

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 March 19, 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

Cameron Cope, Pastor of First Baptist Church of Rose Hill, 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 6:04p.m.

PUBLIC HEARINGS

SPECIAL USE PERMIT

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on Tuesday, March 19, 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 Special Use Permit request. Sonny Brooks applied for a Special Use Permit to establish Multi-Family Dwelling Units, limited to no more than eight (8) units per structure, in an existing structure in the B-2, General Business District. The property consists of approximately 0.50 acres of land and is located at 1637 Dr. Thomas Walker Rd, in Ewing, Virginia, Tax Parcel #63A-(5)-BK A, Lot E.

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, County Building Inspector, stated the Planning Commission initiated the Zoning Text Amendment to make this an allowed use by a Special Use Permit. The Planning Commission voted to make that recommendation and the Board voted to allow Multi-Family Dwelling Units, limited to no more than eight (8) units per structure, in an existing structure in the B-2, General Business District as a Special Use. Mr. Brooks is requesting a Special Use Permit to convert an existing building into apartment units for rental.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to approve the Special Use Permit to establish Multi-Family Dwelling Units, limited to no more than eight (8) units per structure, in an existing structure in the B-2, General Business District in Ewing. Upon the question being put the vote was as follows.

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

Mr. Poe stated the Board is in a joint public hearing and the Planning Commission has to act on the matter prior to the Board taking it up for a vote.

The motion was rescinded.

REZONING REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, March 19, 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. Douglas Hill has requested to rezone property that is currently zoned R-1, Single-Family Residential to A-1, Agricultural. The property consists of approximately 26 ± acres of land and is located on Barnes Drive in the Ewing Community on the North and South side of Haines Road, Tax Parcel #80-(10)-Pt of 2, 3,4 & Pt of 5.

Mr. Poe stated Mr. Hill has 26 ± acres of property with a portion of the front of the property zoned R-1, Single Family Residential, and the rest zoned A-1, Agricultural. Mr. Hill is requesting all the property be zoned A-1.

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.

Mr. Flanary asked about the future use of the property.

Mr. Hill stated he intends to put rentals on the property.

There was no further public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Kidwell, seconded by Mr. Flanary, to approve the Douglas Hill rezoning request to rezone property that is currently zoned R-1, Single-Family Residential to A-1, Agricultural. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

Written departmental reports for Lee County Social Services and Works Program were included in the packet.

LEE COUNTY SOCIAL SERVICES

Michelle Brooks, Social Services Director, stated she was here at the Board’s request and asked if the Board would like for her to explain the deficiency in their account from January.

Mr. Leonard asked Ms. Brooks to come to the podium and address the Board.

Ms. Brooks stated the Lee County Department of Social Services is 85% funded by the State and 15% by local funds. The way their budget works is they expend the money and are reimbursed the next month. Their December bills totaling \$700,000 would have been submitted in January for reimbursement however, there was a technical issue with their billing software and added they only have a small window of time to submit reimbursement requests to the State.

Mr. Leonard asked why the Board wasn’t notified about the discrepancy.

Ms. Brooks stated there were sufficient funds when she checked the bank account and added she was notified of the deficiency at the same time as the Board. She stated they do not have real time access to their funds by electronic banking.

Mr. Leonard stated she could have called the bank rather than assume the funds were there.

Ms. Brooks stated she could and admits that was her fault. She added she had spoken with the office manager and it appeared they had sufficient funds. She stated they received full reimbursement on February 29, 2024 for December and January totaling approximately \$1,400,000.

Mr. Kidwell asked if this was the first time this had happened.

Ms. Brooks stated it happened about this time last year.

Mr. Shoemaker asked if she thought there was money there that wasn't.

Ms. Brooks stated she knew there would be reimbursements but did not know until after the fact that there weren't sufficient funds.

Mr. Shoemaker stated he could see going over \$1,000 but it was \$130,000.

Ms. Brooks explained Social Services has a very large budget with expenditures of approximately \$9 million a year. She stated it was an error and agrees it should not have happened and they have taken steps to see that it doesn't happen again. She stated their balance as of today is \$1,100,000 and they will have another \$700,000 deposited on March 29.

Mr. Waddell asked if the County has been reimbursed.

Ms. Brooks stated yes.

Mr. Shoemaker asked Ms. Brooks to explain about the additional office space Social Services rented and if it was being occupied.

Ms. Brooks stated it is not yet occupied.

Mr. Flanary asked if they are out of office space in their current building.

Ms. Brooks stated yes.

Mr. Waddell asked how they can use the rental building without handicap accessibility.

Ms. Brooks stated the bottom part of the building is handicap accessible.

Mr. Waddell asked if they will occupy the upper floor of the building.

Ms. Brooks stated there are some employees that have agreed to walk up the steps but they will not see clients on the upper floor.

Mr. Flanary asked if they will be seeing clients on the street level.

Ms. Brooks stated yes.

Mr. Waddell asked in the event of a fire how those people on the upper floor would get out of the building and if there is a fire escape.

Ms. Brooks stated there is no fire escape and the employees would go down the stairs.

Mr. Waddell asked if that worried her.

Ms. Brooks stated it is always a concern but she was told by the Building Inspector a fire escape was not required.

Mr. Waddell asked the Building Inspector to explain.

Mr. Carter stated for office space there is a maximum travel distance to the exit. He stated as long as the occupant load is less than 50 people you can have one exit.

Ms. Brooks stated there will be one unit moved with one supervisor. She added they are out of space.

Mr. Flanary asked how many workers are being moved.

Ms. Brooks stated a total of 8 employees.

Mr. Flanary asked if she has been inside of the building and asked her thoughts about the condition of the building.

Ms. Brooks stated she had been in the building and it was fine in her opinion. She added it needs to be commercially cleaned before being occupied.

Mr. Flanary stated it's come to the Board's attention and they have received pictures of the inside of the building and from what he has seen he wouldn't want to work there.

Ms. Brooks stated she doesn't know when the pictures were taken but there has been some work done on the building and it won't be cleaned until they are ready to move in.

Mr. Waddell asked if there was space in their current building to double up in some offices.

Ms. Brooks stated that was an option but their Board chose not to do that.

Mr. Waddell asked if the employees had any input on the decision.

Ms. Brooks stated the employees did have input but the decision was made by their Board.

Mr. Flanary asked Ms. Brooks to look at some photos of the building.

Ms. Brooks stated there was some mildew in the basement and they put a dehumidifier in and that largely took care of the issue. She stated the pictures look like they were taken several months ago.

Mr. Flanary stated it looks like the walls need to be replaced due to water damage.

Mr. Waddell asked if there was a test for mold and who recommends that the building is safe to occupy.

Mr. Carter stated his office is not certified to test for mold and that would require a special inspection.

Mr. Shoemaker stated it appears to him there are far more than cleaning issues with the building.

Ms. Brooks stated that area is in the basement and no one will be occupying that space.

Mr. Waddell asked when they will begin paying rent on the building.

Ms. Brooks stated they have been paying rent on the building for several months. She added a complaint was made to the Department of Labor and they have been in the process of addressing all the issues from the Department of Labor and OSHA.

Mr. Shoemaker requested closed session for an additional matter.

Mr. Shoemaker asked how much the rent was on the building.

Ms. Brooks stated approximately \$1,200 per month.

Mr. Flanary asked how long they have been paying rent on the building.

Ms. Brooks stated she believes they started in November.

The Chairman called for a brief recess at 6:22p.m.

The Chairman called the meeting back to order at 6:24p.m.

PLANNING COMMISSION

SPECIAL USE PERMIT RECOMMENDATION

Mr. Carter stated the Planning Commission voted unanimously to approve the Special Use Permit request for Sonny Brooks to establish Multi-Family Dwelling Units, limited to no more than eight (8) units per structure, in an existing structure in the B-2, General Business District.

SONNY BROOKS SPECIAL USE PERMIT

It was moved by Mr. Flanary, seconded by Mr. Shoemaker, to approve the Special Use Permit request for Sonny Brooks to establish Multi-Family Dwelling Units, limited to no more than eight (8) units per structure, in an existing structure in 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

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.

Sonny Brooks, Ewing, sells real estate and stated he is selling a Commercial Building and is dealing with some of the same issues as Social Services. He recommended they get a Commercial Inspection, at the owner's expense, to satisfy concerns about the building.

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 February 8, 2024 Recessed Meeting and February 20, 2024 Regular 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. Flanary, to approve the disbursements for the month of March in the amount of \$ 1,121,784.46. Upon the question being put the vote was as follows.

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

Prior to the vote there was a discussion about the AT&T MBO's and when they would be fully operational.

AMEND AGENDA

It was moved by Mr. Flanary, seconded by Mr. Kidwell, to amend the agenda to add Sandy O’Dell, Opioid Abatement Authority Funding Application to Delegations. Upon the question being put the vote was as follows.

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

DELEGATIONS

**SANDY O’DELL
PLANNING DISTRICT 1 BEHAVIORAL HEALTH
OPIOID ABATEMENT AUTHORITY FUNDING APPLICATION**

Sandy O’Dell, Executive Director for Community Services Board that serves Lee, Wise, Scott County and the City of Norton, stated addiction to prescription opioids have impacted our communities and as a result of the pharmaceutical mishandling of opioids there have been a significant number of successful law suits across the nation. As a result of those lawsuits Virginia has been awarded various settlement agreements. In 2021 the General Assembly established the Opioid Abatement Authority that manages the funding that Virginia received for opioid abatement and, in addition, localities also receive direct distributions. Last year Lee, Scott, and Wise counties and the City of Norton submitted a partnership application to the Opioid Abatement Authority to establish a Substance Use Intensive Outpatient Program for adolescents. Initially the program will operate in Big Stone Gap with a second site coming to Lee County in the second or third year of that grant proposal. She added the operation date has been postponed due to unexpected delays and will be ready in June or July of 2024. Another project proposed for the region was full time staffing of the Crisis Intervention Center in Norton which ultimately received funding from the Department of Behavioral Health. A third project is to establish recovery housing in the four localities. The Community Services Board is proposing to submit an application to the Opioid Abatement Authority for a Recovery House for men in Gate City, a second recovery house in Lee County for Women, and a third facility in Wise County with the residency as yet undetermined. She stated the Boards of Supervisors and City Council would need to approve the application to go forward with Wise County agreeing to be the fiscal agent for the grant. The individual localities would ask for matching funds from their respective funds for the grant to the Opioid Abatement Authority.

Mr. Leonard stated Jasper has a facility operated by the churches and asked if they would be eligible to receive funding from the Opioid Abatement Authority.

Ms. O'Dell stated yes.

Mr. Waddell asked if the Board could direct funds to that facility.

Mr. Poe asked if the facility was state approved and would they be eligible for funding.

Ms. O'Dell stated faith-based services can apply for money.

Ms. O'Dell stated the Community Services Board is asking for a five-year funding proposal from the Opioid Abatement Authority with each locality also asking for their match portion from the Opioid Abatement Authority.

Mr. Leonard asked if the County would be paying out more money than we would be allotted from the Opioid Abatement Fund.

Ms. O'Dell stated they are asking the counties for 20% of the total cost with each county providing a proportionate share based on population. The total requested for Lee County over the course of a five-year period is \$26,000.00. The Opioid Abatement Authority would be providing \$531,000.00 over the course of five years if approved. Frontier Health and Planning District 1 Community Services Board are contributing about the same amount. Ballard Health has agreed to support \$50,000.00 for the first year to furnish the house and purchase a vehicle. She stated they will try to find someone to furnish the house and provide a vehicle for the next house in Lee County. The money from Community Services Board and Frontier Health will be for staffing. Recovery Resources TN has agreed to partner with them and help operate the facilities. She stated approval for the grant application and match funding is needed to submit the joint application.

Mr. Waddell asked Ms. O'Dell if she has any figures on the failure rate.

Ms. O'Dell stated opioid addiction is one of the hardest things to get clean and stay clean. She stated out of 480 people Recovery Resources has worked with, 387 are currently working. She added in addition to housing they will be providing mental health services, substance abuse services, and a work program.

OPIOID ABATEMENT AUTHORITY FUNDING APPLICATION

It was moved by Mr. Flanary, seconded by Mr. Kidwell, to approve the joint grant application to the Opioid Abatement Authority and a contribution of \$26,000.00 from the County's OAA allocation over the course of a five-year period. Upon the question being put the vote was as follows.

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

The Chairman amended the Agenda to take up Southwest Virginia Legal Aid Society's request for support of an Opioid Abatement Authority grant.

**JOSEPH R. CARICO
SWVA LEGAL AID SOCIETY
VIRGINIA OPIOID ABATEMENT AUTHORITY GRANT SUPPORT**

Joseph Carico, Director of SWVA Legal Aid Society, stated Legal Aid covers 17 counties in Southwest Virginia. Legal Aid is requesting support for their application for a Virginia Opioid Abatement Authority Cooperative Partnership grant. Mr. Carico stated he has been trying to get lawyers in his firm to help more people in recovery with matters like getting their driver's license back, bankruptcy, divorce, child visitation rights, expungement of eligible charges, and others. If funded, Project Pathfinder would enable their office to assign attorneys to provide legal services to anyone in recovery. He requested a resolution of support for their application and, if the Board has surplus opioid funds, they might consider providing an allocation which would strengthen their application. The deadline for submission of the grant application is April 1, 2024.

**MICHAEL MCNULTY
PRO-ART
CREATIVE COMMUNITIES PARTNERSHIP GRANT**

Michael McNulty, Executive Director of Pro-Art, stated they are a non-profit organization that serves Wise, Lee, and Dickenson Counties along with the City of Norton. Pro-Art brings arts programming, educational and professional performances to their service region in the form of theater, dance and music. He asked the Board to consider continued participation in the Creative Communities Partnership Grant at the current funding level of \$3,500. He stated they have provided performances at Leeman Field, Cumberland Bowl Park, Lee Theater and Lee High School.

Mr. Kidwell asked if they do anything in District 1.

Mr. McNulty stated they have not but he has had a conversation with a teacher at Thomas Walker High School with an interest in trying to have something there next year.

Mr. Kidwell asked if we budgeted for this program this year.

Mr. Poe stated yes.

**OTIS CATRON
MORGAN CEMETERY**

Otis Catron stated his wife recently passed away and is buried in Morgan Cemetery. The adjoining property owners have abandoned junk cars close to the cemetery. He has asked them to remove the cars and has also offered to buy them but they have refused. He requested the Board consider adopting an ordinance to prevent this within a certain distance of cemeteries. He stated if he can't get help from the Board they can bring in as many cars as they want.

Mr. Kidwell asked if there is any Ordinance concerning this matter.

Mr. Poe stated there is no specific ordinance for this, just a general prohibition from creating junkyards. He asked if the cemetery is accessed across the adjoining property.

Mr. Catron stated that it is.

Mr. Poe advised he will check State code to see what is allowed.

Mr. Kidwell stated he contacted the Litter Control Officer and he is going to look at the property.

FINANCE

QUARTERLY APPROPRIATIONS

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to adopt the following Resolution. Upon the question being put the vote was as follows.

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

**LEE COUNTY BOARD OF SUPERVISORS
APPROPRIATIONS RESOLUTION
FISCAL YEAR ENDING JUNE 30, 2024
24-001**

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2023-24; 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 June 30, 2024.

HEADSTART

Federal Funds	<u>\$ 1,618,181</u>
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TOTAL HEADSTART \$ 1,618,181

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds \$ 9,609,845
Local Funds 1,488,549

TOTAL VIRGINIA PUBLIC ASSISTANCE \$ 11,098,394

LEE COUNTY PUBLIC SCHOOLS

Federal, State & Other Funds \$52,083,024
Local Funds 5,535,843

TOTAL LEE COUNTY PUBLIC SCHOOLS \$57,618,867

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 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 2023-2024.

TOTAL FY 2023-24 BUDGET \$90,907,030

SUPPLEMENTAL APPROPRIATIONS

CIRCUIT COURT CLERK

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$1,100.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	1,100.00
Expenditure:			
4-001-21100-1150	Salaries	\$	371.57
4-001-21100-2100	FICA (Employers Share)	\$	28.45

4-001-21600-1150	Salaries	\$	557.34
4-001-21600-3150	Part-Time Salaries	\$	92.89
4-001-21600-2100	FICA (Employers Share)	\$	49.75

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

CIRCUIT COURT CLERK

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$2,160.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	2,160.00
Expenditure:			
4-001-21600-1350	Part-Time Salaries	\$	2,160.00

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

SHERIFF'S OFFICE

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$2,000.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	2,000.00
Expenditure:			
4-001-31200-1140	Salaries	\$	2,000.00

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

ANIMAL CONTROL

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$4,630.55. Upon the question being put the vote was as follows.

Revenue Source:
3-001-13013-0001 Donations Animal Control \$ 4,630.55

Expenditure:
4-001-35100-5830 Donations \$ 4,630.55

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

SOLID WASTE

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$57,272.24. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplement from Reserve \$ 57,272.24

Expenditure:
4-050-42300-2300 Health Insurance \$ 57,272.24

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

**OLD BUSINESS
ANIMAL CONTROL TRUCK**

Mr. Poe stated the Board proposed last month to use the current 911/Emergency Management truck for Animal Control. That truck has a short bed and will not accommodate the carrier box used by Animal Control.

Mr. Leonard asked if the truck was out for bid.

Mr. Poe stated we took bids for a new truck in December.

Mr. Flanary asked if we need to take new bids.

Mr. Poe stated whatever the Board wants to do.

Mr. Kidwell asked if the truck was budgeted for.

Mr. Poe stated it was budgeted and suggested having the Purchasing Clerk see what is available.

It was the consensus of the Board to have the Purchasing Clerk look for a compatible truck.

UNPAVED ROADS

Mr. Wright presented each Board member with a map of their district identifying unpaved roads and traffic counts. He added there may be sections of unpaved roads that VDOT may have classified in the traffic count as more than one section. He asked the Board to review the maps and contact him with any questions they may have.

Mr. Poe advised the Board to look at the maps and have recommendations on which roads they would like to be considered in their district on or before the April meeting. The information will be passed on to VDOT and they can begin looking at cost estimates.

Mr. Wright stated he has a master map if needed.

VIRGINIA PROBATION & PAROLE RFP FOR OFFICE SPACE

Mr. Poe requested closed session for this matter.

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

SW REGIONAL RECREATION AUTHORITY

It was moved by Mr. Kidwell, seconded by Mr. Leonard, to appoint Pam Fannon to an un-expired term on the SW Regional Recreation Authority. Ms. Fannon’s term will expire on June 30, 2026. Upon the question being put the vote was as follows.

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

UPPER TENNESSEE RIVER ROUNDTABLE

It was moved by Mr. Shoemaker, seconded by Mr. Leonard, 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

WOODWAY WATER AUTHORITY

It was moved by Mr. Shoemaker, seconded by Mr. Leonard, to re-appoint Charles Coleman to a four-year term on the Woodway Water Authority. Mr. Coleman’s term will expire on March 31, 2028. Upon the question being put the vote was as follows.

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

ROAD VIEWERS

Mr. Poe stated he spoke to the VDOT Residency Administrator and he advised this Board is no longer needed.

HEALTH INSURANCE RENEWAL

Mr. Poe stated renewal rates for health insurance for the fiscal year beginning July 1, 2024 have increased approximately 8%. Coverage is through the Local Choice (Anthem/Blue Cross Blue Shield). He stated the County provides the Key Advantage 250 as the base plan with Key Advantage Expanded offered as an upgrade at the employee’s expense. Both plans provide medical, dental and vision coverage. The County currently pays 85% of a single plan and 75% for dual or family plans for the Key Advantage 250. The deadline to notify The Local Choice of intent to renew coverage is April 1. The monthly premium renewal rates are as follows:

	Single	Dual	Family
Key Advantage 250	\$845	\$1,565	\$2,283
Preventative Dental Only Coverage	\$826	\$1,527	\$2,230
Key Advantage Expanded	\$929	\$1,718	\$2,508
Preventative Dental only Coverage	\$909	\$1,681	\$2,454

Mr. Waddell asked what the pay package per employee is besides wages.

Mr. Poe stated generally speaking you would add 35 to 40% to the employee’s salary for benefit costs including FICA, retirement, worker’s compensation, health insurance and group life insurance.

There was a discussion about employee insurance, holiday and compensatory time.

It was moved by Mr. Waddell, seconded by Mr. Kidwell, to approve the renewal of the County’s health insurance with The Local Choice at the rates stated. Upon the question being put the vote was as follows.

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

PUBLIC WORKS DEPARTMENT REQUEST FOR NEW EQUIPMENT

Public Works Superintendent Gary Collingsworth has requested the existing tractor be replaced due to mechanical failures. The cost to rebuild and repair the current tractor appears to be too costly. He has included a proposed bid spec sheet with the request.

Mr. Kidwell asked if we have a bid on repairing the current tractor.

Mr. Poe stated Mr. Collingsworth spoke with John Carter and he didn't recommend repairing it.

Mr. Kidwell asked if replacing the tractor was budgeted for this year.

Mr. Poe stated it was not.

Mr. Waddell stated the reason Mr. Collingsworth is requesting a cab tractor is for spraying and maintaining the airport.

Mr. Leonard asked if the current tractor has a cab on it.

Mr. Waddell stated no.

Mr. Leonard asked if they have used that tractor to spray.

Mr. Waddell stated no.

Mr. Leonard asked if the County was using contractors to spray.

Mr. Poe stated it was sprayed by helicopter last year.

Mr. Leonard stated spraying wouldn't be an issue.

Mr. Waddell advised it would be an issue. He stated last year the Board took bids for spraying but didn't receive any. He added with a cab tractor the Public Works Department could maintain the airport but would have to get an employee certified for the pesticides used. He stated they currently have a surplus truck to sell and possibly a scraper blade which could help with cost of a new tractor.

Mr. Leonard stated if a fitting was busted there should have been an indication of an issue.

Mr. Kidwell asked about the year model of the current tractor.

Mr. Waddell stated it was around 10 years old.

Mr. Kidwell asked what the cost for a new cab tractor would be.

Mr. Poe stated he doesn't have a cost.

Mr. Kidwell asked if the County can afford to buy a tractor this year that wasn't budgeted for.

Mr. Poe stated if it's a matter of budgeting for it next year or buying now, yes we would have the funds to purchase it now.

Mr. Kidwell asked if Mr. Poe recommended purchasing the tractor.

Mr. Poe stated it was needed in order to continue performing maintenance work.

Mr. Kidwell asked if the current tractor could be repaired.

Mr. Poe stated it could but would potentially be a major repair.

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to advertise for bids for a new tractor meeting the specifications provided and also to get a repair estimate for the current tractor. 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 there was a discussion about condition of the current tractor.

AIRPORT CAPITAL IMPROVEMENT PLAN FFY24-FFY30

Mr. Poe stated a copy of the Airport Capital Improvement Plan (ACIP) was presented to the Airport Authority in January for input. The only recommendation they made was to make a change in FY25 and FY26 to change the plans from considering constructing a box hanger to a combination box and t-hanger. He stated the authority is developing a wait list of people looking for a hanger. He stated the ACIP is a planning tool for the state in trying to budget for projects but there is no obligation to actually construct a project.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the Airport Capital Improvement Plan for FY24-FY30. Upon the question being put the vote was as follows.

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

WHITE ROCKS COMMUNITY CENTER FUNDING REQUEST

Mr. Poe stated White Rocks Community Center ARTS Inc. is requesting an appropriation of \$5,000 from the Board to assist with their operating expenses. The Board has provided donations in the past to this group, the Sticklelyville Community Center, and the Keokee Alumni Association. The current fiscal year budget included \$7,500 to be split equally between these three organizations and payments were made to each in August 2023. He added additional donations could come from Miscellaneous Expense or a supplemental appropriation from reserves.

There was a discussion about the funding request.

It was moved by Mr. Kidwell, seconded by Mr. Leonard, to table this request and have someone from White Rocks Community Center attend the April Board Meeting. Upon the question being put the vote was as follows.

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

SOLID WASTE LOADING AND HAULING BID

Mr. Poe requested closed session for this mater.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

THOMAS WALKER POOL HIRING

Mr. Poe stated the advertisement for pool employees has gone out with a deadline of April 11th. In past years the hiring has been left to the District 1 Supervisor since that is the area the pool serves. He stated it is the Board’s decision on how to proceed with hiring.

JASPER CONVENIENCE CENTER SITE WORKER

Mr. Poe stated the Jasper Convenience Center Operator position has been advertised. The current worker has given notification that he will work as long as he can but is not physically able to do the job properly.

**APPLICATIONS FOR DEPUTY ANIMAL CONTROL OFFICER AND
COMMUNITY DEVELOPMENT DIRECTOR**

Mr. Poe stated the deadline has passed for applications for Deputy Animal Control Officer. He provided copies of the applications to each Board member and for this position and for the vacant Economic Development Director position.

AVERAGE DAILY SCHOOL MEMBERSHIP

Mr. Poe stated the School Superintendent has advised their average daily membership is running above the budgeted amount. The March 31 average daily membership will determine the required local effort for the fiscal year. He stated this could result in an increase in required local funding of up to \$165,000.

TOWN OF PENNINGTON GAP REQUEST FOR JOINT MEETING

Mr. Poe stated the Town of Pennington Gap has requested a joint meeting with the Board of Supervisors. They asked the Board to provide some potential dates and times for a recessed meeting.

MOUNTAIN EMPIRE OLDER CITIZENS ANNUAL WALK-A-THON

Mr. Poe stated the Mountain Empire Older Citizens (MEOC) annual Walk-A-Thon is scheduled for May 5. He stated MEOC typically makes a request for the counties to sponsor the walk-a-thon with an annual contribution for the Emergency Fuel Fund. He wanted to present this to the Board now in order to have sufficient time for them to advertise the County as a sponsor of the event.

REPORTS AND RECOMMENDATIONS OF THE BOARD

JOINT MEETING WITH SCHOOL BOARD

Mr. Kidwell requested a joint meeting be scheduled with the School Board.

KEOKEE TOWER GENERATOR FAILURE

Mr. Flanary stated there was a loss of electricity in the Keokee area about two weeks ago and the back-up generator at the Emergency Services tower did not kick in.

Mr. Poe stated he would have it checked.

RECYCLING BUILDINGS

Mr. Waddell asked if there are any plans to do anything with the recycling buildings.

Mr. Poe stated we can list them for sale on GovDeals.

Mr. Waddell suggested putting them in Lee Auction's equipment sale on April 6. Mr. Crabtree had indicated if any of them did not sell, they could remain on his lot until the fall auction.

There was a discussion about selling the buildings.

It was moved by Mr. Waddell, seconded by Mr. Shoemaker, to have Public Works employees deliver the recycling buildings to Lee Auction Company for the April 6 auction and leave any unsold buildings for the fall auction. Upon the question being put the vote was as follows.

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

GOOD FRIDAY CLOSING

Mr. Leonard asked if the Courts are open on Good Friday.

Mr. Poe stated their offices are open but he doesn't know if any cases are scheduled.

There was a discussion about possibly closing County offices on Good Friday.

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to close County offices on March 29, 2024. 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. Shoemaker, to enter Closed Session pursuant to Code 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, and 2.23711 A.7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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. Flanary, seconded by Mr. Shoemaker, 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.

MEOC WALK-A-THON SPONSORSHIP

It was moved by Mr. Flanary, seconded by Mr. Leonard, to sponsor the annual Mountain Empire Older Citizens Walk-A-Thon at a cost of \$5,000.00. Upon the question being put the vote was as follows.

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

CREATIVE COMMUNITIES PARTNERSHIP GRANT

It was moved by Mr. Leonard, seconded by Mr. Flanary, to apply for a \$3,500.00 matching grant from the Creative Communities Partnership Grant for Pro-Art programming. Upon the question being put the vote was as follows.

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

SWVA LEGAL AID SOCIETY OPIOID ABATEMENT AUTHORITY GRANT APPLICATION

It was moved by Mr. Kidwell, seconded by Mr. Flanary, to adopt the following Resolution in support of the SWVA Legal Aid Society Opioid Abatement Authority grant application and provide \$2,500.00 of local direct allocation funds for this project. Upon the question being put the vote was as follows.

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

RESOLUTION OF SUPPORT FOR VIRGINIA OPIOID ABATEMENT AUTHORITY COOPERATIVE PARTNERSHIP GRANT FUNDING 24-002

WHEREAS, the Lee County Board of Supervisors seeks to mitigate and abate the impacts of the opioid epidemic throughout Lee County; and

WHEREAS, the mission of the Virginia Opioid Abatement Authority (OAA) is to abate and remediate the opioid epidemic in the Commonwealth through financial support in the form of grants, donations, or other assistance; and

WHEREAS, the OAA operates a financial assistance program to support certain cooperative partnerships of cities and/or counties in Virginia that implement regional efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids; and

WHEREAS, Lee County joins other Southwest Virginia counties who have committed to work together to develop and jointly submit an application for regional cooperative partnership funding from the OAA for *Project Pathfinder* operated by the nonprofit organization Southwest Virginia Legal Aid; and

WHEREAS, all Southwest Virginia partnership counties are located within the same region, Region 3, of the Department of Behavioral Health and Developmental Services; and

WHEREAS, Lee County supports the request for grant funding from the OAA for Fiscal Year 2025, with plans by the partnership to apply for renewal funds for fiscal years 2026-2029; and

WHEREAS, in support of this cooperative partnership, Lee County has agreed to allocate \$2,500.00 of its Direct Distribution OAA funds for Fiscal Year 2025, and has agreed to review the allocation amount annually in support thereof.

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby authorizes the County Administrator to execute all documents in connection with the cooperative partnership application.

SOLID WASTE LOADING AND HAULING CONTRACT

It was moved by Mr. Kidwell, seconded by Mr. Flanary, to award a five-year contract for Solid Waste Loading and Hauling to Corey Ely with an initial cost of \$3.25 per ton for loading and \$28.00 per ton for hauling with a fuel adjustment clause effective if the cost of diesel fuel exceeds \$4.50 per gallon. Upon the question being put the vote was as follows.

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

HIRING OF POOL EMPLOYEES

It was the consensus of the Board to allow Mr. Kidwell to hire employees for the Thomas Walker Pool for the 2024 season.

It was moved by Mr. Leonard, seconded by Mr. Shoemaker, to recess until April 2, 2024 at 6:00 p.m. at Pennington Gap Town Hall for a joint meeting with the Town of Pennington Gap. Upon the question being put the vote was as follows.

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