

**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 April 19, 2022 at 5:30 p.m. thereof.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator  
Stacy Munsey, County Attorney  
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: None

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**INVOCATION**

Dane Poe, County Administrator, led in the Invocation.

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**PLEDGE TO THE FLAG**

Larry Mosley led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

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

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**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.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, 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. Slemph, Mr. Smith

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

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

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### **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. Mosley, Mr. Slemph, Mr. Smith

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### **DEPARTMENTAL REPORTS**

A written departmental report for Building Inspection was included in the packet.

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**CONSTITUTIONAL OFFICERS**

**TREASURER'S REPORT**

The Treasurer's Report for the month of February 2022 was submitted as follows:

Revenues	\$ 5,163,514.97
Expenditures	\$ 7,045,145.20
General Fund	\$ 12,963,715.78
Total Assets	\$ 16,587,721.35

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The Treasurer's Report for the month of March 2022 was submitted as follows:

Revenues	\$ 6,372,480.78
Expenditures	\$ 6,509,960.07
General Fund	\$ 12,731,693.80
Total Assets and Liabilities	\$ 16,450,242.06

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**CHRIS JONES  
COMMISSIONER OF THE REVENUE  
PERSONAL PROPERTY TAX LEGISLATIVE CHANGES**

Chris Jones, Commissioner of the Revenue, provided information to the Board regarding the increase in used vehicle values due to the pandemic. Mr. Jones discussed the impact this would have on personal property taxes on vehicles and the fact that the General Assembly had recently adopted legislation that would allow local governing bodies to separate tax rates on vehicles from other personal property. He stated the current tax rate would result in an increase of approximately \$1 million in personal property tax revenue. He also advised that the new legislation has a sunset date of December 31, 2024.

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**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.

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Matthew Scott stated that he was 40 years old and 23 of those years were spent addicted to drugs. He provided information on his struggles with addiction and his attempts to get clean with the use of suboxone but stated that after a year, attempts to reduce his dosage caused extended withdrawal symptoms and resulted in resorting back to illegal drugs. He stated that prescribing drugs such as suboxone is not a solution to the drug addiction problem. He said the answer to addiction was the Lord Jesus Christ and that was how he overcame his addiction and drug dependency. He stated that many of the people involved in medication assisted treatment are well-intentioned but that it is not working. He said we could not look to the pharmaceutical companies to solve the problem that their actions have created.

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Hazel Spurlock stated she has dealt with suboxone issues and does not approve of its use. She stated that inmates she has talked to have indicated that suboxone was the hardest drug to break addiction to.

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Jack Raeside stated that people are well intentioned but suboxone treatment is headed in the wrong direction. He stated that putting suboxone on the street only made the problem worse. He described the opioid problems in Vermont when he was there and how prescription treatment drugs failed there.

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Dan Spurlock, Director of the Stand in the Gap Coalition, discussed his work teaching children about choices. He stated you do not cure a nicotine addiction by taking more nicotine and you do not cure a drug addiction by using another drug.

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Joe Bunn, attorney for Hopkins Medical Association LLC, discussed the County's opioid lawsuit and shared various details of the suit. He detailed the differences in suboxone and subutex and stated that suboxone is prescribed in 90% of patients seeking addiction help from Hopkins Medical Association. He also stated that HMA believes that subjecting HMA to seeking a Special Use Permit when other medical facilities are not subjected to a Special Use Permit violates the Americans with Disabilities Act. Further, the Board's previous proposal to cap the number of patients they could treat is not within

their power but rests with the State. He asked the Board members to approve the Special Use Permit.

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There was no further public comment.  
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The Chairman closed the floor for public comment.  
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**APPROVAL OF MINUTES**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the minutes of the March 15, 2022 Regular Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith  
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**APPROVAL OF REFUNDS**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve a refund to Janice Riggs in the amount of \$121.64. Upon the question being put the vote was as follows.

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

The County Administrator reports that payroll warrants have been issued.  
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**APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Mosley, seconded by Mr. Slemph, to approve the disbursements for the month of April, in the amount of \$884,039.95. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

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**DELEGATIONS**

**PROJECT RECONNECT  
TIFFANIE GOFF  
SWVA WORKFORCE DEVELOPMENT**

Tiffanie Goff, Director of Programs for SWVA Workforce Development, shared information regarding the release of a large number of state inmates between July 1 and August 31 of this year. She stated they were working with the Department of Corrections to try and determine how many inmates will likely be returning to the Southwest Virginia coalfield counties. She discussed the challenges facing these individuals and possible programs to assist them with re-entering society, obtaining housing, employment skills, counseling services, and jobs as well as other needs. They will be hosting a meeting for employers on May 4 at Mountain Empire Community College to advise them of the benefits and incentives for hiring previously incarcerated individuals.

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**AIRPORT GROUND LEASE  
GREG ESTES  
ESTES BROTHERS CONSTRUCTION**

Austin Glass was present representing Estes Brothers Construction and offered to answer any questions the Board may have. The Chairman advised that the Board had discussed having the County Attorney and County Administrator meet with representatives of Estes Brothers Construction to work out any changes needed in the document.

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**OLD BUSINESS**

**SPECIAL USE PERMIT HOPKINS MEDICAL ASSOCIATION, LLC**

Mr. Kolb stated that his work as a defense attorney has provided him with some perspective of suboxone and he does not recommend his clients use it. He stated the success stories of suboxone are often not heard. He does not believe the Board is preempted by federal law on this matter but agrees that we have to try something to combat the drug addiction problem. He stated that under the County's current zoning laws, this is an allowed use by Special Use Permit and any restrictions the Board might impose on the business are not issues that have been raised by public objections. His stated his opinion was the Board had no choice but to approve the request.

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Mr. Leonard based his decisions based on the wishes of the people who put him in office and they had indicated they were not in favor of this.

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Mr. Smith stated he did not think this treatment worked and that he represented the people of his district and they did not want this.

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Mr. Slemph stated he had observed Mr. Scott's struggles over the years and how he had changed and he had to agree with his stance on this issue.

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Mr. Kolb stated he listens to the people of the County but he also has to study the issues that come before the Board, listen to advice of the County Attorney, and does not want to waste taxpayer funds in Federal court and still have the same result.

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Mr. Mosley stated that the general public does not understand the position the Board is in and efforts to avoid a lawsuit.

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the Special Use Permit for Hopkins Medical Association. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Leonard, Mr. Smith

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**LONESOME PINE OFFICE ON YOUTH**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to appoint Brooks Chadwell to the Lonesome Office on Youth. Ms. Chadwell's term will expire June 30, 2022. Upon the question being put the vote was as follows.

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

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Mr. Poe advised that at the Hospital Authority's last meeting, they voted to reduce the number of board members from ten to seven and allow the currently expiring terms to effect that reduction.

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Mr. Mosley said he thought Mr. Speak did not want to serve but he indicated that Ms. Westover did want to continue serving on the Authority.

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Mr. Leonard stated it was his understanding that none of the three whose terms are expiring wished to be re-appointed.

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### **HOSPITAL AUTHORITY**

It was moved by Mr. Mosley, seconded by Mr. Leonard, to table these appointments and obtain clarification from the Hospital Authority. Upon the question being put the vote was as follows.

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

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### **NINTH DISTRICT FINANCING**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to appoint Richard Johnson II to a two year term on the Ninth District Financing Committee. Mr. Johnson's term will expire April 30, 2024. Upon the question being put the vote was as follows.

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

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### **SICK LEAVE SHARING COMMITTEE**



Mr. Poe advised that the Board had previously appointed a committee of four employees to review the Sick Leave Sharing Policy and recommend any needed changes. Sharon Lawson was a member of the committee and her death leaves a vacancy. The other members of the committee have requested the Board either appoint another member or advise them to continue with three members.

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It was the consensus of the Board to allow the three remaining members to continue their review and provide recommendations to the Board.

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### **PACKER TRUCK BIDS**

Bids for a new Solid Waste Packer Truck were due on March 22, 2022. Two bids were received as follows:

Martin's Peterbilt of London, KY submitted a bid of \$298,223.00 for a Peterbilt Model 520 Truck with a 40 cubic yard New Way Mammoth Front Load Packer Unit. A review of this bid indicated that engine that was priced with this bid exceeded the bid specifications. If the requested engine is provided with this truck, the price would be \$291,446.00.

Peterbilt of Knoxville, TN submitted a bid of \$313,589.00 for a 2024 Peterbilt Model 520 Truck with a 40 cubic yard EZ Pack Front Load Packer Unit.

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It was moved by Mr. Mosley, seconded by Mr. Smith, to purchase a new Packer Truck from Martin's Peterbilt of London, KY, in the amount of \$291,446.00. Upon the question being put the vote was as follows.

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

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### **GRAPPLE TRUCK BIDS**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to reject the bids on the Grapple Truck and rebid for the truck. Upon the question being put the vote was as follows.

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

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**MEOC WALK-A-THON**

It was moved by Mr. Mosley, seconded by Mr. Smith, to sponsor the MEOC Walk-A-Thon with a \$5,000.00 donation. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

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**LAW ENFORCEMENT BLOCK GRANT**

Mr. Poe reported the Virginia Department of Criminal Justice Services has advised that the Lee County Sheriff's Office is eligible to receive a Local Law Enforcement Block Grant award of \$1,476.00 with no local match required. The Sheriff's Office typically uses these funds for crime prevention and education purposes by distributing materials to students in elementary schools in the county.

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It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the Law Enforcement Block Grant in the amount of \$1,476.00. Upon the question being put the vote was as follows.

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

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**PUBLIC SERVICE AUTHORITY REQUEST FOR WATER PROJECT FUNDING**

The Public Service Authority has advised they now have full funding for the Giles Hollow Water Project but have a shortfall of \$141,267.95 to construct The Field Waterline Replacement project.

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Mr. Kolb asked about other projects they had submitted for funding.

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Mr. Poe stated the other projects included Blackwater, St. Charles, and Maple Hill.

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Mr. Kolb stated his intention in providing funding was to assist with projects to serve areas where there is currently no public water available.

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Mr. Poe advised that all these projects were on the original list submitted to the Board for consideration.

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It was moved by Mr. Smith, seconded by Mr. Mosley, to provide funding for the Fields Waterline Replacement Project in the amount of \$141,267.95. Upon the question being put the vote was as follows.

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

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#### **AMERICAN RECOVERY ACT FUNDING REQUESTS**

Mr. Poe reported that he has received additional requests for funds from the County's American Rescue Plan Act award. One is from the Lee County Social Services to install automatic door openers in their main entrance at a cost of \$5,720.00. The second request is from Chestnut Grove Assisted Living with no stated amount, a third request from the Town of Pennington Gap for financial support to hire a Parks and Recreation Director, and a request from the Sheriff's Office for five laptops for their cruisers and one portable radio.

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Mr. Smith asked if the Town of Pennington Gap request was for one-time funding.

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Mr. Leonard stated that his understanding is that this will not just be for the Town of Pennington Gap but could also assist with other areas of the County.

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#### **SOCIAL SERVICES REQUEST FOR AUTOMATIC DOOR FUNDING**

It was moved by Mr. Mosley, seconded by Mr. Smith, to provide \$5,720.00 to the Department of Social Services. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

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**PENNINGTON GAP REQEUST FOR FUNDING FOR PARKS AND RECREATION DIRECTOR**

It was moved by Mr. Mosley, seconded by Mr. Smith, to provide \$20,000.00 to the Town of Pennington Gap to hire a Parks and Recreation Director. Upon the question being put the vote was as follows.

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

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**CHESTNUT GROVE ASSISTED LIVING FUNDING REQUEST**

It was moved by Mr. Mosley, seconded by Mr. Smith, to table the request from Chestnut Grove Assisted Living. Upon the question being put the vote was as follows.

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

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**STAFF RESIGNATIONS**

Mr. Poe reported that since the March Board meeting, he has received notices of resignation from three staff members. Brooke Fee, Litter Control Coordinator submitted a verbal notice of resignation on March 23 with her last workday on April 5. Daniel Giles, Works Program Co-Coordinator submitted his letter of resignation on March 25 with his last workday on April 8, and Robert Allen, Transfer Station, submitted his letter on April 18 with his last workday being April 29.

The Litter Control Coordinator and Works Program positions have been advertised along with the Administrative Assistant position which was vacated when Ms. Hughes transferred to the Accounting Clerk position. The Transfer Station position will be advertised in the next week.

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**JET FUEL TANK INSTALLATION PROPOSALS**

It was moved by Mr. Kolb, seconded by Mr. Mosley, reject the proposal and re-advertise. Upon the question being put the vote was as follows.

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

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**TOURISM BY-LAWS AMENDMENT**

Mr. Poe stated he received a request from the Tourism Committee to amend their by-laws to eliminate the provision to pay the committee members for meeting attendance.

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It was moved by Mr. Smith, seconded by Mr. Mosley, to concur with the amendment to the Tourism Committee By-Laws to eliminate Article 3, Subsection IV, regarding compensation to committee members for meeting attendance. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb, Mr. Slemp

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**REGIONAL IMPROVEMENT COMMISSION**

Mr. Poe reported that he received letter from the Wythe County Board of Supervisors requesting an appointment to the Regional Improvement Commission created by the General Assembly as a part of legislation authorizing the licensing of a gaming casino in the City of Bristol, Virginia. Wythe County is requesting a meeting of all localities making up this Regional Improvement Commission on May 19, 2022.

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

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

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Mr. Poe advised that the Commonwealth Transportation Board will conduct a public meeting on the six year improvement plan for primary highways on May 11, 2022 at 4:00 p.m. at the Higher Education Center in Abingdon.

**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**TOWN OF PENNINGTON GAP REQUEST TO USE COUNTY EXCAVATOR**

Mr. Kolb stated that the Town of Pennington Gap would like to be able to use the County’s excavator and brush cutter to clear the right-of-way on a portion of the railroad property on North Main and North Johnson Streets.

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Mr. Leonard asked if they would need someone to operate the equipment.

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Mr. Kolb stated they did not ask for an operator.

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Mr. Mosley asked how much time would be involved.

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Mr. Kolb stated he did not think it would be more than a day and a half.

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**USE OF COUNTY EXCAVATOR BY TOWN OF PENNINGTON GAP**

It was moved by Mr. Kolb, seconded by Mr. Leonard, to allow the Town of Pennington Gap use of the County excavator and brush cutter and an operator, if needed, to clear a portion of railroad right-of-way contingent upon approval from the railroad. Upon the question being put the vote was as follows.

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

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**JOINT MEETING WITH THE TOWN**

It was moved by Mr. Kolb, seconded by Mr. Leonard, to have Mr. Poe and Mr. Harless set a joint meeting with the Town of Pennington Gap council and the Board of Supervisors. Upon the question being put the vote was as follows.

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

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**COURT SERVICE UNIT DOOR LOCK**

Mr. Kolb stated that the door lock in the Court Service Unit office is not working.

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Mr. Poe stated that he had contacted the contractor about that, he will check back with them or have another lock installed.

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**LEE CHILD CARE**

Mr. Kolb asked if Lee Child Care paid property taxes on the building at Cane Creek. He requested Mr. Poe discuss this with the Commissioner of the Revenue.

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**OLD SCHOOL BOARD BUILDING**

Mr. Mosley stated that a lot of people are upset over the old School Board building being torn down. The building was in very bad shape and it would have cost millions of dollars to repair it.

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Mr. Poe advised that 90% of the building had been demolished but it would take time to sort the material and haul it away. He also advised that some of the brick would be preserved and made available to the public at a later date.

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to recess to May 3, 2022 at 5:00 p.m. Upon the question being put the vote was as follows.

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

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD