

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 19, 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

Charles Barrier, Pastor of Calvary Missionary Baptist Church of Pennington Gap, 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 5:38 p.m.

PUBLIC HEARINGS

SPECIAL USE PERMIT

The Lee County Board of Supervisors held a Public Hearing on Tuesday, September 19, 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. Raymond and Malinda Yutzy have applied for a Special Use Permit to allow a restaurant in an A-1, Agricultural Zone. The property consists of approximately 6.5 acres of land and is located at 25447 Wilderness Rd. (U.S. Hwy 58) approximately 8 miles west of Jonesville, Tax Parcel #50-(A)-20A.

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. Leonard, seconded by Mr. Kolb, to approve the Special Use Permit to allow a restaurant in an A-1, Agricultural Zone. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

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

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 6,928,632.00
Expenditures	\$ 8,369,119.75
General Fund	\$ 6,254,765.15
Total Assets and Liabilities	\$ 12,403,954.56

PUBLIC EXPRESSION

The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

There was no public 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 August 15, 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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the disbursements for the month of September in the amount of \$1,200,464.50. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

SUPPLEMENTAL APPROPRIATIONS

CIRCUIT COURT CLERK

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the following Supplemental Appropriation in the amount of \$1,440.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	1,440.00
Expenditure:			
4-001-21600-1350	Part-Time Salaries	\$	1,440.00

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

SHERIFF'S DEPARTMENT

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the following Supplemental Appropriation in the amount of \$850.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	850.00
Expenditure:			
4-001-31200-5540	School/Basic Training	\$	850.00

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

SHERIFF'S DEPARTMENT

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the following Supplemental Appropriation in the amount of \$1,170.57. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	1,170.57

Expenditures:			
4-001-31200-5550	Transportation/Extradition	\$	1,170.57

QUARTERLY APPROPRIATIONS

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve Resolution 23-010. Upon the question being put the vote was as follows.

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

**LEE COUNTY BOARD OF SUPERVISORS
 APPROPRIATIONS RESOLUTION
 FISCAL YEAR ENDING JUNE 30, 2024
 23-010**

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2023-24; 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, 2023

HEADSTART

Federal Funds	\$ <u>1,618,181</u>
---------------	---------------------

TOTAL HEADSTART	\$ 1,618,181
-----------------	--------------

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds	\$ 9,609,845
Local Funds	<u>1,488,549</u>

TOTAL VIRGINIA PUBLIC ASSISTANCE \$ 11,098,394

LEE COUNTY PUBLIC SCHOOLS

Federal, State & Other Funds \$52,083,024
Local Funds 5,535,843

TOTAL LEE COUNTY PUBLIC SCHOOLS \$57,618,867

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 2023-2024.

TOTAL FY 2023-24 BUDGET \$90,907,030

OLD BUSINESS

COUNTY CODE RECODIFICATION

Mr. Poe stated he received the updated code and needs to provide the additional changes and added once that is complete we can work on getting it on line.

OLD DRUG STORE PARKING LOT

Mr. Poe requested closed session for this matter.

Mr. Kolb asked about renting or the County using the sign in the parking-lot of the old drug store.

Mr. Poe advised that Lee Bank was going to remove the sign due to its poor condition.

DONATED REAL ESTATE

Ms. Munsey stated she and Mr. Poe have an appointment for Thursday to obtain signatures.

COUNTY CELL PHONES

Mr. Poe advised all County cell phones have been switched over to AT&T.

Mr. Mosley asked if the coverage was better.

Mr. Poe stated he hasn't had any negative feedback.

Mr. Leonard apologized for missing the AT&T conference call and asked for an update.

Mr. Poe stated the call was to confirm schedules delivery and installation of poles and equipment. He added one site near Turner Siding may take longer due to additional time needed to deliver broadband to the site.

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 Talmadge Gunter to a one-year term on Lonesome Pine Office on Youth. Mr. Gunter’s term will expire on June 30, 2024. Upon the question being put the vote was as follows.

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

Mr. Poe stated he received an email from the administrative staff at Lonesome Pine Office on Youth requesting two appointments be replaced and added that Stephanie Fee is eligible for re-appointment.

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Leonard, seconded by Mr. Mosley, to re-appoint Stephanie Fee to a four-year term on Lonesome Pine Office on Youth. Ms. Fee’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

TOURISM COMMITTEE

It was moved by Mr. Smith, 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

WOODWAY WATER AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Kolb, to re-appoint Chad Allen to a four-year term on Woodway Water Authority. Mr. Allen’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

**COMMONWEALTH'S ATTORNEY FINES AND COSTS COLLECTION
REPORT**

Mr. Poe stated the Delinquent Fines and Costs Collections for FY2023 is \$34,817.00 with half going to the State. He added of this amount the County keeps \$17,408.50. Per the agreement to split the proceeds Mr. Cridlin is requesting \$8,704.25 be transferred to CWA Collections Program Expenses and the remaining \$8,704.25 to be used at the discretion of the County.

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the Supplemental Appropriations in the amount of \$8,704.25 to Line Item 4-001-022200-5899. Upon the question being put the vote was as follows.

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

**HIGHLANDS JUVENILE DETENTION ALTERNATIVES PROGRAM
RESOLUTION**

Mr. Poe stated the Appalachian Juvenile Commission, of which Lee County is a member, provides juvenile detention alternative programs for its member localities. Each participating county or city receives some state funding for these programs which is routed directly to the Commission. He added VJCCCA requires localities to endorse their participation by resolution every two years: however, by adopting the enclosed resolution, no further action will be required by participating localities unless they notify the Department of Juvenile Justice, in writing, that they no longer wish to participate. He recommends adopting the enclosed resolution. He stated the resolution number was incorrect and should be changed from 20-011 to 23-011.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to adopt Resolution 23-011. Upon the question being put the vote was as follows.

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

**RESOLUTION OF LEE COUNTY
COMBINING THE VJCCCA FUNDING FOR THE COUNTIES OF BUCHANAN,
DICKENSON, LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, WASHINGTON
AND WISE AND THE CITIES OF BRISTOL AND NORTON
23-011**

WHEREAS, the Lee County has been the recipient of State funding from the Virginia Juvenile Community Crime Control Act (VJCCCA) for the past eighteen years; and

WHEREAS, this program, in conjunction with ten other jurisdictions, has been jointly administered by the Appalachian Juvenile Commission and by Washington County as fiscal agent; and

WHEREAS, this Commission will serve as the distributor of funded programs to those localities participating;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby agrees as follows:

1. The Appalachian Juvenile Commission will participate in the VJCCCA and accept funds appropriate for the purpose set forth in this Act until it notifies the Department of Juvenile Justice in writing, that it no longer wishes to participate.
2. Lee County will combine with the Counties of Buchanan, Dickenson, Russell, Scott, Smyth, Tazewell, Washington and Wise and the Cities of Bristol and Norton to form one combined plan with Washington County acting as the fiscal agent.
3. The County Administrator of Washington County is hereby authorized to execute a local combined plan on behalf of said localities.

TOBACCO FALL FESTIVVAL SPONSORSHIP

Mr. Poe presented the annual request for sponsorship of the Tobacco Fall Festival scheduled for October 28, 2023. He added in the past the County has been a featured sponsor at a cost of \$300.00.

It was moved by Mr. Leonard, seconded by Mr. Jessee, to approve the request for sponsorship of the Tobacco Fall Festival scheduled for October 28, 2023 at a cost of \$300.00. Upon the question being put the vote was as follows.

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

REQUEST FOR TRANSFER OF FUNDS TO SCHOOL BOARD CAPITAL RESERVE FUND

Mr. Poe stated the School Board has requested a re-appropriation of excess stated funds unspent in Fiscal Year 2022-2023. He advised due to the amount a public hearing is required and will be advertised for the October meeting. He stated in addition to the carryover funds, they also completed the year with unspent local funds of \$112,487.00. Per the County’s agreement from 2016, two-thirds of the amount (74,991.33) is requested to be transferred to the School Board capital reserve Fund with the remaining \$37,495.67 reverting to the County General Fund. He advised any expenditure that goes into the School Board Capital Reserve Fund does require action by the School Board and the Board of Supervisors.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the return of \$74,991.33 to the School Board Capital Reserve Fund and \$37,495.67 to the County General Fund. Upon the question being put the vote was as follows.

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

JONESVILLE INSTITUTE TERMITE INSPECTION

Mr. Poe stated at the Board’s request a termite inspection of the old Jonesville Institute building was done. He added they were unable to access some portions of the building but determined there was evidence of prior termite activity but no active termites present. He asked how the Board wants to proceed.

Mr. Mosley asked what the inspector recommended.

Mr. Poe stated Orkin did the inspection and gave a price on treatment but he recommended not disclosing the price in case the Board wants to get other quotes.

Mr. Kolb asked if Mr. Poe looked at the damage to the room on the northeast corner.

Mr. Poe stated he has already seen it.

There was a discussion about the damage and the best way to repair it.

Mr. Jessee asked if the building was occupied.

Mr. Poe stated no.

Mr. Kolb asked when the last time the building was treated for termites.

Brian Dean, Superintendant at Lee County Schools, stated he has been at the Central Office about 10 years and doesn't know of it being treated.

Mr. Mosley asked if the Board took bids for termite treatment on the Social Services building.

Mr. Poe stated yes.

Mr. Mosley asked if Orkin was selected.

Mr. Poe stated yes.

Mr. Mosley recommends using Orkin to treat the Institute building.

Mr. Poe recommended taking up the matter in closed session.

Mr. Jessee asked if the building will ever be occupied.

Mr. Mosley stated it needs some work but could be utilized.

Mr. Poe stated the building was built in 1911 and probably has the original windows that would need to be replaced. He added the School Board took the boiler system and there has never been any air conditioning.

Mr. Smith asked why the County has kept the building.

Mr. Mosley stated when the old School Board office was torn down the public thought the Institute building was going to be torn down also and was upset.

Mr. Kolb stated he would sell the building.

Mr. Poe stated the building isn't adding any immediate value to the County but has historic value. He added without ADA access it can't be used as office space.

Mr. Kolb stated the good thing about selling it is if someone buys it they will keep the historic value and get it back on tax rolls.

DSS HEAT PUMP REPORT

Mr. Poe stated there is a problem with the four-ton heat pump at Social Services and has been determined to need a new coil. He added the unit is approximately 13 years

old and a new coil is roughly \$3,400.00 and will take 8-12 weeks to get. He stated the other option would be to replace the entire unit with a new one since it is within 5 years of life expectancy.

Mr. Smith asked the cost of a new unit.

Mr. Poe stated he has a price from the vendor but recommends taking it up in closed session.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

Mr. Poe requested closed session for personnel.

BRIDGE NAMING REQUEST

Mr. Poe stated the Woman's Club has requested a bridge naming for a soldier killed in Vietnam from Lee County. He was born in St. Charles and lived in the Bonn Blue area at one time and may have relatives in the area. His name is Samuel Johnson, Jr. and the bridge proposed to be named in honor of him is over Straight Creek on Route 352.

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

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

**RESOLUTION
23-012**

. **WHEREAS**, Samuel Johnson, Jr. was born September 6, 1948 near St. Charles in Lee County, Virginia; and

WHEREAS, Samuel Johnson, Jr. enlisted in the United States Army on May 9, 1968 and began his tour in Vietnam on October 3, 1968; and

WHEREAS, PFC Johnson was killed on October 26, 1968 in Tay Ninh Province, South Vietnam; and

WHEREAS, PFC Samuel Johnson, Jr. is memorialized on the Vietnam Veterans Memorial on Panel 40W, Line 37 and was laid to rest at Lee Memorial Park near Pennington Gap, Virginia; and

WHEREAS, this Board wishes to commemorate the brave service and sacrifice of PFC Samuel Johnson, Jr. to country and countrymen;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors, in accordance with the requirements of Section 33.2-213 of the Code of Virginia, does hereby request the Commonwealth Transportation Board and the Virginia Department of Transportation formally designate and name the bridge over Straight Creek on Route 352 (St. Charles Rd) as the “Samuel Johnson, Jr. Memorial Bridge”.

JASPER CONVENIENCE CENTER

Mr. Poe stated Mr. Jessee asked for an update on the Jasper Convenience Center. He stated that hasn't been started on yet and advised an entrance permit from VDOT is needed. He added Mr. Collingsworth has given him a layout he but hasn't had time to get the permit but anticipates on having that out by early next week and added it shouldn't take VDOT long to approve and they can get started.

REPORTS AND RECOMMENDATIONS OF THE BOARD

RELEASING EMS FUNDS

Mr. Kolb asked if the Board settled on releasing the second half of the EMS funds.

Mr. Poe stated the last direction he was given by the Board was to release half of the funds.

Mr. Kolb asked if the Board was okay with releasing the second half of the EMS funds.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to release the second half of EMS funds. Upon the question being put the vote was as follows.

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

PRINTER IN CIRCUIT COURT CLERK

Mr. Kolb stated Rene Lamey, Circuit Court Clerk, has a printer and needs some modifications in the Deed Room office. He asked Mr. Poe to get with her on this issue.

JET FUEL TANK

Mr. Mosley asked for an update on the jet fuel.

Mr. Poe stated the tank is in and full of fuel but they have had some issues with the pump.

Mr. Kolb stated the card reader is getting worked on.

CAR CLUB EVENT AT AIRPORT

Mr. Mosley asked if Mr. Poe has heard anything from the Car Club on holding an event at the airport.

Mr. Poe stated no and added the Airport Authority has mixed feelings about the event.

AIRPORT HANGER TENANTS

Mr. Mosley asked if Mr. Kolb had an update on the hanger leases at the airport.

Mr. Kolb stated the Airport Authority has sent out letters and have received responses from most tenants. He and Mr. Poe have talked about drafting a formal letter to send out to the tenants that aren't going to comply and give them 30 day notice to get out.

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, 2.23711 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, 2.2-3711 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

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

It was moved by Mr. Leonard, seconded by Mr. Mosley, to replace the coil in the existing four-ton heat pump unit at DSS with a one year warranty at \$3,381.00. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

It was moved by Mr. Leonard, seconded by Mr. Jessee, to do the patchwork on the old drug store parking lot while paving the parking lot behind the Courthouse and go ahead with the quote to seal and stripe the old drug store parking lot. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

It was moved by Mr. Kolb, seconded by Mr. Leonard, 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