

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on December 20, 2022 at 5:30 p.m. thereof.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Stacy Munsey, County Attorney

OTHERS ABSENT: Angie Thomas, Administrative Assistant

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:04 p.m.

PUBLIC HEARING

ZONING TEXT AMENDMENT

The Lee County Board of Supervisors held a Public Hearing on December 20, 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 Zoning Text Amendment to expand the allowed use by Special Use Permit of the manufacture of mini-storage buildings in

the A-1, Agricultural District to include the manufacture of cabinets, playsets, outdoor furniture and similar uses.

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 comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the Zoning Text Amendment to expand the allowed use by Special Use Permit of the manufacture of mini-storage buildings in the A-1, Agriculture District to include the manufacture of cabinets, playsets, outdoor furniture and similar uses. Upon the question being put the vote was as follows.

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

ZONING TEXT AMENDMENT

The Lee County Board of Supervisors held a Public Hearing on December 20, 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 Zoning Text Amendment to allow miniature golf courses by Special Use Permit in the V-C, Village Commercial, B-1, Limited Business, and B-2, General Business Districts.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the Zoning Text Amendment to allow miniature golf courses by Special Use Permit in the V-C, Village Commercial, B-2, Limited Business, and B-2, General Business Districts. Upon the question being put the vote was as follows.

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

PROPOSED AMENDMENT TO COUNTY ORDINANCE

The Lee County Board of Supervisors held a Public Hearing on December 20, 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 amendment to a County Ordinance adopted December 15, 2020 incorporating Virginia Code Title 18.2, Crimes and Offenses Generally and Virginia Code Title 46.2, Motor Vehicles into the Code of Lee County. The proposed amendment is as follows:

Any summons issued under the County Ordinance regarding Virginia Code Title 18.2 or Virginia Code Title 46.2 will not carry a penalty which includes jail or prison time. In the event the Commonwealth Attorney determines that jail or prison time is warranted, the charge shall be amended to a State charge prior to prosecution.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the proposed amendment to the County Ordinance incorporating Virginia Code Title 18.2 and Virginia

Code Title 46.2 into the Code of Lee County. Upon the question being put the vote was as follows.

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

PROPOSED AMENDMENT TO ORDINANCE

The Lee County Board of Supervisors held a Public Hearing on Tuesday, December 20, 2022 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse in Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on a proposed amendment to the Ordinance providing real estate tax exemption for elderly and disabled persons. The proposed amendment would increase the qualifying family income and total net worth amounts allowed for eligibility in the exemption program.

The Chairman opened the floor for public comment.

Chris Jones, Commissioner of the Revenue, stated he was here to answer any questions the Board may have and ask for their support in passing the amendment.

There was no further public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the proposed amendment to the Ordinance to provide real estate tax exemption for the elderly and disabled. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

DEPARTMENTAL REPORTS

Written departmental reports for Community Development, Tourism and the Works Program were included in the packet.

Mr. Kolb asked if there was something Richard requested in his report.

Mr. Poe stated he wasn't sure it was an actual request.

Mr. Kolb stated he thought it was for a new plotter.

Mr. Poe stated according to Mr. Edwards the plotter in 911 isn't working. Mr. Poe advised we need to get some pricing on that unless the board would like to go ahead and approve it.

Mr. Kolb asked if Mr. Jones could speak on or has any knowledge of the issue with the plotter.

Mr. Jones stated he knew there was a discussion but wasn't aware it had fast tracked on to this point and that the request didn't come from his office. He stated the plotter would be beneficial to multiple departments.

Mr. Poe stated he would like to follow up and get full information and some pricing before the next board meeting.

Mr. Kolb asked if there was a grant Richard was pursuing that the Board needed to take action on.

Mr. Poe stated he doesn't have a request from him.

Mr. Kolb stated it was a study that had no local match and if there is a deadline he doesn't want to miss it.

Mr. Leonard stated Richard mentioned it to him but didn't mention a deadline.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 8,276,933.52
Expenditures	\$ 7,347,270.06
General Fund	\$ 9,740,962.95
Total Assets and Liabilities	\$15,409,314.47

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 comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the minutes of the September 27, 2022 Recessed Meeting and the November 15, 2022 Regular Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

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

Cynthia Renee Taylor	\$ 289.23
Alice S. Napier	\$ 53.16
Steven Boyd Taylor	\$ 55.64
Danny L. Catron	\$1,019.48
Steve & Patsy Hubbard	\$ 87.66

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the disbursements for the month of November in the amount of \$857,182.05. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

FINANCE

QUARTERLY APPROPRIATIONS

It was moved by Mr. Mosley, 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

**LEE COUNTY BOARD OF SUPERVISORS
APPROPRIATIONS RESOLUTION
FISCAL YEAR ENDING JUNE 30, 2023
22-023**

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2022-23; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Headstart, Lee County Public School and Virginia Public Assistance Budgets;

NOW, THEREFORE, BE IT RESOLVED, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending March 31, 2023

HEADSTART

Federal Funds	\$ <u>1,572,303</u>
TOTAL HEADSTART	\$ 1,572,303

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds	\$ 9,428,812
Local Funds	<u>1,460,549</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 10,889,361

LEE COUNTY PUBLIC SCHOOLS

Federal, State & Other Funds	\$46,057,790
Local Funds	<u>5,446,565</u>
TOTAL LEE COUNTY PUBLIC SCHOOLS	\$51,504,355

1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the

General Fund to the Headstart, Public School and Virginia Public Assistance funds and will not exceed the foregoing one and three months appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Headstart, Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2022-2023.

SUPPLEMENTAL APPROPRIATIONS

CENTRAL GARAGE

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$6,630.24. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18990-0013	VACO Insurance Claims	\$ 6,630.24

Expenditure:		
4-001-31200-3155	Vehicle Supplies (Parts)	\$ 6,630.24

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

SHERIFFS DEPARTMENT

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

Revenue Source:		
3-001-18990-0002	Sheriff's Donations	\$ 5,000.00

Expenditure:		
4-001-31200-3155	Senior Wellness Program	\$ 5,000.00

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

ANIMAL CONTROL

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$733.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18990-0003	Gifts and Donations	\$ 733.00
Expenditure:		
4-001-35100-5830	Donations	\$ 733.00

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

GILES HOLLOW WATER PROJECT

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following supplemental appropriation in the amount of \$122,748.93. Upon the question being put the vote was as follows.

Revenue Source:		
3-055-15025-0002	CDBG-Giles Hollow	\$ 122,748.93
Expenditure:		
	Giles Hollow Expenditure- CDBG	\$ 122,748.93

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

OLD BUSINESS

FLATWOODS CONVENIENT CENTER CAMERAS

Mr. Poe stated that the cameras are not installed yet as they are doing some reconfiguring at the site and are waiting on Powell Valley Electric to install a utility pole.

COUNTY CODE RECODIFICATION

Mr. Poe stated the draft is still undergoing review.

STARLINK BROADBAND ACCESS

Mr. Poe stated he has contacted Mr. Hill with Scott County Telephone to get an update. Mr. Poe stated they have hooked up an additional 2100 connections with 185 that turned down the service and are continuing to work in various parts of the county. One delay they are experiencing is obtaining pole rights from Old Dominion Power. During the pandemic they moved ahead with projects with a verbal agreement from Old Dominion due to strict deadlines; however, at this time they are waiting on a signed agreement for pole rights.

Mr. Kolb asked what areas they are working in.

Mr. Poe stated they are working throughout the county but wasn't able to nail down a time when they would be finished. One delay is on the western end with Old Dominion and getting pole rights.

Mr. Leonard stated he talked with Cody and he said basically the same thing.

POLICE VEHICLE ORDER

Mr. Poe stated the contracts are through the Virginia Sheriff's Association. The vendor, Sheehy Ford, has assigned vehicles to Lee County. The vehicles haven't been built yet and do not have an estimated delivery date.

NEW BUSINESS

BOARD APPOINTMENTS

SW VA WORKFORCE INVESTMENTS

It was moved by Mr. Kolb, seconded by Mr. Smith, to re-appoint Larry Mosley to a one-year term on the SW VA Workforce Investment Board. Mr. Mosley's term will expire on December 31, 2023. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Mosley

SPEARHEAD TRAILBLAZERS

It was moved by Mr. Smith to re-appoint Harold Jerrell to the Spearhead Trailblazers.

Mr. Poe advised that it was his understanding that Mr. Jerrell did not wish to be re-appointed.

It was moved by Mr. Smith, seconded By Mr. Mosley, to table the Spearhead Trailblazers appointment. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA EMERGENCY SERVICES COUNCIL

It was moved by Mr. Smith, seconded by Mr. Kolb, to re-appoint Freda Ayers to a one-year term on the Southwest Virginia Emergency Services Council. Ms. Ayers’ term will expire December 31, 2023. Upon the question being put the vote was as follows.

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

HEART OF APPALACHIA

It was moved by Mr. Mosley, seconded by Mr. Kolb, to re-appoint Karen Maggard to a four-year term on the Heart of Appalachia Board, Ms. Maggard’s term will expire on December 31, 2026. Upon the question being put the vote was as follows.

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

DRYDEN WATER AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Kolb, to table the Dryden Water Authority appointment. Upon the question being put the vote was as follows.

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

THE CROOKED ROAD

Mr. Poe stated that the County’s appointee to The Crooked Road had passed away some time ago and a new appointment was needed.

BLACKWATER WATER PROJECTS AGREEMENTS

Mr. Poe stated that this project is partially funded by a Community Development Block Grant and an Appalachian Regional Commission Grant. The LENOWISCO Planning District Commission will be administering these grants and the Lee County Public Service Authority will be carrying out construction of the project. These two agreements are required in order to comply with the DHCD/ARC guidelines.

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the Interagency Agreement with the Lee County Public Service and the Administrative Agreement with the LENOWISCO Planning District Commission. Upon the question being put the vote was as follows.

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

COMMONWEALTH’S ATTORNEY GRANT AWARD

Mr. Poe stated the Lee County Commonwealth’s Attorney has received notification of a grant award from the Department of Criminal Justice Services. This grant would provide \$81,768.23 for a part-time experienced attorney to assist with cases in Lee County. There is no local match required as this is a 100% state and federal grant. The grant cycle begins January 1, 2023 and runs for a two year period. The Commonwealth Attorney is requesting the Board vote to accept the grant.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to accept the grant award from the Department of Criminal Justice Services in the amount of \$81,768.23. Upon the question being put the vote was as follows.

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

PARKING LOT CONSTRUCTION CONTRACT

Mr. Poe stated the Parking Lot Construction Contract has been reviewed and deemed acceptable by the County Attorney. Due to the time delay, there will need to be some minor adjustments in the dates for design approval, construction start, substantial completion and final completion prior to signing. In order to move forward a motion to approve the contract will be needed.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the Parking Lot Construction Contract at the Lee County Courthouse with the adjustments as indicated. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

REQUEST FOR PAYMENT FOR JET FUEL TANK

Mr. Poe stated Gas Station Supply is requesting payment of \$92,355.00 for the 10,000 gallon jet fuel tank ordered in March. The project has been delayed due to the County's inability to negotiate a contract for installation of the tank until recently. The invoice is for the tank only with a contract balance of \$5,970 to be applied to freight and setting the tank onsite.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the payment of \$92,355.00 to Gas Station Supply. Upon the question being put the vote was as follows.

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

REGIONAL JAIL AUTHORITY SECOND AMENDED SERVICE AGREEMENT

It was moved by Mr. Kolb, seconded by Mr. Mosley, to table this matter until later in the meeting. Upon the question being put the vote was as follows.

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

DUMPSTER BOTTOM PRICE QUOTES AND REQUEST TO PURCHASE

Mr. Poe stated Gary Collingsworth is requesting a minimum of 29 dumpster bottoms be purchased at a cost of \$10,371.80 to repair existing units, however he would prefer to order 47 bottoms at a cost of \$16,745.00 which would allow for future repairs in the event steel prices continue to rise. Installation would be done by Solid Waste employees.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the purchase of 47 dumpster bottoms at a cost of \$16,745.00. Upon the question being put the vote was as follows.

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

TRANSFER STATION SUPERINTENDENT REQUEST FOR LAPTOP

Mr. Poe stated Transfer Station Superintendent Gary Collingsworth has requested to purchase a laptop to be available to him in the field. This would enable him to remain at worksites when issues come up that require his attention. Working with Rex Bailey he has obtained a quote of \$669.00 for a suitable laptop.

Mr. Kolb stated he can see the need for a laptop but when his desktop quits working he doesn't see the need in replacing it.

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the purchase of a laptop for the Transfer Station Superintendent at a cost of \$669.00. Upon the question being put the vote was as follows.

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

SWVA LEGISLATIVE RECEPTION DATE AND INVOICE

Mr. Poe stated the Southwest Virginia Legislative Reception annual event is scheduled for Tuesday, January 31, 2023. Due to a surplus of funds from prior years the

reception contribution request has been reduced to \$1,000 for this year. In addition to the approval of the invoice he needs to know how many plan to attend in order to reserve hotel rooms.

Mr. Kolb stated he wouldn't mind to go but he felt it would be more beneficial if the County had an agenda and scheduled meetings while there.

Mr. Leonard asked if the board was going to act on this.

Mr. Kolb asked if the County needed to pay if we were not going to attend.

Mr. Poe stated the PSA, Housing Authority and other agencies in the county are invited to attend.

Mr. Kolb asked if the county pays for their travel cost.

Mr. Poe stated every agency pays for their travel expense and only localities receive an invoice for donations for the reception expenses. Mr. Poe stated they do solicit private donations as well.

Mr. Kolb asked how soon Mr. Poe needs to know who is attending.

Mr. Poe stated we would need to make travel arrangements soon.

Mr. Kolb asked if the Board needs to give the money regardless.

Mr. Poe stated he would recommend it.

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the \$1,000 donation for the Southwest Virginia Legislative Reception. Upon the question being put the vote was as follows.

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

RESIGNATION OF AIRPORT AUTHORITY BOARD MEMBER

Mr. Poe stated he received a resignation letter on December 1, 2022 from Lannie Gilbert effective immediately.

Mr. Leonard asked if any of the Board members had talked to anyone interested in filling that position.

Mr. Mosley stated the members of the Airport Authority spoke to an individual but they were not interested and asked the board not to appoint anyone until they found someone really interested in the position.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to table the Airport Authority Board Appointment. Upon the question being put the vote was as follows.

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

UPDATE ON JASPER PROPERTY

Mr. Poe stated a copy of the survey is enclosed and shows the area of limited development due to floodway issues. Mr. Collingsworth has measured and viewed the area and determined the developable property is sufficient for our needs. Mr. Poe stated he and Mr. Collingsworth met with VDOT representatives regarding an entrance permit with a very favorable response. If approved he can move forward with a Special Use Permit application to the Planning Commission in hopes of getting approved before the purchase option expires at the end of February.

Mr. Kolb asked if we had reached out to DEQ because it was so close to the creek.

Mr. Poe stated he can contact them but doesn't know if they will have an opinion or not.

It was moved by Mr. Kolb, seconded by Mr. Mosley to file a Special Use Permit application to construct a solid waste convenience center on the Jasper property. Upon the question being put the vote was as follows.

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

OLD HUNTERS GAP POLLING SITE PROPERTY REVERSION

Mr. Poe stated the Commissioner's Office brought a matter to his attention regarding the discovery of a small parcel of property owned by the County that was used for the old Hunters Gap Polling site. The property was deeded to the County in 1959 with the following language.

"To have and to hold said interest in said land unto the parties of the second part (County), their heirs and assigns so long as the land be used for a voting precinct, together with all the appurtenances thereto belonging or in anywise appertaining."

Hunters Gap precinct has not been in existence since 1984. Mr. Poe stated the deed language is vague on what happens to the property if not used for a voting precinct as it does not specifically mention reversion.

Mr. Kolb stated it has already reverted by fee simple determinable.

Mr. Poe stated he would advise the Commissioner's Office accordingly.

REQUEST TO NAME BRIDGES

SCOTT C. DELPH MEMORIAL BRIDGE

It was moved by Mr. Leonard, seconded by Mr. Kolb to approve Resolution 22-025. Upon the question being put the vote was as follows.

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

**RESOLUTION
22-025**

WHEREAS, Scott C. Delph was born October 30, 1937 near Stone Creek in Lee County, Virginia to Curtis and Vivian Cooper Delph and resided in Lee County until his family relocated to Indiana in the early 1950's; and

WHEREAS, Scott Delph enlisted in the United States Navy in 1956 serving 12 years before being killed in action; and

WHEREAS, on June 21, 1968, BM1 Scott C. Delph was Boat Captain of PBR-750 on patrol on the Upper My Tho River in Dinh Tuong Province, South Vietnam in pursuit of Viet Cong suspects when their boat was caught in an ambush of B-40 rockets and automatic weapons fire; and

WHEREAS, BM1 Delph was at the helm when a rocket struck the fuel tank resulting in a massive explosion which killed Delph instantly; and

WHEREAS, BM1 Delph is honored on the Vietnam Veterans Memorial in Washington, D.C. at panel 55W, Line 012; and was awarded the Purple Heart, the Combat Action Ribbon, the Navy Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal with Star, and the Republic of Vietnam Campaign Medal; and

WHEREAS, this Board wishes to commemorate the brave service and sacrifice of BM1 Delph to country and countrymen;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors, in accordance with the requirements of Section 33.2-213 of the Code of Virginia, does hereby request the Commonwealth Transportation Board and the Virginia Department of Transportation formally designate and name the bridge over the North Fork of Powell River on Route 621 (Right Poor Valley Road) as the "Scott C. Delph Memorial Bridge".

ALFRED E. MONTGOMERY MEMORIAL BRIDGE

It was moved by, Mr. Smith, seconded by Mr. Kolb to approve Resolution 22-024. Upon the question being put the vote was as follows.

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

**RESOLUTION
22-024**

WHEREAS, Alfred E. Montgomery was born July 22, 1921 on Martins Creek near Rose Hill in Lee County, Virginia to Lonnie and Birdie Shackelford Montgomery; and

WHEREAS, TSgt Alfred E. Montgomery was flight engineer on a B-24D Liberator named “Malicious”, assigned to the 9th Air Force, 376th Bombardment Group, 513th Bombardment Squadron; and

WHEREAS, on January 31, 1943, Malicious was the lead plane on a combat mission to bomb Messina Harbor in Sicily when two engines were knocked out of commission by anti-aircraft artillery but failed to stop the crew from successfully hitting their target, after which they were engaged by German fighter planes and forced to make a crash landing into the Tyrrhenian Sea, twenty miles off the coast of Messina, Sicily and while crewmen in other aircraft saw four to six men evacuate the plane into life rafts, subsequent rescue flights were unable to locate the men; and

WHEREAS, TSgt. Alfred E. Montgomery is memorialized on the Wall of the Missing and received the Silver Star, the Distinguished Flying Cross, the Air Medal and the Purple Heart; and

WHEREAS, this Board wishes to commemorate the brave service and sacrifice of TSgt. Alfred E. Montgomery to country and countrymen;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors, in accordance with the requirements of Section 33.2-213 of the Code of Virginia, does hereby request the Commonwealth Transportation Board and the Virginia Department of Transportation formally designate and name the bridge over Martins Creek on Route 672 (Old Fincastle Road) as the “Alfred E. Montgomery Memorial Bridge”.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

BRISTOL WASTE DISPOSAL CONTRACT ISSUE

Ms. Munsey stated she sent a letter to the City of Bristol Attorney who is also the City Manager and has not received a response at this time.

DILAPIDATED BUILDING STATUS

Ms. Munsey stated she received a call from the owner of a building in Jonesville regarding needed repairs and he asked for an extension until the end of January. Ms. Munsey agreed and encouraged him to reach out to the Building Inspector to make sure everything was done properly and advised him if the work wasn't completed further legal action would have to be taken.

It was moved by Mr. Kolb, seconded by Mr. Mosley to give Mr. Rogers until the end of January 2023 to complete the building work. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

VIRGINIA DEPARTMENT OF AVIATION GRANT OFFER

Mr. Poe stated he had received a Virginia Department of Aviation grant offer in conjunction with the federal grant received a few months ago for the Airport Lighting Rehabilitation Project.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the grant from the Virginia Department of Aviation in the amount of \$10,000.00. Upon the question being put the vote was as follows.

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

INVESTING IN PUBLIC FUNDS

Mr. Poe stated he has a matter for closed session.

REPORTS AND RECOMMENDATIONS OF THE BOARD

ZONING FOR APARTMENT BUILDINGS

Mr. Kolb stated he was talking with Mr. Johnson concerning how vague our zoning is and as of now our zoning doesn't allow an apartment complex bigger than three units. Mr. Kolb stated that Mr. DeBusk is interested in building apartments at the Vet School but to his understanding can't do so without getting a Zoning Text Amendment. Mr. Kolb advised we need housing.

Mr. Poe stated R-2 zones allow apartment buildings but would require rezoning the property.

Mr. Kolb asked about the size of the building.

Mr. Poe stated he doesn't know that it provides a limit other than what the public sewer or private septic systems allow. Mr. Poe stated R-1 does allow duplexes and triplexes. Mr. Poe stated R-2 is for more concentrated housing.

Mr. Kolb asked if the area around the Vet School is R-2 or R-1.

Mr. Poe stated most of that is going to be A-1 which is why it would need to be rezoned in order to accommodate concentrated housing.

Mr. Kolb stated we need to make it as easy as we can on people wanting to develop and build apartments due to the need for housing.

COMMUNITY CENTERS

Mr. Kolb suggested including funding in the next budget for Community Centers.

COUNTY WEBSITE

Mr. Kolb stated he was contacted by Jerry Cox concerning the budget not being posted on the county website and in 2022 we should be able to do better than that and he would have to agree. Mr. Cox also mentioned our website wasn't very attractive and needs pictures of the county. Mr. Kolb stated he noticed the disbursements haven't been posted since March and needs to be updated. Mr. Kolb suggested the need for re-designing the county website.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to advertise a Request For Proposal to re-design the County website. Upon the question being put the vote was as follows.

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

AIRPORT SPRAYING

It was moved by Mr. Kolb, seconded by Mr. Mosley, to advertise for spraying vegetation at the airport in the Spring. Upon the question being put the vote was as follows.

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

COMCAST FEES INCREASE

Mr. Kolb asked about the Comcast fee increase notice in their packet and if the County pays for cable in the Court House.

Mr. Poe stated the County is provided a free drop from cable and any additional connection is paid for by the requestor.

VIOLATIONS 18.2 -46.2 COUNTYCODE

Mr. Kolb asked if Mr. Poe had the information on the amounts collected.

Mr. Poe stated for the year July 2021- June 2022 the collected amount was just under \$1,525 and for the first five months of this year the amount is \$320.

RESCUE FUNDING

Mr. Kolb asked if Mr. Poe had information on the number of calls and cost of insurance.

Mr. Poe stated he had not yet obtained that information.

PROPERTY DONATION

Mr. Kolb asked Mr. Poe if he had any information on property donations.

Mr. Poe advised he would have that for the January meeting.

CAMERAS AT TRANSFER STATION

Mr. Mosley stated every time he goes to the Transfer Station he runs someone out of the dumpsters and that we need cameras put up there.

Mr. Poe stated it was the consensus of the Board last month to check the quality of the picture of the cameras at Flatwoods prior to putting them up at the Transfer Station.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Smith, to enter Closed Session pursuant to 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; Section 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; and Section 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. 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.

TOWN OF PENNINGTON GAP EMS GRANT APPLICATION

Mr. Poe stated he failed to mention that the Town of Pennington Gap EMS is planning to apply for state EMS grant funds for a new ambulance and is requesting a letter of support from the County.

It was the consensus of the Board to provide a letter of support for the Town's grant application.

REGIONAL JAIL AUTHORITY SECOND AMENDED SERVICE AGREEMENT

Mr. Poe stated that the Resolution adopted by the Board in February authorized the Chairman or Vice-Chairman to execute the Amended Service Agreement reflecting the joinder of the City of Bristol. Mr. Poe stated he brought this back to the Board due to the time lapse between adoption of the Resolution and the final draft of the Amended Service Agreement. He requested consensus of the Board to follow the directions of the adopted Resolution and have the Chairman execute the agreement.

It was the consensus of the Board to follow the directions of the previously adopted Resolution.

LOAN AGREEMENT WITH TOWN OF PENNINGTON GAP IDA

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve a loan agreement between the Pennington Gap Industrial Development Authority and Lee County Board of Supervisors in the amount of \$480,000.00 for a 15 year term contingent upon final adjustments in the draft note agreement and the approval of the County Attorney. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Smith

**DONATION TO THE LEE COUNTY ECONOMIC DEVELOPMENT
AUTHORITY FOR BUSINESS INCENTIVE PURPOSES**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve an annual donation of \$25,000.00 to the Lee County Economic Development Authority for up to

ten years for use as an incentive to a prospective business subject to their construction of a facility as proposed. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Smith

APPOINTMENT TO FILL DISTRICT 4 SUPERVISOR VACANCY

It was moved by Mr. Mosley, seconded by Mr. Kolb, to appoint David Jessee to fill the District 4 vacant Board of Supervisors Seat. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Leonard

Prior to making the motion, Mr. Mosley stated he has been on the Board for fifteen years and this is one of the hardest decisions he has had to make.

Mr. Kolb stated there was a good pool of candidates and he appreciates everyone coming forward and being willing to serve.

Mr. Leonard stated he will abstain from voting because he had three friends among the candidates willing to serve and he did not want to vote against anyone at this time.

Mr. Smith stated this was the hardest decision he had been called on to make in his seven years on the Board.

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