

VIRGINIA: County of Lee, to-wit:

At the Annual Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on January 18, 2024 at 6:00 p.m. thereof.

MEMBERS PRESENT: Josh Flanary
Mike Kidwell
D.D. Leonard
Brian Shoemaker
Roger Waddell

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Robby Wright led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:05 p.m.

ELECTION OF CHAIRMAN

It was moved by Mr. Shoemaker, seconded by Mr. Waddell, to elect D.D. Leonard as Chairman for 2024. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

ELECTION OF VICE-CHAIRMAN

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to elect Brian Shoemaker as Vice-Chairman for 2024. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

Mr. Leonard welcomed the new Board members and added he is looking forward to working with them along with the new Assistant County Administrator Robby Wright.

ESTABLISH TIME, DATE AND PLACE OF REGULAR MEETING

Mr. Kidwell requested the meetings start at 6:00p.m.

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to establish regular monthly meetings on the third Tuesday of each month at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

RULES OF PROCEDURE

It was moved by Mr. Flanary, seconded by Mr. Shoemaker, to adopt the following Rules of Procedure. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

RULES OF PROCEDURE

LEE COUNTY BOARD OF SUPERVISORS

Section I – Meeting

Section 1-1: When and where regular meetings held

The date, time and place of the regular Board of Supervisors meeting shall be established at the January annual meeting. Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended. (1)

Section 1-2: Special Meetings

The Board of Supervisors may hold such special meetings, as it deems necessary, at such time and place as it may find convenient; and it may adjourn from time to time as it may find convenient and/or necessary. A special meeting of the Board of Supervisors shall be called pursuant to, and in full compliance with, Sections 15.2-1417 and 15.2-1418 of the Code of Virginia, as amended. (2)

Section 1-3: Annual/semi-annual meetings

The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting. (3)

Section 1-4: Quorum and method of voting

At any meeting a majority of the Supervisors shall constitute a quorum. (4) All questions submitted to the Board for decision shall be determined by a voice vote of a majority of the Supervisors voting on any such question, unless otherwise provided by law. (5) The name of each member voting and how he or she voted must be recorded. (6)

Section 1-5: Member absenting himself from meeting prior to adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, a member shall not leave the meeting previous to adjournment unless by consent of the Board.

Section 1-6: Board to sit with open doors

The Board of Supervisors shall sit with open doors and all persons conducting themselves in an orderly manner may attend meetings; (7) provided, however, that Board may hold closed meetings as permitted by law. (8)

Section II – Officers

Section 2-1: Chair and Vice-Chair

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chair and a Vice-Chair in accordance with the provisions of Section 15.2-1422

of the Code of Virginia, as amended. The term of office for the Chair and Vice-Chair shall be for one (1) year, but they may be re-elected. In the case of the absence from any meeting of the Chair and Vice-Chair, the members present shall choose one of their number as temporary Chair, provided those members constitute a quorum. (9)

Section 2-2: Chair may administer oaths

The Chair shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its' powers and duties. (10)

Section 2-3: Clerk (duties, etc.)

The Clerk for the Board shall be the County Administrator and his/her duties and responsibilities shall be as set out in Section 15.2-1540 of the Code of Virginia, as amended. The Clerk may appoint a deputy as recording secretary if needed.

Section 2-4: Preservation of order

At meetings of the Board the presiding officer shall preserve order and decorum (11) and may require the Sheriff of Lee County, or at the Sheriff's option, a deputy to attend meetings of the Board to preserve order.

Section III – Conduct of Business

Section 3-1: Order of business

At meetings of the Board, subject to rearrangement by the Chair, absent an objection by the full Board, the order of business shall be as follows:

- (A) Call of order and roll call of members
- (B) Departmental Reports
- (C) Public hearings
- (D) Reports, requests, and recommendations of other departments
- (E) Citizens expression
- (F) Submission and approval of the minutes of the preceding meeting
- (G) Approval of Refunds
- (H) Approval of Warrant List
- (I) Delegations
- (J) Finance
- (K) Unfinished business
- (L) New business
- (M) Reports, requests and recommendations of the County Attorney
- (N) Reports, requests and recommendations of the County Administrator
- (O) Communications and instructions of members of the Board

When any matter is made the special order of business for a future meeting, it shall at such meeting take priority of all other business except the approval of the minutes of the last meeting.

Section 3-2: Manner of addressing Board generally; speaking only on question before Board

- (A) When any person, including Board Members, speaks to the Board, that person shall address the Chair and shall speak directly to the question before the Board.
- (B) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any Motion, Resolution or Ordinance preliminary to a vote on the same except at the discretion of the Chair.
- (C) No Board Member shall engage in discussion or ask questions of those addressing the Board without first being recognized by the Chair.

Section 3-3: Use of offensive language or gestures; sectarian or political discussion

No member of the Board shall, in debate at any meeting of the Board, use any language or gesture calculated to offend or insult another member. No discussion of sectarian or partisan character shall be allowed at meetings of the Board. (12)

Section 3-4: Priority in speaking to Board

When two or more members wish to speak at the same time, the Chair shall name the person who shall speak first. (13)

Section 3-5: Speaking more than once on same subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless consent of the Board has been given. (14)

Section 3-6: Form of petitions, etc.

Every petition, communication or address to the Board shall be respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-7: Motions

No proposition shall be entertained by the Chair until a Motion for the same has been duly made. The Chair may make a Motion without vacating the Chair. (15)

Section 3-8: Decisions on points of order

The Chair, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made on any point of order and such decision shall be made without debate. (16)

Section 3-9: Same, appeal to Board

Any member of the Board may appeal to the Board regarding the decision of the Chair on any question of order, a majority vote of those present being necessary to overrule the Chair. (17)

Section 3-10: Motion to adjourn

At a meeting of the Board, a Motion to adjourn shall always be in order and shall be decided without debate. (18)

Section 3-11: Voting on appointments to office

Every appointment by the Board shall be by voice vote, recorded by name in the Minutes of the Board of Supervisors. (19)

Section 3-12: Suspending rules

The rules of the Board may be suspended with the concurrence of four-fifths (4/5) of the members present. (20)

Section 3-13: Roberts Rules of Order

The proceedings of the Board, except as otherwise provided in applicable State law, shall be governed by Roberts Rules of Order, Newly Revised.

Section IV – Public Hearings

Section 4-1: Speakers

At every public hearing, speakers wishing to address the Board shall clearly state their name and address and shall be subject to a time limitation of three (3) minutes per individual or five (5) minutes for an individual representing a group, or such other limitation as the Board, in its' discretion, may impose. Each speaker shall be limited to one appearance at each public hearing.

Section 4-2: Members' participation

Board Members shall limit their comments in public hearings to insure participation by the public without Board interference.

Section 4-3: Close of hearing

When a public hearing shall have been closed by the order of the Chair of the Board, no further public comments are in order.

Section V – Agenda

Section 5-1(A): Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except where emergency circumstances require otherwise, every item to be placed on the Agenda shall be received in the Office of the County Administrator by 10:00 a.m. on the Tuesday prior to any regular meeting of the Board.

Section 5-1(B): Notification

Any member absent from a meeting shall be notified of a recessed meeting, including place, time and items to be placed on the Agenda.

Section 5-2: Delivery

The Agenda shall be mailed, or hand delivered, to each Member of the Board and the Attorney to the Board at least six (6) days prior to the meeting.

Section 5-3: Request to appear before the Board of Supervisors

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors to request Board action on any matter shall make such request to the Clerk or Agent as provided; however, no request shall be required in order to speak to the Board during the Citizens' Expression period.

Note: The purpose of the Citizens' Expression period at each regular meeting is to give all citizens an opportunity to appear before the Board to voice their opinions on matters of concern to them over which the Board has influence. Sections 4-1, 4-2 and 4-3 of these Rules of Procedure regarding public hearings will also apply to the Citizens' Expression period. This period should not be used to request specific Board action at that meeting. (See Section 5-3) If Board action is indicated as a result of information provided during this period, the matter should be placed on the Agenda for a future Board meeting.

NOTES

1. Code of Virginia, as amended, Section 15.2-1416.
2. Code of Virginia, as amended, Section 15.2-1417 and 1418.
3. Code of Virginia, as amended, Section 15.2-1416.
4. Code of Virginia, as amended, Section 15.2-1415.
5. Code of Virginia, as amended, Section 15.2-1420.
6. Constitution of Virginia, Article VII, Section 7.
7. Code of Virginia, as amended, Section 2.2-3707.
8. Code of Virginia, as amended, Section 2.2-3711.
9. Code of Virginia, as amended, Section 15.2-1422.
10. Code of Virginia, as amended, Section 15.2-1410.
11. The Virginia Local Legislator, Virginia Municipal League, Virginia Association of Counties, and the Institute of Government, University of Virginia, (1972) pp. 62-63.
12. Roberts, pp. 386-389.
13. Roberts, pp. 28-31.
14. Roberts, pp. 42-43.
15. Roberts, pp. 477-478.
16. Roberts, pp. 214-215.
17. Roberts, pp. 254-259.
18. Roberts, pp. 67-68, 234-240.
19. Roberts, pp. 43-50, 403-405.
20. Roberts, pp. 259-265.

DEPARTMENT REPORTS

Written departmental reports for Building Inspector, Extension Office and the Works Program were included in the packet.

Mr. Waddell stated he was impressed with the Building Inspector, Clint Carter, at their December informational meeting.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of January 2024 was submitted as follows:

Revenues	\$ 9,659,307.68
Expenditures	\$ 11,203,641.70

General Fund	\$ 9,176,449.79
Total Assets and Liabilities	\$15,455,368.61

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. Leonard, seconded by Mr. Flanary, to approve the minutes of the November 2, 2023 Recessed Meeting, November 13, 2023 Recessed Meeting and the December 19, 2023 Regular Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the disbursements for the month of January in the amount of \$177,403.53. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

OLD BUSINESS

DONATED REAL ESTATE

Mr. Poe stated he and Ms. Munsey are working on an issue with one of the properties. The description of the property was incorrect according to the property owner but he has found another deed, also they have been unable to find the chain of title.

Ms. Munsey stated there is nothing on file.

Mr. Poe stated there is another property in St. Charles they are working on to confirm that it is the correct tract of property and that they have the complete list of heirs.

E-911 GENERATOR MAINTENANCE PROPOSAL

Mr. Poe presented a proposal from Cummins Sales and Service for maintenance for the E-911 generator for the Board's review and consideration for approval. The proposal is for service and maintenance of the generator unit for a five-year period at a total cost of \$19,296.38. The maintenance agreement provides semi-annual inspections and annual servicing of the unit as well as load testing in years 2 and 4 and servicing of the transfer switch and switchgear to insure the unit transfers power smoothly as needed and back to the main power source when restored. In addition to powering the E-911 dispatch center the generator provides power to the entire lower level of the Courthouse (Sheriff's offices) as well as providing power to the Courthouse phone system.

It was moved by Mr. Waddell, seconded by Mr. Flanary, to approve the five-year E-911 maintenance agreement with Cummins Sales and Service at the cost of \$19,296.38. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

ANIMAL CONTROL TRUCK BID

Mr. Poe stated recently we advertised for bids for a new half-ton, four-wheel drive pickup truck to replace a 2013 model that is nearing the end of its useful life for this

department. Bid specifications were sent to several regional dealers with Morgan McClure Chevrolet, Inc. in Coeburn, VA providing a bid response. The bid was for a Chevrolet 1500 Silverado with A 5.3L V-8 at a cost of \$43,125.00 and a Chevrolet 1500 Silverado with a 4 cylinder turbo engine at a cost of \$38,450.00. He stated either vehicle would have to be ordered and added they are trying to confirm the slide-in dog carrier unit would fit a Chevrolet bed as it was built for a Ford bed. No expected delivery date was provided.

Mr. Waddell asked if they checked the measurements of the building inspector's truck.

Mr. Poe asked if the truck has an eight foot bed.

Mr. Waddell stated he thinks it is and added the V-8 is a tried and proven motor.

Mr. Poe stated bed measurements will be checked and the Board can take this matter up next month.

WORKS PROGRAM EMPLOYEE ASSISTING ANIMAL CONTROL

Mr. Poe stated he hasn't been able to get everyone together for this discussion.

Mr. Leonard stated one of the litter control employees has been off for awhile and the litter hasn't slowed down. He recommended having one of the Works Program employees helping out with litter control.

Mr. Kidwell asked if the employees can come in so the Board can speak to them in order to make a good decision.

Mr. Poe stated he would have them at the next meeting.

Mr. Waddell asked if the Board needs to go back to having the department give oral reports at regular meetings.

Mr. Kidwell stated from what he has been told it turns into four to six hours of asking questions but in this situation he feels they should be brought in.

Mr. Leonard stated if the Board has questions for an employee they can have them attend a meeting.

Mr. Kidwell stated there was a rumor that the Board wants to do away with the Works Program and added he is not one of those Board members. He wants to bring them in to find out what they do and what they need and added he is here to help.

Mr. Leonard asked if he wants someone from Litter Control and Works Program at the next meeting.

Mr. Kidwell stated yes and if any other departments need to be brought in they will bring them in.

NEW BUSINESS

BOARD APPOINTMENTS

Prior to making board appointments Mr. Poe provided information about each one.

APPALACHIAN COMMUNITY ACTION & DEVELOPMENT AGENCY

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to appoint Josh Flanary to a four-year term on the Appalachian Community Action & Development Agency. Mr. Flanary's term will expire December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

BUILDING CODE APPEALS

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

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

COAL HAUL ROAD COMMITTEE

It was moved by Mr. Kidwell, seconded by Mr. Flanary, to re-appoint D.D. Leonard to a four-year term on the Coal Haul Road Committee. Mr. Leonard's term will expire December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

COMMUNITY POLICY AND MANAGEMENT TEAM

It was moved by Mr. Leonard, seconded by Mr. Flanary, to appoint Mike Kidwell to a four-year term on Community Policy and Management Team. Mr. Kidwell's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

EMERGENCY MANAGEMENT DIRECTOR

It was moved by Mr. Kidwell, seconded by Mr. Leonard, to appoint Josh Flanary to a four-year term as Emergency Management Director. Mr. Flanary's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

LENOWISCO PLANNING DISTRICT COMMISSION

It was moved by Mr. Leonard, seconded by Mr. Shoemaker, to appoint Josh Flanary to a four-year term on the LENOWISCO Planning District Commission. Mr. Flanary's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

LENOWISCO PLANNING DISTRICT COMMISSION

It was moved by Mr. Leonard, seconded by Mr. Flanary, to appoint Mike Kidwell to a four-year term on the LENOWISCO Planning District Commission. Mr. Kidwell's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

LENOWISCO PLANNING DISTRICT COMMISSION

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to appoint Brian Shoemaker to a four-year term on the LENOWISCO Planning District Commission. Mr. Shoemaker's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

LENOWISCO PLANNING DISTRICT COMMISSION

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to re-appoint D.D. Leonard to a four-year term on the LENOWISCO Planning District Commission. Mr. Leonard's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

REGIONAL INDUSTRIAL FACILITIES AUTHORITY

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to appoint Robby Wright and re-appoint Dane Poe to a four-year term on the Regional Industrial Facilities Authority. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

ROAD VIEWERS

It was moved by Mr. Leonard, seconded by Mr. Flanary, to re-appoint Vonda Dye to a four-year term on Road Viewers. Ms. Dye’s term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

ROAD VIEWERS

It was moved by Mr. Kidwell, seconded by Mr. Flanary, to table the remaining appointments. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

SOCIAL SERVICES

It was moved by Mr. Flanary, seconded by Mr. Leonard, to re-appoint Linda Wampler to a four-year term on Social Services Board. Ms. Wampler’s term will expire on December 31, 2027. Upon the question being put the vote was as follows.

SW VA EMERGENCY MEDICAL SERVICES

It was moved by Mr. Flanary, seconded by Mr. Leonard, to appoint Adam Sharrett to a one year term on the SW VA Emergency Medical Services. Mr. Sharrett’s term will expire on December 31, 2024. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

SW VA HEALTH AUTHORITY

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to appoint Josh Flanary to a four-year term on the SW VA Health Authority. Mr. Flanary’s term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

SW VA REGIONAL JAIL AUTHORITY

It was moved by Mr. Flanary, seconded by Mr. Kidwell, to appoint Brian Shoemaker to a four-year term on the SW VA Regional Jail Authority. Mr. Shoemaker's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

SW VA REGIONAL JAIL AUTHORITY

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to re-appoint D.D. Leonard to a four-year term on the SW VA Regional Jail Authority. Mr. Leonard's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

SW VA WORKFORCE DEVELOPMENT BOARD

It was moved by Mr. Leonard, seconded by Mr. Flanary, to appoint Brian Shoemaker to a one year term on the SW VA Workforce Development Board. Mr. Shoemaker's term will expire on December 31, 2024. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

UPPER TENNESSEE RIVER ROUND TABLE

Mr. Poe stated that Jolene Lambert was appointed last month and it was determined that she now lives in Bristol. He stated the Board can leave her on or appoint someone from Lee County.

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

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

VA ASSOCIATION OF COUNTIES LEGISLATIVE LIASON

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to appoint Brian Shoemaker as the VA Assoc. of Counties Legislative Liaison. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

IBM MAINFRAME COMPUTER SYSTEM MAINTENANCE RENEWAL

Mr. Poe provided a quote from Summit Business Associates for the renewal of the County's hardware and software maintenance agreement for the IBM AS400 system in the amount of \$4,676.00. The quote includes maintenance service for the AS400 processor, software programming and the backup tape drive system for a one year period through February 26, 2025.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to renew the software and maintenance agreement with Summit Business Associates in the amount of \$4,676.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

EXTERIOR CLEANING OF COURTHOUSE AND ASSOCIATED STRUCTURES

Mr. Poe provided a quote from Cumberland Gap Pro Wash LLC to clean both the original 1933 building and the 1977 addition and all retaining walls, sidewalks and curbs around the building at a total cost of \$17,500.00. He advised after cleaning the County would need to seek the mortar repointing services from another contractor. He recommends approval to move forward in order to schedule this work in the spring.

Mr. Kidwell asked if the funds would come out of the General Fund

Mr. Poe stated it would come out of Property Maintenance funds.

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the quote from Cumberland Gap Pro Wash LLC in the amount of \$17,500.00 for cleaning the buildings. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

HOSE AND HOSE REEL FOR AIRPORT JET FUEL TANK

Mr. Poe stated the County recently installed a 10,000 gallon tank to provide Jet A Fuel sales at the airport. He stated the vendor provided a 50' x 1" fuel hose on a spring loaded hose reel per the bid specifications. Upon installation and operation, it was discovered the fueling hose was too short to provide adequate access for fueling of aircraft. The Airport Authority has obtained multiple quotes for a 100' x 1" fuel hose and an electric powered hose reel. The Authority members feel the powered hose reel is a better option with the longer hose as it provides a smoother more reliable rewind of the hose and is less likely to result in pilots leaving the hose stretched across the fueling apron area. The low a quote is from Titan Aviation Fuels who also supplies our fuel. The cost for both items would be \$4,122.59 plus shipping. The Airport Authority was budgeted \$5,000.00 for needed equipment and supplies in the current budget and they are requesting to purchase the new hose and reel with these funds. Approval of the Board is needed to allow the purchase.

It was moved by Mr. Flanary, seconded by Mr. Leonard, to approve the purchase of a 100' x 1" fuel hose and electric powered hose reel from Titan Aviation Fuels at a cost of \$4,122.59 plus shipping. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

PARKING LOT SNOW REMOVAL QUOTES

Mr. Poe stated the County's snow removal vendor ceased operations in 2022 and the provider used last year can no longer provide service to us. He has obtained quotes from another local vendor for snow removal from Social Services parking lot and the old drug store parking lot across the street from the courthouse.

Mr. Waddell asked if it would be feasible to plow that parking lot with the dips and humps in it.

Mr. Poe stated it was cleared earlier in the week with no problems.

Mr. Kidwell asked if the County has a snow plow.

Mr. Poe stated no and added if the County bought a plow it would have to be mounted on one of the trucks at the Transfer Station and would require some afterhours work.

Mr. Waddell stated the County does have a capable truck to put a plow on and suggests purchasing a plow.

Mr. Leonard recommended having the Transfer Station Superintendent get some quotes for a snow plow.

Mr. Waddell recommended tabling the matter until next month.

Mr. Leonard stated we may have to use H.A.C. Construction with the weather forecasted for tomorrow.

Mr. Shoemaker stated he didn't want to get locked in a contract.

Mr. Poe stated we aren't under a contract however; H.A.C contacted him to see if he wanted the parking lots plowed if needed and he told him yes.

Mr. Poe stated the County has used a contractor for clearing the parking lot at the airport. He added the runway is 75' wide and about a mile long plus the taxi way. He stated with a heavy snow sometimes a loader has to be brought in because of the snow piling up.

Mr. Leonard recommended continuing to have a contractor clear the airport and buy a snow plow for the parking lots.

Mr. Poe stated he will have quotes for the February Meeting.

POSSIBLE TIPPING FEE INCREASE

Mr. Poe stated the County's tipping fee for business or non-household waste at the Transfer Station was increased from \$37.50 per ton to \$47.50 per ton on July 1, 2023 after many years at the prior rate. He stated our cost for transporting and disposing of our waste is now \$59.39 per ton. He advised the Board may wish to consider this matter in the near future.

Mr. Leonard asked if disposing of a load of brush at the Transfer Station is the same cost as non-household garbage.

Mr. Poe stated brush is burned but the ash does have to be disposed of so it is at a cheaper rate.

It was moved by Mr. Shoemaker, seconded by Mr. Waddell, to increase the Tipping Fee at the Transfer Station from \$47.50 per ton to \$59.39 per ton for business and non-household waste, effective date of February 1, 2024 with the provision the Tipping Fee will automatically increase in the future when the County's cost increases. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

Prior to the motion there was a discussion about the Tipping fees.

TIPPING FEE FOR BRUSH

It was moved by Mr. Waddell, seconded by Mr. Leonard, to eliminate the Tipping fee for brush at the Transfer station. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

Prior to the motion there was a discussion about the cost to dispose of brush at the Transfer Station.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

BOARD MEMBERS CONFLICT OF INTEREST TRAINING

Ms. Munsey stated she and Mr. Poe had spoken about the new and returning Board members Conflict of Interest training.

Mr. Poe stated the Board members can go somewhere and take the training or the County Attorney can provide the training. He stated the training is State mandated. He advised setting up a time to meet with the County Attorney for the training.

Ms. Munsey stated in the past they have done the training prior to a monthly Board of Supervisors Meeting.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

EXCAVATOR TRACK REPLACEMENT

Mr. Poe stated that Public Works Superintendent Gary Collingsworth has advised that the tracks on the County's Caterpillar 308 excavator are worn out and need to be replaced. He has obtained a price quote from Carter Machinery Company, Inc. in the amount of \$6,328.28 for the tracks, sprockets, and bolts needed.

It was moved by Mr. Waddell, seconded by Mr. Flanary, to approve the purchase of the tracks, sprockets, and bolts for the Caterpillar 308 excavator from Carter Machinery Company at a cost of \$6,328.28. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

REPORTS AND RECOMMENDATIONS OF THE BOARD

Mr. Kidwell congratulated all the Board members and stated he looks forward to working with them as well as the new Assistant Administrator Mr. Wright. He stated there's a lot of things on his list he thinks can be done better and is looking forward to serving the community.

Mr. Waddell stated he is enjoying being on the Board and wants to see Lee County flourish.

Mr. Kidwell asked when the Board will take up the items on the agenda.

Mr. Poe stated the agenda items were mentioned in the informational sessions.

Mr. Shoemaker congratulated the Board members and stated he looks forward to working with everyone.

Mr. Flanary stated he is looking forward to working with the Board members.

PAY TO PARK AT OLD DRUG STORE PARKING LOT

Mr. Leonard stated he is proud of this group of Board members. He stated he is getting asked a lot about the pay to park at the old Drug Store parking lot. He added we have a new Board now and asked what the new Board's thoughts are on the issue.

Mr. Kidwell asked how many spots have been sold and how many are available.

Mr. Poe stated two have been sold and a total of ten are available.

Mr. Kidwell asked if it was true a car got towed and had to pay a tow bill.

Mr. Poe stated there is a sign up at the entrance of the parking lot stating the numbered spots are reserved. He stated the Administrator's Office did not call to have the vehicle towed, the individual renting the spot did.

Mr. Kidwell asked Mr. Poe for his recommendation on this issue.

Mr. Poe recommended all pay or no pay because the parking lot is split half pay and half no pay. He stated most of the County employees get here early and have their pick of the free parking spaces.

Mr. Kidwell asked how long the reserved spots are for.

Mr. Poe stated ninety days.

It was moved by Mr. Waddell to eliminate the pay to park and post county employee parking only.

There was a discussion about the parking lot and County employee parking and the lease agreement.

Mr. Waddell withdrew his motion.

STRIPING REMAINDER OF PARKING LOT

It was moved by Mr. Flanary, seconded by Mr. Shoemaker, to finish striping the old Drug Store parking lot. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

Ms. Munsey stated upon reading the lease agreement it can be terminated by either party with twenty day notice but she will look closer at the agreement.

QUARTERLY INSPECTION OF VACANT COUNTY BUILDINGS

Mr. Poe stated the Building Inspector has been doing a quarterly inspection of vacant County buildings.

Mr. Leonard stated we wouldn't want to have someone interested in a building and find it in terrible shape when it could have been fixed.

Mr. Waddell asked how many vacant buildings the County has.

Mr. Poe stated the Institute Building, Ag Shop, Seminary Polling House and Robbins Chapel Polling House.

Mr. Flanary stated if the roof is leaking for a years' time it can do a considerable amount of damage.

Mr. Leonard recommends continuing the quarterly inspections.

CAMERAS IN SOLID WASTE TRUCKS

Mr. Waddell stated the County is paying over \$40.00 per site per month for internet at convenience centers.

Mr. Poe stated the County has internet at three sites.

Mr. Waddell recommends taking the internet out at the sites and put cameras in the garbage trucks to catch people littering and going through the garbage cans. He added the cameras at the sites don't serve any purpose as far as he knows as there haven't been any tickets written. He stated cameras would protect the drivers as well.

Mr. Leonard asked if the cameras would help because no one is going to be throwing out garbage in front of the drivers.

Mr. Waddell stated most people don't pay any attention to the drivers and added the County needs to address the garbage issues. He stated the Works Program never catches up due to constant littering.

Mr. Leonard asked who was responsible for looking at the recordings from the camera.

Mr. Waddell stated Litter Control.

Mr. Poe stated it would take hours to go through all the recordings.

There was a discussion about litter, scavenging in the dumpsters, and the best use of the cameras.

COUNTY ATTORNEY CONTRACT

Mr. Leonard stated this matter will be taken up in closed session.

REOPENING CONVENIENCE CENTER IN GIBSON STATION

Mr. Kidwell stated he is getting a lot of calls about the convenience center in Gibson Station being closed on Sunday. He stated he would like to have the Gibson Station Convenience center reopened on Sunday like the rest of the County.

Mr. Poe stated the reason the Gibson Station and Jasper Sites were closed on Sunday was due to heavy abuse from out of County garbage. He recommends if reopening the Litter Control officer work the site on some Sunday's for a few months.

Mr. Kidwell asked if there was a camera at the Gibson Station site.

Mr. Poe stated no.

Mr. Kidwell stated that was a perfect place for a camera and added the County can send tickets out by mail. He stated he knows at least five people in that area that would like to have the Convenience center reopened on Sunday.

Mr. Poe asked Ms. Munsey if the County can enforce citations by mail.

Ms. Munsey stated it would be no different than issuing an out-of-State personal ticket it's all in how it's classified. She added they can be convicted if they don't show up for court but collecting the fine may be different.

Mr. Waddell stated the garbage is out of control.

Mr. Leonard suggested finding a way to bill Scott County for part of the Sunday garbage from the Jasper site. He stated in the past each Board member decided on shut downs in their district.

Mr. Poe stated Convenience center workers only get one hour on Sunday, thirty minutes to open and thirty minutes to close.

It was moved by Mr. Kidwell, seconded by Mr. Leonard, to reopen the Convenience center in Gibson Station on Sundays. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker

VOTING NO: Mr. Waddell

Mr. Kidwell stated a further discussion needs to take place on this issue with department heads.

SOLID WASTE

Mr. Waddell stated a meeting just for Solid Waste needs to take place.

It was moved by Mr. Waddell to make all districts equal.

The motion died due to lack of a second.

Mr. Kidwell stated he is in favor of opening the Jasper site also.

Mr. Flanary asked if Litter Control can rotate monitoring the sites.

Mr. Poe stated yes but we can't have someone at every site.

Mr. Flanary stated rotate them at the problematic sites.

Mr. Poe stated he is trying not to have them working every weekend.

Mr. Leonard asked if the Sheriff could deputize Ms. Mullins.

Mr. Poe stated yes. He added he prefers the Board talk to Ms. Mullins.

Mr. Leonard stated it is litter control. He added it has been discussed many times about employee's multi-tasking on the job.

Mr. Waddell stated at the Jasper site they see addresses from Clintwood and added if we don't match our hours with the adjoining counties we will be getting their garbage.

Mr. Leonard stated he doesn't know the answer but closing on Sunday isn't the answer.

Mr. Poe stated the biggest problem at Jasper is from contractors from other counties dumping truck loads of garbage. He stated it is a problem for any area bordering other counties or states.

Mr. Poe stated our Ordinance states that people passing through the County can stop and dispose of their trash. He added it is the abuse at some of the sites that hurts us.

Mr. Flanary asked if we can we put up cameras at the problematic areas in the County.

Mr. Leonard stated some of the locations don't have internet capability. He asked if the Jasper site is costing the County a lot, can we get someone to work the site.

Mr. Waddell stated when the Jasper site was open 7 days a week there would be 10 cans running over but after closing on Sunday's it went to 8 cans on Monday morning. He added that isn't including the contractors dumping garbage that Mr. Poe addressed.

Mr. Poe recommended scheduling a recessed meeting to discuss only the garbage issues.

Mr. Waddell recommended having Mr. Collingsworth do a survey and presentation of his ideas and plan.

Mr. Shoemaker recommended having Mr. Collingsworth and Mr. Fortner attend the recessed meeting.

Mr. Kidwell stated he is in favor of putting cameras up and mailing tickets.

Mr. Waddell asked what the cost would be for County stickers.

Mr. Poe stated he doesn't know what they would cost in today's market.

Mr. Waddell asked if workers could ask to see drivers' license.

Mr. Poe stated if you are a sworn officer you can.

Mr. Waddell stated 2 businesses in the County are picking up household garbage and filling up 2 or more cans at a time.

It was moved by Mr. Waddell to require the individuals collecting household garbage to bring the garbage to the landfill and pay for dumping.

Mr. Leonard stated the garbage is not business garbage. He added the individual is doing a service for people and it is household garbage.

There was a discussion about individual businesses bringing garbage into the Convenience centers.

Mr. Shoemaker asked if this was a discussion for the upcoming Recessed meeting.

Mr. Leonard agreed that it was.

Mr. Poe stated the Board agreed to allow the Towns of Pennington and Jonesville to bring their residential garbage in at no cost since they were able to separate the business from residential. He stated the biggest issue from the individuals picking up garbage is the filling up of the dumpsters at Convenience centers on the weekend.

Mr. Leonard stated he doesn't see the logic in passing up three Convenience centers to go to the landfill to dump the trash.

Mr. Waddell stated the Town of Pennington brings their trash to the landfill and the individuals should also.

Mr. Leonard stated the individuals don't bring in as much as the Town of Pennington.

Mr. Waddell withdrew the motion.

CLOSED SESSION

It was moved by Mr. Leonard, seconded by Mr. Kidwell, 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. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

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

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

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.

Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

Mr. Kidwell stated in regard to the Reports and Recommendations of the Board, talking about an issue and making motions on other issues doesn't make sense. He added that needs to be corrected.

Mr. Leonard stated it could be put on the agenda as an action item.

Mr. Kidwell stated if action on an item needs to be taken, put it on the Agenda. He added things are being left out for a lot of discussion. If an item is on the Agenda the people involved can be at the meeting to know what is being discussed and speak to the Board if needed.

Mr. Flanary agrees and added if it were him he would like the opportunity to represent himself.

Mr. Kidwell stated he would like to have it changed to all action or Board comment.

Mr. Leonard stated sometimes things come up after the Agenda goes out.

Mr. Kidwell stated if it's not in the Board packet he doesn't want to hear it.

Mr. Poe stated if he can keep from bringing items in he will, but if it's something that needs to be acted on he will have to bring it to the meeting.

Mr. Leonard stated there are items that come up that doesn't get put on the agenda.

Mr. Kidwell asked what the deadline is for the Agenda.

Mr. Poe stated a week prior to the meeting.

Mr. Waddell recommended speaking to Mr. Collingsworth to see if he has his Agenda prior to the next meeting.

Mr. Leonard asked if Mr. Collingsworth needs to do research and then have him back at the next Regular meeting.

Mr. Shoemaker asked why he needed to do research. He added if we are having major problems he should know how to fix them.

Mr. Waddell stated he has studied the surrounding counties and how they handle their issues.

Mr. Leonard stated you can't compare Lee County to other counties.

Mr. Poe suggested the Board establish a Solid Waste Committee. He recommends two Board members, Solid Waste Superintendent, himself and Mr. Wright on the committee. He added that gets them out of public meeting laws and let the committee screen through what information goes to the Board and what doesn't. He stated to set down as a public body it will take forever.

Mr. Flanary agreed and stated we are burning through a lot of time in the meetings.

Mr. Waddell stated it boils down to money that tax payers are paying to dispose of other counties garbage.

Mr. Flanary stated he wants to save taxpayers as much money as they can.

Mr. Waddell stated he would be on the committee if it isn't a conflict.

Mr. Poe stated each Board member can have input to the committee and would free up a lot of time at the meetings.

Mr. Kidwell stated Mr. Collingsworth has a lot of things he wants to talk about and doesn't think they can get through it all in one meeting.

Mr. Flanary stated that is something that doesn't need to be done in a public meeting.

Mr. Kidwell stated it can't be done overnight and advised Mr. Waddell against being on that committee due to his job.

Ms. Munsey stated it is her recommendation that Mr. Waddell not be on that committee due to the fact that the committee will be making recommendations to the Board.

Mr. Shoemaker stated it could affect the conditions of his employment.

Mr. Leonard asked if the Board wants to form a committee.

Mr. Kidwell stated he prefers to have a recessed meeting and not have to address this issue at every meeting.

Mr. Leonard stated if the Board thinks they would be better served with a committee he isn't totally against it.

Mr. Waddell stated a committee would cut back on time.

Mr. Leonard stated they really shouldn't have had this discussion tonight because there wasn't anything they could do about it tonight.

Mr. Shoemaker stated that is why he asked for a recessed meeting to have the parties present to hear what they have to say and let them know what is expected of them.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to recess to February 8, 2024 at 6:00 p.m. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD

