follows.

From:			
Salaries	4-001-31200-1140	\$	(23,098.00)
To:			
Vehicles Supplies (Parts)	4-001-12520-6009	\$	23,098.00

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

REPORTS AND RECOMMENDATIONS OF COUNTY ADMINISTRATOR

SCOTT COUNTY TELEPHONE COOPERATIVE

Mr. Poe reported that Scott County Telephone Cooperative is requesting the Board to reallocate \$300,000.00 of CARES Act funding that was budgeted for the distance learning phase but not used because the households on the list already had internet services and did not want to switch those. The funding would be used to upgrade and replace the current 10 GB ring with a redundant 100 G Ethernet ring which has the ability to be expanded as the need arises.

Mr. Leonard stated that he had spoken with Mr. Hill with Scott County Telephone Cooperative and he felt this would be in the best interest of the County.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to reallocate \$300,000.00 of the Distance Learning Broadband contract with Scott County Telephone Cooperative to upgrade and replace equipment. Upon the question being put the vote was as follows.

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

APPALACHIA SERVICE PROJECT

Mr. Poe reported that the Appalachia Service Project is going to be seeking grant funding and is asking that the County provide a letter of support with be no obligation on the County for this grant. They also asked if the County would be willing to waive any fees paid to the County. Mr. Poe added other organizations have made a request for fee waivers before and it was not approved.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to provide a Letter of Support for the Appalachia Service Project's grant application. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

Mr. Mosley asked the status of the opioid lawsuit.

Ms. Munsey stated that there a conference call scheduled in July and she will have more information after that call.

REPORTS AND RECOMMENDATIONS OF THE BOARD

Mr. Kolb stated that he received a message yesterday stating the May 18 minutes could not be found online and the Board has already approved those.

Mr. Poe looked online and stated that the minutes are there.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Leonard, to enter Closed Session pursuant to Code 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.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, 2.2-3711 A.8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter. Upon the question being put the vote was as follows.

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

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

VOTING AYE: Mr. Kolb, 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.

HIRING FIELD INSPECTOR

It was moved by Mr. Mosley, seconded by Mr. Kolb, to hire Clint Carter as Field Inspector at an annual salary of \$50,000.00 effective September 1, 2021. Mr. Carter is hired on a one-year probationary period. Upon the question being put the vote was as follows.

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

TOWN OF PENNINGTON GAP REQUEST

It was moved by Mr. Mosley, seconded by Mr. Leonard, to split the cost with the Town of Pennington Gap for a plaque and gift box for Jeff Mitchell for his efforts on the hospital reopening. Upon the question being put the vote was as follows.

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

It was moved by Mr. Mosley, seconded by Mr. Slempp, to adjourn. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD