

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 17, 2022 at 5:30 p.m. thereof.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Stacy Munsey, County Attorney

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:43 p.m.

DEPARTMENTAL REPORTS

Written departmental reports for Solid Waste and Lee County Works were included in the packet.

Mr. Mosley asked what the problem was with the grounding cable at the airport.

Mr. Poe advised that the current unit is open and allows the cable to jump the reel spool and get tangled in the gears. Mr. Collingsworth is looking for an enclosed unit to see if that will resolve the issue.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of April 2022 was submitted as follows:

Revenues	\$ 5,754,415.31
Expenditures	\$ 6,294,023.00
General Fund	\$12,461,929.18
Total Assets	\$15,910,634.37

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 expression.

APPROVAL OF MINUTES

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the minutes of the April 19, 2022 Regular Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve a refund to Andrew and Cynthia Shepard in the amount of \$187.56. Upon the questing being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the disbursements for the month of May in the amount of \$199,838.24. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

FINANCE

SUPPLEMENTAL APPROPRIATIONS

CENTRAL GARAGE

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$36,200.83. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18990-0013	VACO Insurance Claims	\$36,200.83

Expense:		
4-001-12520-6009	Vehicle Supplies (Parts)	\$36,200.83

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

DOMESTIC VIOLENCE

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$1,596.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-23020-0020 Donations Domestic Violence Sheriff \$ 1,596.00

Expense:
4-001-31210-5899 Domestic Violence Donations \$ 1,596.00

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

SHERIFF'S DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$9,018.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18990-0002 Sheriff's Donations \$ 9,018.00

Expense:
4-001-31200-5899 Sheriff's Donations \$ 9,018.00

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

FINES AND FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$23,425.13. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0004 State Forfeiture Proceeds \$23,425.13

Expense:
4-007-95840-6009 State Forfeiture Proceeds \$23,425.13

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

NEW BUSINESS

BOARD APPOINTMENTS

LEE COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

It was moved by Mr. Slemph, seconded by Mr. Kolb, to re-appoint Linda Wampler to the Lee County Redevelopment and Housing Authority. Ms. Wampler's term will expire May 31, 2026. Upon the question being put the vote was as follows.

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

SOCIAL SERVICES REQUEST TO PROVIDE EMPLOYEE BONUS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the request from the Department of Social Services to provide a \$500.00 bonus supplement to all full-time DSS employees and a \$250.00 bonus supplement to all part-time DSS employees. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

COMMONWEALTH'S ATTORNEY FY23 BUDGET PROPOSAL FOR BODY WORN CAMERA USE REQUIREMENTS

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the Commonwealth's Attorney request to provide \$39,500 in salary supplements for his employees, \$16,500 for the Sheriff's Office to improve the body worn camera equipment, and to return one-half of his office's collection revenues for use in that office. Upon the question being put the vote was as follows.

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

COMMISSIONER OF THE REVENUE STAFFING BUDGET REQUEST

The Commissioner of the Revenue has advised of an upcoming staff vacancy and stated that he could hire a former employee who is already trained if the Board would provide additional funding for the position.

Mr. Kolb asked if there was a similar request from the Treasurer.

Mr. Poe advised that there was.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to table the Commissioner's request, the Treasurer's request and the Sheriff's Department Staffing and Vehicle Request for further discussion in Closed Session. Upon the question being put the vote was as follows.

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

SHERIFF'S DEPARTMENT STAFFING AND VEHICLE REQUEST

Previously tabled.

REASSESSMENT PROPOSALS

It was moved by Mr. Kolb, seconded by Mr. Mosley, to table this item for discussion in Closed Session. Upon the question being put the vote was as follows.

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

HIRING OF POOL EMPLOYEES

It was moved by Mr. Smith, seconded by Mr. Mosley, to hire the following Lifeguards and Concession workers for the 2022 pool season. The rate of pay will be \$11.50 per hour for Lifeguards and \$11.00 for Concession Workers. Upon the question being put the vote was as follows.

Lifeguards: Drew Ramsey
 Caleb Yeary
 Adam Hollandsworth
 Autumn Collingsworth
 Lakin Burke

Cameron Grabeel

Concession Workers: Kaytee Livesay
Tenley Jackson
Ashley Shoemaker
Sarah McPherson
Leith Beth Cavin
Chloe Marcum
Jordan Bertram

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

BRIDGE NAMING RESOLUTION

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

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

RESOLUTION 22-009

WHEREAS, Eddie Lee Ramey was born October 12, 1946 near Jonesville, Virginia, the son of Clarence and Zollie Ramey; and

WHEREAS, Mr. Ramey attended Oak Grove and Jonesville Elementary Schools and graduated from Jonesville High School in 1965 where he played football and ran track; and

WHEREAS, Mr. Ramey volunteered for the U.S. Marine Corps, serving from 1966-1968 and volunteered for a tour of duty in Vietnam. Lance Corporal Ramey was wounded on February 20, 1967 while working with the 3rd Battalion Marines in Quang Ngai Province suffering the loss of his right leg, right eye and many other wounds that he endured for the remainder of his life; and

WHEREAS, Lance Corporal Ramey spent 13 months recuperating in Naval hospitals and was awarded the Purple Heart medal; and

WHEREAS, after his discharge from the Marine Corp, Mr. Ramey married Geraldine Shuler Ramey and raised three children, son Jordan and daughters Melissa and Brooke. He commuted to Lincoln Memorial University graduating in 1975 with a degree in Business and Accounting. Mr. Ramey's work career included running a newspaper

route with his wife, working as an insurance agent, co-owner and operator of Ramey Gun Shop along with his brother Audrey, he worked for District 1 Employment Training, and at his death was a bookkeeper for a local contractor; and

WHEREAS, Mr. Ramey was active in his community as a member of Mount Hope Baptist Church serving as a Deacon and Sunday School teacher, he was a charter member of the Christianaires Gospel Quartet singing tenor, was a charter member of Boone Trail Archery Club and served as Secretary for the Lee County Horse and Hunting Club; and

WHEREAS, Mr. Ramey departed this life on December 3, 2021. Preceded in death by his wife and one brother, he was survived by his three children, four grandchildren, one great-grandchild, one sister and five brothers.

NOW, THEREFORE, BE IT RESOLVED, to commemorate the life of Eddie Lee Ramey, the Lee County Board of Supervisors respectfully requests the Commonwealth Transportation Board and the Virginia Department of Transportation formally designate the U.S. Highway 58 bridge over Town Branch just east of Route T648 as the “Eddie Ramey Memorial Bridge”.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

CAVE SPRINGS TO BE CLOSED FOR THE 2022 SEASON

Mr. Poe advised that the U.S. Forest Service would not be opening the Cave Springs Recreational Area this year due to lack of funding. Spearhead Trails had operated the facility last year but did not have the resources to do so this year.

FCCLA NATIONAL COMPETITION FUNDING REQUEST

Mr. Poe provided information on a request from the Family, Career, and Community Leaders of America club at Lee Vo-Tech School. Two students won 1st place at the state level and will be competing at the national level in San Diego, California. The total cost for two students and one advisor is approximately \$9,600 and they would appreciate donations.

**GILES HOLLOW WATER PROJECT SUPPORT AGREEMENT AND MORAL
OBLIGATION RESOLUTION**

Mr. Poe stated that the Public Service Authority was preparing to issue a bond for the Giles Hollow Water Project and the funding agency required the Board of Supervisors' approval of the Support Agreement and Moral Obligation.

It was moved by Mr. Mosley, seconded by Mr. Smith, to adopt Resolution 22-010 with regard to the Giles Hollow Water Project. Upon the question being put the vote was as follows.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS OF LEE
COUNTY, VIRGINIA, AUTHORIZING THE EXECUTION OF A
SUPPORT AGREEMENT PROVIDING FOR LEE COUNTY'S
MORAL OBLIGATION TO MAKE CERTAIN
APPROPRIATIONS WITH RESPECT TO A WATER AND
SEWER REVENUE BOND OF THE LEE COUNTY PUBLIC
SERVICE AUTHORITY
22-010**

The Lee County Public Service Authority (the "Authority") proposes to issue its \$165,500 Water and Sewer Revenue Bond, Series 2022 (the "Bond") to the Virginia Resources Authority, as Administrator of the Virginia Water Supply Revolving Fund (the "VRA"), to finance improvements to the Authority's water and sewer system (the "System") pursuant to Phase I of the Authority's Giles Hollow Community Project in the Giles Hollow community of Lee County, Virginia (the "Project").

The Authority has requested the Board of Supervisors of Lee County, Virginia (the "County") to facilitate the issuance and sale of the Bond by providing for the County's moral obligation to make certain appropriations to the Authority with respect to the Bond and the System.

As part of its plan for financing the Project, the Authority proposes to execute the following documents, drafts of which have been presented to the Board of Supervisors at this meeting:

- a. Financing Agreement (the "Financing Agreement") between the Authority and the VRA; and

- b. Support Agreement (the “Support Agreement”), between the Authority, the Board of Supervisors of the County and the VRA,

the forms of which documents have been presented to the Board of Supervisors at this meeting.

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

1. The Authority’s plan of financing for the Project, substantially on the terms set forth in the Financing Agreement and which involves the issuance of the Bond, is approved. The Board of Supervisors consents to the issuance of the Bond.

2. The Board of Supervisors agrees, in accordance with the Support Agreement, to pay to the Authority amounts sufficient to pay (i) the debt service under the Bond and any other indebtedness secured by or payable from the revenues of the System, including the Existing Parity Bonds set forth on Exhibit F to the Financing Agreement, (ii) the operation and maintenance expense of the system of which the Project is a part, (iii) additional payments for costs and expenses related to any amendment, waiver, consent, or collection or enforcement proceedings under the Financing Agreement, and (iv) the Reserve Deficiency Amount, as defined in the Support Agreement, all of which shall be subject to annual appropriation by the Board of Supervisors, all on the terms and conditions to be provided in the Support Agreement. The County’s obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Bond or the Support Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

3. The Board of Supervisors acknowledges that (i) the obligations of the Authority to determine, and of the County to pay, the charges for the use of and for services to be furnished by the System (as defined in the Financing Agreement) are crucial to the security for the Bond, (ii) VRA would not purchase the Bond without the security and credit enhancement provided by the Support Agreement, (iii) VRA will be a third party beneficiary of the Support Agreement for so long as the Bond remains outstanding, and (iv) VRA is treating the Support Agreement as a “local obligation” within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended (the “Virginia Code”), which in the event of a nonpayment thereunder authorizes VRA to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. Section 62.1-216.1 of the Virginia Code provides that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor

will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.

4. Any one of the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator is authorized and directed to execute and deliver the Support Agreement on behalf of the County, the form of which is approved. The Support Agreement shall be in substantially the form as presented to this meeting, with such changes, insertions and deletions as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such changes, insertions or deletions; provided, however, that the terms of the Bond are substantially as stated in this resolution. The County Administrator is authorized and directed to take such actions and give such notices as may be required of him under the Support Agreement

5. This resolution shall take effect immediately upon its adoption. Unless otherwise defined, each capitalized term used in this Resolution shall have the meaning given in the Financing Agreement.

REPORTS AND RECOMMENDATIONS OF THE BOARD

SOCIAL SERVICES BUILDING HVAC ISSUES

Mr. Kolb stated that he repeatedly received calls from the Department of Social Services about their heating and cooling. He asked Mr. Poe if he had addressed this issue with the Interim Director.

Mr. Poe advised that the unit scheduled for replacement would still provide cooling; however the drain was leaking and the unit had to be shut down due to water leaking into one of the offices. There is also a design related issue which limits the ability to control the temperature in each office. The building has six heat pump units which serve different parts of the building. There is one thermostat for each unit and there are no individual controls for each office.

Mr. Kolb requested that Mr. Poe contact Ms. Brooks and keep her updated on the issue.

TREE IN SOCIAL SERVICES PARKING LOT

Mr. Kolb requested a tree in the edge of the Social Services parking lot be removed.

FUEL DISCOUNT FOR FLY-IN EVENTS

It was the consensus of the Board to allow a \$.10 per gallon discount on 100LL fuel on the day of two upcoming fly-in events at the Lee County Airport.

JOINT MEETING WITH TOWN OF PENNINGTON GAP

Mr. Kolb asked about the status of a joint meeting with the Town of Pennington Gap.

Mr. Poe advised that he had requested the Town Manager provide some possible dates and times but had not heard back from him.

HEAT PUMPS IN CLERK'S OFFICES

Mr. Mosley asked about the status of the air conditioning in the Clerk's offices.

Mr. Poe advised that the units were working.

CLOSED SESSION

It was moved by Mr. Kolb, 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; 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; 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 litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party; 2.2-3711 A.29., Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

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

Mr. Slemph left the meeting at 6:33 p.m.

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. Smith

CERTIFICATE OF CLOSED SESSION

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.

Upon the question being put the vote was as follows.

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

COMMISSIONER OF THE REVENUE AND SHERIFF'S BUDGET REQUESTS

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the Commissioner of the Revenue's request to increase the starting salary for a re-hire to \$33,000.00, to approve the Sheriff's request to fund a part-time Investigator position at \$40,000.00 annually, and to approve the Treasurer's request for an increase in the starting salary of the vacant position to \$29,744. Upon the question being put the vote was as follows.

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

AWARD OF REASSESSMENT CONTRACT

It was moved by Mr. Mosley, seconded by Mr. Kolb, to award the reassessment contract to Old Dominion Appraisal, Inc. at a cost of \$14.75 per parcel. Upon the question being put the vote was as follows.

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

It was moved by Mr. Mosley, seconded by Mr. Kolb, to recess to May 31, 2022 at 5:00 p.m. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD