

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on April 16, 2024 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Robby Wright, Assistant County Administrator

OTHERS ABSENT: Angie Thomas, Administrative Assistant
Stacy Munsey, County Attorney

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 6:07p.m.

PUBLIC HEARINGS

ZONING REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, April 16, 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 request. The Lee County Planning Commission has proposed a zoning plan for those areas previously located within the boundaries on the former Town of St. Charles. The 2022 Virginia General Assembly adopted legislation which terminated and annulled the charter for the Town of St. Charles due to the fact it had ceased to function as a town under Virginia law. The proposed zoning of this area will bring it into compliance with Lee County Zoning Ordinance and establish zoning districts within the former town limits.

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, provided a recap of the different zones proposed within the old town limits. He explained the zones proposed would be consistent with the zoning decisions made for the rest of the county and with consideration to the zoning for the surrounding properties. He also stated the Planning Commission unanimously recommended the proposed zoning plan.

There was no other comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to approve the zoning for the properties inside the old town limits of St. Charles. Upon the question being put the vote was as follows.

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

SPECIAL USE PERMIT REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, April 16, 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. Danny Troyer has applied for a Special Use Permit to allow manufacturing of mini-storage buildings and portable wooden decks in an A-1, Agricultural District. The property consists of 20.766 acres of land and is located in the Flatwoods community approximately .40 miles west of Wilson Hill Rd. (Tax Parcel #67-(7)-1)

Clint Carter, Zoning Administrator, informed the board this permit would not significantly affect the surrounding property owners and the Planning Commission unanimously voted to approve this special use permit.

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. Waddell, seconded by Mr. Shoemaker, to approve the Danny Troyer Special Use Permit Request to allow manufacturing of mini-storage buildings and portable wooden decks in an A-1, Agricultural District. Upon the question being put the vote was as follows.

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

REZONING REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, April 16, 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. Wolford Investment Properties, LLC has applied to rezone property from A-1, Agricultural to M-2, General Industrial. The property consists of 638.88 acres of land and is located in the Robbins Chapel community North and

South of State Route 606 off of Stewart Rd. (Tax Parcels #6-(A)-46, 6-(A)-47, 6-(A)-48, 6-(A)-49, and 6-(A)-50)

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 rezoning would allow for a business to be established within the county creating desirable employment on property that had little other opportunities to be utilized. He also stated all adjacent property owner questions and concerns that have been submitted to his department have been answered and resolved to their satisfaction. The Planning Commission unanimously voted to approve this request.

There was no other public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the rezoning request of Wolford Investment Properties, LLC of 638.88 acres of property in the Robbins Chapel Community from A-1, Agricultural, to M-2, General Industrial. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

A written departmental report for Lee County Zoning Department was included in the packet. Mr. Poe stated the Treasurer's Report was unavailable due to the late arrival of information required from Department of Social Services. He stated the report would be provided at a later date.

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.

KID'S CENTRAL, INC.

Tammy Mullins, Executive Director, Kids Central Inc., requested a letter of support for a grant application through Head Start to expand their services into Lee County. She stated the grant would allow them to provide much needed early childhood development services to approximately 46 families in Lee County. She informed the Board that Kids Central serves Wise and Dickenson Counties currently and these services have a positive impact to families with marginal income where extra assistance is warranted and necessary.

Mr. Waddell asked if they were the entity currently with a facility in and servicing Big Stone Gap and Appalachia.

Ms. Mullins answered yes. She also stated that this would hopefully begin a great relationship with the county, bring in over 1 million dollars in federal aid, and create 10-15 jobs inside Lee County while helping with child care for working families.

Mr. Leonard asked if they had found a suitable location or if they were still looking.

Ms. Mullins stated they were still looking and wanted to clarify that all of their services were free of charge. There are some income eligibility requirements but they are flexible and help is available to some families even with a higher income.

ST. CHARLES RESCUE SQUAD, INC.

Jeffery Oaks, St. Charles Rescue Squad Captain, informed the Board that the restructuring requested by the Board had been completed with him being named as Captain of the squad. He advised the Board that he would work hard to ensure the rescue squad would be operated in a manner consistent with other agencies in the county and looked forward to leading this organization. He also wanted to formally request St. Charles Rescue Squad, Inc. be allowed to apply for Advanced Life Services certification.

Mr. Leonard thanked Mr. Oaks for the squad's quick response to the restructuring request and stated he was pleased to see it under new leadership.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the minutes of the March 19, 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

APPROVAL OF REFUND

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve a refund of \$35.70 to Glass Heating and Air for permit 9495 requested on March 8, 2024 that was no longer needed. 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. Leonard, seconded by Mr. Flanary, to approve the disbursements for the month of April in the amount of \$285,587.69. Upon the question being put the vote was as follows.

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

DELEGATIONS

**AMY BYINGTON
UNIT COORDINATOR
VIRGINIA COOPERATIVE EXTENSION**

Amy Byington, Unit Coordinator for Virginia Cooperative Extension, thanked the Board for their support and informed of their need for extra storage for equipment and supplies and would like to purchase a storage building. She stated there would be surplus funds of approximately \$26,000 due to staff vacancies during the year and requested a portion of these funds be made available to purchase another storage building.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the purchase of a storage building with salary savings in the Extension Office budget. Upon the question being put the vote was as follows.

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

**WADE WILSON
WHITE ROCKS COMMUNITY CENTER**

Wade Wilson, representing White Rocks Community Center, addressed the Board concerning additional funding needed for the operation of the community center. He thanked the board for the funding of \$2,500.00 in the budget but stated the annual expenses for the center are approximately \$5,600.00 and they are unable to raise the funding required to meet the expenses. He stated they do have community service activities at the facility with no charge for use of the facility but do not have enough fee-paying events to make up for the shortfall.

Mr. Waddell asked if they charge for other uses of the facility and at what rate.

Mr. Wilson answered they do charge \$75.00 for use of the community center for events that are not public service related.

Mr. Kidwell asked if the 2 other community centers had asked for additional funding.

Mr. Poe stated he had not received any additional requests at this time.

Mr. Leonard stated the Board would look at additional funding during the upcoming budget session and would take their request under advisement.

**DANA CRONKHITE
DICKENSON COUNTY EDA
OPIOID ABATEMENT AUTHORITY GRANT SUPPORT**

Dana Cronkhite, Dickenson County EDA Director, informed the Board of their current project located in Dickenson County to create a substance use disorder treatment facility that would serve men seeking substance use treatment. This project is proposed to be funded by a \$3.3 million grant from the Opioid Abatement Authority Grant Program. This grant would be funded from the Authority's pool of funds intended for regional projects and is not specific to any one locality. They are partnered with Addition Recovery Care out of Kentucky. The proposed substance use disorder program would provide housing for 112 individuals and assist in substance abuse treatment along with job training for partner businesses looking to fill much needed positions. This would allow individuals enrolled in the program to have a stable environment while receiving training for positions with companies in the region. It will also assist in their living conditions upon completion of the program. She asked for the Lee County Board of Supervisors to join in the application as a partner, with no request for funds from the County required. This would solidify the grant application as a regional program and would strengthen the likelihood of being funded by the Opioid Abatement Authority.

Mr. Waddell asked what the success rate was for similar programs and if support medications were provided to these individuals.

Ms. Cronkhite stated the success rate was as high as 80% for individuals that completed six months of treatment but did drop significantly if they pulled out of the program earlier than that. She also stated that support medications were made available on a case by case basis according to medical personnel's assessed needs of the individual.

It was moved by Mr. Flanary, seconded by Mr. Shoemaker, to join Dickenson County in this grant application as a sub applicant to request the funds to complete the project. Upon the question being put the vote was as follows.

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

NEW BUSINESS

BOARD APPOINTMENTS

BUILDING CODE APPEALS

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

HOSPITAL AUTHORITY BOARD

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to reappoint Howard Elliot, Dianna Pope, Ronnie Montgomery, Jill Couch and Travis Lawson to the Lee County Hospital Authority Board. Their terms will expire on April 30, 2030. Upon the question being put the vote was as follows.

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

NINTH DISTRICT DEVELOPMENT FINANCING

It was moved by Mr. Shoemaker, seconded by Mr. Leonard, to reappoint Robby Wright to the Ninth District Development Financing. Mr. Wright's term will expire on April 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. Leonard, 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

YOUTH SERVICES BOARD

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

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

SOUTHWEST VIRGINIA REGIONAL JAIL AUTHORITY BOARD

Mr. Shoemaker stated he wished to resign from the Southwest Virginia Regional Jail Authority effective immediately.

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to appoint Dane Poe to the Southwest Virginia Regional Jail Authority Board to an unfulfilled term. Mr. Poe's term will expire on December 31, 2027. Upon the question being put the vote was as follows.

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

ST. CHARLES WATERLINE PROJECT GRANT PRE-CONTRACT DOCUMENTS

Mr. Poe stated the St. Charles Waterline Project is funded through grants from the Department of Housing and Community Development and the Appalachian Regional Commission. Copies of the pre-contract grant compliance requirements were included in the board packet. These requirements must be met in order to receive the grant funds to complete the waterline replacement project. The purpose of each document was explained to ensure that Board members understood the requirements as future grants of this type would have the same stipulations. Mr. Poe advised that adoption of a Resolution incorporating all the requirements would be sufficient for these grants.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to adopt the following Resolution for the St. Charles Waterline Project. Upon the question being put the vote was as follows.

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

**RESOLUTION FOR COMPLIANCE
ST. CHARLES-MONARCH WATERLINE REPLACEMENT PROJECT
CDBG #23-23-09 / ARC #23-02A
24-003**

WHEREAS, Lee County anticipates receipt of a Virginia Department of Housing and Community Development grant award to install 9,970 linear feet of waterline, including 2,200 linear feet of service line for the St. Charles-Monarch Waterline Replacement Project; and

WHEREAS, Lee County adopts the following requirements as required by the Department of Housing and Community Development:

- (a) Resolution to Appropriate Funds
- (b) Section 3 Business and Employment Plan
- (c) Residential Anti-Displacement and Relocation Assistance Plan
- (d) Section 504 Grievance Procedure
- (e) Self-Evaluation Checklist
- (f) Certification to Comply with Fair Housing Requirements
- (g) Nondiscrimination Policy

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby adopts the above-mentioned items as required, showing that Lee County will be in conformance with all requirements set forth by the Virginia Department of Housing and Community Development.

WORKFORCE INVESTMENT YOUTH SERVICES WAIVER RENEWAL REQUEST

Mr. Poe advised the Southwest Virginia Workforce Development Board had requested a renewal of their waiver to allow them to continue providing Title I Youth Services within the region. This region includes Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise counties and the City of Norton. He stated the Workforce Development Board has provided these services since the inception of Lee County serving as the grant recipient. There are facilities serving youth in each of the localities Workforce Development serves including the Virginia Career Works located in St. Charles.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the waiver request to allow Southwest Virginia Workforce Development Board to continue providing Title I Youth

Services within the seven county-one city service region. Upon the question being put the vote was as follows.

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

COMMONWEALTH’S ATTORNEY BODY CAMERA FUNDING REQUIREMENT

Mr. Poe outlined the state requirement for localities that utilize body worn cameras on law enforcement officers. Per the state requirement, the county must fund an additional Assistant Commonwealth’s Attorney to review, redact and present footage from body worn cameras. Lee County’s cost for this is estimated at \$100,000.00 including benefits. The state does allow for each locality to negotiate a different funding formula with their respective Commonwealth’s Attorney Office which is what has been done in the past. For Fiscal Year 2024-2025, Mr. Cridlin is proposing salary supplements totaling \$55,000.00 to five of his employees and \$15,000 for the camera system maintenance for a total of \$70,000. Mr. Cridlin also requested to continue the current revenue sharing plan for the Commonwealth Attorney’s Collection Program. With a projected \$10,000 in revenue to the County from the Collection Program, the total costs for the body worn camera requirement is estimated to be around \$60,000.00 which is significantly lower than the traditional state mandated program.

It was moved by Mr. Leonard, seconded by Mr. Shoemaker, to accept the proposal by the Commonwealth Attorney’s Office concerning the funding for officer worn body cameras and to continue the revenue sharing plan for the Collection Program. 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 INTERVIEW SCHEDULE

Mr. Poe requested whether the Board was ready to schedule interviews. Mr. Leonard stated they would discuss this later.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

DUMP TRUCK ACCIDENT

Mr. Poe advised the Board of an accident involving the County's dump truck in the Blackwater area. The accident resulted in an injury to an employee as well as damage to the truck. The employee is expected to be off work 3-4 months and damage estimates to repair the truck are approximately \$12,000.00. He stated there was another truck accident recently in the same location and advised there may be a safety concern with the pavement.

Mr. Leonard asked if VDOT had been contacted regarding the potential hazard.

Mr. Poe stated he would contact them in the near future.

AUTHORIZATION TO LEASE TRUCK

It was moved by Mr. Leonard, seconded by Mr. Flanary, to authorize the County Administrator to lease a truck, if needed, until this truck can be repaired.

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

ABSTAINING: Mr. Waddell

Mr. Kidwell, participating remotely, left the meeting at 7:20 p.m.

CONVENIENCE CENTER SITE WORKER RESIGNATIONS

Mr. Poe stated resignations have been received from the Jasper, Woodway and Sticklebyville convenience center workers. He stated he has a few applications on hand but until new employees can be assigned to these sites there may be a delay in opening these centers daily as the truck drivers may be the first county employees to the sites on certain days. He said this was only temporary and recommendations for replacement employees will be made as quickly as possible.

Mr. Leonard asked about the potential to contract these sites out instead of hiring employees.

Mr. Poe stated there were contractors at two sites and it was an option if that was what the Board wished to do.

It was the consensus of the board for staff to look at the applications that are submitted by the due date, interview for the positions, and follow up with the board with recommendations on hiring.

COURTHOUSE MAINTENANCE

Mr. Poe stated the cleaning of the courthouse exterior was complete. He stated there were several areas on the exterior of the courthouse building that need repair and mortar re-pointing. In many places the mortar has eroded to the point that there is little to hold the bricks in place. Contact was made with Thompson & Litton to come and do a thorough walkthrough to look at these issues and provide recommendations and potential costs to correct observed issues.

REPORTS AND RECOMMENDATIONS OF THE BOARD

RECYCLING MATERIALS IN AGRICULTURE BUILDING

Mr. Waddell stated there were several bales of recyclable material stored in the Agriculture Building. He proposed moving these to the Transfer Station for ultimate disposal at Eco-Safe landfill prior to the new hauling contract taking effect as this would save the county money. It was the consensus of the Board to have this work completed as soon as possible.

ST CHARLES FIRE DEPARTMENT BUILDING

Mr. Leonard stated the St. Charles Fire Department Building looked bad and needed repair. He stated he would like to get the Works Program to possibly scrape and repaint the outside. He also would like for someone to look at the building to see if it is worth saving or should be replaced in order to house a first responder fire truck on site. This would better serve the community and may be more convenient for fire fighters to get to emergency situations quicker.

Mr. Flanary stated by having a facility in St. Charles it would also help the residents save on their homeowner's insurance.

It was the consensus of the Board to have the building inspected to see what, if any, repairs need to be made and then plan on painting and the potential to house a first responder fire truck.

CLOSED SESSION

It was moved by Mr. Flanary, seconded by Mr. Shoemaker, to enter Closed Session pursuant to Virginia 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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals, and 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. Leonard, Mr. Shoemaker, Mr. Waddell

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

VOTING AYE: Mr. Flanary, 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.

SOLICIT BIDS/QUALIFICATIONS FOR WELDING SERVICES

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to solicit bids/qualifications for welding services for repair of the Transfer Station tipping floor wall. Upon the question being put the vote was as follows.

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

LETTER OF SUPPORT FOR KID'S CENTRAL, INC.

It was moved by Mr. Leonard, seconded by Mr. Flanary, to provide a letter of support for the Kid's Central, Inc. grant application to provide early childhood development services in Lee County.

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

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to recess until April 25, 2024 at 5:30 p.m. Upon the question being put the vote was as follows.

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