

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 February 20, 2024 at 6:00 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Brian Shoemaker, Vice-Chairman
Josh Flanary
Mike Kidwell
Roger Waddell

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Brian Shoemaker led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:07 p.m.

PUBLIC HEARINGS

REZONING REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, February 20, 2024 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse located in

Jonesville, Virginia to solicit input on a Rezoning request. Tanner Burggraf and Liezel Swart have applied to rezone property that is currently zoned both B-2, General Business and R-2, General Residential to R-2, General Residential only. The property consists of approximately 0.50 acres of land and is located on the East side of Daydream Drive in Rose Hill, Tax Parcel #47A-(5)-BK3, Lots 16-18.

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.

Clint Carter, Zoning Administrator, stated the property is split with half zoned B-2, General Business and other half zoned R-2, General Residential. The property owners are requesting all the property be Zoned R-2, General Residential.

Tanner Burggraf, property owner, stated he would like to put a mobile home on the property.

Mr. Leonard asked what the Planning Commission recommended.

Mr. Carter stated they recommended approval.

There was no further public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Flanary, seconded by Mr. Shoemaker, to approve the Rezoning request to allow the property to be zoned R-2 General Residential. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

ZONING TEXT AMENDMENT

The Lee County Board of Supervisors held a Public Hearing on Tuesday, February 20, 2024 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Zoning Text Amendment request. The Lee County Planning Commission is requesting a Zoning Text Amendment to allow Multi-Family Dwelling Units, limited to no more than Eight (8) units per structure, by Special Use Permit, in the B-1, Limited Business District and the B-2, General Business District.

Clint Carter, Zoning Administrator, stated the Zoning Ordinance provides for dwelling units within the same building as other uses permitted in the district provided the total floor area of the dwelling units does not exceed the total floor area devoted to other permitted uses. He stated the building code is trying to make it easier to reuse some of the existing structures. The Zoning Ordinance will not allow the structures to be used for 100% residential and rental housing is especially needed in District 1. He stated the purpose of this amendment is to allow the structures to be used and the Planning Commission recommended approval.

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. Kidwell, seconded by Mr. Shoemaker, to approve the Zoning Text Amendment to allow multi-family dwelling units, limited to no more than eight units per structure, by Special Use Permit, in the B-1, Limited Business District and the B-2 General Business District. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

DEPARTMENT REPORTS

ANIMAL & LITTER CONTROL

Written departmental reports for Litter Control, Animal Control, Solid Waste and Works Program were included in the packet.

Allen Fortner, Litter Control Officer and Animal Control Officer, was present to address the Board concerning his daily tasks. Mr. Fortner stated his department addresses all animal calls, complaints from citizens and as to litter control they go around to the residential areas and try to catch people dumpster diving. He stated he recently ordered educational items to take to the schools to do a presentation.

Mr. Kidwell asked Mr. Fortner if he thinks the Ordinances need to be updated.

Mr. Fortner stated yes some of them do.

Mr. Waddell asked if anything brought through the gate is the property of the County.

Mr. Fortner stated the way the Ordinance is written it is anything inside the receptacle. He recommended revising the Ordinance to state anything inside the gate and reviewing all the Letter Codes.

Mr. Shoemaker asked if Mr. Fortner was writing tickets to out-of-state vehicles dumping garbage.

Mr. Fortner stated he had complaints on two Tennessee residents and they ran down the vehicles and determined the residents actually do live in Virginia. They said they haven't changed their tags yet. He stated they see more in the Jasper area and added he has to have probable cause to run their tags or ask to see their driver's license.

Mr. Waddell asked if Mr. Fortner has any more suggestions on how to remedy the litter problem.

Mr. Fortner stated policing the convenience centers. He stated even with three Litter Control employees it would be impossible for them to police all the convenience centers.

Mr. Waddell stated news would travel fast if some examples were made.

Mr. Fortner stated he has written an individual at least three times for dumpster diving, and within 2 hours of leaving the courtroom was doing it again. As for the school kids' concerning litter, for some it is changing a lifestyle.

Mr. Kidwell asked who the Litter & Animal Control Officer reports to.

Mr. Fortner stated the Board.

Mr. Kidwell stated someone should be evaluating all employees.

Mr. Fortner stated Mr. Poe and the Sheriff depending on the situation.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of February 2024 was submitted as follows:

Revenues	\$ 6,307,318.25
Expenditures	\$ 7,703,336.45
General Fund	\$ 8,083,326.31
Total Assets and Liabilities	\$ 14,059,350.41

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.

Danny Brassfield, Jonesville, stated he has lived in Lee County since 2018 and asked if the Board has a contingency plan in place in the event illegal immigrants were bussed into the County.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to approve the minutes of the January 18, 2024 Annual Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to approve the disbursements for the month of February in the amount of \$222,173.78. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

DELEGATIONS

**SCOTT WICKHAM
FY21-22 AUDIT PRESENTATION**

Scott Wickham was not present but a copy of the audit and his presentation was provided to each Board member.

**ALLAN SUMPTER
VIRGINIA DEPARTMENT OF TRANSPORTATION**

Allen Sumpter, Resident Administrator for the Wise Residency, stated his department is responsible for taking care of the maintenance, land development and rural rustic construction for the counties of Dickenson, Lee, Scott, and Wise and the City of Norton. VDOT's role is to work with the County and assist with transportation matters. Lee County has two headquarters that take care of maintenance, one in Dryden and one in Ewing employing 25 people. They also issue entrance and other permits. He stated the Board of Supervisors along with VDOT is responsible for developing an updated Six-Year Improvement Plan for unpaved roads each year. He provided a quarterly report that summarizes where the County stands at the present and stated Lee County has around 120 miles of unpaved roads. He gave an update of recent projects VDOT has been working on and a list of work orders received for 2023 adding 46 work orders out of 427 remain open. He explained some orders require permits and take longer to resolve. The Rural Rustic projects completed include Reed Patch, Maude Harless and Clear Springs Roads. Klondike Road is currently in progress and Thomas Walker Intersection is under review.

Mr. Sumpter stated the General Assembly revised the way that unpaved roads are improved by allowing \$25,000,000.00 statewide to go into the unpaved road fund. The allocation is given out to all counties in the state and is based on the number of vehicles according to traffic counts with a road requiring 50 vehicles per day to be eligible. A mile of paved road typically costs around \$250,000.00. He explained the telefee collected is from utility companies having their lines on VDOT right-of-way. He stated Lee County's share of the \$25,000,000.00 for FY2025 is \$477,000.00 and allocations have not been received for FY2030 but he is expecting them within the next month. He stated we are approaching the time of year for the Board to make a recommendation on what roads they would like to include on the Six-Year Plan and added in the past the County had a priority list of roads on standby that could go on the plan. In 2005 a decision was made by the Central Office in Richmond advising the Six-Year Plan needed to be a realistic plan that could be funded and built within a year or two. All the roads on the priority list have been exhausted in Lee County and he asked the Board to come up with a new priority list of roads to add to the Six-Year Plan.

Mr. Waddell asked if anyone has considered changing Town Branch to a one-way road.

Mr. Sumpter stated a few years ago it was recommended not to do that due to creating a burden on the people that live there.

Mr. Leonard stated Scott County Telephone has put up poles from Keokee to Appalachia and most of the poles are beside trees which will require a lot of limbs to be trimmed. He asked if VDOT could assist with that.

Mr. Sumpter stated VDOT tries to get them to put the poles on the right-of-way line but once they get to that point they don't have much control.

Mr. Leonard asked if VDOT could work with them in order to keep the limbs from hanging over the roads.

Mr. Sumpter stated he can ask but doesn't know with their budget if they would be receptive of that or not.

Mr. Leonard stated last year the Board asked for a list of each gravel road for their district.

Mr. Sumpter stated he will get that list as soon as possible. He stated as far as a time frame a public hearing will be needed for the plan in May.

Mr. Leonard stated one reason he asked for VDOT to work with the Board is because of the difficulty of maintaining some of the roads.

Mr. Poe stated the unpaved road list would be a good project for Mr. Wright and added there is a data base online that shows unpaved roads in the County and traffic counts.

Mr. Sumpter stated VDOT gets asked about roads in Lee County that aren't in the system and added 5% of funds can be allocated for rural additions and those roads have to be in existence for 20 years. There are other programs such as Revenue Sharing that the County can apply for and if approved the State will match the amount of funds the County has.

Mr. Poe asked if the Thomas Walker intersection was approved under the Smart Scale Project.

Mr. Sumpter stated yes.

Mr. Poe asked if that would be done sooner than 6 years.

Mr. Sumpter stated yes the project has been funded and is in the environmental review stage and could possibly be complete next year.

Mr. Kidwell asked about the speed limit in front of Thomas Walker.

Mr. Poe stated it is 55mph coming out of Ewing and stays 55 to Rose Hill.

Mr. Sumpter suggested sending him some information with the exact area to study and he will have it reviewed.

Mr. Poe asked about Cedar Valley Road.

Mr. Sumpter stated he will email Mr. Poe with an update.

Mr. Waddell asked when the Six-Year Plan meeting will be.

Mr. Sumpter stated in May or June.

**DR. AMY GREER
PROMISE PROGRAM**

Dr. Amy Greer, Mountain Empire Community College, gave an update on enrollment for Mountain Empire Community College (MECC). MECC has about 1,400 full time students and a little over 3,000 part time students. In the fall of 2023 enrollment increased by 10% and MECC was one of three community colleges in the State of Virginia with a double digit increase. She stated students can complete their first two years at MECC for a four year transfer degree at a cheaper cost. About one-third of MECC's total enrollment is dual enrollment, which is high school students taking college credit courses. They are also seeing an increase in the number of classes taken.

She stated last year MECC came to the Board with an idea to start a Promise Program, which pays for two-years of college for students graduating from high school. She stated our students are competing with Tennessee students for jobs in this area and MECC is committed to offering this program to high school graduates in our area. MECC applied for and received a \$750,000.00 grant to start a Promise Program and came to each local Board of Supervisors for a donation to start the program. Students must have a 2.0GPA, continually enrolled up to two years, reside in the service area, complete a Federal Financial Aid application and scholarship application to be eligible for the program. She stated the Promise Program does not cover books, only tuition. In 2022 about 50 students from Lee County attended MECC and about 45 this year. She hopes students know they have the option to attend college at no cost and since the \$40,000.00 from last year has not been spent and will carry over for the next year.

Mr. Kidwell asked if the Promise Program helps with dual credit classes and books.

Dr. Greer stated no.

**SMARTSCALE APPLICATION
JERRY COX**

Terry Cox stated he has spoken to the Board about the extension of the eastbound lane of US 58 from Sticklelyville to Duffield. He added we have major traffic going across it with all of Lee County's healthcare, jobs, social activities, along with several other businesses from the county that use that route. He added our school buses also travel that road to activities. He thanked the Board for their service.

CLOSED SESSION

It was moved by Mr. Flanary, seconded by Mr. Shoemaker, to enter Closed Session pursuant to Code Section 2.2-3711 A.1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

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

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

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.

FINANCE

SUPPLEMENTAL APPROPRIATIONS

CENTRAL GARAGE

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$20,644.40. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18990-0013	VACO Insurance Claims	20,644.40
Expenditure:		
4-001-12520-6009	Vehicle Supplies (Parts)	20,644.40

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

COMMONWEALTH ATTORNEY

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$ 16,830.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-23010-0002	Commonwealth Attorney Ceasefire Grant	16,830.00
Expenditure:		
4-001-22100-3180	Ceasefire Grant	16,830.00

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

FINES & FORFEITURES

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$50,019.45. Upon the question being put the vote was as follows.

Revenue Source:		
3-007-14010-0005	LCSO Federal Forfeitures Proceeds	50,019.45

Expenditure:
4-007-94100-8560 LCSO Federal Forfeitures Proceeds 50,019.45

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

LITTER CONTROL

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$ 7,527.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-24040-0007 Litter Control 7,527.00

Expenditure:
4-001-35600-5540 DEQ Litter Control Grant 7,527.00

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

OLD BUSINESS

ANIMAL CONTROL TRUCK BID

Mr. Poe stated Chief Animal Control Officer Fortner went to a Chevrolet dealership and took truck bed measurements to compare with the slide-in dog box. He believes with some minor modification, the box will fit in a Chevrolet full size pickup bed, although it may require removal of the tailgate in order to utilize the dog box.

Mr. Leonard asked about using the 911 truck.

Mr. Poe stated the truck is loaded with supplies and has a camper cover on it.

Mr. Leonard asked if the trucks can be switched out to avoid buying a new truck, would the Board consider this.

Mr. Poe stated he spoke to the mechanic about the Animal Control truck and he advised the truck wouldn't last a long time. The 911 but isn't being used every day.

Mr. Waddell stated the second Animal Control truck probably isn't far behind this one as far as wear and tear and asked about the mileage on the truck.

Mr. Shoemaker expressed concerns about putting the older truck into an emergency response use and possibly not being reliable when needed for an emergency.

It was consensus of the Board for Mr. Poe to check on swapping trucks with 911.

DONATED REAL ESTATE

Ms. Munsey stated the property in question has multiple heirs and she doesn't think it will be feasible at this time.

WORKS PROGRAM EMPLOYEE ASSISTING ANIMAL CONTROL

This matter was taken up in closed session.

SNOW PLOW QUOTES

Mr. Poe provided quotes from three vendors for a snow plow to use in clearing County parking lots. The quotes are as follows:

Mid-State Equipment, Buchanan, VA

7.5' Western Snow Plow Complete including install	\$6,720.00
8.5' Western Pro Plus Snow Plow complete including install	\$9,660.00

Installation would be at their shop.

Triplett & Coffey Inc., Boone, NC

9' BOSS Super Duty Snow Plow including installation	\$9,830.00
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Installation would be at their shop.

Manning Equipment LLC, Louisville, KY
9' Western Pro-Plow, no installation
Advised install takes 7-10 hours to complete
We would pick up in Louisville.

\$8,233.25

Mr. Leonard stated a 7.5' should be big enough for the County's purposes.

Mr. Poe stated it would be used to clear parking lots for the Health Department, Social Services, Sheriff's Office, Old Drug Store, Registrar's Office and the road at the Transfer Station.

Mr. Flanary asked which vehicle the plow would be put on.

Mr. Waddell stated on an F-350 Ford duel wheel truck.

Mr. Flanary stated the 7.5' should be big enough and there is a big increase in cost from the 7.5' to the 9' blade.

Mr. Kidwell asked how much the County spent on snow removal last year.

Mr. Poe stated we didn't spend much last year but with the recent two events the County has spent \$2,300.00.

Mr. Kidwell stated it will pay for itself in a few years and recommends purchasing the snow plow.

Mr. Poe stated they can also use the snow plow at the Transfer Station instead of using the loader.

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to purchase the 7.5' Western Snow Plow Complete including installation from Mid-State Equipment in Buchanan, VA at the cost of \$6,720.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker

ABSTAINING: Mr. Waddell

Prior to the vote Mr. Waddell stated he would rather wait until fall.

NEW BUSINESS

BOARD APPOINTMENTS

BUILDING CODE APPEALS

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

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

SNOW PLOW QUOTES

Mr. Poe stated he received a text message from Mr. Collingsworth and he said the 7.5' blade was priced for a Dodge and could not be used on the County's truck. He said the other quotes are for the Ford truck.

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to rescind the motion to purchase the 7.5' Western Snow Plow Complete from Mid-State Equipment at a cost of \$6,720.00 and not purchase a snow plow at this time. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

ROAD VIEWERS

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to remove Charles Chadwell and leave District 1 vacant. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

ROAD VIEWERS

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to table the remaining appointments. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

Prior to vote Mr. Kidwell asked if it is recommended to fill these appointments.

Mr. Poe stated he would like to talk to the VDOT Resident Administrator to find out if this committee is being used at this time.

UPPER TN RIVER ROUNDTABLE

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

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

AIRPPORT ENGINEER BASE AGREEMENT EXTENSION

Mr. Poe stated the County's current Base Agreement for Airport Engineering services with Delta Airport Consultants expired June 5, 2023. The agreement was for an initial term of three years with the option to extend it for two additional one-year-terms. This is keeping with Federal Aviation Administration requirements. Both Delta and the County missed the June 23 expiration date as they have continued providing design and bidding services for the Airfield

Lighting Rehabilitation Project to begin this spring. He added at this time a motion is needed to extend the Base Agreement for the first one-year extension which will end June 5, 2024. There are no costs associated with the Base Agreement as costs are negotiated for each project as they are developed.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the extension of the Base Agreement for Airport Engineering services with Delta Airport Consultants through June 5, 2024. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

STATE RFP FOR OFFICE SPACE

Mr. Kidwell stated this is a good opportunity for revenue for the County and added we have a couple of building options. We need to get something in by March 5th to get the conversation started. The State is willing to help pay for the cost to renovate.

Mr. Poe stated they were looking for around 2100 square feet but wanted a provisional 900 square feet for a total of 3,000 square feet.

Mr. Kidwell asked what that calculation on the monthly revenue was.

Mr. Wright stated about \$4,800.00.

Mr. Kidwell stated that is based on Richmond rates and is very good money for Lee County. He asked about the legal aspect.

Mr. Poe stated the County Attorney checked on the matter and it is legal.

Mr. Kidwell stated the County needs to submit a response and pursue the RFP.

Mr. Waddell asked how much parking is needed.

Mr. Poe stated they are asking for 22 spaces.

Mr. Wright stated the rental number wasn't in the RFP. Those numbers were based on Scott County.

Mr. Kidwell stated the RFP can be modified, it is not set in stone.

Mr. Poe stated he would like to know how deep into renovations the State would be willing to go.

Mr. Kidwell sated they went \$400,000.00 in Scott County.

It was moved by Mr. Kidwell, seconded by Mr. Leonard, to pursue the RFP for commercial space for lease up to the point of submitting a proposal. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

ECONOMIC DEVELOPMENT DIRECTOR ADVERTISING

Mr. Kidwell stated he would like to see this vacancy filled and recommended posting on Indeed and trying harder to fill the position.

Mr. Poe stated the position was advertised regionally.

Mr. Kidwell stated he is not opposed to raising the salary.

Mr. Leonard asked if the advertisement has a maximum salary.

Mr. Poe said the advertisement states expected salary is \$50,000.00 + depending on qualifications.

Mr. Kidwell stated it is a risky job knowing the Board could change and they could lose their job.

Mr. Poe stated to get someone with experience it will take more money.

Mr. Kidwell agrees. He added he would like to see the County grow and unless we get some revenue and businesses coming in it's not going to.

Mr. Leonard asked if Mr. Kidwell wants to keep advertising for the position.

Mr. Kidwell stated absolutely and he asked about increasing the pay for the position.

Mr. Poe passed out the current advertisement for the Board to review.

There was a discussion about the Economic Development Director position and previous Directors.

Mr. Poe requested closed session under personnel for further discussion of this matter.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

EDA/BOARD OF SUPERVISORS COMMITTEE

Ms. Munsey stated she doesn't have anything to report. She was asked by the EDA Chairman to remind Mr. Poe about appointees for the EDA/Board of Supervisor committee.

Mr. Poe stated in the past the Board of Supervisors appointed two members and the EDA appointed three members to meet quarterly in order to keep good relations between the two Boards.

The Chairman appointed Mr. Kidwell and Mr. Leonard to the committee to meet with the Economic Development Authority.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

APPROVAL OF REFUNDS

Mr. Poe stated he has a refund request from the Commissioner of Revenue. The Commissioner asked if the Board would take up this matter.

Mr. Leonard asked if the Board had already taken action on this matter.

It was moved by Mr. Flanary, seconded by Mr. Leonard, to approve a refund request for Toyota Lease Trust, contingent it hasn't previously been paid, in the amount of \$ 566.55. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

TIPPING FEE INCREASE

Mr. Poe stated he received notification from Waste Management stating the host fee for landfills in Sullivan County will be increasing 4.1 % which will be a \$.04 increase effective April 1, 2024. Per the Boards previous motion our tipping fees will increase \$.04 per ton effective April 1, 2024.

HEALTH INSURANCE RENEWAL

Mr. Poe stated he received the renewal rates for employee health insurance for next year beginning July 1, 2024. He advised the county is required to notify the insurance company by April 1, 2024 if we intend to renew the policy. The rates will increase an average of 7.4%.

Mr. Poe stated he has items for closed session under personnel and contracts.

REPORTS AND RECOMMENDATIONS OF THE BOARD

RECYCLING BUILDINGS AT TRANSFER STATION

Mr. Waddell stated there are 14 or 15 recycling buildings at the Transfer Station with treated runners setting on the ground and need to be moved or sold. He added there are a variety of sizes and he asked for ideas on how to get rid of them.

Mr. Poe stated we can advertise for bids or put on Gov Deals.

Mr. Flanary recommended taking bids on them.

Mr. Leonard recommended putting on Gov Deals.

GRAVEL FUND

Mr. Waddell stated he would like to do away with the gravel fund. He added the Board should do their part to save money and this would be one way to do it.

It was moved by Mr. Waddell to do away with the gravel fund.

Mr. Shoemaker stated since the money was already in the budget should this be taken up in next year's budget.

The motion died due to lack of a second.

AT&T TOWERS

Mr. Leonard stated the AT&T towers are scheduled to be installed on Monday the 26th.

There was a discussion with the public about where the towers will be placed.

SOCIAL SERVICES

Mr. Poe stated the treasurer's report shows Social Services has a negative balance of \$137,070.08 and the treasurer needs approval from the Board if they want him to use County funds to keep them out of the negative. He stated this is a reimbursement issue but he can't speak to whether the delay is on the State or Social Services. He reached out to the director and she stated they have a \$1,400,000.00 deposit that will be made on February 29 and added she doesn't know how the reimbursement was delayed.

Mr. Leonard asked if the director can come in and explain to the Board why they spend money they don't have.

Mr. Shoemaker stated he was made aware they just rented more office space.

Mr. Leonard stated those are questions for the director.

Mr. Poe stated this has created an issue for the Treasurer's office. He recommended approval through March for the Treasurer's office to be cleared and have Department of Social Services attend the March Board of Supervisors meeting.

Mr. Waddell stated last May or June Social Services Director came to the Board and said they had \$180,000.00 left over and gave their employees a bonus.

Mr. Leonard stated that was State money.

Mr. Poe stated that the State money can't be carried over and their budget ends May 31.

Mr. Leonard stated the money is State money but everything comes through the Treasurer's office.

Mr. Kidwell stated the school system has voted to give money back to the County and they can do the same thing. He added he would like to hear more about the property they are renting.

Mr. Shoemaker stated they said they need more office space to house all the workers and rented space in Jonesville and moved the Adult Protective Services workers at a cost of \$1,400.00 per month.

Mr. Kidwell asked if the County funds a percentage of Social Services funds.

Mr. Poe stated yes.

Mr. Kidwell asked if the County has transferred all their funds.

Mr. Poe stated he isn't sure but the funds are appropriated quarterly.

Mr. Kidwell stated he would like to hear from the department head.

Mr. Leonard stated he would also.

Mr. Leonard stated the Treasurer needs to be taken care of.

Mr. Leonard asked Mr. Poe for his recommendation.

Mr. Poe recommends covering them through March and having the department head attend the next meeting.

It was moved by Mr. Kidwell, seconded by Mr. Flanary, to authorize the Treasurer to use up to \$150,000.00 of local funds to cover negative balances for Social Services through March 31, 2024 and the department head attend the March meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard

VOTING NO: Mr. Shoemaker, Mr. Waddell

ZONING TEXT AMENDMENT

Mr. Poe stated the Zoning Text Amendment that was approved earlier in the meeting dealing with rental properties in business zoning requires a special use permit. He stated Mr.

Brooks wants to renovate an existing building that he owns in Ewing. He wants to convert the entire building to apartments but as Mr. Carter explained earlier previously only half of the building could be used. He stated a Special Use permit is required and if the Planning Commission is willing to do a joint meeting, would the Board consider doing a joint public hearing for the Special Use Permit with the Planning Commission.

Mr. Brooks stated he has been trying to get the Special Use Permit since December 2023.

Mr. Poe stated he doesn't anticipate any objections to the Special Use Permit.

Mr. Brooks stated he has a building he wants to convert to an eight unit apartment building. His target date is August 2024 that is when the next group of LMU students will be here. He stated he could have already rented all eight apartments and added it's economic development for the Western end of the County.

Mr. Kidwell stated the building next to it was already set up for apartments and asked if there was any Special Zoning Permits required.

Mr. Poe stated that was done with no knowledge.

Mr. Brooks stated that is what upsets him a little bit is that he is trying to do this the right way. He added Mr. Carter told him without a joint public hearing it would still take two more months to get approval.

Mr. Carter explained the process of the Special Use Permit.

Mr. Poe stated a joint Public Hearing would speed up the process. He added the Planning Commission must have a quorum present at the meeting.

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to move forward with a joint Public Hearing with the Planning Commission for this request. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

CLOSED SESSION

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to enter Closed Session pursuant to Code Section 2.2-3711 A.1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body, 2.2-3711 A.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. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

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

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

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.

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

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD