

**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 June 21, 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

OTHERS ABSENT: Stacy Munsey, County Attorney

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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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**PUBLIC HEARINGS**

**PROPOSED ROAD NAME CHANGE**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, June 21, 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 proposed road name change. Peter

Winston is requesting that Brumby Trail be changed to Skipper Chuck Trail. Mr. Winston is the only property owner served by this road.

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The Chairman opened the floor for public comment.

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There was no public comment.

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The Chairman closed the floor for public comment.

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It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the road name change of Brumby Trail to Skipper Chuck Trail as requested by Peter Winston. 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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**PROPOSED ROAD NAME CHANGE**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, June 21, 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 proposed road name change. Alfred Miller is requesting that Barlow Newman Trail be changed to Tranquil Valley Lane. Mr. Miller is the only property owner served by this road.

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The Chairman opened the floor for public comment.

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There was no public comment.

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The Chairman closed the floor for public comment.

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It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the road name change of Barlow Newman Trail to Tranquil Valley Lane as requested by Alfred Miller. Upon the question being put the vote was as follows.

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

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**KYLE KAMERER SPECIAL USE PERMIT REQUEST**

The Lee County Board of Supervisors held a Public Hearing on June 21, 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. Kyle Kamerer has applied for a Special Use Permit to allow an automobile salvage yard and/or automobile graveyard in an A-1, Agricultural District. The property consists of approximately 24.5 acres of land (Tax Parcel #80-(A)-52) and is located at 494 Mount Foggmore Trail, Ewing, Virginia.

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The Chairman opened the floor for public comment.

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Jimmy Cupp, Ewing, stated this was a narrow private road with children playing and felt this was not a good location for a junkyard.

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Mr. Leonard asked how many homes were on this road.

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Mr. Cupp stated there are 10 or 11 eleven homes served by the road.

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Paul Donnelly, 1232 Dooley Hollow Road, stated that he lives downgrade from the site and he and several other families get their water from a spring. He said it was a private road and not wide enough to serve a junkyard.

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Victoria Cupp, 271 Dooley Hollow Road, stated she had small children playing in the area and she is concerned for their safety. They get their water from a well and are concerned about contamination to their water. She stated the property owner keeps his gate locked and vehicles have to back out to turn and traffic turns in their driveway.

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Sandra Hurst, 788 Dooley Hollow Road, is concerned about runoff from the property and damage to wells and springs.

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Jacob Cupp, 271 Dooley Hollow Road, stated he had seen loaded vehicles losing items onto the road and creating litter. He is also concerned about his well water.

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Mr. Poe advised that he had received a phone call from Tim Szucs who owned property nearby and was opposed to the Special Use Permit. Mr. Szucs' objections were based on the possible contamination of his spring, additional traffic on the narrow road, and concerns about litter and debris from trucks hauling vehicles and parts.

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Mr. Smith asked if the property owner needed a permit to conduct his business.

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Mr. Poe stated that as far as he knew, the current business was allowed by zoning.

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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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It was moved by Mr. Smith, seconded by Mr. Kolb, to deny the Special Use Permit request of Kyle Kamerer. 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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**LEE COUNTY COMPREHENSIVE PLAN AMENDMENT**

The Lee County Board of Supervisors held a Public Hearing on June 21, 2022 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on the proposed amendment to the Transportation Section of the Lee County Comprehensive Plan. The proposed amendment is as follows:

Addition of four projects to the Transportation Section as listed below:

- Remove traffic signal at the intersection of Highway 58A (West Morgan Avenue) and Route T721 (North Combs Rd) in the Town of Pennington Gap and replace with a roundabout;
- Add a left turn lane on Highway 58A (West Morgan Avenue) from 220 feet west of Westgate Mall Circle to Route T1101 (Cecil Street) in the Town of Pennington Gap;
- Install offset left turn lanes at the intersection of Highway 58A (Veterans Memorial Highway) and Trade Center Lane/Plum Drive;
- Realign the northbound approach of Route 879 (Pioneer Rd) where it intersects with Route 58 Business (Dr Thomas Walker Rd), close the western entrance to Thomas Walker High School parking lot off of Route 879 and relocate it approximately 100 feet further south.

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The Chairman opened the floor for public comment.

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Mark Tolliver, Pennington Gap, stated that tractor-trailers would not be able to navigate a roundabout at the hospital intersection and truck traffic would stop coming through Lee County which would disrupt business and cause hardships of the people of the County.

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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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It was moved by Mr. Kolb, seconded by Mr. Smith, to include the Highway 58A/Trade Center Lane intersection project and the Route 879 project in the Comprehensive Plan. 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 by Mr. Smith, to include the Highway 58A/North Combs Road intersection project and the left turn lane project in the Town of Pennington Gap in the Comprehensive Plan. 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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Prior to the vote on the motion, there was a discussion on whether to keep the roundabout and left turn lane projects together or whether to split them into two projects.

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### **DEPARTMENTAL REPORTS**

Written departmental reports for Solid Waste and Lee County Works were included in the packet.

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### **CONSTITUTIONAL OFFICERS**

#### **TREASURER'S REPORT**

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

Revenues	\$ 6,576,873.64
Expenditures	\$ 7,535,460.49
General Fund	\$11,684,151.66
Total Assets	\$14,952,047.52

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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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Joann Harding, 1065 Cedar Hill Church Road, stated that she had been working with the County's Animal Control office to transfer dogs to rescue organizations. She is concerned about the lack of a cooling system in the kennel area. She and others have recently donated fans for use in the kennel and they have helped with the high temperatures but more needs to be done. She asked permission to find donors for window air conditioners until a permanent solution can be obtained. She also provided information on the number of dogs that have been handled at the pound over the past couple of years and how many had been transferred to rescue agencies.

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Mr. Kolb asked if the County had the window air conditioners from the old Extension Office building.

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Mr. Poe checked and advised that the air conditioners were at the Transfer Station.

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Mr. Kolb asked if they could be installed by the end of the week.

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Mr. Poe advised they should be able to do that.

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Julie Estes, 485 Park Henry Drive, Jonesville, stated that new state laws prohibit tethering animals when temperatures are above 85 degrees and , in her opinion, keeping animals in an enclosed kennel with similar temperatures is the same thing as tethering. She requested that something be done to bring the temperatures down at the pound.

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There was no further public expression.

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The Chairman closed the floor for public expression.

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**APPROVAL OF MINUTES**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the minutes of the May 3, 2022 Recessed Meeting, the May 4, 2022 Recessed Meeting, the May 17, 2022 Recessed Meeting, and the May 17, 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

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### **APPROVAL OF REFUNDS**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve a refund to Sheila Patricia Durham in the amount of \$127.71. 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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### **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. Smith, to approve the disbursements for the month of June in the amount of \$218,477.93. 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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### **FINANCE**

#### **SUPPLEMENTAL APPROPRIATIONS**

#### **SOCIAL SERVICES**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$24,000.00. Upon the question being put the vote was as follows.



Revenue Source:  
3-002-24010-0005            State & Federal Funding            \$24,000.00

Expense:  
4-002-53100-0004            Auxiliary Grants            \$,6,000.00  
4-002-53100-0012            Adoption Subsidy            \$ 6,000.00  
4-002-53100-0024            Fostering Futures Foster Care            \$12,000.00

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

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### **CIRCUIT COURT**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$300.00. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-18030-0006            Reimbursements            \$ 300.00

Expense:  
4-001-21100-1150            Salaries (Clerical)            \$ 300.00

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

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### **CIRCUIT COURT CLERK**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$2,040.00. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-18030-0006            Reimbursements            \$ 2,040.00

Expense:  
4-001-21600-1350            Part-Time Salaries            \$ 2,040.00

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

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### **NEW BUSINESS**

**BOARD APPOINTMENTS**

**ECONOMIC DEVELOPMENT AUTHORITY**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to appoint Richard Sprinkle to a four year term on the Lee County Economic Development Authority. Mr. Sprinkle’s term will expire June 30, 2026. 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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**MOUNTAIN EMPIRE COMMUNITY COLLEGE**

It was moved by Mr. Mosley, seconded by Mr. Smith, to table two of the appointments and to re-appoint Gary Perdue to a four year term. Mr. Perdue’s term will expire June 30, 2026. 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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**LONESOME PINE OFFICE ON YOUTH**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to re-appoint Abigail Grout and Brooks Chadwell to a one year term on the Lonesome Pine Office on Youth. Their terms will expire June 30, 2023. 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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**LEE COUNTY AIRPORT AUTHORITY**

Mr. Poe advised that he had received a letter from Charles Culbertson advising that he wished to resign from the Airport Authority.

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to appoint Lannie Gilbert to an unfulfilled term on the Lee County Airport Authority. Mr. Gilbert’s term will expire on

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**BOARD OF ZONING APPEALS**

This item was on the agenda in error.

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**HOSPITAL AUTHORITY APPOINTMENTS UPDATE**

The Hospital Authority submitted a letter advising that Mr. Westover would like to continue serving. The Authority Board requests that Ms. Westover be considered for appointment in 2023 when another member's term expires.

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**REDEVELOPMENT & HOUSING AUTHORITY BOARD REQUEST FOR  
ADDITIONAL COMPENSATION**

It was moved by Mr. Kolb, seconded by Mr. Mosley, approving additional compensation of \$150.00 to each member of the Redevelopment & Housing Authority Board for additional meetings in March to interview and select a new Director. 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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**PROPOSED MEMORANDUM OF UNDERSTANDING WITH DEPARTMENT  
OF SOCIAL SERVICES**

Mr. Poe advised that the proposed Memorandum of Understanding contained basically the same information as the current lease agreement but the State Department of Social Services requires it be in the form of a Memorandum of Understanding.

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It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the Memorandum of Understanding with the Department of Social Services for the use of their building. Upon the question being put the vote was as follows.

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

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**PROPOSALS FOR OPERATION OF SUGAR RUN CONVENIENCE CENTER**

To be discussed in Closed Session.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

Mr. Poe requested Closed Session to discuss matters regarding Personnel and Acquisition of Property.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**POSSIBLE ORDINANCE TO COLLECT FEES FOR EMS RESPONSE TO CERTAIN INCIDENTS**

Mr. Kolb advised that Virginia Code Section 15.2-1716 provided for the restitution of reasonable expenses for responding police, fire, and EMS agencies responding to a covered incident up to \$350 per agency.

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It was moved by Mr. Kolb, seconded by Mr. Mosley, to advertise a public hearing for a proposed ordinance to collect restitution, not to exceed \$250 per agency, for police, fire and rescue response to a covered incident.

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Mr. Kolb requested that Mr. Poe provide an update on the City of Bristol landfill issue.

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Mr. Poe stated that the County had received no official notice from City of Bristol as to their plans. He has corresponded with their Solid Waste Director and he stated they were still formulating their plan but they would be operating until at least sometime in September. Newspaper articles have provided various reports on what is going to be required of the City. Mr. Poe advised that he planned to prepare and advertise an updated Request for Proposal for Waste Disposal Services.

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It was moved by Mr. Kolb, seconded by Mr. Mosley, to advertise the Request for Proposal for solid waste disposal. Upon the question being put the vote was as follows.

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

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### **OUTSIDE POWER OUTLETS AT AIRPORT TERMINAL**

Mr. Kolb advised that food trucks at the recent Airport Fly-In had problems getting power to their trucks and requested the County Administrator have an electrician determine if it was possible to provide outside electrical outlets and the estimated cost.

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Mr. Poe advised that the airport terminal electrical service was not designed to power commercial kitchen equipment and that was most likely the problem. He will check with an electrician to get the costs.

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### **ZONING ISSUES**

Mr. Kolb asked how long the proposed zoning changes had been on the table and the confusion with trying to find out what a property is zoned.

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Mr. Poe advised that the Planning Commission began discussing possible changes in 2010. He stated that the project had been delayed for several years. He stated that he pushed for a countywide review of changes beginning in 2017 and a lot of work was done but the pandemic delayed having community meetings to discuss the changes. C

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Mr. Kolb asked if there was confusion about what certain properties are zoned.

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Mr. Poe stated there should not be any confusion. He said that the previous mapping technician had incorporated a proposed Village Commercial zone from Cumberland Gap to Jonesville on the active zoning map but that it only takes a couple of clicks of a computer mouse to cut the proposed V-C zone off of the mapping. None of the other proposed changes countywide have been mapped and would not interfere with determining current zoning.

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Mr. Kolb requested Mr. Poe to try to get some resolution on the project.  
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**MOWING OF LANDFILL PROPERTY**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to allow someone to cut hay on the landfill property due to staff not having time to bush hog the property. 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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**POSSIBLE AMENDMENT TO ROAD NAMING ORDINANCE**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to schedule a public hearing on a possible amendment to the Road Naming Ordinance to charge a fee of \$150.00 for road name change requests. 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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**SPRAYING OF AIRPORT VEGETATION**

Mr. Kolb stated that the Board discussed possibly spraying vegetation at the airport after it was cleared in order to keep new growth down. He suggested spraying it in the Fall of the year.

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Mr. Poe suggested that it might provide a better result to wait until new growth comes on in the Spring of the year.  
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Mr. Kolb asked that he put that on the calendar to remind the Board.  
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**UPDATE LITTER CONTROL MEDIA INFO**

Mr. Kolb stated the Facebook and website pages needed to be updated for Litter Control. The courthouse directory board also needs to be updated.

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**ADOPT A HIGHWAY PROGRAM**

Mr. Mosley suggested the County get involved in the Adopt a Highway and also commented on billboard advertising in Scott County regarding litter.

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**SUBSTANCE ABUSE TREATMENT FACILITIES**

Mr. Leonard asked about adopting an ordinance to prevent any future substance abuse treatment facilities.

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Mr. Poe stated that was a legal question regarding ADA requirements.

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Mr. Kolb stated there was a potential issue with ADA but the other option would be to write it out of the zoning ordinance.

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Mr. Leonard asked how it could be eliminated as an allowed use under zoning.

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Mr. Poe stated it would require an amendment to the Zoning Ordinance.

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It was moved by Mr. Leonard, seconded by Mr. Kolb, to send a request to the Planning Commission to proceed with a zoning text amendment to remove substance abuse treatment clinics from the allowed uses under the Lee County Zoning Ordinance. 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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**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.3, Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; 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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Mr. Slemph left the meeting at 8:12 p.m.

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

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**SUGAR RUN CONVENIENCE CENTER OPERATION  
AND MAINTENANCE CONTRACT**

It was moved by Mr. Mosley, seconded by Mr. Leonard, to contract Lane Property Management LLC for operation and maintenance of the Sugar Run Convenience Center to at a monthly cost of \$1,083.00 for one year. Upon the question being put the vote was as follows.

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

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**HIRING OF TRANSFER STATION EMPLOYEE**

It was moved by Mr. Mosley, seconded by Mr. Smith, to hire Tracy Fletcher as General Laborer at the Transfer Station at an annual salary of \$33,280.00. Mr. Fletcher is hired on a one year probationary period. Upon the question being put the vote was as follows.

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

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to recess to June 23, 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. Smith

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD