

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 July 19, 2022 at 5:30 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Sidney Kolb
Larry Mosley
Charles Slemm, Jr.
Robert Smith

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Angie Thomas, Administrative Assistant

OTHERS ABSENT: Stacy Munsey, County Attorney

INVOCATION

Richard Davis, Pastor of Jonesville First United Methodist Church, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:57 p.m.

DEPARTMENTAL REPORTS

Written departmental reports for Building Inspection, E-911 and Emergency Management, Virginia Cooperative Extension and Lee County Works were included in the packet.

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 expression.

APPROVAL OF MINUTES

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the minutes of the May 31, 2022 Recessed Meeting, the June 7, 2022 Recessed Meeting, the June 14, Recessed Meeting, and the June 21, 2022 Regular Meeting. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of July in the amount of \$916,589.42. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

DELEGATIONS

**LEE COUNTY DRUG COURT FUNDING REQUEST
GREG EDWARDS**

Greg Edwards requested the Board provide funding for mileage for the Recovery Court Coordinator. This individual travels from Wise to Lee County for court dates for participants in the program. State grant funds had previously been used for mileage but this is no longer an eligible expense. Mr. Edwards requested the Board provide \$4,000 for this purpose with any unspent funds returned to the County.

SUPPLEMENTAL APPROPRIATION

RECOVERY COURT

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve a supplemental appropriation to the Recovery Court in the amount of \$4,000.00 as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-41050-0099	Supplements from Reserves	\$4,000.00
Expenditure		
4-001-21120-5540	Recovery Court Mileage	\$4,000.00

FINANCE

SUPPLEMENTAL APPROPRIATIONS

GENERAL EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following supplemental appropriation in the amount of \$52,922.51. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-41050-0099	Budget Supplements from Reserve	\$52,922.51
Expense:		
4-001-91500-5840	Disbursements General Expenses	\$52,922.51

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

HEADSTART

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following supplemental appropriation in the amount of \$310,430.40. Upon the question being put the vote was as follows.

Revenue Source:		
3-024-23020-0024	Headstart Funds	\$310,430.40

Expense:		
4-024-62170-5860	Disbursements Headstart	\$310,430.40

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

COAL ROAD AND SEVERANCE FUND

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following supplemental appropriation in the amount of \$1,238.58. Upon the question being put the vote was as follows.

Revenue Source:		
3-027-12150-0001	Gas Severance Tax	\$ 1,238.58

Expense:		
4-027-95100-5860	Gas Severance Tax Disbursements	\$ 1,238.58

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

SOLID WASTE MANAGEMENT

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$13,383.23. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-41050-0099	Budget Supplements from Reserve	\$13,383.23

Expense:		
4-050-42400-3165	Transportation Fees	\$13,383.23

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

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

Appointments made previously.

AIRPORT AUTHORITY

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

MOUNTAIN EMPIRE COMMUNITY COLLEGE

It was moved by Mr. Smith, seconded by Mr. Kolb, to appoint Joyce Williams to a four-year term on the Mountain Empire Community College Advisory Board. Ms. Williams' term will expire July 31, 2026. Upon the question being put the vote was as follows.

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

MOUNTAIN EMPIRE COMMUNITY COLLEGE

It was moved by Mr. Kolb, seconded by Mr. Smith, to appoint Kristi Taylor to a four-year term on the Mountain Empire Community College Advisory Board. Ms. Taylor's term will expire July 31, 2026. Upon the question being put the vote was as follows.

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

MOUNTAIN EMPIRE COMMUNITY COLLEGE

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

BOARD OF ZONING APPEALS

It was moved by Mr. Kolb, seconded by Mr. Smith, to recommend Betty Grable be reappointed to a four-year term on the Board of Zoning Appeals. Upon the question being put the vote was as follows.

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

SWVA 911 STANDARDS COMMITTEE

It was moved by Mr. Mosley, seconded by Mr. Leonard, to re-appoint Mike Twigg, Billie Kay Coleman, and Dane Poe to one-year terms on the SWVA 911 Standards Committee. Their terms will expire July 31, 2023. Upon the question being put the vote was as follows.

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

ENGINEER'S TASK ORDERS FOR LANDFILL MONITORING REPORTS

It was moved by Mr. Smith, seconded by Mr. Kolb, to approve The Lane Group, Inc. Task Order No. 22-02 in the amount of \$19,750.00 for the Annual Landfill Groundwater Monitoring Report including preparation of a plan to address an exceedance for the Ground Protection Standard and Task Order No. 22-03 in the amount of \$2,750.00 for the Annual Landfill Gas Monitoring Report. Upon the question being put the vote was as follows.

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

PD1 BEHAVIORAL HEALTH SERVICE PERFORMANCE CONTRACT

It was moved by Mr. Mosley, seconded by Mr. Smith, to adopt the following Resolution approving Behavioral Health Services' Performance Contract. Upon the question being put the vote was as follows.

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

**RESOLUTION
COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT
22-014**

WHEREAS, title 37.2 of the Code of Virginia, 1950, as amended, creates the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, hereinafter referred to as the Department, to ensure the delivery of publicly-funded services to citizens of the Commonwealth with mental illnesses, mental retardation and alcohol or other drug abuse or dependence; and

WHEREAS, Sections 37.2-501 of the Code of Virginia, 1950, as amended, require every city and county to establish or join a community services board that plans and provides, directly and contractually, publicly-funded local mental health, mental retardation, and substance abuse services; and

WHEREAS, Section 37.2-508 of the Code of Virginia, 1950, as amended, establishes the performance contract as the primary accountability and funding mechanism between the Department and each Community Services Board; and

WHEREAS, Section 37.2-508 of the Code of Virginia, 1950, as amended, further requires every operating Community Services Board to submit its biennial performance contract to each political subdivision that established it as an agency for the political subdivision's approval prior to submission of the Contract to the Department; and

WHEREAS, the Counties of Lee, Scott, Wise and the City of Norton have joined together to establish Planning District One Behavioral Health Services; and

WHEREAS, Planning District One Behavioral Health Services has submitted its FY2023 and FY2024 biennial Community Services Board Performance Contract to the Lee County Board of Supervisors for approval;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby approves Planning District One Behavioral Health Services FY2023 and FY2024 Performance Contract.

RESOLUTION OF SUPPORT FOR SMARTSCALE PROJECTS

It was moved by Mr. Kolb, seconded by Mr. Leonard to adopt the following Resolution regarding projects to be submitted by the County to the VDOT SmartScale funding program. Upon the question being put the vote was as follows.

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

**RESOLUTION OF SUPPORT FOR LEE COUNTY'S
SMART SCALE PROJECT SUBMISSIONS
22-015**

WHEREAS, Lee County has identified and prepared for submission two (2) transportation projects into the SMARTSCALE process for funding in the Six Year Primary Road Improvement Program; and

WHEREAS, the SMARTSCALE projects identified are the Alt US58 at Trade Center Ln Offset Left Turns project and the Intersection Improvements at Rte 879 and Dr. Thomas Walker Rd project; and

WHEREAS, these projects are considered to be vital to improving and enhancing the safety of the transportation system in Lee County; and

WHEREAS, the Lee County Board of Supervisors has determined that the projects meet the guidelines for submission;

NOW ,THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby acknowledges and affirms its full support for these projects for the Six Year Improvement Program Cycle;

BE IT FURTHER RESOLVED, this Board does encourage and implore the Commonwealth Transportation Board and the Virginia Department of Transportation to fund the projects and does support any and all such efforts.

RESOLUTION OF SUPPORT FOR SMARTSCALE PROJECTS

It was moved by Mr. Mosley, seconded by Mr. Leonard, to adopt the following Resolution regarding a project to be submitted by the Planning District Commission to the VDOT SmartScale funding program. Upon the question being put the vote was as follows.

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

**RESOLUTION OF SUPPORT
SMART SCALE PROJECT SUBMISSION
22-016**

WHEREAS, Lee County and the Town of Pennington Gap have identified a potential transportation project for submission into the SMARTSCALE process for funding in the Six Year Primary Road Improvement Program; and

WHEREAS, the SMARTSCALE project is identified as the Alt US58/W. Morgan Avenue Roundabout and Two Way Left Turn Lane project from N. Combs Road to Cecil Street (Alternate Romeo) to be submitted by the LENOWISCO Planning District Commission; and

WHEREAS, this project is considered to be vital to improving and enhancing the safety of the transportation system in Lee County; and

WHEREAS, the Lee County Board of Supervisors has determined that the project meets the guidelines for submission;

NOW , THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby acknowledges and affirms its full support for this project for the Six Year Improvement Program Cycle;

BE IT FURTHER RESOLVED, this Board does encourage and implore the Commonwealth Transportation Board and the Virginia Department of Transportation to fund the project and does support any and all such efforts.

REASSESSMENT CONTRACT

Mr. Poe requested this matter be discussed in Closed Session.

DATE FOR JOINT MEETING WITH TOWN OF PENNINGTON GAP

It was the consensus of the Board to schedule a joint meeting with the Pennington Gap Town Council on September 27, 2022 at 6:00 p.m. at the Town Hall.

SALE OF SURPLUS REAL PROPERTY

Mr. Poe advised that the sale of surplus real property would require a public hearing prior to the sale and he would schedule that for the August Regular Meeting.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

REQUEST FOR ATTORNEY GENERAL OPINION

Ms. Munsey reported that she had requested an opinion from the Virginia Attorney General's office regarding clarification on the timing for setting the real estate tax levy. They were unable to provide a definite time on when the opinion would be provided.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

None

REPORTS AND RECOMMENDATIONS OF THE BOARD

Mr. Smith requested to discuss Personnel in Closed Session.

EDA DIRECTOR TO RESEARCH BIPARTISAN INFRASTRUCTURE LAW

It was moved by Mr. Kolb, seconded by Mr. Mosley, to direct Economic Development Director Richard Johnson to research the Bipartisan Infrastructure Law and report to the Board on what funding the County may be eligible, and if eligible, a proposed spending plan for the funds. Upon the question being put the vote was as follows.

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

FLATWOODS CONVENIENCE CENTER CAMERAS

It was moved by Mr. Kolb, seconded by Mr. Smith, to have Litter Control research the installation of cameras at the Flatwoods Convenience Center to monitor illegal activities, to consider new signs at all convenience centers, and to provide a phone number for reporting violations. Upon the question being put the vote was as follows.

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

VDOT MOWING ON HIGHWAY 58 BETWEEN JONESVILLE AND DOT

Mr. Mosley requested the County Administrator to contact VDOT about mowing on Highway 58 east of Jonesville.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Mosley, to enter Closed Session pursuant to 2.2-3711 A.1., Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; 2.2-3711 A.8., Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; 2.2-3711 A.29., Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

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

Mr. Mosley left the meeting at 7:40 p.m.

Mr. Slemp left the meeting at 8:27 p.m.

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

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

CERTIFICATE OF CLOSED SESSION

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

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

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

Upon the question being put the vote was as follows.

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

AMEND JET FUEL TANK CONTRACT

It was moved by Mr. Kolb, seconded by Mr. Leonard, to amend the previously awarded contract with Gas Station Supply for a 10,000 gallon jet fuel tank to include installation costs not to exceed the amount set in Closed Session, contingent on funding agency approval to do so.

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

It was moved by Mr. Kolb, seconded by Mr. Smith, to recess to August 9, 2022 at 5:00 p.m. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD