

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 October 17, 2023 at 5:30 p.m. thereof.

MEMBERS PRESENT: Larry Mosley, Chairman
Sidney Kolb
David Jessee
D. D. Leonard
Robert Smith

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Angie Thomas, Administrative Assistant
Stacy Munsey, County Attorney

OTHERS ABSENT: None

INVOCATION

Doug Odle, Pastor of Friendship Baptist Church in Jonesville, led 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 5:35 p.m.

PUBLIC HEARINGS

PROPOSED ROAD NAME CHANGE

The Lee County Board of Supervisors held a Public Hearing on Tuesday, October 17, 2023 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia. The purpose of the Public Hearing was to take public comment on a proposed road name change. Robert and Addie Allen are requesting that Misfit Cove Drive be changed to one of the following names:

- Wood Thrush Drive
- Blue Bunting Drive
- Iron Bridge Drive

The Chairman opened the floor for public comment.

Mr. Poe stated Mr. and Mrs. Allen purchased this property and prefer not to live on Misfit Drive. He stated their first choice is Iron Bridge Drive but that is not recommended by the 911 Department due to sound-a-like names and the second choice is Wood Thrush Drive.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve Misfit Cove Drive be changed to Wood Thrush Drive. Upon the question being put the vote was as follows.

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

PROPOSED AMENDMENT TO FY 2023-2024 BUDGET

The Lee County Board of Supervisors held a Public Hearing on Tuesday, October 17, 2023 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia. The purpose of the public hearing was to solicit public comment on a proposed amendment to the Fiscal Year 2023-2024 Budget. The Lee County School Board has carryover funds from the prior fiscal year in the amount of \$3,106,056.38 and is requesting re-appropriation of this amount to the current fiscal year

budget. The \$3,106,056.38 represents unspent State Direct Aid to Public Education funds received in Fiscal Year 2023-2024 and is eligible for re-appropriation to the current fiscal year.

The Chairman opened the floor for public comment.

Mr. Poe stated these are State funds that were unspent from the previous fiscal year and are eligible for re-appropriation to the current fiscal year budget. The School Board has requested the funds be re-appropriated and Brian Dean, School Board Superintendent, is present to answer any questions. He added a Resolution is enclosed with the request.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Leonard, seconded by Mr. Mr. Kolb, to approve Resolution 23-013. Upon the question being put the vote was as follows.

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

**RESOLUTION
23-013**

**LEE COUNTY SCHOOL BOARD
SUPPLEMENTAL APPROPRIATION**

WHEREAS, Lee County Public Schools has carryover funding of State funds received in the prior fiscal year in the amount of\$3,106,056.38; and

WHEREAS, these funds require no additional local match; and

WHEREAS, the Lee County School Board respectfully requests these funds be re-appropriated to the current fiscal year as allowed by Chapter 2 of the 2022 Virginia Acts of Assembly (Special Session I);

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors grants a supplemental appropriation to the 2023-24 School Budget in the amount of \$3,106,056.38;

BE IT FURTHER RESOLVED, that the revised total Lee County School Board appropriation for the 2023-24 fiscal year be increased from Fifty Seven Million, Six Hundred Eighteen Thousand, Eight Hundred Sixty Seven Dollars (\$57,618,867) to Sixty Million, Seven Hundred Twenty Four Thousand, Nine Hundred Twenty Three Dollars and Thirty Eight Cents (\$60,724,923.38).

SPECIAL USE PERMIT REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, October 17, 2023 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. Zackery Shelton has applied for a Special Use Permit to allow a Doublewide Manufactured Home in a V-C, Village Commercial District. The property consists of approximately 0.21 acres of land and is located at 6000 Dr. Thomas Walker Rd (Old US Hwy. 58) in Rose Hill, Tax Parcel #47A-(6)-BK13, Lots 1-2.

The Chairman opened the floor for public comment.

Mr. Poe stated the proposal was to demolish the existing house and replace it with a double wide manufactured home and added the Planning Commission has recommended approval.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve the Special Use Permit request to allow a doublewide in a V-C Village Commercial District. Upon the question being put the vote was as follows.

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

SPECIAL USE PERMIT REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, October 17, 2023 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. Thomas & Patrick Pridemore have applied for a Special Use Permit to allow an automobile salvage yard and/or automobile graveyard in an A-1, Agricultural District. The property consists of approximately 1.40 acres of land and is located at adjacent to 626 Sand Cave Rd. (State Route 724) in the Ewing community, Tax Parcel #63A-(1)-BKB, Lots 23-28.

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. Smith, seconded by Mr. Leonard, to approve the Special Use Permit request to allow an automobile salvage yard and/or automobile graveyard in an A-1 Agricultural District. Upon the question being put the vote was as follows.

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

ZONING TEXT AMENDMENT REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, October 17, 2023 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Zoning Text Amendment request. Michael Lane has applied for a Zoning Text Amendment to allow self-storage and mini-warehouse facilities as an allowed use in a V-C, Village Commercial District.

The Chairman opened the floor for public comment.

Mr. Poe stated if approved as the request is stated the amendment would allow mini-storage units in any V-C Zone by right and was approved by the Planning Commission.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve the Zoning Text Amendment request to allow self-storage and mini-warehouse facilities in a V-C Village Commercial District. Upon the question being put the vote was as follows.

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

DEPARTMENTAL REPORTS

Written departmental reports for Building Inspection, Extension Office, the Works Program and Litter & Recycling were included in the packet.

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.

Jerry Cox, Sticklelyville, asked about the budget and if there's any money that can be allocated to help with water projects in the county. He stated on Lovelady Gap in Sticklelyville there are thirty-five addresses on that road and was originally part of the Phase II Sticklelyville Project in 2011. He stated people in that area have waited several years for water and there is a lot of opportunity to grow that area.

Mike Watson, Jonesville, asked if a current County employee is elected as Supervisor of the County would that be a conflict of interest.

Mr. Poe stated there was a similar situation from 2008 to 2012 when a County employee served on the Board of Supervisors.

Mr. Watson asked if Mr. Poe would go on record saying it would not be a conflict of interest.

Mr. Poe stated to get an official opinion he would have to submit a request to the Attorney General's Office. He added if it is a matter in general affecting all employees or all departments it's typically not a conflict but would be a conflict if voting on a matter directly relating to their department.

Ms. Munsey stated it would be a conflict if voting on a matter directly involving their department.

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. Leonard, to approve the minutes of the September 19, 2023 Regular Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the following refunds; Gregory Hill in the amount of \$1,833.50, Alvin C. Rowland in the amount of \$1,286.74, Thomas M. Holmes in the amount of \$1,029.41 and Roy Head in the amount of \$200.00. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Leonard, seconded by Mr. Jessee, to approve the disbursements for the month of October in the amount of \$174,193.26. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

OLD BUSINESS

COUNTY CODE RECODIFICATION

Mr. Poe stated the online link is ready and needs to be uploaded to the County's homepage.

Mr. Kolb asked if Mr. Longacre is uploading it to the new webpage.

Mr. Poe stated due to the new website not being ready we can temporarily post it to the existing webpage. He and Mr. Longacre reviewed the new site to confirm he was on the right track with the webpage and added he has a lot of information to upload to the new site.

Mr. Kolb recommended uploading to the existing site.

DONATED REAL ESTATE

Mr. Poe stated everything is ready with the exception of one parcel that needs the heirs clarified.

Ms. Munsey stated also the acreage is not matching.

Mr. Poe stated it's just a matter of getting the others out for signatures.

Mr. Kolb asked if that was being done.

Mr. Poe stated yes.

JASPER CONVENIENCE CENTER

Mr. Poe stated he will have the entrance permit submitted to VDOT before the end of the week.

Mr. Mosley stated approval of the permit shouldn't be a problem.

Mr. Poe agreed and added he has already met with VDOT and they have looked at the site.

SCANNER/PRINTER IN CIRCUIT COURT

Mr. Poe provided information about the scanner/printer in the Circuit Court Clerk's office. He stated upon entering the Circuit Court office the counter sits in front but under the new proposal you would be at the counter upon entering the office. He stated the new plat scanner and printer would be located in a secured area and still allow public access to the deed room while securing access to an adjacent office. He added it would provide an ADA and public accessible terminal to look for deed records without going behind the counter with employees. He stated the proposal was for custom cabinets and with the Board's approval he will begin getting price quotes.

Mr. Kolb asked what the new hardware is.

Mr. Poe stated it is the plat scanner and plat printer.

It was the consensus of the Board to move forward with getting cost quotes.

FIRE ALARM REPAIRS

Mr. Poe requested closed session for this matter.

NEW BUSINESS

BOARD APPOINTMENTS

BUILDING CODE APPEALS

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

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

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Kolb, seconded by Mr. Leonard, to appoint Janice M. Hurd to an unfulfilled term on Lonesome Pine Office on Youth. Ms. Hurd’s term will expire on September 30, 2025. Upon the question being put the vote was as follows.

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

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Mosley, seconded by Mr. Kolb, to appoint Lindsey Nickodam to a one-year term on Lonesome Pine Office on Youth. Ms. Nickodam’s term will expire on June 30, 2024. Upon the question being put the vote was as follows.

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

LONESOME PINE OFFICE ON YOUTH

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

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

TOURISM COMMITTEE

It was moved by Mr. Smith, seconded by Mr. Leonard, to re-appoint Sue Crockett to a four-year term on Tourism Committee. Ms. Crockett’s term will expire on September 30, 2027. Upon the question being put the vote was as follows.

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

INTRADO PROPOSAL TO TRANSITION E-911 TO DSINET

Mr. Poe stated the E-911 Department is in the process of converting to the Next Generation 911 service capability per direction from the Commonwealth of Virginia as this is a statewide initiative. He added this transition will require our 911 solutions provider to transition our system to the new NextGen ESInet system at an estimated cost of \$20,332.00 which will be 100% reimbursed by the State. The ESInet system will allow calls to be transferred to and from Scott County and Tennessee counties bordering Lee. He added we can already transfer to Wise through our shared 911 equipment and added this is extremely important due to phone exchanges that cross county lines which sometimes routes calls to the wrong PSAP dispatch center. He stated a proposal is enclosed and requests approval.

It was moved by Mr. Leonard, seconded by Mr. Jessee, to approve the Intrado Proposal to transition E-911 to ESInet at a cost of \$20,332.00. Upon the question being put the vote was as follows.

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

JET A TANK INSTALLATION INVOICE

Mr. Poe stated there are two invoices from Gas Station Supply. The first is for the tank that was ordered in January 2023. Around July or August the vendor requested 90% payment of the invoice in order to pay the manufacturer leaving a balance of \$5,970.00. The second invoice in the amount of \$167,424.97 is for the installation of the tank. The tank has been installed and is operational. The engineer has reviewed the invoices and recommends payment. He concurs with the engineer.

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve payment of the invoices to Gas Station Supply in the amounts of \$5,970.000 and \$167,424.97. Upon the question being put the vote was as follows.

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

Mr. Kolb stated the county shouldn't have to pay sales tax.

Mr. Poe stated that may be tax Gas Station Supply had to pay.

Mr. Kolb stated if the County is exempt we shouldn't have to pay it.

Mr. Poe stated he would speak to the engineer.

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve payment of invoices to Gas Station Supply contingent on Mr. Poe checking on the \$4,000.00 in taxes. Upon the question being put the vote was as follows.

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

SHERIFF'S DEPARTMENT VEHICLE BIDS

Mr. Poe stated two of our four vehicles ordered last year are at the dealership in Richmond and the other two are in transit. He added the Sheriff's Department was recently awarded a grant which included funding for six (6) new vehicles. Bids were solicited in early September and the deadline was extended to October 4 to allow more participation. He stated only one bid from Freedom Ford was received largely due to current labor strikes and manufacturer's uncertainties of production and model availability. He added the bid received has some contingencies and wasn't a firm bid noting that the vehicles were stated as 2024 Ford Police Explorer's but also stated that the bid pricing and Government Discount Program and supply for the month of September are not available for a true 2024. The vendor referenced 2023 units and gave a price of \$46,447.13 each with a disclaimer note stating 2024 pricing and GPC discounts are not available and prices are subject to change depending on date of purchase order. He added the dealers are saying 2024's may have a 1% to 2% price increase. He stated the dealership advised they have found 20 Ford Police units that are silver but we have not seen a spec sheet. The dealership will honor the \$46,447 and can deliver within the next 30 days of a purchase order. He advised the grant is good through June 30, 2024 and unsure if the grant can be extended.

Mr. Kolb stated he thought the Board voted to get Dodge Chargers if the Ford Explorers were not available.

Mr. Poe stated we did not get any bids for Dodge Chargers.

There was a discussion about the Sheriff's vehicles.

Mr. Poe stated the grant is for the Sheriff's office but has to go through procurement and be approved by the Board.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve the purchase of 6 Ford Explorer's from Freedom Ford at a cost of \$46,447.13 each for the Sheriff's office contingent on meeting the specs. Upon the question being put the vote was as follows.

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

OFFER TO DONATE PROPERTY

Mr. Kolb requested closed session for this item.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

SW VA ALCOHOL SAFETY ACTION PROGRAM

Mr. Poe stated the Southwest Virginia Alcohol Safety Action Program notified him that the County's appointee's term has expired. He added they are requesting Sarah Wynn be appointed to fill that vacancy. He stated the term is not less than one year and no more than three years and requires a Resolution.

It was moved by Mr. Leonard, seconded by Mr. Smith, to appoint Sarah Wynn to a three-year term on Southwest Virginia Alcohol Safety Action Program. Upon the question being put the vote was as follows.

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

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LEE, ESTABLISHING, BY JOINT ACTION OF THE BOARDS OF SUPERVISORS OF THE COUNTIES OF BUCHANAN, DICKENSON, LEE, RUSSELL, SCOTT, TAZEVELL, WISE AND THE CITY COUNCIL OF THE CITY OF NORTON, THE MEMBERSHIP OF THE REGIONAL POLICY BOARD OF THE ALCOHOL SAFETY ACTION PROGRAM (SOUTHWEST VIRGINIA ASAP) TO SERVE THE REGION COMPOSED OF THOSE COUNTIES AND CITY
23-014**

WHEREAS, the General Assembly of Virginia has, by statute, codified as Virginia Code Section 18.2-271.1 (H), provided that any county, city, town, or any combination thereof may establish and operate alcohol safety action programs in connection with highway safety, and that each such program will operate under the direction of an independent policy board chosen in accordance with procedures approved and promulgated by the Commission on VASAP; and

WHEREAS, the Commission on VASAP has approved and promulgated such procedures, which are set out in 24 Virginia Administrative Code 35-20-180; and

WHEREAS, Boards of Supervisors of the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, Wise and the City Council of the City of Norton have established and do operate Southwest Virginia ASAP, which is a regional alcohol safety action program in connection with highway safety, and the Commission of VASAP had approved and promulgated procedures for the policy board of that regional alcohol safety action program to be reconstituted;

NOW THEREFORE, BE IT RESOLVED, in accordance with the procedures approved and promulgated by the Commission on VASAP, and pursuant to the authority granted to this Board by Virginia Code Section 15.2-1411 and the organic law of the Commonwealth:

1. That one member of the Policy Board shall be appointed by the governing body of each participating jurisdiction, and the remaining members of the

Policy Board shall be selected by those appointees in accordance with law and regulations.

2. That this Board of Supervisors appoints Sarah Wynn, Attorney at Law, to Southwest Virginia ASAP's Policy Board for a period of three (3) years, term to end October 31, 2026.

ORDERING EQUIPMENT FOR POLICE VEHICLES

Mr. Poe stated the new police cruisers will be delivered soon and added he would like to get all the equipment on order for the cruisers due to the fact it has been hard to get in the past. He stated the cost to equip the cruisers pre-Covid was around \$7,000.00 per vehicle but currently is \$10,865.73 per vehicle.

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve ordering of equipment for new police cruisers at a cost of \$10,865.73 per vehicle. Upon the question being put the vote was as follows.

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

CHRISTMAS OPERATING SCHEDULE AT LANDFILL

Mr. Poe stated Mr. Collingsworth has submitted a proposal concerning the Christmas operating schedule for the Landfill. He stated the Landfill is closing at 11:00am on Friday the 22nd and will be closed through Monday the 25th. He advised the Courthouse will close at noon on the 22nd and closed on the 25th also. He stated Mr. Collingsworth is proposing to add two additional dumpsters at Dryden, Woodway, Ben Hur and Ewing and at the front gate prior to the Holidays. He added on Thursday the 21st they would dump every site in the County and on Friday the 22nd they would dump all sites in the County, waiting as late in the day as possible to dump Dryden, Woodway, Ben Hur, Rose Hill, Ewing and the front gate. Saturday the Convenience Centers will be open and the Scale House closed. He is proposing to close all Convenience Center sites on the 24th and 25th and the Transfer Station would be closed on the 25th. He stated if the Convenience Center is open all day Saturday, Sunday and Monday with no trash being hauled out they won't be able to find the cans.

Mr. Leonard stated if they are closed they won't be able to find the Convenience Center.

Mr. Poe stated he is submitting this for the Board's consideration, he isn't asking for a decision until next month.

Mr. Leonard stated the Board needs to make their opinions known and added he just cannot see closing. He added people with families in would be overwhelmed with trash.

Mr. Kolb concurs with Mr. Leonard and added the quicker the Board says no the quicker Mr. Poe can figure out how to make it happen.

Mr. Poe asked if there were any of the days the Board would consider closing or do they want it open all three days.

Mr. Kolb stated he wants them to be open all three days.

Mr. Mosley stated he thought the Board decided to leave it up to the operators to close or not on holidays.

Mr. Poe stated what was typically done on holidays was the operators would leave the gates open over night. He added normally on Tuesday and Wednesday they would run three trucks and both Boom trucks doing clean-up.

Mr. Kolb asked if the Scale House is usually open on Saturdays.

Mr. Poe stated yes but if the contractors fill-up their trucks with Thursday and Friday's trash we have nowhere to put waste. If it's allowed to come in on Saturday it's going on the pad and we would be in violation.

Mr. Kolb asked if he would fill the trucks on Friday.

Mr. Poe stated that's his assumption that everything would be filled up with Thursday's and Friday's waste.

Mr. Mosley asked how many loads per day are being taken to Blountville.

Mr. Poe stated three to four a day.

There was a discussion about the amount of waste and operating hours for the Christmas Holiday weekend.

Mr. Poe stated he will relay the Board's concerns to Mr. Collingsworth and get an estimate of how much waste he anticipates to have by the end of the day on Friday.

Mr. Jessee asked if having cans outside the gate was permitted at Convenience Center sites.

Mr. Poe stated they prefer not to because they are fenced and keep some animals like bears out.

Mr. Jessee stated the fence at Woodway Convenience Center has been down for a long time.

Mr. Poe advised he has a proposal to bring before the Board concerning repairs to the fence.

Mr. Jessee stated if the Convenience Centers are closed it would be better to have cans outside the fence.

Mr. Mosley stated his thoughts are when the cans are full people will throw the trash on the ground.

Mr. Jessee stated he would rather have two cans full.

Mr. Mosley stated its tempting people to throw trash on the ground when they see the cans outside the fence.

Mr. Kolb asked if Wise County was asked last year to take our trash for a couple of days.

Mr. Poe stated yes with no response.

Mr. Kolb asked if he thought they would.

Mr. Poe stated he can inquire about it.

Mr. Mosley stated we will accumulate more trash on Sunday and Monday and if it has to be held until Tuesday he doesn't think that will work.

Mr. Poe stated waste will start accumulating on Saturday night.

Mr. Jessee asked how many extra cans we have.

Mr. Poe stated at least ten but he will check on that and provide the information to the Board.

Mr. Leonard concurs with Mr. Jessee on putting as many cans as possible at the Convenience Centers during the Christmas Holiday.

Mr. Leonard stated we don't have enough people picking up trash now without closing the sites and adding to it.

CONVENIENCE CENTER SITE ON 606

Mr. Poe stated the entrance permit from VDOT requires the entrance area to be paved far enough for vehicles to pull out onto the highway. He advised that potholes are starting to form and the estimated cost for asphalt and renting a roller is \$5,500.00.

It was the consensus of the Board to move forward with this project.

FENCE REPAIRS AT WOODWAY CONVENIENCE CENTER

Mr. Poe stated the fence at the Woodway Convenience Center is in really bad shape with some of the fence posts broken off and some bent over. He advised the fencing materials is going to cost about \$3,250.00 and will be ordered from a manufacturer. He stated Mr. Collingsworth is proposing to reduce the size of the fenced area and added some of the existing material may be able to be reused there or elsewhere.

It was moved by Mr. Mosley, seconded by Mr. Jessee, to purchase materials at a cost of \$3,250.00 to replace the fence at the Woodway Convenience Center. Upon the question being put the vote was as follows.

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

BASKETBALL COURT AT ST.CHARLES

Mr. Poe asked if the Board is ready to move forward with the St. Charles Basketball Court at a cost of \$7,100.00 and determine Ballard's role later.

Mr. Leonard stated he thinks Ballard will reimburse the County.

Mr. Mosley agrees.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to move forward with the St. Charles Basketball Court. Upon the question being put the vote was as follows.

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

REQUEST FOR CLOSED SESSION

Mr. Poe requested closed session for personnel and the investing of public funds.

REPORTS AND RECOMMENDATIONS OF THE BOARD

AT&T MBO'S

Mr. Leonard stated the polls are up for the AT&T MBO's but can't give an update on the equipment.

Mr. Poe stated we have submitted requests for power at the two sites. He added the AT&T equipment is ready and there is a call scheduled the first part of November for an update. Once the polls are set they have to go through the environmental before the equipment can be set. The goal is to get at least two sites operational by the end of the year,

hopefully all three. He stated the internet service to the St. Charles MBO still has to be run and added if it gets delayed, there is the potential the price could go up.

LITTER PICKUP ON HWY 58

Mr. Mosley requested the Works Program pick up litter on Highway 58 between Jonesville and Dot. He stated he has followed the trucks and knows where it is coming from. He advised the next contract include a provision for solid tarps on the trucks instead of mesh.

OPIOID FUNDING COMMITTEE

Mr. Kolb stated Dr. Vanzee has requested to be added on the Opioid Committee and asked if the Board was in favor of that request.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to appoint Dr. Art Vanzee to the Opioid Committee. Upon the question being put the vote was as follows.

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

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Leonard, to enter Closed Session pursuant to 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. 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.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.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, 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. Jessee, Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Smith

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

VOTING AYE: Mr. Jessee, 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.

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

APPOINTMENT OF ZONING ADMINISTRATOR

It was moved by Mr. Kolb, seconded by Mr. Jessee, to appoint Clint Carter Zoning Administrator and increase his salary by \$2,500 annually for the additional duties. Upon the question being put the vote was as follows.

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

ADDITIONAL EXTERIOR ELECTRICAL OUTLETS AT AIRPORT

Mr. Kolb stated at the fly-in at the airport in October the food vendors had to run generators due to not enough capacity with the existing outlets. He added the Airport Authority requested to add an outlet along the fence behind the fuel tanks at their expense.

It was moved by Mr. Kolb, seconded by Mr. Smith, to allow the Airport Authority to install an outlet at the airport on the fence behind the fuel tanks at their expense. Upon the question being put the vote was as follows.

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

ACCEPT DONATED PROPERTY

It was moved by Mr. Kolb, seconded by Mr. Leonard, to accept the donation of property discussed in closed session identified as property X. Upon the question being put the vote was as follows.

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

ADVERTISE PUBLIC HEARING FOR SURPLUS PROPERTY

It was moved by Mr. Kolb, seconded by Mr. Leonard, to schedule a public hearing to declare a portion of Tax Map #53A-(20)-1 as surplus. Upon the question being put the vote was as follows.

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

ADVERTISE PUBLIC HEARING TO ABANDON RIGHT-OF-WAY

It was moved by Mr. Kolb, seconded by Mr. Mosley, to advertise for the proposed abandonment of right-of-way at the end of Route 779. Upon the question being put the vote was as follows.

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

ALLOCATE FUNDING FOR OPIOID SPEAKER

It was moved by Mr. Kolb, seconded by Mr. Leonard, to allocate \$2,500.00 of Opioid Abatement Funds to the Opioid Abatement Committee to spend on a speaker for Lee County Schools. Upon the question being put the vote was as follows.

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

FUNDING FOR DEQ FINANCIAL ASSURANCE

It was moved by Mr. Mosley, seconded by Mr. Jessee, to set up an Escrow Account for the DEQ Financial Assurance contingent on being able to structure as discussed in closed session in the amount of up to \$170,000.00. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Leonard

It was moved by Mr. Mosley, seconded by Mr. Smith, to recess until November 2, 2023 at 4:30p.m. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD