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 December 15, 2020 at 4:30 p.m. thereof.

MEMBERS PRESENT:	D. D. Leonard, Chairman Larry Mosley, Vice Chairman Sidney Kolb Charles Slemp, Jr. Robert Smith				
MEMBERS ABSENT:	None				
OTHERS PRESENT:	Dane Poe, County Administrator Jeny Hughes, Administrative Assistant Stacy Munsey, County Attorney				
OTHERS ABSENT:	None				
Josh Osteen, Pastor of First	INVOCATION  Josh Osteen, Pastor of First Baptist Church of Pennington Gap, led the invocation.				
PLEDGE TO THE FLAG  Mr. Mosley led the Pledge to the Flag.					
MEETING CALLED TO ORDER  The meeting was called to order at 4:37 p.m.					

# **PUBLIC HEARING**

# **ZONING TEXT AMENDMENT**

The Lee County Board of Supervisors held a Public Hearing on December 15, 2020 at 4:30 p.m. in the General District Courtroom of the Lee County Courthouse

located in Jonesville, Virginia to solicit input on the following proposed Zoning Text Amendment:

To allow recovery homes for substance abuse (including alcohol) victims, operated by a faith-based organization and not licensed by the state, which may offer workforce education and/or training, counseling services, and life skills to assist in transitioning into a productive member of society, but no medications other than those prescribed by a licensed physician for medical reasons and not as a treatment for substance abuse. A recovery home facility would house no more than 16 residents at any one time. Recovery home facilities would be allowed by Special Use Permit only.

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Mr. Poe stated that this Zoning Text Amendment was presented to the Planning Commission last month. Under the current Ordinance, the only type of substance and alcohol abuse facility that is allowed is one that is in a State approved program, and that facility has to be licensed by either the State Board of Health or the Department of Behavioral Health and Developmental Services. The proposed Zoning Text Amendment is a narrow definition allowing Substance Abuse and Alcohol Recovery Homes to be operated by a faith-based organization and not licensed by the State. This would be an allowed use in the Village Commercial and A-1 Agricultural Districts.

The Chairman opened the floor for public comment.
John Raeside, Pennington Gap, stated that this program would be used to help men out of prison and county residents get off drugs and alcohol, while trying to guide them into a new life. This would be a 24 hours a day, seven days a week in house program with a house manager, where the men would have to sign in and out.
Mr. Slemp asked what background Mr. Raeside had to run a program like this.
Mr. Raeside stated that he is a pastor with a college degree and background in mentoring, adding that he managed a similar facility in Vermont and is trying to bring a similar program to Lee County.

Mr. Smith asked where the facility would be located.
Mr. Raeside stated that it would be the old Harvest Home building just off State Route 23 in Jasper.
Mr. Poe stated that the question tonight is not about a specific location, it is just to determine if this should be an allowable use under the Zoning Text. If it were to be approved, the group would have to file for a Special Use Permit for a specific location.
Mr. Smith asked if the organization would help the men find a job.
Mr. Raeside stated that they do help with that, if they can find someone willing to hire them.
Mr. Kolb stated that the question before the Board tonight is not whether this group has a complete plan of operation but whether any facility of this type can operate in the County.
Josh Osteen, Pastor of First Baptist Church of Pennington Gap, stated that the Church has been doing a recovery ministry on Monday nights for several years and has tried to help the community as much as possible. The Church has fed and clothed these people but there is a need for a place to stay to get them out of their current situations and help them get back on their feet.
Dr. Kristen Westover, Dryden, stated that she went through a halfway house as a teen and it was because of that halfway house that she was turned around and put on the right path. She added that the people that will be in the program are a lot less dangerous and a lot better off in a home like this than walking the streets.

# **DEPARTMENT REPORTS**

A written departmental report for the Zoning Department was included in the Board Packet.				
CONSTITUTIONA	L OFF	TICERS		
TREASURER'S	S REPC	ORT		
The Treasurer's Report for the month of follows:	Novem	nber 2020 was submitted as		
Revenues Expenditures General Fund Total Assets and Liabilities	\$ \$ \$ \$	9,724,613.31 6,527,849.43 14,494,781.95 17,783,148.64		
The Chairman opened the floor for publi would be limited to a three-minute time-period period for a group.	ic comn for indi	ment and advised that each speaker viduals, and five-minute time-		
There was no public comment.				
The Chairman closed the floor.				
APPROVAL OF  It was moved by Mr. Mosley, seconded 17, 2020 Regular Meeting. Upon the question by VOTING AYE: Mr. Kolb, Mr. Leonard	by Mr. being pu	Smith, to approve the November at the vote was as follows.		

#### APPROVAL OF REFUNDS

\$77.28

It was moved by Mr. Kolb, seconded by Mr. Slemp, to approve the following refunds. Upon the question being put the vote was as follows.

Elizabeth A. Wilder

Elizabeth 11. What	Ψ11.20			
Lawrence Hensley	\$83.22			
VOTING AYE: Mr. Kolb, Mr. Leona	·			
PAYROLL  The County Administrator reports that payroll warrants have been issued.				

#### **DELEGATIONS**

# DR. KRISTEN WESTOVER MOUNTAIN EMPIRE COMMUNITY COLLEGE YEARLY UPDATE

Dr. Kristen Westover, President of Mountain Empire Community College, gave a yearly update on the College stating that due to the impact of COVID-19 that most courses have been taught online. The upcoming spring semester will look much like this fall with most courses being done online. The Virginia Employment Commission funneled some CARES Act funds to Community Colleges for the Reemploying Virginian's Program to help those that have lost their jobs due to the Coronavirus. Mountain Empire Community College was also fully approved through The Southern Association of Colleges and Schools Commission on Colleges for another ten years.

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#### APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve the disbursements for the month of December in the amount of \$223,442.15. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith
VOTING NO: Mr. Kolb

#### **FINANCE**

# **QUARTERLY APPROPRIATIONS**

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

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

# LEE COUNTY BOARD OF SUPERVISORS APPROPRIATIONS RESOLUTION FISCAL YEAR ENDING JUNE 30, 2021 20-016

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2020-21; 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 March 31, 2021.

### **HEADSTART**

Federal Funds	\$ 1,469,711
TOTAL HEADSTART	\$ 1,469,711
VIRGINIA PUBLIC ASSISTANCE	
Federal/State Funds Local Funds	\$ 8,868,612 1,404,569
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 10,273,181
LEE COUNTY PUBLIC SCHOOLS	
Federal, State & Other Funds Local Funds	\$39,884,883 <u>4,530,072</u>

#### TOTAL LEE COUNTY PUBLIC SCHOOLS

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.

\$44,414,955

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 2020-2021.

TOTAL FY	2020-21 BU	DGET	\$69,	866,977	

#### SUPPLEMENTAL APPROPRIATIONS

#### CIRCUIT COURT CLERK

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$2,187.00. Upon the question being put the vote was as follows.

Revenue Source: 3-001-18030-0006	Reimbursements	\$	2,187.00
Expenditure: 4-001-21600-1350	Part-Time Salaries	\$	2,187.00
VOTING AYE: Mr. Kolb, M	Mr. Leonard, Mr. Mosley, Mr. Slemp,	Mr. Sn	nith

### LITTER ENFORCEMENT

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$1,988.00. Upon the question being put the vote was as follows.

Revenue Source: 3-001-24040-0007	Litter Control	\$ 1,988.00
Expenditure: 4-001-35600-5890	DEQ Litter Control Grant	\$ 1,988.00

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

#### **SHERIFF DEPARTMENT**

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$5,000.00. Upon the question being put the vote was as follows.

Revenue Source: 3-001-23020-0009	Sheriff's Miscellaneous Grants		5,000.00		
Expenditure: 4-001-31200-3145	Miscellaneous Grants	\$	5,000.00		
VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith					

#### **NEW BUSINESS**

#### **BOARD APPOINTMENTS**

#### **BOARD OF ZONING 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. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

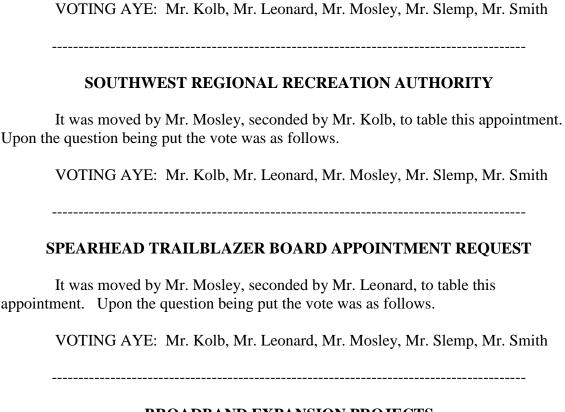
# SOUTHWEST VIRGINIA WORKFORCE INVESTMENT (CLEO)

It was moved by Mr. Kolb, seconded by Mr. Leonard, to re-appoint Larry Mosley to a one-year term on the Southwest Virginia Workforce Investment (CLEO). Mr. Mosley's term will expire December 31, 2021. Upon the question being put the vote was as follows.

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

#### SOUTHWEST VIRGINIA EMERGENCY MEDICAL SERVICES COUNCIL

It was moved by Mr. Smith, seconded by Mr. Leonard, to re-appoint Freda Ayers to a one-year term on the Southwest Virginia Emergency Medical Services Council. Ms. Ayers' term will expire December 31, 2021. Upon the question being put the vote was as follows.



#### **BROADBAND EXPANSION PROJECTS**

Mr. Poe stated that he has received two invoices from Scott County Telephone Cooperative for the broadband expansion projects currently in construction in the County.

Invoice #CRF-001 in the amount of \$673,885.92 for work through December 2 and is financed by an allocation of the CARES Act relief funds dedicated to increasing distance learning and telework capabilities for students and public employees.

Invoice #DL-001 in the amount of \$327,362.52 for work through December 2 under a Department of Housing and Community Development Fast Track Broadband grant that is targeted for distance learning, telework and telehealth capabilities.

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to pay Scott County Telephone Cooperative for Invoice #CRF-001 in the amount of \$673,885.92 and Invoice

#DL-001 in the amount of \$327,362.52. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith ELECTORAL BOARD REQUEST FOR HAZARD PAY Mr. Poe presented the Board with a request from the Electoral Board to provide hazard pay to election officials who worked during the November 3, 2020 Presidential election. They are requesting \$133.00 for each precinct worker and \$750.00 for each full and part-time employee who worked during the early voting period prior to Election Day. The total cost of this request would be \$14,942.88 and has been deemed an eligible expense of CARES Act funds received from the State specifically for this election. The County received a total of \$56,177.00, of which there is a remaining balance of \$16,692.91. Mr. Kolb asked if this would be out of the County's CARES Act funds. Mr. Poe stated that the Electoral Board received their own money. \_\_\_\_\_\_ It was moved by Mr. Kolb, seconded by Mr. Leonard, to take this up in closed session. Upon the question being put the vote was as follows. VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith \_\_\_\_\_\_ **CARES ACT FUNDING REQUESTS** Mr. Poe presented the Board with two requests for consideration of funding with the County's allocation of CARES Act funds. The first is from the Circuit Court for \$6,499.00 to purchase a portable sound recording system for use at remote locations in the event of having to conduct a trial at a location other than the Circuit Courtroom. The second request is from the Pennington Gap Woman's Club but does not have a

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specific requested amount.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to take this up in closed session. Upon the question being put the vote was as follows.

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

#### **E-911 DIRECTOR RESIGNATION**

Mr. Poe reported that the E-911 Director had tendered his resignation and his last day will be December 26, 2020.

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It was moved by Mr. Leonard, seconded by Mr. Kolb, to take this up in closed session. Upon the question being put the vote was as follows.

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

# COMMISSIONER OF REVENUE REQUEST FOR BUDGET FUNDS TRANSFER

Mr. Poe stated that there were also two employees in the Commissioner of Revenue's Office to submit resignations. He provided the Board with a request from the Commissioner asking to transfer funds from the Travel (Lodging & Subsistence) line item into Part-Time Salaries to provide the local match for approved part time funds from the State Compensation Board. This would allow hiring of a part time position as soon as possible.

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to make the following budget line item transfer. Upon the question being put the vote was as follows.

From:

4-001-12310-5530 Travel (Lodging & Subsistence) \$ (1,900.00)

To:

4-001-12310-1355 SCB-Temporary Employees \$ 1,900.00

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

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# **GRANTWRITER CONTRACT EXPIRATION**

Mr. Poe reported that the County's contract with Robert Bost for grantwriter services expired on November 30, 2020. The contract was originally for a one-year term with a provision for two one-year extensions. The first extension was approved last year so there is still a one-year extension available under the existing contract.
It was moved by Mr. Leonard, seconded by Mr. Kolb, to extend the grantwriter contract with Robert Bost for another year. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Smith
VOTING NO: Mr. Mosley, Mr. Slemp
REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY  Ms. Munsey stated she had a request for closed session under investing of public funds.
REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR
PROPOSED AIRPORT CAPITAL IMPROVEMENT PROGRAM
Mr. Poe stated that the Airport Capital Improvement Program has to be updated every year with the FAA and Virginia Department of Aviation. The Airport Engineering Consultants met with the Airport Authority Board and developed the proposed Airport Capital Improvement Program to utilize Federal Entitlement money as follows:
FY 2021-2022 – Pavement Preservation Project design and construction.
FY 2022-2023 – Electrical – updating to LED lighting.
FY 26, 27 and 28 potential design and build box hanger.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the proposed Airport Capital Improvement Program Plan. Upon the question being put the vote was as follows.

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

COMMONWEALTH ATTORNEY DELINQUENT FINE COLLECTION

Mr. Poe stated that the Commonwealth Attorney's Office collected \$33,245.80 Delinquent Fine Collection in Fiscal Year 2020. Of that amount Lee County received \$16,622.90 and pursuant to the agreement with that office, the Commonwealth Attorney is requesting half the amount, \$8,311.45 to be put into his Delinquent fine collection line item and the other half be left in the County's General Funds.

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve a supplemental appropriation as follows. Upon the question being put the vote was as follows.

Revenue Source:

3-001-41050-0099 Budget Supplement from Reserves \$8,311.45

Expense:

4-001-22200-5899 CWA Collection Program \$8,311.45

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

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#### TRANSFER STATION TRAILER

Mr. Poe presented the Board with a request from the Transfer Station to purchase a 15,000-pound tilt trailer to haul the skid steer. The trailer currently in use has a 10,000 pound gross weight, which puts the trailer overweight when the skid steer is being hauled. Mr. Collingsworth has obtained a quote from a factory direct seller in the amount of \$5,190.00.

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Gary Collingsworth, Transfer Station Superintendent, stated the trailer currently in use could be kept for other usage and the aluminum trailer could be sold to help offset the cost of purchasing a new one.

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

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith						
REPORTS AND RECOMMENDATIONS OF THE BOARD						
None.						
	CLOSED SESSION					
pursuant to Code Section 2.2-3 prospective candidates for emp performance, demotion, salarie appointees or employees of any funds where competition or bar financial interest of the govern A.8, Consultation with legal cospecific legal matters requiring in this subdivision shall be consecuse an attorney representing matter. Upon the question being	olb, seconded by Mr. Mosley, to enter Closed Session 711 A.1. Discussion, consideration or interviews of doyment; assignment, appointment, promotion, s, disciplining or resignation of specific public officers, y public body, 2.2-3711 A.6. The investing of public regaining is involved, where, if made public initially, the mental unit would be adversely affected and 2.23711 runsel employed or retained by a public body regarding the provision of legal advice by such counsel. Nothing strued to permit the closure of a meeting merely ag the public body is in attendance or is consulted on a rig put the vote was as follows.					
Mr. Slemp left the meet	ting at 9:10 p.m.					
Ms. Munsey left the me	peting at 9:45 p.m.					
Upon the question being put the	Tosley, seconded by Mr. Kolb, to exit Closed Session. e vote was as follows.  olb, Mr. Leonard, Mr. Mosley, Mr. Smith					

#### CERTIFICATE OF CLOSED SESSION

It was unanimously agreed as follows.

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

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

**NOW, THEREFORE, BE IT RESOLVED,** that the Lee County Board of Supervisors hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Closed Meeting in which this Certification Resolution applies and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed or considered by the Lee County Board of Supervisors.

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# ELECTORAL BOARD REQUEST FOR HAZARD PAY

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the Electoral Board's request for hazard pay as presented. Upon the question being put the vote was as follows.

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

## CARES ACT FUNDING REQUESTS

It was moved by Mr. Kolb, seconded by Mr. Leonard, to purchase the portable sound system for the Circuit Court from Business Information Systems in the amount of \$6,500.00. Upon the question being put the vote was as follows.

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

#### **HAZARD PAY**

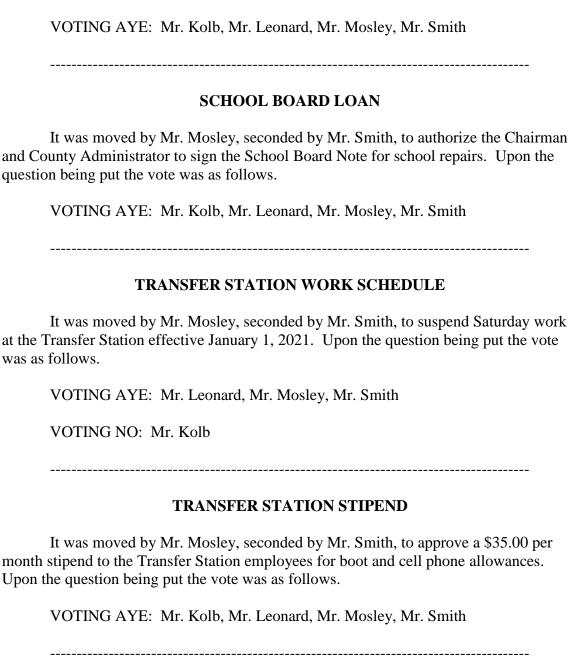
It was moved by Mr. Kolb, to take the remaining CARES Act funding and divide pro rata for anyone from the Health Department that regularly comes into contact with

patients or clients as part of their duties, every Department of Social Services employee in the Child Protective Services Department, Adult Protective Services Department and Foster Care Department, Stone Mountain Health employees who come into contact with patients and Sheriff's Office Road Officers and Bailiffs and for the County Administrator to ascertain from each of those organizations how many are in those qualifying categories and divide the remaining money to them as hazard pay.

Mr. Poe asked what is considered the remainder of the CARES Act funding.  Mr. Kolb stated the amount leftover on December 30, 2020.
Mr. Kolb stated the amount leftover on December 30, 2020.
Mr. Smith asked about the Sheriff's Office.
Mr. Kolb stated it would be for Road Officers and Bailiffs only, this would not include dispatchers, administrative employees or investigators.
Mr. Poe stated that if the County has to do payroll taxes on this, it would have to have employee information from each agency and that it would be easier to pay the agencies and allow them to disburse the funds to those employees.
The motion died for lack of a second.
HAZARD PAY
It was moved by Mr. Mosley, seconded by Mr. Leonard, to divide what is left of the CARES Act funds to all County employees equally. Upon the question being put the vote was as follows.
VOTING AYE: Mr. Leonard, Mr. Mosley, Mr. Smith
VOTING NO: Mr. Kolb

#### TRANSFER STATION TRAILER

It was moved by Mr. Mosley, seconded by Mr. Smith, to purchase a new tilt deck trailer for the Transfer Station at a cost of \$5,190.00 and to sell the one that will no longer be in use. Upon the question being put the vote was as follows.



CARES ACT FUNDING REQUEST

	VOTING AYE:	Mr. Kolb, Mr. Leonar	rd, Mr. Mosley, Mr. Smith		
2021.	It was moved by Mr. Mosley, seconded by Mr. Smith, to recessed to January 12 Upon the question being put the vote was as follows.				
	VOTING AYE:	Mr. Kolb, Mr. Leon	ard, Mr. Mosley, Mr. Smith		
	CHAIRMAN OF	THE ROARD	CLERK OF THE BOARD		

It was moved by Mr. Mosley, seconded by Mr. Leonard, to give the Pennington Gaps Woman's Club \$8,000.00 from the CARES Act Funding. Upon the question being

put the vote was as follows.