

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 20, 2021 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
Jeny Hughes, Administrative Assistant
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 5:33 p.m.

AMEND AGENDA

The chairman announced that the request under Old Business, Proposed Road Abandonment has been withdrawn and there will be no Board action taken on this matter.

DEPARTMENT REPORTS

Written departmental reports for Building Inspection, E-911 and the Extension Office was included in the packet.

CONSTITUTIONAL OFFICERS

TREASURER’S REPORT

The Treasurer’s Report for the month of March 2021 was submitted as follows:

Revenues	\$ 5,976,310.98
Expenditures	\$ 6,620,750.83
General Fund	\$ 8,115,842.46
Total Assets and Liabilities	\$12,076,822.53

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.

Ralph Bush, Jonesville, addressed the Board about being charged for barbed wire he had taken to the Transfer Station. He also stated he was talked to rudely by the County Administrator when he went there to lodge a complaint.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the minutes of the March 16, 2021 Regular Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following refund requests. Upon the question being put the vote was as follows.

George and Tina Montgomery	\$ 1,167.48
Douglas Witt	\$ 40.16
Joseph Cooper	\$ 111.82
Jay and Irma Greenstone	\$ 175.87

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

MATTHEW HILL SCOTT COUNTY TELEPHONE COOPERATIVE BROADBAND EXPANSION UPDATE

Matthew Hill, Scott County Telephone Cooperative, stated that so far there have been 188 new installations with 134 pending that were possible through the CARES Act Funding. A grant through VITA Commonwealth Connect allowed additional service in East Sugar Run, Fleenortown, Occonita, West Sugar Run, Right Poor Valley, Olinger and Hen Reasor Road. There was another VITA grant awarded for about 679 locations on Curt Russell Road, Caylor, Bethany Road, Sand Cave Road, Cooney Hollow and the Big Hill area. There was also some areas built around Hurricane Road and Flatwoods Road to help households with school age children.

Mr. Kolb asked how many connections there are now.

Mr. Hill stated around 400 with around 800 customers requesting service.

Mr. Kolb stated that there are more funds coming soon and he would like to know how many households have internet available, and asked if there were any other locations that could use the Multi Band Originator service.

Mr. Hill stated that there is no cell service past Leeman Field in Pennington Gap, until reaching Harlan.

Mr. Kolb asked about Keokee Lake.

Mr. Hill stated that would be a good location for a MBO.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of April in the amount of \$346,962.98. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

SUPPLEMENTAL APPROPRIATIONS

BOARD OF SUPERVISORS

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the following Supplemental Appropriation in the amount of \$300,000.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18990-0015 Miscellaneous Revenue \$ 300,000.00

Expenditure:
4-001-11010-5899 Miscellaneous \$ 300,000.00

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

ELECTORAL BOARD EXPENDITURES

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the following Supplemental Appropriation in the amount of \$29.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplement from Reserve \$ 29.00

Expenditure:
4-001-13100-5890 Cares Act State Funding \$ 29.00

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

CIRCUIT COURT CLERK

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the following Supplemental Appropriation in the amount of \$1,238.71. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18030-0003 Reimbursements \$ 1,238.71

Expenditure:
4-001-35100-5830 Part-Time Salaries \$ 1,238.71

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

ANIMAL CONTROL

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the following Supplemental Appropriation in the amount of \$550.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18990-0003	Gifts and Donations	\$	550.00
Expenditure:			
4-001-35100-5830	Donations	\$	550.00

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

DEPARTMENT OF SOCIAL SERVICES

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the following Supplemental Appropriation in the amount of \$193,000.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-002-24010-0005	State and Federal Funding	\$	193,000.00
Expenditure:			
4-002-53100-0012	Adoption Subsidy	\$	175,000.00
4-002-53100-0024	Fostering Futures Foster Care	\$	18,000.00

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

OLD BUSINESS

PROPOSED ROAD ABANDONMENT

This matter was addressed at the beginning of the meeting.

NEW BUSINESS

BOARD APPOINTMENTS

PUBLIC SERVICE AUTHORITY

It was moved by Mr. Smith, seconded by Mr. Mosley, to appoint Harold Jerrell to an un-expired term on the Public Service Authority. Mr. Jerrell's term will expire November 30, 2024. Upon the question being put the vote was as follows.

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

WORKFORCE DEVELOPMENT YOUTH PROGRAM WAIVER REQUEST

Mr. Poe reported that the Southwest Virginia Workforce Development Board provides workforce training services to Planning Districts 1 and 2. This included Title 1 Youth Services which is required by the Workforce Innovation and Opportunity Act to be competitively procured unless the services are being performed by the local grant recipient.

The Southwest Virginia Workforce Development Board is requesting a waiver from Lee County, the grant recipient, to continue performing Title 1 Youth Services at the American Job Center, Virginia Career Works / Appalachian Workforce Center in Tazewell County; the Virginia Career Works offices in Duffield, Norton, Grundy and Haysi; and all the points of service sites in Jonesville, St. Charles and Lebanon.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the waiver request for Southwest Virginia Workforce Development. Upon the question being put the vote was as follows.

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

SECONDARY SIX-YEAR PLAN 2021 PUBLIC HEARING

Mr. Poe reported that the Board recently conducted a public hearing for the Secondary Six-Year Plan for road improvements in the County. Although conducted in early 2021, that public hearing was actually for 2020 but was delayed due to the COVID-19 pandemic. VDOT is now requesting to conduct the 2021 public hearing at or before the May 18, 2021 Regular Meeting. This will allow them to get back on schedule and prevent delays in the construction work authorized by the Six-Year Plan and Budget.

VDOT anticipates funding of approximately \$400,000.00 to be available for adding a project or projects to the next Six-Year Plan. At the January public hearing and subsequent discussions and correspondence, we have received requests for the following roads to be considered:

Route 620, Hen Reasor Road	\$450,000.00
Route 669, Blue Hollow Road Phase II	\$450,000.00
Route 782, Burley Elkins Road	\$200,000.00

Although two of the above projects exceed the available funds, the selected project would not be constructed for 5 years and might be eligible to add at this time.

Due to the time constraints, VDOT is requesting the Board provide a list in advance of the public hearing of any roads they would like considered for plan inclusion in order for them to view the roads and prepare cost estimates.

 Mr. Kolb asked if these funds could be used for resurfacing roads.

 Mr. Poe stated that would fall under maintenance funds and that is scheduled by VDOT.

 Mr. Kolb stated that in the future the hearings need to be posted on Facebook. He added he would like to have a spreadsheet that shows all the roads in the County that are not paved, the district they are in, and the traffic count on that road.

 It was moved by Mr. Kolb, seconded by Mr. Leonard, to hold the Secondary Six-Year Plan Public Hearing on May 18, 2021 at 5:00 p.m. Upon the question being put the vote was as follows.

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

ASBESTOS REMOVAL BIDS

Mr. Poe reported that the bids for abatement for asbestos in the old Extension Office building and the former School Board office building were opened on April 8, 2021. Results of the bids are as follows:

Crossroad Environmental Services, LLC Church Hill, TN	\$38,300.00
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Taff & Frye Co., Inc.
Bristol, VA

\$24,450.00

Award of a contract for the removal and disposal of asbestos materials in these buildings is needed prior to the County moving forward with demolition of the structures.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to award the asbestos removal to Taff and Frye of Bristol in the amount of \$24,450.00. Upon the question being put the vote was as follows.

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

AIRPORT CLEARING AND SPRAYING BIDS

Mr. Poe stated that bids for clearing brush from the perimeter fence and spraying of vegetation in select areas at the Lee County Airport were due on April 15, 2021. No bid were received.

Mr. Kolb asked if there was a way to find out who has chemical licenses.

Mr. Poe stated he does not know if the state keeps a database on that.

Mr. Kolb asked if a forestry chipper could be used.

Mr. Poe stated that it could be.

Mr. Kolb stated that it is to the point that a bull dozer could be used to push it up, and asked if that would be an option.

Mr. Poe stated there are some areas on the slope that would not accessible without messing up the embankment.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to rebid the airport clearing by using any of the following means: spraying, cutting or pushing. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

TOWN OF ST. CHARLES CHARTER

Ms. Munsey stated that she has spoken with Terry Kilgore and Todd Pillion and was assured that the revocation of the Town of St. Charles Charter would be taken to committee.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

RABIES CLINIC

Mr. Poe stated that the Lee County Animal Hospital is requesting to hold a rabies clinic on May 15, 2021 at Lee High School.

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the rabies clinic. Upon the question being put the vote was as follows.

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

Prior to the question being put to vote, Mr. Leonard stated he would like to see these clinics brought back into the communities.

DRYDEN RESCUE SQUAD

Mr. Poe reported that Dryden Rescue Squad used their allocated Rescue Squad CARES Act Funding to purchase updates for the new ambulance. They are now requesting that the Fire Department funds be used on the ambulance updates as well.

Mr. Kolb asked if any other Fire Departments wanted to give their funds to Rescue Squads.

Mr. Poe stated that the only Fire Departments that haven't spent their allocations were Blackwater, Jasper and Dryden. Jonesville still has a portion remaining.

Mr. Kolb stated the departments were given a deadline of March 15.

Mr. Poe stated that he explained the deadline was extended to March and he did not think the money could be spent now.

CARES ACT FUNDING UPDATE

Mr. Poe presented the Board with a spreadsheet on the remaining CARES Act Funding. He stated that the majority of the remaining funding is for broadband projects. In an effort to spend as much of the money as possible additional project areas were added to the broadband contract at an estimated cost of \$80,000.00. This estimate was probably high and a portion of these funds will not be needed to complete these project areas. The remaining unspent allocations are: \$9,600.00 from Fire Department allocations, just under \$500.00 from Rescue Squad allocations, \$78.00 from the Town of Pennington Gap allocation and \$7,800.00 from the Town of Jonesville allocation. The excess broadband funds and unspent allocations could provide enough funding to do another MBO project.

Mr. Kolb asked when the County would know about the additional funding coming through.

Mr. Poe stated there has been contradicting information released and that is unknown at this point.

OPEN POSITIONS

Mr. Poe reported that there were two applications for the General Laborer position and five for the Field Inspector position. Copies were distributed to the Board for review.

BUDGET ITEMS

Mr. Poe stated that minimum wage will increase May 1, 2021 to \$9.50 per hour, on January 1, 2022 to \$11.00 per hour and with there being some full time County employees that are not much above that it may have a ripple effect on the pay structure. He presented the Board with a first draft budget with department request and revenue estimates the budget is showing approximately a \$1,400,000.00 deficit.

REPORTS AND RECOMMENDATIONS OF THE BOARD

DONATION OF PROPERTY

Mr. Kolb stated that the Board did not take any action last month on this matter and he feels the County should accept the free real estate.

It was moved by Mr. Kolb, seconded by Mr. Smith, to accept the property offered for donation by Roger Adams. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Mosley, Mr. Slemph

COMMUNITY DEVELOPMENT DIRECTOR COMPUTER

Mr. Kolb asked if the Community Development Director had been ordered a computer.

Mr. Poe stated that it has been ordered.

Mr. Kolb stated that a laptop would be better suited.

Mr. Poe stated that he asked Mr. Johnson about that and he requested a desktop.

EDA NOTE

Mr. Kolb asked if the note for the EDA loan has been drafted.

Ms. Munsey stated that it is ready.

It was moved by Mr. Kolb, to authorize the Chairman to sign the note.

Ms. Munsey stated that the Board does not need to sign the note.

It was moved by Mr. Kolb, to present the note to EDA for consideration.

Mr. Mosley questioned the need for a motion.

Ms. Munsey stated that the motion had already been made.

Mr. Kolb stated that the Board voted to do it, but no action had been taken for six or eight months, so he wants to make a motion to make something happen.

Ms. Munsey stated that she will give the note to Greg Edwards.

MOWING LOCATIONS

Mr. Kolb stated that the park on Route 606 had been mowed, but the trash cans were running over. He requested that when a location is mowed the trash cans need to be emptied.

BOARD ACTION ITEMS

Mr. Kolb stated that he feels like we lose track of a lot things and things are getting lost in the shuffle. When the Board takes action on item he would like for it to be placed on the next agenda with a memo stating this is where this item stands as of this meeting until it is completed.

It was moved by Mr. Kolb, seconded by Mr. Leonard, that when the Board takes action on item he would like for it to be placed on the next agenda with a memo stating this is where this item stands as of this meeting until it is completed. Upon the question being put the vote was as follows.

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

Mr. Mosley asked how much information is to be carried over.

Mr. Kolb stated there needs to be enough to answer the question where do we stand on this item.

Mr. Mosley asked if that meant any item.

Mr. Kolb stated yes, anything that the Board takes action on.

Mr. Poe stated that there is a distinction between suggestions and motions or consensus.

DISPLAYING OF HOUSE NUMBERS

Mr. Mosley stated that he met with the chiefs and captains and it was suggested that the Board encourage people to display the house numbers correctly in case of emergency.

Mr. Poe stated that is part of the Street Addressing Ordinance to have the street address displayed.

BROADBAND

Mr. Leonard thanked Scott County Telephone Cooperative, Powell Valley Electrical Cooperative and LENOWISCO for their work on getting the fiber connection out to as many people as possible.

GRAVEL FUND

Mr. Leonard stated that he would like to have the gravel fund amended to the budgeted amount from last year.

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Supplemental Appropriation. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplement from Reserve	\$	5,000.00
Expenditure:			
4-001-11010-8121	District 1 Gravel Expense	\$	1,000.00
4-001-11010-8122	District 2 Gravel Expense	\$	1,000.00
4-001-11010-8123	District 3 Gravel Expense	\$	1,000.00

4-001-11010-8124	District 4 Gravel Expense	\$	1,000.00
4-001-11010-8125	District 5 Gravel Expense	\$	1,000.00

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

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. 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. Slemph, 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

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.

RECODIFICATION

It was moved by Mr. Leonard, seconded by Mr. Kolb, to award the recodification contract to American Legal. 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. Leonard, to recess to May 5, 2021 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