

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 September 21, 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.

PUBLIC HEARINGS

SPECIAL USE PERMIT

The Lee County Board of Supervisors held a Public Hearing on September 21, 2021 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse

located in Jonesville, Virginia to solicit input on a Special Use Permit request. Lillian C. Richmond has applied for a Special Use Permit to allow a Child Care Center (Family Day Care Home) in an R-1, Single Family Residential District. The property is located approximately 2 miles east of Jonesville in the Fincastle Heights Subdivision at 214 Sexton Rd, off of Routes 930, Poteet Rd. and Route 931, Fincastle Heights Rd. The property consists of approximately .344 acres of land (Tax Parcel 54D-(1)-D, 8).

Mr. Poe reported there were no objections received and the Planning Commission voted to recommend approval.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the Special Use Permit to allow a Child Care Center (Family Day Care Home) in an R-1, Single Family Residential District. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

Written departmental reports for Community Development and the Works Program were included in the packet.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of August 2021 was submitted as follows:

Revenues	\$ 4,518,849.43
Expenditures	\$ 6,349,125.12
General Fund	\$ 9,272,189.65
Total Assets and Liabilities	\$ 13,174,507.46

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.

Amy Fannon, Extension Agent, introduced the new Extension Office employee Andrea Hobner.

Andrea Haubner, Family and Consumer Science Extension Agent, stated that she would be serving both Lee and Scott Counties. She stated that her job is to address health and wellness needs through educational programming such as food preservation, cooking, and financial education. She gave an update on the upcoming classes she would be conducting.

Mr. Kolb asked how this program is being marketing.

Ms. Haubner stated ads are run on Facebook, in newspapers and flyers are distributed.

Mr. Kolb asked if there is anything the County can do to help by sharing on Facebook.

Ms. Haubner stated that anyway to get the word out would help.

APPROVAL OF MINUTES

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the minutes of the August 17, 2021 Regular Meeting and August 25, 2021 Recessed Meeting. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

FISCAL YEAR 2019 -2020 AUDIT REPORT SCOTT WICKHAM ROBINSON, FARMER, COX ASSOCIATES

Scott Wickham presented the FY 19-20 audit report, stating that the County received an unmodified opinion which is a good opinion. The decline in the General Fund in the last two years is very concerning; the Board needs to be careful when it comes to passing unbalanced budgets and making sure that there is revenue to offset amendments to the budget. He reviewed the management recommendations.

Mr. Kolb asked who gets a copy of the audit.

Mr. Wickham stated that copies are sent to each entity in the audit, it is filed with the State and is available online with the Auditor of Public Accounts.

Mr. Kolb stated that Social Services had the same management comment as last year and that he sent a copy to one of the board members and they had never seen an audit report. He asked if something could be put in place to make sure the board members of the entities get a copy of the report.

Mr. Poe stated that he would see that the boards get a copy.

Mr. Mosley stated that Workforce Development does internal audits throughout the year.

Mr. Wickham stated that if the County could document that it would be helpful.

ARPA FUNDING REQUEST
BRYAN SAGE
STICKLEYVILLE VOLUNTEER FIRE DEPARTMENT

Bryan Sage, Chief Sticklelyville Volunteer Fire Department, addressed the Board to request that ARPA funding be provided to the Fire Department for the purpose of obtaining needed equipment to further the objective of community safety, fire prevention and fire protection. The greatest needs of the Fire Department are Self Contained Breathing Apparatus, handheld gas monitors and an air compressor / refill station. He stated that most of the air packs used by the department are so out of date that they can no longer be inspected and the total cost for one unit is around \$10,000.00.

Mr. Kolb asked how many members are typically on a call.

Mr. Sage stated that there are sixteen members in the department, and depending on the nature of the call there are at least four members responding.

Mr. Kolb stated that Fire and Safety Supply in Jonesville does inspections and asked if they had been contacted for inspections.

Mr. Sage stated that the Department does utilize Fire and Safety, but they will not inspect the air bottles because they are outdated.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of September in the amount of \$834,810.15. 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

COMMISSIONER OF THE REVENUE

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$1,612.79. Upon the question being put the vote was as follows.

Revenue Source:
3-001-23030-0015 COR VITA Grant \$ 1,612.79

Expenditure:
4-001-12310-5885 COR VITA Grant \$ 1,612.79

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

COMMONWEALTH'S ATTORNEY

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$5,831.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplements from Reserve \$ 5,831.00

Expenditure:
4-001-22100-2100 FICA (Employers Share) \$ 2,576.00
4-001-22100-2210 VRS RET (Employers Share) \$ 3,000.00
4-001-22100-2500 Hybrid STD/LTD \$ 20.00
4-001-22100-2400 VRS-SGL (Employers Share) \$ 182.00
4-001-22100-2700 Workers Compensation \$ 53.00

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

QUARTERLY APPROPRIATIONS

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve Resolution 21-018. Upon the question being put the vote was as follows.

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

**LEE COUNTY BOARD OF SUPERVISORS
APPROPRIATIONS RESOLUTION
FISCAL YEAR ENDING JUNE 30, 2022
21-018**

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 December 31, 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

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

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

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

The Chairman called a five minute recess.

TOURISM COMMITTEE

It was moved by Mr. Mosley, seconded by Mr. Kolb, to appoint Bryan Hogan to an un-expired term on the Tourism Committee. Mr. Hogan's term will expire September 30, 2022. Upon the question being put the vote was as follows.

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

It was moved by Mr. Slempp, seconded by Mr. Mosley, to re-appoint Charles Slempp to a term on the Tourism Committee. Mr. Slempp's term will expire December 31, 2023. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA RECYCLING AND SOLID WASTE WORKING GROUP

Mr. Poe stated that over the past two years, stakeholders from several southwest Virginia localities have been meeting and discussing issues regarding recycling, feasibility and markets and solid waste in general. As an outgrowth of these discussions the group feels the need to form a more organized group with appointments of a voting member from each locality. Mr. Poe requests the Board consider an appointment to this Working Group that could provide input and perspective from Lee County on both recycling and solid waste in general.

It was moved by Mr. Mosley, seconded by Mr. Smith, to appoint Gary Collingsworth to a three-year term on the Southwest Virginia Recycling and Solid Waste Working Group. Mr. Collingsworth's term will expire September 30, 2024. Upon the question being put the vote was as follows.

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

SCHOOL BOARD REQUESTS FOR SUPPLEMENTAL AND RE-APPROPRIATIONS

Mr. Poe stated that the School Board is requesting a supplemental appropriation of \$6,135,915.58 and a re-appropriation of \$1,813,059.23 to the current fiscal year. Due to the dollar amount, this will require a public hearing prior to approval. Since the time of this request, the School Board has been awarded additional money through Elementary and Secondary School Emergency Relief and a Rural Development Distance Learning and Telemedicine Grant in the amount of \$12,089,584.89, for a total of \$18,225,500.47.

The School Board is also returning \$28,401.00 in local funds from the Fiscal Year ending June 30, 2021. Per the two Board's prior agreement, two-thirds of this amount, \$18,934.00 is requested to be transferred to the School Board Capital Reserve Fund with the balance, \$9,467.00 reverting to the County General Fund. This request may be approved at this time.

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the return of \$18,934.00 to the School Board Capital Reserve Fund and \$9,467.00 to the County General Fund. Upon the question being put the vote was as follows.

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

It was the consensus of the Board to hold a public hearing for the Supplemental Appropriation and Re-appropriation.

WORKFORCE DEVELOPMENT REQUEST FOR ARPA FUNDING

Mr. Poe stated that the Southwest Virginia Workforce Development Board is requesting ARPA funding from all their participating localities to fund three separate programs with regard to workforce training and support. The three programs are Cars to Work, Youth Services and Small Business Expansion Empowerment. Their request is for a total of \$300,000.00.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to table this matter until the workshop. Upon the question being put the vote was as follows.

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

POLICE VEHICLE BIDS

Mr. Poe reported that the County solicited bids for three new police cruisers through advertising and direct solicits. There was only one bid received from Freedom Ford in Wise, Virginia, in the amount of \$37,344.38 each for a 2022 Ford SUV.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to accept the bid from Freedom Ford for three new police cruisers in the amount of \$37,344.38 each. Upon the question being put the vote was as follows.

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

JET A FUELING SYSTEM

Mr. Poe reported that proposals for a Jet A Fueling System at the airport have been received, and he request this matter be taken into closed session.

NEW SOUND SYSTEM AND RECORDING SYSTEM FOR GENERAL DISTRICT COURTROOM

Mr. Poe reported that recently been seeking quotes for a new sound and recording system for the courtroom. One vendor came and looked at the job but has never gotten back with us on pricing. He stated that he received two quotes from BIS Digital who installed the new system in the Circuit Courtroom. Option Two uses traditional analog technology with a total cost of \$13,250.00. Option One would run with IP network cables and send audio to a managed software package, this option would allow for expansion in the future for video conferencing and presentations at a cost of \$15,999.00. Mr. Poe recommends option one because of the expansion capabilities.

Mr. Kolb asked what is used in Wise and Scott Counties.

Mr. Poe stated that he did not know.

Mr. Kolb stated he is interested in Mr. Hartley's opinion and suggested forming a committee to make a recommendation.

Mr. Poe stated that he knows it is a big cost, but it needs to be upgraded to get better quality.

The committee will consist of David Hartley, Jeny Hughes and Dane Poe.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to table this matter until next month. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

SURPLUS SALE UPDATE

Mr. Poe stated that the surplus property and timber rights sale held on September 18 resulted in a total of \$2,200.00 for the land and \$114,000.00 for the timber.

FRIENDS OF THE TOBACCO FESTIVAL REQUEST

Mr. Poe reported that he received a request from the Friends of the Tobacco Festival asking for sponsorship. Regular sponsorship is \$100.00 and featured sponsorship is \$300.00.

Mr. Kolb asked if that could be paid out of the Tourism funds that Bryan Hogan spoke about.

Mr. Poe stated that is the Tourism Committee's money and he is unsure if there was Marketing money budgeted for tourism.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the \$300.00 sponsorship to be paid out of Tourism Marketing if there was money in the line item; if no money was budgeted it is to be paid out of Board of Supervisors Miscellaneous. Upon the question being put the vote was as follows.

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

PROPOSED PARKING LOT

Mr. Poe stated that he has spoken with the engineer about the proposed parking lot and would like to discuss it in closed session.

PENNINGTON GAP WOMAN'S CLUB

Mr. Poe stated that the Pennington Gap Woman's Club has been approved as a sponsor for Wreaths Across America. The club members plan to raise money to purchase a wreath for every Lee County Veteran buried in Mountain Home National Cemetery.

REPORTS AND RECOMMENDATIONS OF THE BOARD

Mr. Smith stated that he would like to recognize Elydale Middle School for being awarded the 2021 National Blue Ribbon School award.

MARKETING

Mr. Kolb asked for ideas for marketing the County. People looking to move to the area are looking at school districts and want to know they are sending their children to the best school. Things like that need to be put on social media and websites.

AML FUNDING

Mr. Kolb asked about time frames for the AML money.

Mr. Poe stated that would be discussed in closed session.

Mr. Kolb asked when applications are due and stated that the County needs to get more involved in the process and let the public know that the money is out there and have input on where the money should go. This is something that the EDA should be working on as well.

Mr. Leonard stated that grant wasn't open to just any property, it has to be a mine site prior to 1977 and there were limited sites in the County.

Mr. Kolb stated that there were three that were looked at.

Mr. Poe stated that there were additional projects that could have qualified but they had to qualify and also be feasible for development.

Mr. Kolb stated that there is no way to know what feasible places are without knowing what AML features are out there. He would like to have the public give ideas on what could be done on AML land.

RE-MORTAR AND ACID WASH

Mr. Kolb stated that there was discussion before about re-mortaring and acid washing the Courthouse; he thinks the County may be in position to work on that now.

Mr. Poe stated that he spoke with the engineers last week about moving forward with this project and they cautioned on the possibility of ruining the mortar joints if they are hit with too much pressure. This would be a bigger issue on the older side of the Courthouse.

Mr. Kolb asked if the re-mortar needs to take place first.

Mr. Poe stated that he thinks the washing would need to take place first, but he would double check with the engineers.

GETTING A VOICE INTO THE COMMUNITY

Mr. Leonard stated that the County needs to get a voice into the communities so people can understand what the County is working on, tourism information or any project that is going on. There needs to be a way to get the site working to the County's advantage and getting word out to the community.

Mr. Kolb asked if there was something in particular Mr. Leonard wanted to see with the website.

Mr. Leonard stated that we are probably doing as well as we can, but it could use more color, make it a little flashier and have more options and more links.

Mr. Kolb asked about the status of the EDA's website.

Mr. Poe stated that he does not know about the EDA's website. He cautioned about loading too much on the County's page. If it is getting tourism information out there, it would be better to have that information on the Tourism Facebook page.

Mr. Kolb stated that overall it comes down to marketing the County. There needs to be a better way of pushing out information on events going on in Lee County. The Facebook page only has 577 friends, and most of them are his friends. There are not many shares or many likes and we need to do better. There are 29 houses for sale in Lee County and there is an excellent opportunity to have people moving into Lee County and it needs to be marketed better.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Mosley, 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, 2.23711 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, 2.23711 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, and 2.23711 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.

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

Mr. Slemp left the meeting at 8:19 p.m.

Mr. Slemp returned to the meeting at 8:24 p.m.

Mr. Mosley left the meeting at 8:39 p.m.

It was moved by Mr. Slemp, 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. Slemp, 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. Slemph, Mr. Smith

ACID WASH AND MORTAR JOINT

It was moved by Mr. Leonard, seconded by Mr. Kolb, to proceed with the engineers for the acid washing and mortar joint repairs for the Courthouse. Upon the question being put the vote was as follows.

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

JET A FUEL PROPOSALS

It was moved by Mr. Slemph, seconded by Mr. Leonard, to reject the proposals on Jet A Fuel and to authorize the County Administrator to re-advertise if the conditions are favorable. Upon the question being put the vote was as follows.

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

It was moved by Mr. Kolb, seconded by Mr. Smith, to recess to October 12, 2021 at 5:00 p.m. in the Conference Room. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD