

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 November 21, 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

Ed Murphy, Pastor of Dryden Missionary Baptist Church, led in the Invocation.

PLEDGE TO THE FLAG

D.D. Leonard led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:31 p.m.

PUBLIC HEARINGS

PROPOSED DISPOSITION OF REAL PROPERTY

The Lee County Board of Supervisors held a Public Hearing on Tuesday, November 21, 2023 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse in

Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on the proposed disposition of real property consisting of a portion of Tax Parcel 53A-(20)-1.

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.

Mr. Poe stated the plat showing the parcel being considered is shown as tract B and consists of 1.6 acres. The portion proposed to be sold is slightly less than that.

There was no public comment.

The Chairman closed the floor for public comment

DEPARTMENT REPORTS

Written departmental reports for E-911, Solid Waste, Litter & Recycling, Animal Control and the Works Program were included in the packet.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of October 2023 was submitted as follows:

Revenues	\$ 7,944,911.53
Expenditures	\$ 7,837,344.42
General Fund	\$ 6,451,452.35
Total Assets and Liabilities	\$ 12,511,521.67

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 Byington, Lee County Extension Office, stated that Dr. Mike Gutter the Director of Virginia Cooperative Extension will be at the LENOWISCO PDC offices on December 6th to meet with people from the Community. Current and new members of the Board of Supervisors are invited to attend.

Ms. Byington stated she would like to recognize the 4-H students from Lee County. She stated Maya Echeverria was chosen to represent Virginia at the National 4-H Congress in Atlanta, Georgia and Riley Crabtree attended the Presidential Turkey pardoning in Washington, D.C.

Andrea Haubner, Family and Consumer Science Agent for Lee and Scott Counties, recognized Tyler Bales, Maya Echeverria and Kamryn Lee who competed in the National 4-H Food Challenge Contest in Dallas, Texas in October. She stated it is an honor for them to have gone and competed and added they placed 3rd in the nation.

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 October 17, 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 refund requests. Upon the question being put the vote was as follows.

Wanda Andis	\$200.00
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Toyota Lease Trust	\$416.38
Clyde Moore	\$490.82

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 November, in the amount of \$ 243,383.19. 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

DONATED REAL ESTATE

Mr. Poe stated the documents are out for signatures and he is doing research on a couple of tracts to confirm the descriptions are correct.

SCANNER/PRINTER IN CIRCUIT COURT

Mr. Poe stated he hopes to have the quotes by the December Board meeting.

SHERIFF'S DEPARTMENT VEHICLE BIDS

Mr. Poe stated the information submitted to the Board previously from Freedom Ford could not be confirmed. The Purchasing Clerk located two standard police cruisers that met the specs and were within the price range. Two standard Ford Explorers were located in Johnson City with one in stock and another in production. Both vehicles were purchased

within budget. With four of the six vehicles purchased, the Sheriff's Office agrees with holding off on purchasing the remaining two vehicles for a few months.

FINANCE

SUPPLEMENTAL APPROPRIATIONS

CIRCUIT COURT CLERK

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$1,710.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18030-0006	Reimbursements	\$ 1,710.00
Expense:		
4-001-21600-1350	Part-Time Salaries	\$ 1,710.00

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

COMMONWEALTH ATTORNEY

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$13,500.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-23010-0002	Commonwealth Attorney Ceasefire Grant	\$13,500.00
Expense:		
4-001-22100-3180	Ceasefire Grant	\$13,500.00

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

SHERIFF'S DEPARTMENT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$65.00. Upon the question being put the vote was as follows.

Revenue Source:

3-001-18030-0006 Reimbursements \$65.00

Expense:

4-001-31200-5530 Travel (Lodging & Subsistence) \$65.00

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

SHERIFF'S DEPARTMENT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$3,560.00. Upon the question being put the vote was as follows.

Revenue Source:

3-001-18990-0002 Sheriff's Donations \$3,560.00

Expense:

4-001-31200-5899 Donation Funds \$3,560.00

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

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 Kay Jessee Williams to the un-fulfilled term on Lonesome Pine Office on Youth. Ms. Williams' term will expire on May 31, 2025. Upon the question being put the vote was as follows.

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

PUBLIC SERVICE AUTHORITY

It was moved by Mr. Smith, seconded by Mr. Kolb, to re-appoint Harold Jerrell to a four-year term on the Public Service Authority. Mr. Jerrell's term will expire November 30, 2027. Upon the question being put the vote was as follows.

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

PUBLIC SERVICE AUTHORITY

It was moved by Mr. Kolb, seconded by Mr. Leonard, to re-appoint Bill Carter to a four-year term on the Public service Authority. Mr. Carter's term will expire November 30, 2027. Upon the question being put the vote was as follows.

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

APPALACHIA JUVENILE COMMISSION

It was moved by Mr. Smith, seconded by Mr. Leonard, to appoint Alan Crockett to a two-year term on the Appalachian Juvenile Commission. Mr. Crockett's term will expire November 30, 2025. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

Mr. Poe stated on the Board appointment list for December some of the appointments are incorrect. He added Ms. Thomas hasn't been through an election cycle and explained that she goes by the expiration date of the term. Board Members' terms expire at the end of their term in office. He stated many of the appointments will be in January.

WESTERN LEE SEWER EASEMENT PLATS

Mr. Poe stated the Western Lee Sewer Project design phase has reached a point that we can now begin to work on acquisition of temporary and permanent easements for the project. He stated there will be approximately 90 easements needed for Phase I of the project. He advised appraisals for each needed easement must be obtained in order to meet

US Army Corp of Engineer (USACE) requirements for funding and property plats for each easement will be needed to complete the appraisals. He added the County has submitted two potential appraisers to the Corp with one not accepted. The estimate for appraisal services is \$50,000.00 and the estimate for easement plats is \$55,000.00. These costs are subject to negotiation to reduce them. He added per USACE project agreement requirements, these costs are to be paid by the local sponsor (Lee County) and will be counted against the sponsor share of the total cost of the project. He is requesting the Board allocate funds from the American Rescue Funds for this project.

Mr. Leonard asked if The Lane Group is the only group that can do the easement plats.

Mr. Poe stated they have the contract with the Corp and they are doing all of the design work.

Mr. Leonard asked if they were already under contract.

Mr. Poe stated they are under contract with the Corp.

Mr. Leonard asked if the County was paying the bill.

Mr. Poe stated not for the design work but the County will be paying for the plats. He added that is something he wants to discuss further with the Corp and added the cost may come down.

Mr. Leonard stated just because The Lane Group has a contract with the Corp doesn't mean they have a contract with the County. He added the County is paying the bill and we should have some say in who does the work.

Mr. Poe stated the Board will decide who does the work. He added our goal is to negotiate a lower cost. He advised they are already working on the project and have a lot of

information already worked out. He added if the Board wants to open it up for procurement and have firms submit quotes he will do that.

Mr. Leonard stated he would be interested to see what other quotes we would get.

Mr. Mosley stated if the Board hires someone other than The Lane Group it will cost more.

Mr. Leonard stated we don't know that unless we try.

Mr. Mosley stated The Lane Group wont hand over their information to another company.

Mr. Leonard stated he wouldn't expect them to but they need some competition on the price.

Mr. Kolb stated we need the PSA's approval on the contract.

Mr. Poe stated he isn't asking the Board to approve a contract now.

Mr. Leonard stated he would like to see some competitive bids.

Mr. Kolb stated the PSA will be working with The Lane Group not the Board.

Mr. Poe stated the County is the sponsor for the project and added the PSA will be more involved when it comes to construction. He added this is just for the easements.

Mr. Kolb stated this is the PSA's project it's not the Boards project.

Mr. Poe stated the Board is the sponsor with the Corp of Engineers.

Mr. Kolb asked who the money will go to from the sewage bills.

Mr. Poe stated the money for the project construction will go to the County.

Mr. Kolb stated the PSA has been the lead for the project.

Mr. Poe stated the PSA is involved in all the calls.

Mr. Kolb stated the PSA has not seen this contract.

Mr. Poe stated he has only had the contract for a couple of weeks.

Mr. Poe asked if the Board wants him to advertise for additional firms.

Mr. Kolb advised taking the matter to closed session.

USED BUCKET FOR EXCAVATOR

Mr. Poe stated the Public Works Superintendent is requesting to purchase a used 18”wide bucket for the county’s excavator. He added the existing bucket is 36” wide and is too large for some of the applications and a smaller bucket would allow less ground disturbance and decrease clean up time. The cost of the used bucket is \$1,445.00.

It was moved by Mr. Leonard, seconded by Mr. Jessee, to approve the purchase of a 18” used bucket from Carter Machinery at a cost of \$1,445.00. Upon the question being put the vote was as follows.

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

GRANTWRITER CONTRACT

Mr. Poe stated the current contract for grantwriting services with Robert Bost expires on November 30, 2023. He added the current rate for services is \$1,050.00 per month and a motion is needed if the Board wishes to renew the contract.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to renew the contract with Robert Bost for grantwriting services in the amount of \$1,075.00 per month. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Mosley

Prior to the vote on the motion Mr. Mosley asked what benefit having a grantwriter is and how much money has he gotten for the County in the last two years.

Mr. Kolb stated he doesn’t know how much money anyone has brought in two years. He added everyone he sends to him he pursues the grants and he works at the airport as if it were his job.

BOARD APPOINTMENTS

Mr. Poe stated the former Community Development Director had been appointed to the Ninth District Development Financing, Inc.; Heart of Appalachia Tourism Authority; and Southwest Virginia Regional Recreation Authority (Spearhead Trails), which are all tourism related boards. The Heart of Appalachia appointment was designated by code as the local tourism director. He added he was also appointed to the Lonesome Pine Regional Industrial Facilities Authority which is generally made up of County Administrators and Economic Developers for each county/city and finally the Regional Improvement Commission which is the entity responsible for making decisions regarding funding proceeds from the Bristol Casino taxes. He stated he has attended a couple of the Regional Improvement Commission meetings as a designee of the appointed individual. He is requesting official replacement appointments be made to these boards or entities to formalize them and prevent any question of voting matters.

Mr. Kolb asked if it was possible for Mr. Poe to serve on boards temporarily until Mr. Wright starts.

Mr. Poe stated the Board can appoint him and at any point the Board decides he can step back and Mr. Wright can begin serving.

There was a discussion about the Board Appointments.

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

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

INVOICE FOR PARKING LOT CONSTRUCTION

Mr. Poe stated Glass Machinery has submitted an invoice for the parking lot construction and added the project is complete with the exception of some hand railing that is being built by a local vendor. He stated the invoice has been submitted with 10% reduction for the cost of the hand rails which equals \$27,229.08 leaving the requested amount of \$245,061.72.

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the payment of the invoice from Glass Machinery for parking lot construction in the amount of \$245,061.72. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

SALE OF SCRAPER BLADE AND PURCHASE OF DOZER BLADE

Mr. Poe stated the Public Works Superintendent recommends selling the scraper blade for the tractor due to the inability to get enough down pressure to cut and grade. He also recommends purchasing a blade for the skid steer that would be better for grading, leveling and cutting at a cost of \$6,105.00.

It was moved by Mr. Smith, seconded by Mr. Leonard, to approve selling the current scraper blade and purchasing a blade for the skid steer at a cost of \$6,105.00. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

Mr. Poe requested closed session for personel.

REPORTS AND RECOMMENDATIONS OF THE BOARD

Mr. Kolb asked if the letter from Waste Management was accurate with the contract.

Mr. Poe stated yes.

AIRPORT & PSA BOARD PAY RATE

Mr. Kolb stated the Airport Board and PSA Board are paid \$50 per member per month. He added that was out of line with some of the other Boards and recommends increasing the pay to \$75 per month.

Mr. Poe stated most of the local appointed Boards are \$50 per month.

Mr. Kolb stated they should be uniform for uniform work. He added they haven't had a raise in the last 4 years.

Mr. Poe stated most of the Boards pay rate has been \$50 since he has been the County Administrator.

Mr. Poe advised looking at all Board's pay at the December meeting.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Smith, 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.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; 23711 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 litigation posture of the public body; and consultation with legal counsel employed or retaining by a public body regarding specific legal matters requiring the provision of legal advice by such

counsel. 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. Mosley, seconded by Mr. Kolb, 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

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. Jessee, Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Smith

EMPLOYEE SALARY INCREASE

It was moved by Mr. Kolb, seconded by Mr. Leonard, to increase Josh Cox's yearly salary by \$2,500.00 effective December 2023. Upon the question being put the vote was as follows.

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

**ALLOCATION OF ARPA FUNDS FOR WESTERN LEE COUNTY SEWER
PROJECT**

It was moved by Mr. Leonard, seconded by Mr. Kolb, to allocate up to \$100,000.00 of ARPA Funds to cover the appraisals and plats for the Western Lee County Sewer project. Upon the question being put the vote was as follows.

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

SURPLUS PROPERTY & REMOVAL OF BUILDING

It was moved by Mr. Jessee, seconded by Mr. Smith, to not sell the property subject of the earlier public hearing and tear down the building on said property. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb, Mr. Mosley

It was moved by Mr. Mosley, seconded by Mr. Kolb, to adjourn. 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