

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 November 15, 2022 at 5:30 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Larry Mosley, Vice Chairman
Sidney Kolb
Robert Smith

MEMBERS ABSENT: Charles Slemp, Jr.

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

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led the invocation.

Mr. Mosley asked that a moment of silence be observed for the University of Virginia shooting victims and their families.

PLEDGE TO THE FLAG

Mr. Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:36 p.m.

PUBLIC HEARING

JMB INVESTMENT CO. SPECIAL USE PERMIT REQUEST

The Lee County Board of Supervisors held a Public Hearing on November 15, 2022 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Special Use Permit request. JMB Investment Co. has applied for a Special Use Permit to allow a retail store in an A-1 Agricultural District. The property consists of approximately 1.45± acres and is located just West of 11712 Wilderness Rd on the South side of US Highway 58 (Wilderness Rd) and the West side of Route 687 (Frog Level Rd) approximately 1.60 miles west of Ewing.

The Chairman opened the floor for public comment.

Tim Dunaway, JMB Investment Co., stated that he would answer any questions.

Mr. Smith asked if the location was near Mike’s Gun Shop.

Mr. Dunaway stated it was just west of there.

Mr. Kolb asked if this was Village Commercial zoning.

Mr. Poe stated it is an A-1, Agricultural zone.

The Chairman closed the floor for public comment.

JMB SPECIAL USE PERMIT

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the Special Use Permit request to allow a retail store in an A-1 Agricultural District, west of 11712

Wilderness Rd. on the South side of US Highway 58(Wilderness Rd) and the West Side of Route 687 (Frog Level Rd). Upon the question being put the vote was as follows.

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

PROPOSED AMENDMENT TO FY 2022-2023 BUDGET

The Lee County Board of Supervisors held a public hearing on Tuesday, November 17, 2020 at 4:30 p.m. in the General District Courtroom of the Lee County Courthouse, Jonesville, Virginia. The purpose of the public hearing was to solicit public comment on a proposed amendment to the Fiscal Year 2022-2023 Budget. The Lee County School Board has carryover funds from the prior fiscal year in the amount of \$1,054,612.35 and is requesting re-appropriation of this amount to the current fiscal year budget. The \$1,054,612.35 is a combination of excess revenue and under spent expenditures.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor for public comment.

BUDGET AMENDMENT AND REAPPROPRIATION

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

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

**RESOLUTION
22-019**

**LEE COUNTY SCHOOL BOARD
SUPPLEMENTAL APPROPRIATION**

WHEREAS, Lee County Public Schools has carryover funding of State funds received in the prior fiscal year in the amount of \$1,054,612.35; and

WHEREAS, these funds require no additional local match; and

WHEREAS, the Lee County School Board respectfully requests these funds be re-appropriated to the current fiscal year as allowed by Chapter 1289 of the 2020 Acts of Assembly;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors grants a supplemental appropriation to the 2022-23 School Budget in the amount of \$1,054,612.35;

BE IT FURTHER RESOLVED, that the revised total Lee County School Board appropriation for the 2022-23 fiscal year be increased from Fifty One Million, Five Hundred Four Thousand, Three Hundred Fifty Five Dollars (\$51,504,355) to Fifty Two Million, Five Hundred Fifty Eight Thousand, Nine Hundred Sixty Seven Dollars and Thirty Five Cents (\$52,558,967.35).

REQUEST TO TRANSFER FUNDS TO SCHOOL BOARD CAPITAL RESERVE FUND

Mr. Poe stated the School Board was funded above the Required Local Effort and the Required Local Match is being returned in the amount of \$233,665.00. Per the ongoing agreement between the School Board and the Board of Supervisors they are requesting \$156,555.55 be transferred to the Lee County School Board Capitol Reserve Fund and the remaining \$77,109.45 revert back to the county.

Mr. Kolb asked how long the agreement has been ongoing.

Mr. Poe stated about five or six years.

Mr. Kolb asked if there was anything in writing.

Mr. Poe stated it was by resolution of the Board of Supervisors to adopt the policy.

Mr. Kolb asked about the increase in the local match in last two years.

Mr. Poe stated he did not have that information with him.

Mr. Kolb stated with the local match going up plus the COVID funding received by the School Board and the County running a budget deficit, he questions whether the Board needs to return the full two-thirds. He asked the board their thoughts.

Mr. Mosley stated it's normally not that much.

Mr. Poe stated they are currently running about twenty-five students higher than budgeted. If that number holds until the March 31 census, the Local Required Effort will increase.

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. Smith

DEPARTMENT REPORTS

A written departmental report for Works Program and the Transfer Station was included in the Board Packet.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

There was no Treasurer's Report for the month of October.

COMMISSIONER OF THE REVENUE

TAX RELIEF FOR THE ELDERLY AND DISABLED

Chris Jones stated he is seeking assistance to help the elderly and disabled. In the last five years, the number of applicants for this program has fallen due to increases in Social Security benefits. Mr. Jones would like to change the income limit from \$25,000 to \$35,000 and the asset limit from \$85,000 to \$95,000. The average income limit for 17 southwest Virginia counties is \$34,268.59 and the average asset limit is \$100,000.00. Mr. Jones requested the Board schedule a public hearing on this matter in December due to forms being mailed out in January.

Mr. Kolb asked at what age you qualify for tax relief.

Mr. Jones stated sixty-five years old.

Mr. Kolb asked what the determination of disability is based on.

Mr. Jones stated social security disability and if your case is pending you have to have two doctor's letters based on what's written in the current code.

Mr. Kolb asked if you can have a house, an acre of land and \$95,000 and still qualify.

Mr. Jones stated you can own any value of house and up to an acre of land that is not considered in your total assets value. Other assets can't exceed the current limit of \$85,000.

Mr. Kolb asked if you are sixty-five years old, have \$95,000 cash, and own your own home, would you qualify for tax relief.

Mr. Jones stated it also depends on your income and the cap for tax relief is two-hundred dollars.

Mr. Kolb asked if you are under 65 with the same situation, do you qualify.

Mr. Jones stated if you are disabled you can be under sixty-five years old.

Mr. Kolb asked how much tax revenue would be lost by raising these limits.

Mr. Jones stated he does not know how many people will qualify. He stated in 2018 the program cost \$112,622.00 but has decreased to \$88,867.51. Mr. Jones stated what he is requesting is in line with Scott County's tax relief program.

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.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the October 18, 2022 Regular Meeting with the correction to the motion regarding employee lunch

reimbursements to include meeting with department heads and Constitutional Officers for input on a proper rate of reimbursement. Upon the question being put the vote was as follows.

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

Prior to a second to the motion, Mr. Kolb stated he believed the motion regarding reimbursement for employee lunches was for the County Administrator to meet with department heads to determine what they felt was appropriate and then make a decision.

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve a refund to Lance M. Amburgey in the amount of \$470.83 and McLin, Inc. in the amount of \$890.66. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

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 November in the amount of \$168,214.03. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

DELEGATIONS

BALLAD HEALTH

**STACEY ELY
HOSPITAL UPDATE**

Mitch Kennedy, Administrator at Lee County Community Hospital and Lonesome Pine Hospital, updated the Board on the Lee County Hospital and the Ballard Health system. Mr. Kennedy stated they continue to add services and providers and have gone from providing ultrasound and mammography one day to two days. They have also added a second Nurse Practitioner to the ER and are currently working on their systemwide trauma network. They are facing workforce labor shortages but continue to work closely with local colleges, high schools and even elementary schools to generate interest in medical field jobs. They are currently working on a \$9 million construction project at Lonesome Pine Hospital in Big Stone Gap.

Mr. Kolb asked if they are presenting to Lee Co. Vo-Tech nursing students.

Mr. Kennedy stated they have and are working with high school students to get them in a program of study early.

FINANCE

SUPPLEMENTAL APPROPRIATIONS

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following supplemental re-appropriation in the amount of \$4,750.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-23020-0018	Sheriff Surplus Sales	\$4,750.00

Expenditure:		
4-007-94100-5896	LCSO Surplus Sale Proceeds	\$4,750.00

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

CIRCUIT COURT CLERK

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following supplemental re-appropriations in the amount of \$14,000.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18030-0006	Reimbursements	\$ 14,000.00
Expenditure:		
4-001-21600-1150	Salaries	\$ 11,996.14
4-001-21600-1350	Part-time Salaries	\$ 923.50
4-001-21600-2100	FICA (Employee Share)	\$ 1,032.75
4-001-21600-2600	Unemployment	\$ 9.36
4-001-21100-2100	FICA (Employee Share)	\$ 38.25

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

OLD BUSINESS

SAINT CHARLES RESCUE SQUAD LEASE

Mr. Poe stated the County attorney is drafting a lease agreement for the former Town of St. Charles building being utilized by the St. Charles Volunteer Rescue Squad.

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

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

DSS LEASE PAYMENT

Mr. Poe stated he has reviewed the MOU and the current payments less than the lease amount and he will contact and advise them of the discrepancy and request it be amended.

Mr. Kolb asked how much it was.

Mr. Poe stated it is about \$350 per month.

Mr. Kolb asked if he would make them back up and pay.

Mr. Poe stated that will be his request.

TREE AT DSS PARKING LOT

Mr. Poe stated the tree was removed on November 8th as there were no vehicles parked there that day.

STARLINK BROADBAND ACCESS

Mr. Poe stated the Virginia Coalfield Economic Development Authority is administering a \$500,000 allocation from the General Assembly to assist with broadband funding for students not served or underserved. There are approximately 54 accounts still available. In this funding cycle the accounts can be anywhere in the county. The current cost for a two year subscription is \$4,000 with VCEDA to cover \$2,400 and the county to cover the remaining \$1,600 per account. Applications must be submitted to VCEDA by the Economic Development Authority and are due in mid-January.

Mr. Kolb asked if there is a minimum on how many connections we have to apply for.

Mr. Poe stated there is no minimum.

Mr. Kolb asked how many accounts they started out with.

Mr. Poe stated they had \$500,000 to start the program.

It was moved by Mr. Leonard to table this matter.

Mr. Kolb stated that would be \$67.00 per month of County money for each connection.

Mr. Mosley stated he doesn't think it's something the Board needs to vote on and that Mr. Johnson can apply for it for the Economic Development Authority.

Mr. Kolb asked if the Board wanted to instruct him to apply for it.

Mr. Poe stated there would need to be a motion to indicate the Board would provide the local match.

Mr. Leonard stated it is something they needed to talk about. He also stated that some people are already paying for service themselves.

Mr. Kolb stated he just recently found out the County doesn't have to participate but doesn't think individual people can get the VCEDA money.

Mr. Poe stated the application must be submitted by the County's EDA.

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

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

COUNTY CODE RECODIFICATION

Mr. Poe stated the recodification draft, notes and suggestions provided by the contractor are currently being reviewed by the County Attorney and himself. He is also compiling any new or amended ordinances adopted since the project inception to provide to the contractor for inclusion into the recodification.

COUNTY BUILDING MAINTENANCE CHECKS

Mr. Poe stated he is compiling a list of county owned structures and asked for guidance on whether occupied and unoccupied buildings were to be checked. He stated he will provide a list to the Building Inspection Department to check on a monthly basis.

It was the consensus of the Board that only unoccupied buildings are to be checked by Building Inspection.

Mr. Leonard asked about the Robbins Chapel polling house.

Mr. Poe stated he would add this building to the list.

Mr. Kolb asked about the Head Start building and asked if the Board wanted to sell or lease the property or just leave it vacant.

Mr. Mosley stated he didn't want to sell it but was okay with leasing it.

Mr. Kolb asked about the lot beside it.

Mr. Poe stated the County may not own that lot but he would check on it.

PSA REQUEST FOR ARPA FUNDING

Mr. Poe stated the request was on the agenda last month with no action taken. The request was for \$936,555 in funding for Blackwater Community Water Project Phase II.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the PSA Request for ARPA Funding for the Blackwater Community Water Project Phase II in the amount of \$936,555.00. Upon the question being put the vote was as follows.

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

NEW BUSINESS

BOARD APPOINTMENTS

AIRPORT AUTHORITY

It was moved by Mr. Smith, seconded by Mr. Kolb, to appoint Scott Taylor to a four-year term on the Airport Authority Board. Mr. Taylor's term will expire on November 30, 2026. Upon the question being put the vote was as follows.

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

PLANNING COMMISSION

It was moved by Mr. Smith, seconded by Mr. Kolb, to appoint Rick Ellis to an unfulfilled term on the Planning Commission. Mr. Ellis' term will expire on March 31, 2023. Upon the question being put the vote was as follows.

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

PLANNING COMMISSION

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

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

POLICE VEHICLES

Mr. Pose stated pricing is through the Virginia Sheriff's Association and the cutoff date for anything under state contract has already passed. The Virginia Sheriff's Association provided contacts for their approved vendors to obtain information on costs, availability, and expected delivery dates. Following is what was obtained from the vendors:

Magic City Auto Group of Bedford

2023 Dodge Charger Pursuit V6 AWD	\$36,323.00 delivered cost
No skid plate for engine/ transmission	
No pre-wiring for grille lamp, siren, and siren speaker due to supply chain issues	
Delivery: Rough estimate of mid 2 nd quarter of 2023	

2023 Dodge Durango Pursuit V6 AWD	\$40,148.00 delivered cost
Delivery: Rough estimate of mid 2 nd quarter of 2023	

Sheehy Ford of Richmond

2023 Ford Utility Police Interceptor 3.3L V6	\$45,522.28 delivered cost
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No delivery date estimate. A purchase order is required to determine if units can be assigned to us.

Mr. Kolb asked if four vehicles were needed.

Mr. Poe stated that is the current rotation cycle.

Mr. Leonard stated we already have Ford utility vehicles and he thinks we could save money by paying the extra purchase cost and stay with what we have to keep from stocking parts for another type of vehicle.

Mr. Kolb stated you have \$9,000 dollars up front on the purchase price and he thinks they should split between the Chargers and the Fords.

Mr. Mosley stated we have to have a purchase order for the Fords to determine if they can be assigned to us. If they can't we're behind another month or two.

Mr. Leonard asked how long it would take to send in the purchase order.

Mr. Poe stated if approved the purchase orders would be issued the next day.

Mr. Kolb asked if Mr. Leonard was opposed to buying any Chargers.

Mr. Leonard stated he would like to purchase the Ford's if we can get them, if not we will have to go to a back-up plan.

Mr. Mosley asked about adding a back-up plan to the motion and if we can't get the Fords, order the Chargers.

Mr. Kolb asked if there was a date by when they must be received.

Mr. Poe stated he doesn't think we can get a delivery date. We have to give a purchase order to be run through the system to see if they can assign them to us and how many.

Mr. Kolb asked if a contingency can be included in the purchase regarding a specific delivery date.

Mr. Poe stated he doesn't think they will give you a delivery date.

It was moved by Mr. Leonard, second by Mr. Smith, to put in a purchase order for four Ford Interceptors. There was no vote on the motion.

Mr. Mosley asked if they wanted to include a contingency in case we can't get these.

It was moved by Mr. Leonard, seconded by Mr. Smith, to issue a purchase order for four Ford Interceptors, with a contingency to purchase four Dodge Chargers if the Fords are unavailable. Upon the question being put the vote was as follows.

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

Mr. Poe asked for clarification that the motion was to provide a purchase order for four Ford Interceptors and if they can't assign the vehicles to us then we move to four Dodge Chargers. If they can assign the Ford's but cannot provide a delivery date, the order stands.

LIBRARY INSURANCE

Mr. Poe stated the Lonesome Pine Regional Library notified him that they have been carrying insurance on both the buildings and contents of the Pennington Gap and Rose Hill Libraries for several years. The county has also been carrying insurance on the buildings and contents and was unaware the library was doing so. The library has been advised by their carrier they may not be able to collect on the loss of the building and contents since the county owns the building. There are two options as follows, 1) the county could advise the library they are requiring them to carry coverage on the buildings. This would save the county premium costs but any proceeds from a loss would go to the library; or 2) the county could carry coverage on the buildings and the library would carry coverage on the contents. We would need to increase coverage due to rising construction costs.

Mr. Leonard asked if we are paying the same insurance company.

Mr. Poe stated no.

Mr. Leonard asked why an auditor hadn't discovered that.

Mr. Poe stated an auditor wouldn't look for that. He also stated nobody knew the library was carrying coverage.

Mr. Kolb stated he would go with option number one.

Mr. Mosley stated both entities do not need to carry coverage, but he prefers the County carry insurance on the building and the library insures the contents. If the library carries coverage and something happens to the building the library will get the money.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the County to carry coverage on the library buildings only with the Regional Library to provide coverage on the contents. Upon the question being put the vote was as follows.

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

GRANTWRITER CONTRACT

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the Grantwriter Contract at the rate of \$1,050.00 per month for one year. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Mosley

BUILDING CODE OFFICIAL

Mr. Poe stated with the retirement of Tom Bush on November 1, 2022 the Building Code Official position is currently vacant. Clint Carter, the current Field

Inspector, has successfully completed two of the three required tests for his Code Official Certification. If appointed he would have one year to complete his Certification.

Mr. Kolb asked if we have to advertise the position.

Mr. Poe stated no.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to discuss this matter in closed session. Upon the question being put the vote was as follows.

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

VDOT RESOLUTION ON BRIDGE ABANDONMENTS

It was moved by Mr. Kolb, seconded by Mr. Mosley to approve Resolution 22-020. Upon the question being put the vote was as follows.

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

RESOLUTION 22-020

WHEREAS, the Virginia Department of Transportation has advised of their desire to abandon from maintenance two bridge structures in Lee County more specifically described as Structure VA-ID 52-6068 over Indian Creek on Route 684 (Beulah Road) and Structure VA-ID 52-6326 over Hardys Creek on Route 814; and

WHEREAS, the Virginia Department of Transportation has determined that continued maintenance on these structures would not provide a benefit to the public and those tax dollars can be better utilized for continued maintenance on other structures that do provide a greater public benefit; and

WHEREAS, the Lee County Board of Supervisors supports the wise use of tax dollars and requests the funds saved by abandoning these structures from maintenance be used to complete the hard-surfacing of the remainder of Route 676 (Boone's Path Rd) and other gravel roads in the Rose Hill and Ewing area.

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors has no objection to the proposed bridge abandonments for maintenance as described above and formally requests the savings be used to hard-surfacing of the remainder of Route 676 (Boone's Path Rd) and other gravel roads in the Rose Hill and Ewing area.

**MORAL OBLIGATION RESOLUTION FOR ST. CHARLES WATERLINE
REPLACEMENT PROJECT BOND ISSUANCE**

Mr. Poe stated the Public Service Authority is proposing to issue a Water and Sewer Revenue Bond in the Amount of \$381,366 to the Virginia Resource Authority (VRA) to partially finance the St. Charles Waterline Replacement Project. As a formality, the VRA requires a Resolution authorizing the execution of a support agreement providing the County's moral obligation to appropriate funding to the Public Service Authority for debt service of the bond in the event the PSA does not have sufficient revenue to do so. This is a typical request of project financing agencies.

It was moved by Mr. Leonard, seconded by Mr. Smith, to adopt Resolution 22-021. Upon the question being put the vote was as follows.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS OF LEE
COUNTY, VIRGINIA, AUTHORIZING THE EXECUTION OF A
SUPPORT AGREEMENT PROVIDING FOR LEE COUNTY'S
MORAL OBLIGATION TO MAKE CERTAIN
APPROPRIATIONS WITH RESPECT TO A WATER AND
SEWER REVENUE BOND OF THE LEE COUNTY PUBLIC
SERVICE AUTHORITY
22-021**

The Lee County Public Service Authority (the "Authority") proposes to issue its \$381,366 Water and Sewer Revenue Bond, Series 2022 (the "Bond") to the Virginia Resources Authority, as Administrator of the Virginia Water Supply Revolving Fund (the "VRA"), to finance improvements to the Authority's water and sewer system (the "System") pursuant to Phase III of the Authority's St. Charles Waterline Replacement Project in the St. Charles community of Lee County, Virginia (the "Project").

The Authority has requested the Board of Supervisors of Lee County, Virginia (the “County”) to facilitate the issuance and sale of the Bond by providing for the County’s moral obligation to make certain appropriations to the Authority with respect to the Bond and the System.

As part of its plan for financing the Project, the Authority proposes to execute the following documents, drafts of which have been presented to the Board of Supervisors at this meeting:

- a. Financing Agreement (the “Financing Agreement”) between the Authority and the VRA; and
- b. Support Agreement (the “Support Agreement”), between the Authority, the Board of Supervisors of the County and the VRA,

the forms of which documents have been presented to the Board of Supervisors at this meeting.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LEE COUNTY, VIRGINIA:

1. The Authority’s plan of financing for the Project, substantially on the terms set forth in the Financing Agreement and which involves the issuance of the Bond, is approved. The Board of Supervisors consents to the issuance of the Bond.

2. The Board of Supervisors agrees, in accordance with the Support Agreement, to pay to the Authority amounts sufficient to pay (i) the debt service under the Bond and any other indebtedness secured by or payable from the revenues of the System, including the Existing Parity Bonds set forth on Exhibit F to the Financing Agreement, (ii) the operation and maintenance expense of the system of which the Project is a part, (iii) additional payments for costs and expenses related to any amendment, waiver, consent, or collection or enforcement proceedings under the Financing Agreement, and (iv) the Reserve Deficiency Amount, as defined in the Support Agreement, all of which shall be subject to annual appropriation by the Board of Supervisors, all on the terms and conditions to be provided in the Support Agreement. The County’s obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Bond or the Support Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

3. The Board of Supervisors acknowledges that (i) the obligations of the Authority to determine, and of the County to pay, the charges for the use of and for services to be furnished by the System (as defined in the Financing Agreement) are

crucial to the security for the Bond, (ii) VRA would not purchase the Bond without the security and credit enhancement provided by the Support Agreement, (iii) VRA will be a third party beneficiary of the Support Agreement for so long as the Bond remains outstanding, and (iv) VRA is treating the Support Agreement as a “local obligation” within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended (the “Virginia Code”), which in the event of a nonpayment thereunder authorizes VRA to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. Section 62.1-216.1 of the Virginia Code provides that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.

4. Any one of the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator is authorized and directed to execute and deliver the Support Agreement on behalf of the County, the form of which is approved. The Support Agreement shall be in substantially the form as presented to this meeting, with such changes, insertions and deletions as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such changes, insertions or deletions; provided, however, that the terms of the Bond are substantially as stated in this resolution. The County Administrator is authorized and directed to take such actions and give such notices as may be required of him under the Support Agreement

5. This resolution shall take effect immediately upon its adoption. Unless otherwise defined, each capitalized term used in this Resolution shall have the meaning given in the Financing Agreement.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

AIRPORT FUEL TANK INSTALLATION

Mr. Poe stated he has a copy of the Proposed Contract for the Fuel Tank Installation at the airport and that the Board may want to discuss in closed session.

CAMERAS AT THOMAS WALKER POOL

Mr. Poe stated the camera and recorder at Thomas Walker Pool have been stolen. Mr. Collingsworth advised that he may need up to eight cameras to cover all areas. Mr. Poe suggested purchasing a system that uploads to the cloud that would retain information for a longer period of time. He stated he doesn't have a cost at this time but advised there would be an ongoing fee for the cloud storage and could be set up to retain data for a ninety day period.

Mr. Kolb asked if we have internet at the pool.

Mr. Poe stated we do not and that would have to be added.

Mr. Kolb stated we should be able to get internet from the school and to check with them.

It was moved by Mr. Smith, seconded by Mr. Kolb, to proceed with pricing a DVR and eight cameras and checking with Mr. Dean about the use of the school's internet. Upon the question being put the vote was as follows.

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

PROPERTY DONATION

Mr. Poe stated he has four property owners wanting to donate property to the County and that the Board has to vote to accept deeds of property. He asked the Board for their guidance on whether to allow individuals wishing to donate property to have the deed prepared and signed or does the Board want it to be presented to them on a case-by-case basis.

Mr. Kolb stated on a case-by-case basis.

Mr. Poe asked if that was consensus of the board.

It was the consensus of the Board to consider property donations on a case-by-case basis.

Mr. Poe stated he will bring the ones he has before the board in December.

ZONING TEXT AMENDMENTS

Mr. Poe stated the Planning Commission is recommending two Zoning text amendments. The first one is to amend an existing text amendment to allow the manufacture of mini storage buildings by Special Use Permit in an A-1 Zone to include other items such as play sets, cabinets, outdoor furniture and similar uses such as determined by the Zoning Administrator. The second one is to recommend expanding miniature golf courses as an allowed use by special use permit in a Village Commercial, B-1, and B-2 business district. Mr. Poe asked if the Board wants to move the two amendments to a public hearing.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to advertise the proposed Zoning Text Amendments for a public hearing. Upon the question being put the vote was as follows.

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

RESIGNATION LETTER

Mr. Poe stated he received a letter of resignation from Charles H Slemph, Jr. effective immediately.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to adopt Resolution 22-022 Appreciation for Charles H Slemph, Jr. Upon the question being put the vote was as follows.

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

**RESOLUTION OF APPRECIATION
22-022**

WHEREAS, Charles H. Slempp, Jr. was elected to a four-year term on the Lee County Board of Supervisors on November 8, 2011 and was subsequently re-elected in 2015 and 2019 serving a total of 11 years; and

WHEREAS, during this time, Mr. Slempp served as Chairman of the Board of the Board of Supervisors in calendar years 2014 and 2016 ; and

WHEREAS, while serving on the Board of Supervisors, Mr. Slempp also was appointed and served on the LENOWISCO Planning District Commission for 8 years, the Appalachian Community Action and Development Agency Board of Directors for 11 years, and the Lee County Tourism Committee for 9 nine years; and

WHEREAS, the members of the Lee County Board of Supervisors wish to express their gratitude to Charles H. Slempp, Jr. for his many years of service to the citizens of Lee County and to this Board in particular;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby recognizes Charles H. Slempp, Jr. for his dedication to improving the quality of life for Lee County residents and for his faithful service to the Lee County Board of Supervisors and the various boards to which he was appointed.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to introduce Mr. Slempp's letter of resignation in the minutes. Upon the question being put the vote was as follows.

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

LETTER OF RESIGNATION

CHARLES HERBERT SLEMP, JR.
Post Office Box 383
Dryden, Virginia 24243

November 9, 2022

Dane Poe
County Administrator
Lee County Board of Supervisors
Post Office Box 367
Jonesville, Virginia 24263

Re: Letter of Resignation

Dear Dane:

Please accept this letter as my formal resignation as a member of the Lee County Board of Supervisors from District Four, effective immediately.

This announcement comes with a heavy heart. I have loved being a part of this Board, serving my neighbors and dedicating myself to representing the best interests of Lee County. However, the time has come for me to shift my focus on my family, farm, business, and other personal interests.

Jean and I have been so blessed to call Lee County our home. We have raised our kids here, fostered children here, invested in a family farm here, built a small business here, and poured our hearts into this place for over 40 years. And over those 40 years, serving the citizens of the 4th district of Lee County has been one of my greatest honors.

I am so proud of the work we have accomplished together in the past eleven years. It has been an honor to serve as chairman of the Board, the LENOWISCO Planning District Service Board, the Lee County Tourism Committee, the Appalachian Community Action and Development Agency board, Small Business Incubators serving the area, the organization to maintain the Sticklelyville School Community Center, and countless other groups. Looking back, I am honored to have been a part of so many positive steps for Lee County and Southwest Virginia, such as bringing many new 21st century manufacturing jobs to my district with the opening of England Furniture and ensuring access to healthcare with the reopening of Lee County Community Hospital. Together, we have expanded access to Broadband, increased cellular telephone connectivity, developed the Lee County Works community service program, provided essential equipment and support for our law enforcement officers, expanded our emergency communications system, improved infrastructure, invested in our children's education, assisted the PSA with funding shortfalls, promoted Lee County position as a tourism destination, and improved our position as a regional transportation leader through investments in the Lee County Airport.

To the people of my district, I want to say thank you for giving me the opportunity to serve you for over eleven years. Thank you for giving me the opportunity to be part of such a strong and dedicated Board. I also want to give thanks to my

colleagues for allowing me to work alongside you as we have made life better for the citizens of Lee County.

In 1927 at the height of his popularity and at the pinnacle of political power, amidst great political pressure to seek another term, President Calvin Coolidge declined to run for re-election as President. Coolidge's example is to be admired and emulated. I recognize that we have accomplished so much together during my time on the Board, but I also recognize that it is time for me to step aside and make room for new leadership.

I look forward to hearing of the continued success. Keep up the great work!

Sincerely,

Charles H. Slemp, Jr.

REPORTS AND RECOMMENDATIONS OF THE BOARD

BRIDGE NAMING

Mr. Smith stated Ronnie Montgomery had requested to have a bridge on Martin's Creek named for his uncle who was killed in World War II.

Mr. Poe stated he could prepare a resolution for the December Board Meeting.

It was moved by Mr. Smith, seconded by Mr. Kolb, to have Mr. Poe draft a Resolution naming a bridge in honor of Alfred E. Montgomery. Upon the question being put the vote was as follows.

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

OPIOID SETTLEMENT

Mr. Kolb stated he's not asking for an update on the Opioid Settlement but asked if Mr. Poe or Mr. Johnson was going to let the Board know when they finalize regulations.

Mr. Poe stated he had previously advised that he would keep the committee updated. Mr. Poe stated he has a packet for Mr. Kolb and Mr. Mosley and suggests they meet in the near future to discuss the information. Mr. Poe also stated that PD1 Behavioral Health wants to meet with the Committee at a later date.

TREE REMOVAL AND REPLACEMENT

Mr. Kolb stated back in the summer they discussed cutting down the Bradford pear trees in front of the Courthouse and replacing them with dogwoods.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to have the pear trees in front of the Courthouse removed by the end of February. Upon the question being put the vote was as follows.

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

RESCUE SQUAD FUNDING

Mr. Kolb stated he was approached by someone with a rescue squad that requested the Board reconsider their funding due to some of the rescue squads running much more than others and are receiving the same funding. Mr. Kolb suggested the funding be split more equitably. Mr. Kolb suggested dividing the money up based on quarterly reports on the number of calls run by each squad.

Mr. Mosley agreed.

Mr. Kolb asked if the Board had any suggestions on how to determine funding.

Mr. Mosley suggested having the Rescue Squads report to the County Administrator's Office.

Mr. Leonard stated we can get that from 911 but the problem is with the insurance expenses of each squad.

Mr. Kolb stated he would be fine if we took half of the funding and apportioned it based on the number of calls run by each squad.

Mr. Poe suggested having a base amount provided to all rescue squads and possibly split the balance based on calls run. He stated that to provide no funding at all could take one or more of them out of operation if they can't maintain insurance coverage.

Mr. Leonard stated this needs to be discussed in closed session.

TITLE 46.2 AND 18.2

Mr. Kolb stated the Board adopted Title 46.2 and Title 18.2 in hopes that officers would write violations under County codes instead of State codes. Mr. Kolb asked Mr. Poe if they are keeping track of how much income is coming into the County from that.

Mr. Poe stated he can get that at any time.

Mr. Kolb stated upon speaking with Greg Edwards he advised we should amend our code to say that jail is not an option if it's written on a County warrant. If there's no jail time available you don't get a court appointed attorney and that could save the County money and result in more charges on County warrants than State warrants. Mr. Kolb asked for the Board's thoughts on that.

SCHEDULE PUBLIC HEARING TO AMEND COUNTY CODE

It was moved by Mr. Kolb, seconded by Mr. Mosley, to advertise a public hearing to consider a proposed amendment to the county ordinance for Titles 18.2 and

46.2 prescribing there would be no jail time for local code offenses. Upon the question being put the vote was as follows.

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

BUILDING CODE ISSUES WITH STRUCTURE IN JONESVILLE

Mr. Kolb asked the status on the building in Jonesville with the building code issues.

Ms. Munsey stated she sent another notice to the owner and has not heard anything back and the next step is to have an officer actually charge the owner.

It was moved by Mr. Kolb to have the County Attorney attempt to get an officer to file a charge on this matter. There was no second to the motion.

There was a question regarding the actual ownership of the building.

Mr. Kolb stated the Board could consider this further once the ownership is determined.

BRISTOL LANDFILL ISSUE

Mr. Kolb stated he wants to address the Bristol Landfill issue and does not think the Board should let this go.

Mr. Leonard stated we moved forward with that last month.

Mr. Poe stated the August tipping fee payment was not approved for payment with the monthly bills.

Mr. Kolb stated that was for the \$9,000 but what about the remaining \$175,000.

Mr. Leonard stated we were going to proceed with that.

Mr. Kolb asked if the Board needs to further discuss the matter.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to have the County Attorney send a letter to Bristol's Attorney to address the breach of contract regarding termination of the County's agreement for solid waste disposal. Upon the question being put the vote was as follows.

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

JASPER PROPERTY

Mr. Mosley asked the status of the property in Jasper.

Mr. Poe stated he is waiting on the survey.

Mr. Mosley asked if he has an update on closing the Jasper site on Sundays.

Mr. Poe stated the tonnage at Jasper has decreased dramatically on Mondays.

Mr. Smith stated it has at decreased at Gibson Station also.

Mr. Leonard stated when he went by on Sunday there was trash outside the gate.

Mr. Mosley stated there is a problem at the Transfer Station gate with people going through the garbage and advised we need to put cameras up.

Mr. Kolb asked how well the cameras at Flatwoods are working.

Mr. Poe stated they are trying to get them installed. He also stated we need to see how clear the pictures are with the new cameras.

Mr. Kolb requested to have this matter under Old Business for next month. He stated the Bus Shop is 120 yards away from the Transfer Station gate and that may help with internet at that site.

Mr. Leonard stated he would like to publicly thank Mr. Charles Slemph for his service to the County.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Mosley, 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.5., discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; 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; 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.

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

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

VOTING AYE: Mr. Kolb, 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.

RESCIND MOTION ON AIRPORT AUTHORITY APPOINTMENT

It was moved by Mr. Kolb, seconded by Mr. Smith, to rescind the motion to appoint Gary Rasnic to the Airport Authority that was made last month. Upon the question being put the vote was as follows.

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

AIRPORT AUTHORITY APPOINTMENT

It was moved by Mr. Kolb, seconded by Mr. Mosley, to appoint Jamie Wolford to the Airport Authority to an unfulfilled term. Mr. Wolford’s term will expire on July 31, 2024. Upon the question being put the vote was as follows.

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

APPOINTMENT OF BUILDING CODE OFFICIAL

It was moved by Mr. Mosley, seconded by Mr. Kolb, to appoint Clint Carter to the County Building Code Official and to increase his salary by \$5,000.00 annually effective immediately. Upon the question being put the vote was as follows.

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

SCHEDULE PUBLIC HEARING FOR AMENDMENT TO TAX RELIEF ORDINANCE

It was moved by Mr. Mosley, seconded by Mr. Smith, to schedule a public hearing for an amendment to the Tax Relief for the Elderly and Disabled ordinance. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

LEASE OF BUILDING IN ST. CHARLES TO RESCUE SQUAD

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the lease of the old St. Charles Town Hall building to the St. Charles Volunteer Rescue Squad with the changes discussed in closed session. Upon the question being put the vote was as follows.

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

ADVERTISE FOR FIELD INSPECTOR

It was the consensus of the Board to advertise for a Field Inspector for the Building Inspection Department.

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

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD