

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 May 21, 2021 at 6:00 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Josh Flanary
Mike Kidwell
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

Brian Shoemaker led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:03p.m.

PUBLIC HEARING

COMMUNITY DEVELOPMENT BLOCK GRANT

The Lee County Board of Supervisors held a public hearing on Tuesday, May 21, 2024, at 6:00 p.m., in the General District Courtroom of the Lee County Courthouse, Jonesville, to solicit public input on a proposed Community Development Block Grant (CDBG) proposal to be submitted to the Virginia Department of Housing and Community Development for the Flower Gap/Fairview Waterline Extension project. The proposed project will involve the installation of waterline infrastructure in the Flower Gap section of Lee County. All interested citizens are encouraged to attend. The draft CDBG proposal was presented for comment along with information on projected beneficiaries, including the number of low- and moderate-income residents to benefit from the proposed project, and plans to minimize displacement. Citizens were given an opportunity to comment on Lee County's past use of CDBG funds.

Jimmy Adkins, Director of Planning at LENOWISCO Planning District Commission, gave an update on Lee County's current Community Development Block Grant (CDBG) Application, the Flower Gap-Fairview Waterline Extension project. The funding is being sought to aid in the creation of public water service in the presently unserved sections of the Flower Gap community. The proposed project area is located southeast of Jonesville and will connect approximately 21,400LF of new water lines to the existing Lee County Public Service Authority's Blackwater system. The Lee County PSA anticipates 24 connections within the project area. In addition to the proposed \$720,000 CDBG application, the Lee County Public Service Authority intends to apply for additional funding throughout the year to complete the anticipated \$1,579,362 total funding package. The county has met CDBG public hearing requirements through public hearings conducted April 11, 2024 and May 21, 2024. The final required action is a resolution of support from the Board.

Mr. Waddell asked if the waterline would continue where the last project ended.

Mr. Adkins stated he believes it will connect at that spot. He added based on the cost of the entire project they were not able to do the total number of houses but believes this is the best place to start.

The Chairman opened the floor for public comment.

Shelia Horton, Blackwater, stated she is excited for the water to be coming to the area however she is concerned that the project will stop at Flower Gap road. She lives off of Flower Gap on Hickory Hill and advised there are homes out there that also need water. She asked when the estimated start date for the project was.

Mr. Adkins stated the entire process from today could take 12 to 15 months.

Ms. Horton asked if the project would connect from the Scott County side as well.

Mr. Adkins stated that was correct. He added if funding wasn't an issue the idea would be to come from Scott County due to better water pressure.

Ms. Horton asked how many applicants are needed to secure the project.

Mr. Adkins stated to be eligible for CDBG funds 51% have to identify as low to moderate income.

Ms. Horton asked if the connections can be run from the road to the house for free if certain guidelines are met.

Mr. Adkins stated that would be a question for the PSA.

There was no further public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to adopt Resolution 24-004. Upon the question being put the vote was as follows.

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

**RESOLUTION IN SUPPORT OF COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION**

**FLOWER GAP/FAIRVIEW WATERLINE EXTENSION PROJECT
24-004**

WHEREAS, the County of Lee, Virginia, wishes to apply for up to \$720,000 in Virginia Community Development Block Grant (VCDBG) funds for the "Flower Gap/Fairview Waterline Extension" project; and

WHEREAS, any additional funding secured will be noted within the application to provide any balance above the anticipated total project cost of \$1,579,362; and

WHEREAS, citizen participation requirements have been met through two duly advertised public hearings; and

WHEREAS, the project will meet the VCDBG National Objective of providing benefit to low- or moderate-income (LMI) persons by providing improved public water service to the County's existing customer base, documented to be in excess of the required 51 percent LMI.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Lee County, Virginia, that the County Administrator of Lee County is hereby authorized to sign and submit any and all appropriate documents relevant to this Virginia Community Development Block Grant proposal.

ZONING TEXT AMENDMENT

The Lee County Board of Supervisors held a Public Hearing on Tuesday, May 21, 2024 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Zoning Text Amendment request. M & W Real Estate, Inc. is requesting a Zoning Text Amendment to allow self-storage and mini-warehouse facilities as a permitted use in an R-2, General Residential District.

Clint Carter, Zoning Administrator, stated this request was heard at the May Planning Commission meeting and there was some discussion whether this should be a Special Use or Permitted Use in R-2 Residential. He stated the Planning Commission unanimously voted to

approve as a Permitted Use and send to the Board for approval. He stated the Zoning Text Amendment would apply to the Ordinance in its entirety County-wide. If approved any individual with a parcel zoned R-2 can request permits for self-storage mini-warehouse facilities as an allowed use.

Mr. Kidwell asked for Mr. Carter's recommendation.

Mr. Carter stated there are some areas in R-2 Districts that he does not think this should be a permitted use but the Planning Commission did not agree.

Mr. Waddell asked if, once established, units can continue to be added.

Mr. Carter stated the Zoning Ordinance has permitted uses and special uses in each district. Permitted uses are issued same day and special uses require advertising and public hearings with the Planning Commission and Board of Supervisors.

Mr. Waddell stated his question was, if passed, can units continue to be added.

Mr. Carter stated as a permitted use as many as the parcel could hold would be allowed provided they meet setback requirements.

Mr. Poe stated this particular parcel of property is not highly desirable for residential use but by allowing them as a permitted use, that will allow them to be placed in any R-2 Zone.

Mr. Kidwell asked if a permit can be issued for this request without changing the Ordinance.

Mr. Carter stated as the Ordinance is currently written it is not an allowed use.

Mr. Leonard asked Mr. Carter to give an example of an area he feels wouldn't be appropriate.

Mr. Carter stated this location off the 421 Corridor should not have been zoned R-2 Residential. He added he and Mr. Poe have discussed opening up some of the corridors to Village Commercial to allow for a mix of residential and business. He stated throughout the County there are several R-2 zones that may not want to put units on and his concern is the type of traffic going in and out compared to a Residential District. He state with this location the zoning of the other parcels around it would make it hard to re-zone to a parcel that would allow this. He stated doing this as a Permitted Use cuts 2 months off his timeline.

Mr. Shoemaker stated if sent back for a Special Use Permit that would protect the County from becoming a storage war.

Mr. Carter stated a permitted use would only allow in units in R-2 Districts.

Mr. Waddell asked if Mr. Carter has some hesitation on this matter.

Mr. Carter stated his original opinion was that it should be by Special Use Permit. He added at this location he doesn't see a problem but by doing a Text Amendment for the district in its entirety he feels it could open up potential for complaints.

Mr. Waddell agrees with Mr. Carter's recommendation.

The Chairman opened the floor for public comment.

Michael Hughes, M & W Real Estate, stated he understands concerns about opening up the door for any residential area but this is a mini-storage facility that will actually improve the area.

There was a discussion about approval and a possible joint Public Hearing with the Planning Commission.

Mr. Leonard requested closed session for this matter.

There was no further public comment.

The Chairman closed the floor for public comment.

MATTHEW J. HARRIS REZONING REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, May 21, 2024 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Rezoning request. Matthew J. Harris has applied to rezone property from R-1, Single-Family Residential District to B-1, Limited Business District. The property consists of .920 acres of land and is located in the Woodway community to the Northwest side of 1533 US Highway 421 (portion of Tax Parcel #38-(A)-81).

Clint Carter, Zoning Administrator, stated Mr. Harris has been in contact with his office for the last couple of years and working with the previous Zoning Administrator. In December 2022 the Planning Commission sent a Zoning Text Amendment to the Board that was approved to allow miniature golf courses in B-1, V-C and B-2 Districts. He stated Mr. Harris' property is currently zoned residential(R-1) and the adjoining property is zoned B-1. (He is working under the assumption that Mr. Johnson would rezone that property to B-1 which would make it an allowed use by the Zoning Text Amendment.) He added the Planning Commission unanimously approved the request.

The Chairman opened the floor for public comment.

Matthew Harris, property owner, stated he has been working on the property for over two years. He added there isn't much to do through the week and the course will be open daily. This will be a challenging course that professionals would like to come to.

Mr. Leonard asked where the property was located.

Mr. Harris stated the property is located on 421 in Woodway.

There was no further public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Shoemaker, seconded by Mr. Waddell, to approve Matthew Harris' request to rezone a portion of Tax Parcel 38-(A)-81 from R-1 Residential to B-1 Limited Business. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

Written departmental reports for Solid Waste, Litter Control and Works Program were included in the packet.

Mr. Waddell asked about the Litter Control Coordinator's letter in reference to the Litter Ordinances. He asked for the Board's help in updating the ordinances.

It was consensus of the Board to look at all Litter Ordinances and update all at once.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 7,213,023.10
Expenditures	\$ 7,543,782.72
General Fund	\$ 5,607,529.02
Total Assets and Liabilities	\$13,392,798.44

TREASURER'S REPORT

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

Revenues	\$ 9,104,237.85
Expenditures	\$ 9,571,596.78
General Fund	\$ 5,596,458.42
Total Assets and Liabilities	\$13,723,558.06

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

Revenues	\$ 8,127,282.47
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Expenditures	\$ 7,995,715.89
General Fund	\$ 8,062,386.24
Total Assets and Liabilities	\$14,190,916.99

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.

TERRY COX SMARTSCALE APPLICATION

Terry Cox, Stickleyville, spoke on the Smart Scale Application for the Six-Year Plan. He attended the State Route Spring public meeting in Abingdon where he spoke with several individuals concerning the eastbound lanes on Powell Mountain. He stated they are aware of the safety hazards, slow moving traffic and volume of vehicles. He relayed a message to get the Smart Scale Application turned in by August 1st and stated this is an exciting project. He stated he appreciates the Board's public service.

BRIAN SKIDMORE ADDITIONAL FUNDING FOR FIRE & EMS

Brian Skidmore, Fire Chief and EMS Director for the Town of Pennington Gap, is requesting additional funds for the Fire Departments and EMS from the County. He has been researching fire and EMS funding from neighboring counties and they are receiving a lot more money. He added fire and EMS are struggling and gave an update on their budget and call volume for Pennington and Jonesville. He stated the funding from the County barely covers the insurance cost. He advised that Pennington Gap EMS will be \$140,000.00 short on their budget this year with the Town of Pennington currently covering the cost. He stated they are not collecting what's being billed out and people that have no insurance often pay nothing and Medicare and Medicaid pay \$150.00. They have an estimated 1,200 to 1,400 calls for the year with two-thirds being County calls. He stated he is aware the County is in deficit but the County has Casino and ARPA funds that could be allocated for additional funds for emergency services. He asked the Board to take a hard look at EMS and fire this budget year and help them out.

Mr. Kidwell asked how much they are asking for.

Mr. Skidmore stated he wasn't putting a limit on it.

Mr. Kidwell stated we are all Lee County working together.

Mr. Skidmore stated if the Board could bring them up to \$25,000 that would be a step in the right direction.

Mr. Kidwell asked why Pennington EMS is going all over the County.

Mr. Skidmore stated because other agencies are tied up or don't have a crew.

Mr. Kidwell stated he heard Saint Charles EMS has been on Duffield Mountain.

Mr. Skidmore stated he can't answer for them.

Mr. Kidwell asked how much funding they get from the Town of Pennington.

Mr. Skidmore stated their budget is \$456,000 with the Town of Pennington Gap making up the difference in the budget after the County's \$15,000 in local fund, \$3,000 in Four-for-Life funds and collections from billings.

Mr. Leonard asked how much was the total income from billing.

Mr. Skidmore stated over \$300,000.

Mr. Waddell asked how hard they can press bill collection.

Mr. Skidmore stated all the departments have been doing soft billing which means they do not send people to collections and if they don't pay their bill no further action is taken.

Mr. Waddell asked what incentive there is to pay the bill if no further action would be taken.

Mr. Skidmore stated at the last Town of Pennington Council Meeting the decision was made to do hard billing for non-town residents and continue soft billing for town residents. He stated they want to go back to soft billing once the deficit is covered.

Mr. Kidwell stated they are lucky to have the town to help out. The other agencies outside of Pennington and Jonesville don't have the towns to help out.

Mr. Skidmore stated they pay VRS for six full-time employees.

Mr. Shoemaker asked how big of a burden the Federal Prison is.

Mr. Skidmore stated some days they are there three times sometimes not at all but they pay the full amount.

There was a discussion about EMS calls at the Federal Prison.

Mr. Kidwell stated Mr. Flanary met with EMS and gave a rundown of what the Board is facing. He stated they are looking at discussing community meetings at the end of this meeting. He added at least 80% of the public doesn't know how things work and they need to know. He stated he has been asked a lot about Thomas Walker Rescue Squad. Everyone wants to keep it going but no one wants to volunteer anymore. He stated it seems like Mr. Skidmore cares and he appreciates that.

Mr. Flanary stated the County has 6 EMS agencies for the record.

Mike Twigg, Chief of Jonesville Volunteer Fire Department, stated Jonesville Rescue Squad is not part of the Town of Jonesville and doesn't receive funding from the town. He stated if the rescue squad receives a call they are required by law to respond. He added a simple call involves personnel, fuel and wear and tear on the vehicles and that's where a lot of financial burden comes in due to responding to calls and receiving no money. He stated as a non-profit he thinks soft billing is required and added anything the Board can give to help EMS would be appreciated.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to approve the minutes of the April 16, 2024 Regular Meeting, April 25, 2024 Recessed Meeting, May 2, 2024 Recessed Meeting and May 7, 2024 Recessed 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. Flanary, seconded by Mr. Kidwell, to approve the disbursements for the month of May in the amount of \$287,115.36. Upon the question being put the vote was as follows.

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

DELEGATIONS

SANDY O'DELL PLANNING DISTRICT ONE BEHAVIORAL HEALTH

Sandy O'Dell, Executive Director for Planning District One Behavioral Health Services, thanked the Board for funding over the last several years. She stated in FY2023 they were able to serve 4,320 individuals due to the continued support of the local governments. Services provided include outpatient therapy services, psychiatric services, case management, day support services, and payment for services like inpatient services and addiction recovery, in addition to over 7,000 individuals served with prevention services. She stated a large portion of the total economic output includes providing employment to 248 people. She stated they have experienced staffing issues but have increased salaries to be competitive in the market and added scheduling flexibility for some employees. She stated last month they spoke to the Board and requested support for match money for Opioid Abatement Funding from the state and should know this week if funding will be approved.

JERRY COX COUNTY BUDGET & REVENUE

Jerry Cox stated he is interested in the tax and license fee the County charges. He said in 2020 the State of Virginia lowered the registration fee by 25%. He read the Code of Virginia 46.2 that states the amount of license fee or tax imposed by any county, town or city on any motor vehicle, trailer or semitrailer shall not be greater than the annual one year fee imposed by the Commonwealth on the motor vehicle, trailer or semitrailer in effect on January 1, 2020. He stated he paid \$40.75 on an old registration fee and feels this is an excessive charge and should be reduced by 25%.

Mr. Poe stated this issue was brought up last year and the County Attorney reviewed this matter and added there is an exception and we were legal at that time.

Mr. Cox stated the laws were written to adjust the taxes and Lee County needs an adjustment.

SUPPLEMENTAL APPROPRIATIONS

CIRCUIT COURT

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$400.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	400.00
Expenditure:			
4-001-21100-1150	Salaries	\$	371.57
4-001-21100-2100	FICA (Employers Share)	\$	28.43

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

CIRCUIT COURT

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$1,680.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	1,680.00
Expenditure:			
4-001-21600-3150	Part-Time Salaries	\$	1,680.00

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

GENERAL DISTRICT COURT

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$2,000.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18030-0006	Reimbursements	\$ 2,000.00

Expenditure:		
4-001-21200-5210	Postal Services	\$ 2,000.00

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

COMMONWEALTH ATTORNEY

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$20,250.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-23010-0002	Commonwealth Attorney Ceasefire Grant	\$ 20,250.00

Expenditure:		
4-001-22100-3180	Commonwealth Attorney Ceasefire Grant	\$ 20,250.00

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

SHERIFF'S OFFICE

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$1,000.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18030-0006	Reimbursements	\$ 1,000.00

Expenditure:		
4-001-31200-1140	Salaries	\$ 1,000.00

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

NEW BUSINESS

BOARD APPOINTMENTS

BUILDING CODE APPEALS

It was moved by Mr. Leonard, 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

PLANNING COMMISSION

It was moved by Mr. Flanary, seconded by Mr. Leonard, to re-appoint Jeannie Stidham to a four-year term on the Planning Commission. Ms. Stidham's term will expire February 29, 2028. 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

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, 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

WOODWAY WATER AUTHORITY

It was moved by Mr. Shoemaker, seconded by Mr. Waddell, to appoint Jordan Bruner to an unfulfilled term on the Woodway Water Authority. Mr. Bruner's term will expire on July 31, 2025. Upon the question being put the vote was as follows.

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

SOUTHWEST REGIONAL RECREATION AUTHORITY

Mr. Waddell resigned from the Southwest Regional Recreation Authority effective immediately.

SOUTHWEST REGIONAL RECREATION AUTHORITY

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to appoint Robby Wright to an unfulfilled term on the Southwest Regional Recreation Authority. Mr. Wright's term will expire on June 30, 2026. Upon the question being put the vote was as follows.

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

BUILDING & ZONING FEE CHANGE REQUEST

Mr. Poe stated the County Building Official/Zoning Administrator Clint Carter is requesting four changes to fee schedules for the Building and Zoning Department.

Mr. Carter stated the fee schedule is set by the Board of Supervisors and he is requesting some changes made. The first fee schedule is for roofing a Commercial building. It is currently \$.15 per square foot and he is requesting it be changed to \$.10 per square foot with a minimum fee of \$50.00.

Mr. Leonard asked if each proposal needs to be voted on separately.

Mr. Poe stated no but added one would require an Ordinance amendment and a public hearing.

Mr. Carter stated Ms. Wilder brought to his attention the price for a Zoning Permit used to be \$15.00. In 2007 a Resolution adopted stated if a second permit was requested for the same parcel it was discounted to \$7.50. He advised that Zoning permits have increased to \$20.00 and the fee for a second permit needs to be increased to \$10.00. The third item is regarding re-inspection fees and stated under State Code homeowners are allowed to sign an affidavit and do the work themselves which sometimes require them to return multiple times for inspections and recommends charging a \$50.00 re-inspection fee. He stated the last item is the Contractor's Tax and that will have to be done by Ordinance and Public Hearing. He stated if the estimated cost of a job is over \$100,000.00 it is taxed at a rate of \$.16 per \$100.00. He added since 1996 inflation has changed the cost of homes to the point that almost every permit is being charged. He is recommending the threshold be raised to \$150,000.00.

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to advertise for a public hearing on increasing the Contractors Tax threshold to \$150,000.00. Upon the question being put the vote was as follows.

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

SHERIFF'S REQUEST REGARDING COURT SECURITY

At the request of the Circuit Court Judge, the Sheriff is asking the Board to fund two additional full- time bailiffs, one for each court. Recently there have been two incidents where people in the Court have resisted the current bailiff. Also, when the bailiff is transferring prisoners to the Court, the courtroom is left without security.

There was a discussion about Courtroom security and possible solutions and funding.

Mr. Poe suggested creating a committee to meet with the Sheriff and Judges.

Mr. Leonard stated he would serve on that committee.

Mr. Shoemaker stated he would serve on the committee.

The Chairman appointed Mr. Leonard, Mr. Shoemaker, Mr. Poe and Mr. Wright to serve on the Courthouse Security Committee.

ARCHITECT'S FEE PROPOSAL FOR DESIGN FOR COURTHOUSE REPAIRS

Mr. Poe stated after finishing the exterior cleaning of the Courthouse, issues were discovered that need to be repaired. He asked Thompson & Litton to inspect the building and

present a proposal for repairs. Their proposed fees for design and bidding services for the repairs is \$40,344.00. He advised taking up the matter in closed session.

TOWN OF PENNINGTON GAP REQUEST

Mr. Poe stated the Town of Pennington Gap, has submitted a request for additional funding for their Parks and Recreation Department. He advised the County has allocated \$20,000.00 per year for the past two years.

Mr. Leonard requested closed session for this matter.

PROBATION & PAROLE OFFICE SPACE RFP

Mr. Poe requested closed session for this matter.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

PUMP AND HAUL SEPTIC SYSTEM APPROVAL REQUEST

Mr. Poe presented a request from Jenny King, Rose Hill, for the Board's approval for a pump and haul septic system for her property. He advised the Health Department would not issue a permit without prior approval from the Board of Supervisors. Ms. King plans on using this as a temporary facility until she gets her house built. He added the County's previous stipulation for these systems is for the owner to have a contract for maintenance of the system and a \$1,000 bond or letter of credit payable to the County in the event of an accidental spill or other event where the contents would have to be removed from the site. Ms. King has a signed agreement for maintenance and will provide a bond or letter of credit upon approval from the Board.

It was moved by Mr. Kidwell, seconded by Mr. Waddell, to approve Jenny King's request for a temporary pump and haul septic system. 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

POSSIBILITY OF HOLDING BOARD OF SUPERVISORS MEETINGS AT LOCATIONS IN THE COUNTY

Mr. Kidwell asked about the possibility of having Board of Supervisors' Meetings at other locations such as District 1, Saint Charles, and Dryden. He is in hopes of getting information out to the public. He stated he would like to set some dates to have meetings in community settings.

Mr. Shoemaker asked if he was referring to Recessed Meetings.

Mr. Kidwell stated he was referring to Regular Monthly Meetings.

Mr. Leonard sated if it is important to people they would come out.

Mr. Kidwell agreed.

Mr. Leonard stated we are in the middle of the County.

Mr. Poe stated if it will be Regular Monthly Meetings they need to be scheduled in advance in order to advertise for any public hearings.

Mr. Leonard recommended having Budget Meetings at other locations in the County.

Mr. Kidwell recommended three meetings a year.

COMMERCIAL INSPECTION

Mr. Kidwell asked if there was a charge for Commercial Building inspections.

Mr. Carter, Building Inspector, stated he would have to have a permit or have a maintenance complaint.

Mr. Kidwell asked if he has had a complaint recently.

Mr. Carter stated he has had an employee ask but he would need a written request from the Director.

Mr. Leonard asked if he has received a written request.

Mr. Carter stated no.

Mr. Kidwell asked if there was a charge for maintenance inspection.

Mr. Carter stated no.

Mr. Kidwell asked what he would be looking for during the inspection.

Mr. Carter stated a lot of times the complaint is about mold. He stated he isn't certified to look at mold and added there are special inspections for mold. He stated he is looking to make sure the structure is safe.

CLOSED SESSION

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, 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, 2.2-3711 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, and 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 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. 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. Kidwell, 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

WHEREAS, the Lee County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a Certification by this Lee County Board of Supervisors that such Closed Meeting was conducted within Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Closed Meeting in which this Certification

Resolution applies and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed or considered by the Lee County Board of Supervisors.

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

ZONING TEXT AMENDMENT REQUEST

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to approve the Zoning Test Amendment, to allow self-storage and mini-warehouse facilities, by Special Use Permit in a R-2, General Residential District. Upon the question being put the vote was as follows.

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

PUBLIC HEARING TO INCREASE COURTHOUSE SECURITY FEE

It was moved by Mr. Leonard, seconded by Mr. Shoemaker, to advertise for a Public Hearing to amend the Courthouse Security Fee Ordinance to increase the fee from \$13.00 to \$20.00. 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. Leonard, seconded by Mr. Shoemaker, to recess the meeting to May 28, 2024 at 5:30 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