

**DRAFT**

**VIRGINIA:** County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on June 18, 2024 at 6:00 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman  
Josh Flanary  
Mike Kidwell  
Brian Shoemaker  
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

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**INVOCATION**

Ed Murphy, Pastor of Dryden Missionary Baptist Church, led in the Invocation.

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**PLEDGE TO THE FLAG**

Brian Shoemaker led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 6:06 p.m.

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**PUBLIC HEARINGS**

**SPECIAL USE PEERMIT REQUEST M&W REAL ESTATE**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on Tuesday, June 18, 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. Mike Hughes, M&W Real Estate, applied for a Special Use Permit to allow a self-storage and mini-warehouse facility in an R-2, General Residential District. The property is located in the Woodway Community, situated between State Route 421 and Elk Knob Rd, approximately 1.3 miles from the Dot Intersection and consists of +/- 1.70 acres of land. (Tax Parcel # 38-(A)-133D).

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The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

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Clint Carter, Zoning Administrator, stated the Mr. Hughes has applied for Special Use Permit in order to construct a self-storage facility on this property after the Board approved a Zoning Text Amendment in May to allow these facilities in an R-2, General Residential District, by Special Use Permit.

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Mr. Poe stated this is a joint-public hearing with the Planning Commission and the Board cannot take action on this request until after the Planning Commission makes a recommendation.

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Matthew Harris, Woodway, stated he lives across the street from Mr. Hughes' property. He provided Google images of the area and stated the entrance is a 90-degree entrance with a hilltop on Highway 421 creating a blind spot in an area with a 55 mile per hour speed limit. He stated the area is more of a community and this will bring people to the area that wouldn't normally be in the area.

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Michael Hughes, M&W Real Estate, stated the property is undeveloped and a permit is needed before moving forward with the project. He stated there will not be a lot of traffic and they have two options for an entrance.

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There was no further public comment.

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The Chairman closed the floor for public comment.  
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**ZONING TEXT AMENDMENT REQUEST**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on Tuesday, June 18, 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 has proposed a Zoning Text Amendment to allow Event Venues by Special Use Permit in the A-1, Agricultural District; to allow Event Venues as a permitted use in the B-1, Limited Business District; the B-2, General Business District; and the V-C, Village Commercial District; and to amend Article XI to include the following definition:

Event Venue – Real property, with or without permanent structures for the purpose of hosting affairs, including but not limited to: banquets, dinners, parties, weddings, and the like, for which attendance is permitted only by invitation or reservation. Event Venues may or may not include live entertainment, or have food or drink available for consumption on site. Such venues are for-profit ventures, not to be construed as requiring a permit for personal use of one’s own property.

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The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.  
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Clint Carter, Zoning Administrator, stated the way the Zoning Ordinance is written if a use is not in the Ordinance as an allowed use or a special use, it is not allowed. He stated there is currently nothing in the Ordinance to address this type of Event Venue. He is getting more calls concerning using structures for weddings and other events. He stated they would like to clarify the language to clearly state a Special Use Permit is not required for the use of property for this purpose by the property owner for family events.

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There was no further public comment.  
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The Chairman closed the floor for public comment.

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**SPECIAL USE PERMIT REQUEST JACOB STUTZMAN**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on Tuesday, June 18, 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. Jacob Stutzman has applied for a Special Use Permit to allow the establishment of a business to sell roofing materials in an A-1 (Agricultural District). The property is located in the Flatwoods Community on Martin Wolf Rd. approximately 0.50 mile North of Flatwoods Rd. and consists of +/- 1.03 acres of land. (Tax Parcel # 67-(A)-55A).

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Mr. Poe stated this matter has already gone before the Planning Commission and they recommended approval.

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The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

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Jacob Stutzman, Jonesville, stated he does roofing, siding and guttering and intends to store some of his inventory and fabricate some parts before going out to worksites.

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Mr. Kidwell asked if his business would be tied to Wilson Hill Truss.

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Mr. Stutzman stated it would not.

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There was no further public comment.

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The Chairman closed the floor for public comment.

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**JACOB STUTZMAN SPECIAL USE PERMIT**

It was moved by Mr. Waddell, seconded by Mr. Shoemaker, to approve the Jacob Stutzman Special Use Permit to allow the establishment of a business to sell roofing materials 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

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**SPECIAL USE PERMIT REQUEST WOLFORD INVESTMENTS PROPERTIES, LLC**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, June 18, 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. Wolford Investment Properties, LLC has applied for a Special Use Permit to allow manufacturing, processing or storage in bulk of brick, concrete, cement, lime, gypsum, fertilizer, acids, chemicals, explosives, fireworks, matches, petroleum products, fuel oil, propane, or similar items in an M-2, General Industrial District. The property is located in the Robbins Chapel Community North and South of State Route 606 off of Stewart Rd. The property consists of +/- 638.88 acres of land. (Tax Parcel # 6-(A)- 46, 6-(A)-47, 6-(A)-48, 6-(A)-49, & 6-(A)-50).

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The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

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Mr. Wolford, Wolford Investment Properties, LLC, stated his business is currently in Wise County and he is a Lee County resident and is looking to bring his business back to Lee County. He stated they currently have 24 employees with 13 being Lee County residents.

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Mr. Poe stated the Planning Commission voted to approve the request.

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There was no further public comment.

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The Chairman closed the floor for public comment.

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**WOLFORD INVESTMENTS PROPERTIES, LLC SPECIAL USE PERMIT**

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to approve Wolford Investments Properties, LLC Special Use Permit to allow manufacturing, processing or storage in bulk of brick, concrete, cement, lime, gypsum, fertilizer, acids, chemicals, explosives, fireworks, matches, petroleum products, fuel oil, propane, or similar items. Upon the question being put the vote was as follows.

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

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**PROPOSED REVISION AND AMENDMENT TO  
LEE COUNTY EROSION AND SEDIMENT CONTROL ORDINANCE**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, June 18, 2024 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse in Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on the proposed revision and amendment to the Lee County Erosion and Sediment Control Ordinance.

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Mr. Poe stated several years ago the state implemented the Stormwater Management Program and initially all counties were required to comply enforcing the program. The following year the General Assembly provided an option for counties to opt-out of managing the Stormwater Management Program with that responsibility falling to the Department of Environmental Quality. He stated that as of July 1, 2024 the Stormwater Management and Erosion and Sediment Control programs have to be merged together unless the locality does not manage the Stormwater Program. Since Lee County does not manage the Stormwater Program, the only thing required is some minor changes to the Erosion & Sediment Control Ordinance.

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The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

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Tim Miles, Daniel Boone Soil & Water Conservation District, stated their agency administers the Erosion and Sediment Control Program on behalf of Lee County. He stated the reason the County's Ordinance needed to be changed is due to the State combining these two programs. This will allow relief from some of the requirements for farmers.

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There was no further public comment.

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The Chairman closed the floor for public comment.

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**REVISION AND AMENDMENT OF LEE COUNTY EROSION AND SEDIMENT CONTROL ORDINANCE**

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to approve the revision and amendment to the Lee County Erosion and Sediment Control Ordinance. Upon the question being put the vote was as follows.

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

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**PROPOSED AMENDMENT TO LEE COUNTY COURTHOUSE SECURITY FEE ORDINANCE**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, June 18, 2024 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse in Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on the proposed amendment to the Lee County Courthouse Security Fee Ordinance. If adopted, the amendment will increase the Courthouse Security Fee imposed in each criminal or traffic case in the General District Court, Juvenile and Domestic Relations Court, or Circuit Court in the County of Lee, Virginia from \$13.00 to \$20.00.

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The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

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There was no public comment.

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The Chairman closed the floor for public comment.  
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**AMENDMENT TO LEE COUNTY COURTHOUSE SECURITY FEE  
ORDINANCE**

It was moved by Mr. Waddell, seconded by Mr. Kidwell, to adopt the amendment to increase the Courthouse Security Fee imposed in each criminal or traffic case in the General District Court, Juvenile and Domestic Relations Court, or Circuit Court in the County of Lee, Virginia from \$13.00 to \$20.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell  
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**PROPOSED AMENDMENT TO BUILDING CONTRACTORS LICENSE TAX**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, June 18, 2024 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia. The purpose of the Public Hearing was to take public comment on a proposed amendment to the Building Contractors License Tax Ordinance which imposes a license tax in the amount of \$30.00 or \$0.16 per \$100 of gross receipts of the contractor for construction projects exceeding \$100,000. The proposed amendment would increase the exemption amount to \$150,000.

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Clint Carter, County Building Inspector, stated the Contractors Tax Fee was brought into existence around 20-25 years ago and remains at that rate. The original exemption of \$100,000 was intended to exempt the average single-family home from this fee. Due to inflation, the cost of single-family homes has increased and he feels it is time to increase the amount of the exemption.  
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The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.



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There was no public comment.

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The Chairman closed the floor for public comment.

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### **AMENDMENT TO BUILDING CONTRACTORS LICENSE TAX**

It was moved by Mr. Flanary, seconded by Mr. Kidwell, to approve the amendment to the Building Contractors License Tax Ordinance to increase the exemption amount from \$100,000 to \$150,000. Upon the question being put the vote was as follows.

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

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### **DEPARTMENT REPORTS**

Written departmental reports for Works Program were included in the packet.

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### **CONSTITUTIONAL OFFICERS**

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

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

Revenues	\$ 7,720,252.16
Expenditures	\$ 6,989,562.59
General Fund	\$ 5,365,964.56
Total Assets and Liabilities	\$14,123,488.01

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### **PUBLIC EXPRESSION**

The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

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Dennis Horton, Junction Center of Independent Living Executive Director, advised that the Junction Center serves the Counties of Lee, Scott, Wise and the City of Norton with a range of services for persons with disabilities. He stated from July 1, 2023-May 31, 2024 161 Lee County residents received services. He stated for the last 20 plus years Lee County has included a budget appropriation to the Junction Center of \$5,000 per year. He stated rather than being eliminated from the budget he appreciates any contribution the Board can make.

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Eddie Watson, Jonesville, stated the Lee County Public Library is one of the most economical free services in Lee County. He stated it is a shame to cut the library budget in half and added the library provides a wonderful service to everyone. He stated he knows each member of the Board wants to make Lee County a better place to live but cutting the budget for the library is not the way to do things. He also asked about interest income on the \$6 million dollar fund balance and stated he doesn't mind a tax increase especially if it goes for things like the Public Library.

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Shannon Stacy, Director of the Lonesome Pine Regional Library System, stated in the 1960's the Counties of Lee, Scott, Dickenson, Wise and the City of Norton joined together to form the Lonesome Pine Regional Library. She stated funds from the state are based on population, square miles and what each County gives to the system. She added if all departments in the County have their budget reduced, the County can reduce their contribution to the Library and then state funding for the Library System will be reduced. However, if some County departments receive budget increases and some get decreases, state funding can be withheld completely from the Library System.

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Mr. Kidwell asked Mr. Poe to address the comments about the County's surplus fund balance and interest income.

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Mr. Poe stated that based on the current Treasurer's report, the general fund balance is just over \$5.3 million. He stated there is generally a decrease in revenue during the summer months which requires a cash balance on hand to cover expenditures. He stated that balance also contains about \$1.6 million in American Rescue Plan Act Funds, the majority of which is expected to be used to offset a projected deficit for the next fiscal year. Also, the School Board is here to request an additional \$175,000 in local funds for the current fiscal year due to an increase in the expected enrollment. Additionally, there is still approximately \$1.5 million of local required funding for the School System to be

transferred from the General Fund prior to June 30. He referred the question regarding interest income to the Treasurer who was present at the meeting.

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Nathan Cope, County Treasurer, stated the County has \$1.5 million in a Certificate of Deposit drawing 5% interest and added that every County checking account is bearing interest between .55% and .95% interest. He stated in order to get 5% interest the money has to be locked in for a year.

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Mr. Kidwell stated the County is in a \$5 million deficit for the coming year and stated that's why cuts were made and it is unfortunate that the library is one that was cut and it is nothing the Board wanted to do.

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Ms. Stacy stated the County signed a contract with the other counties and this could cause them not to have a library also. Ms. Stacy provided a copy of the contract and stated state funding pays for programs and materials and County funding pays for staff and building upkeep.

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Mr. Kidwell asked why the programs at Pennington are not offered at Rose Hill.

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Ms. Stacy stated the Rose Hill Library doesn't have space for children's programming and they haven't had an increase in funding from Lee County in 16 years which resulted in Rose Hill being cut back to 12 hours a week.

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Mr. Kidwell asked how many days a week the Pennington Gap Library is open.

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Ms. Stacy stated seven days a week.

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Mr. Kidwell asked if that was fair.

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Ms. Stacy stated it was not but that was what the Library Board suggested and added that can be changed if needed. She stated with the budget cuts Rose Hill may be cut out and she doesn't want to do that. She stated they have 2 full-time and 3 part-time staff members that cover 61.5 hours a week between both libraries. She added where some localities provided an increase in funding and Lee County reduced theirs considerably, the State Library can take funding from the regional system.

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Mr. Waddell asked what Lee County's contribution pays for.

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Ms. Stacy stated staff, upkeep on the buildings, salaries, FICA taxes, health and life insurance, retirement, utilities, etc.

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Jerry Cox, Sticklelyville, stated he read in the newspaper that Scott County had a \$6 million deficit and was able to decrease it to \$1.5 million without raising taxes. He stated if Real Estate taxes have to be raised we need to lower the personal property taxes. He stated we pay \$40.00 for a license fee and surrounding counties pay \$30.00 and some pay nothing. He stated he would like to see the library funded and added they may need to do some fundraising. He asked the Board to keep our taxes comparable to other counties.

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Mr. Kidwell stated Scott County's Real Estate rate is \$.77 per \$100 and their assessments are up to date.

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There was no further public comment.

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The Chairman closed the floor for public comment.

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## **APPROVAL OF MINUTES**

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to approve the minutes of the May 21, 2024 Regular Meeting and the May 28, 2024 Recessed Meeting. Upon the question being put the vote was as follows.

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

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**APPROVAL OF REFUNDS**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve a refund to Robert Bridwell in the amount of \$82.62. Upon the question being put the vote was as follows.

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

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**PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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**APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to approve the disbursements for the month of June in the amount of \$262,444.47. Upon the question being put the vote was as follows.

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

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**DELEGATIONS**

**DANIELLE CALHOUN  
LEE COUNTY COMMUNITY POLICY AND MANAGEMENT TEAM  
LEE COUNTY CHILDREN’S SERVICES ACT BUDGET**

Danielle Calhoun requested additional funding for FY2024. She stated over the past year they have provided services to 101 Lee County children and their families. They currently have 75 children in foster care with 14 children placed outside of the County and 3 placed out of Virginia. After auditing their budget, they determined they are short \$658,000 for this year.

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Mr. Poe asked if they are short for the current fiscal year.

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Ms. Calhoun stated yes and added adjustments have been made for the FY2025 budget.

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Mr. Shoemaker asked how long they have known they were operating in the red.

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Ms. Calhoun stated for the last 3 months.

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Mr. Kidwell asked what will happen if they don't receive the funding.

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Ms. Calhoun stated that if they are unable to pay their bills the children that are in residential facilities will be sent back to the community.

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Mr. Kidwell asked what happens to the people that were hired and asked if salaries come out of that money.

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Ms. Calhoun stated no and added this money is paid to the individual agencies providing services.

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Mr. Waddell asked why she didn't come to the Board sooner.

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Ms. Calhoun stated she has been the Chair since last July 1 and through financial changes they learned of the outstanding payments and their internal audit revealed the shortage.

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Mr. Leonard stated basically she is saying there is no control over the spending.

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Ms. Calhoun stated as a team they have sat down and decided on services that need to be reduced or discontinued.

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Mr. Leonard asked if immediate action was taken when the numbers started increasing.

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Ms. Calhoun stated yes, as a team, but with the placement of the children those services can't stop abruptly, but if they do the children who are in residential care will come home and the children who receive services to keep them out of foster care will potentially be placed in foster care which would increase the budget on other things.

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Mr. Kidwell asked if these are some of the kids that have been spending the night at the Department of Social Services.

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Ms. Calhoun stated yes.

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Mr. Kidwell asked how much the County funds Child Services.

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Mr. Poe stated their total expenditures to date are just under \$2.9 million. He stated \$658,000 is over a 20% increase.

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Ms. Calhoun stated the FY2025 budget has been set for over \$5 million. She stated with the increased needs of the children if the community doesn't meet those needs families lose custody of their children and are placed in foster care.

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Mr. Kidwell asked who sets their budget.

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Ms. Calhoun stated the Board approves it but it is set by the Department of Social Services Director.

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Mr. Kidwell asked if Ms. Brooks couldn't make it to the meeting.

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Ms. Calhoun stated she doesn't know where she is.

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Ms. Calhoun stated her committee has a vacancy for one of the Board Members. She stated Mr. Smith attended prior to leaving the Board of Supervisors and they meet on the third Thursday of every month at 9:00a.m at the Department of Social Services.

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Janet Bright requested to speak.

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The Chairman Ms. Bright.

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Janet Bright, Jonesville, stated she was the CSA Coordinator for Lee County from December 2019 until October 2023. She stated mandated services are Private Day School and foster care. She stated we are seeing a major increase in Community Based Services with kids going in and out of care with parents completing Parent Aid. A major concern is that reimbursements are not being done. She stated CSA is supposed to be getting reimbursed for children receiving a check while in foster care. She advised there are several issues that need to be addressed with CSA and the budget.

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Mr. Flanary asked who is responsible for the reimbursements.

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Ms. Bright stated DSS.



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**PENNINGTON GAP BYPASS  
KEITH HARLESS**

Keith Harless, Pennington Gap Town Manager, stated he is requesting the Board's support in passing a Resolution to urge VDOT to abandon the proposed Bypass Project in Pennington Gap. He stated over twenty years ago the Pennington Gap Bypass Project property was acquired with approximately 70 parcels of property and 12 houses. Under Virginia law if the project hasn't started within 20 years and no further funding has been appropriated the original owners can reclaim their land from the state. Currently two property owners are seeking to do that. He stated this is prime building property for the town and asked for the Board's support in passing this Resolution.

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**SECOR, LLC  
DOUG RASNIC**

Doug Rasnic and Jessica Smith with Secor, LLC from Russell County stated they have a Community Residential Program in Lebanon. The program was established through the Department of Corrections and was comparable to the old halfway house. He stated it's a place for people getting out of prison to go and get acclimated and adjusted back to family life. He stated the program focuses 98% on Opioid convicted people that come through the prison system. He stated when they get a resident in from prison or the jail they come for a 90-day program. He stated everything is supplied for them and they immediately begin trying to find a job, a place to live and a vehicle. Ms. Smith stated during the 90 days they transport individuals to and from their jobs, counseling services with their family, drug addiction services and other services.

Mr. Rasnic stated they purchased a building that was a halfway house for a community residential program for thirty years and have been in the process of getting a state contract with the DOC. He stated the bones of the building are good but paint, trim and doors had to be redone. He stated they are asking for help from the County's direct Opioid Abatement money. He stated when the facility is open, if ordered through a judge, they can house the inmate and take the financial burden off the County.

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Mr. Leonard stated the state isn't paying for state-responsible inmates now.

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Mr. Poe stated DOC pays a per diem of \$12.

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Mr. Leonard stated they don't pay what they are supposed to pay.

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Mr. Kidwell asked if the Board gives funding will Lee County people be guaranteed space.

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Mr. Rasnic stated with 30 extra beds he thinks so.

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Ms. Smith stated Secor is hoping to help people re-enter society and connect with family.

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The Chairman called a five-minute recess.

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The Chairman amended the agenda to address the Joint Public Hearings with the Planning Commission.

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**PLANNING COMMISSION RECOMMENDATIONS ON JOINT PUBLIC HEARINGS**

Clint Carter, Zoning Administrator, stated the Planning Commission voted unanimously to recommend approval for Mike Hughes Special Use Permit and also approval of the Zoning Text Amendment to allow Event Venues by Special Use Permit.

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**M&W REAL ESTATE SPECIAL USE PERMITA**

It was moved by Mr. Shoemaker, seconded by Mr. Waddell, to approve the M&W Real Estate Special Use Permit to allow a self-storage/mini-warehouse facility in an R-2, General Residential District. Upon the question being put the vote was as follows.

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

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**EVENT VENUE ZONING TEXT AMENDMENT**

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the Zoning Text Amendment to allow Event Venues by Special Use Permit in the A-1, Agricultural District; to allow Event Venues as a permitted use in the B-1, Limited Business District; the B-2, General Business District; and the V-C, Village Commercial District; and to amend Article XI to include the following definition:

Event Venue – Real property, with or without permanent structures for the purpose of hosting affairs, including but not limited to: banquets, dinners, parties, weddings, and the like, for which attendance is permitted only by invitation or reservation. Event Venues may or may not include live entertainment, or have food or drink available for consumption on site. Such venues are for-profit ventures, not to be construed as requiring a permit for personal use of one’s own property.  
Event Venues by Special Use Permit.

Upon the question being put the vote was as follows.

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

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**FINANCE**

**SUPPLEMENTAL APPROPRIATIONS**

**DATA PROCESSING**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$104.86. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplemental from Reserve	\$	104.86
Expenditure:			
4-001-12510-4100	Data Processing	\$	104.86

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

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**CIRCUIT COURT**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$600.00. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-18030-0006                      Reimbursements                      \$     600.00

Expenditure:  
4-001-21600-3150                      Part-Time Salaries                      \$     600.00

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

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**DOMESTIC VIOLENCE**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$7,274.03. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-23020-0012                      Domestic Violence                      \$    7,274.03

Expenditure:  
4-001-31210-1140                      Salaries                                      \$    6,130.00  
4-001-31210-2100                      FICA    \$     476.52  
4-001-31200-2210                      VRS-RET                                        \$     634.44  
4-001-31210-2400                      VRS-SGL                                        \$     33.07

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

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**SHERIFF'S DEPARTMENT**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$60,000.00. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-23020-0029                      DCJS Equipment Grant                      \$    60,000.00

Expenditure:  
4-001-31240-1140                      DCJS Equipment Grant                      \$    60,000.00

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

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**TDO ASSISTANCE PROGRAM**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$17,819.28. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-23020-0028                      TDO Assistance Program                      \$    17,819.28

Expenditure:  
4-001-31240-1140                      Salaries    \$    16,552.96  
4-001-31240-2100                      FICA     \$     1,266.33

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

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**MOUNTAIN EMPIRE COMMUNITY COLLEGE**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$230.83. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-41050-0099                      Budget Supplements for Reserve                      \$     230.83

Expenditure:  
4-001-68100-1111                      Salaries    \$     210.00  
4-001-68100-2100                      FICA     \$      19.30  
4-001-61800-2700                      Workers Compensation                                      \$        1.53

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

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**GENERAL EXPENSES**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$44,463.97. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-41050-0099                      Budget Supplements for Reserve                      \$    44,463.97

Expenditure:  
4-001-91500-5840                      Disbursements General Expenses                      \$    44,463.97

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

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**MISCELLANEOUS EXPENSES**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$11,086.19. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-13030-0008	Building Permits	\$ 11,086.19
Expenditure:		
4-001-92100-5870	Building Fund Expenses & Refunds	\$ 1,086.19
4-001-92100-5930	Bond Forfeiture Refund	\$ 10,000.00

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

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**E-911**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$26,427.50. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-41050-0099	Budget Supplements from Reserve	\$ 26,427.50
Expenditure:		
4-009-31400-8102	Capital Outlay	\$ 26,427.50

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

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**HEAD START**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$162,400.05. Upon the question being put the vote was as follows.

Revenue Source:		
3-024-33020-0024	Head Start Funds	\$ 162,400.05

Expenditure:  
4-024-62170-5860                      Disbursements Head Start                      \$ 162,400.05

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

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**COAL ROAD & GAS SEVERANCE**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$452.11. Upon the question being put the vote was as follows.

Revenue Source:  
3-027-12150-0001                      Gas Severance Tax                      \$ 452.11

Expenditure:  
4-027-95100-5860                      Gas Severance Tax Disbursements                      \$ 452.11

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

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**OCOONITA MILLER SMYTH**

It was moved by Mr. Leonard, seconded by Mr. Kidwell, to approve the following Supplemental Appropriation in the amount of \$2,500.00. Upon the question being put the vote was as follows.

Revenue Source:  
3-055-17080-0001                      Ocoonita-Miller Smyth Chapel                      \$ 2,500.00

Expenditure:  
4-055-94980-3140                      Ocoonita-Miller Smyth ARC                      \$ 2,500.00

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

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**NEW BUSINESS**

**ADDITIONAL SCHOOL BOARD APPROPRIATION TO MEET LOCAL EFFORT**

Brian Dean, School Board Superintendent, stated due to the increased enrolment when the final calculation came in the County's Local Share increased by \$175,036.00.

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Mr. Shoemaker asked how much the enrolment has dropped over the past 10 years.

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Mr. Dean stated he can get those numbers but it's quite a bit.

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Mr. Flanary asked if the correct calculation is \$5,710,879.00.

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Mr. Dean stated by his calculations it \$5, 855,606.00.

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Mr. Poe stated that not what's in his letter and added he may be going back to the original including the Facilities Fund and those are not appropriated until requested.

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Mr. Dean stated he believes that is the difference.

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Mr. Flanary asked what his plans are for the funds.

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Mr. Dean stated the issue is if the Required Local Effort isn't met they cannot carryover state funds.

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Mr. Kidwell stated around \$2 million was carried over last year and asked how much they expect to carryover this year.

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Mr. Dean stated it will be close to the same.



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There was a discussion about home school, home bound and virtual school.

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Mr. Flanary asked how many SOQ funded positions does the school have.

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Mr. Dean stated he can get the number but it changes every year.

-----  
Mr. Poe asked if the numbers are based on home student numbers and not individual school population.

-----  
Mr. Dean stated you have one per thousand students and where the County has 2,700 some students, the system receives only partial funding for a position in many cases.

-----  
Mr. Dean stated every school has to have a Principal and depending on the numbers an Assistant Principal may be needed.

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Mr. Shoemaker asked how many schools have two Principals.

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Mr. Dean stated every school has a Principal, none of the schools have two named Principals. Lee High has a Principal and two assistants, Thomas Walker has a Principal and one assistant and Technical School has a Principal and one assistant.

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Mr. Leonard asked if other County School Principals are based on the same numbers.

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Mr. Dean stated everyone uses their own methodology.

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Mr. Shoemaker asked how much last year's cost for administration was.

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Mr. Dean stated somewhere between \$800,000 and \$1 million and added he can get him the numbers.

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Mr. Shoemaker stated he would like to have the numbers before Thursday and asked what his plan is for the \$2 million carried over from last year.

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Mr. Dean stated building repairs and improvements and the School Board voted for a 3% average salary increase.

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Mr. Flanary asked how much that will cost.

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Mr. Dean stated \$800,000 - \$900,000 range.

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Mr. Shoemaker asked what the plan was for this year's additional State and Local funds.

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Mr. Dean stated roof projects for Thomas Walker, Rose Hill, Elk Knob and St. Charles.

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Mr. Kidwell asked about the 3% average raise.

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Mr. Dean explained the process of the 3% average raise.

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There was a discussion about the 3% raise process.  
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Mr. Dean stated they were looking at purchasing more busses. He stated they did get approved for two more electric busses and would have to look at adding another charging station.  
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Mr. Kidwell asked if the county had the school system's line-item budget.  
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Mr. Poe stated no.  
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Mr. Kidwell asked when they would get the line-item budget.  
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Mr. Dean stated soon.  
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Mr. Shoemaker asked if the Board can get the line-item budget by Thursday.  
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Mr. Dean stated they will do their best.  
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Mr. Kidwell asked where the \$10 million plus \$2 million carry over funds is going.  
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Mr. Dean stated some of the funds can be carried over to FY2027.  
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Mr. Kidwell stated the school employees will be getting a 3% raise regardless of what happens.

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Mr. Dean stated the School Board voted for a 3% raise but at this time the school system does not have an appropriation for next year until the Board approves a budget.

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Mr. Kidwell stated the Board is waiting to see the School Boards approved budget.

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Mr. Dean stated he will do his best to get the budget to the Board by Thursday night.

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#### **FLIGHT CHECK COST FOR AIRPORT PROJECT**

Mr. Poe stated the electrical project ongoing at the airport is basically replacing all the electrical fixtures, wiring, etc. He stated it will probably be complete within the next three weeks and is 98% funded by federal and state grant funds. He stated the Precision Approach Path Lighting will require the FAA to conduct a flight check and the airport will not be deemed operational until the flight check is completed. He stated the Division of the FAA that conducts that test requires advanced payment of the cost for the flight check prior to scheduling. The estimated cost is \$21,293.28 and is eligible for reimbursement. He is requesting approval in order to get the flight check completed as soon as possible.

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It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve the payment for the FAA Flight Check in the amount of \$21,293.28. Upon the question being put the vote was as follows.

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

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#### **TRANSFER STATION WELDING REPAIR BID**

Mr. Poe stated the bids were due yesterday and varies from \$20,400 up to \$30,030.

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It was moved by Mr. Waddell, seconded by Mr. Leonard, to table this matter until the July 16, 2024 Regular Meeting. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Shoemaker  
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### **SECONDARY SIX-YEAR PLAN AND CONSTRUCTION BUDGET APPROVAL**

It was moved by Mr. Leonard, seconded by Mr. Flanary, to approve 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  
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### **RESOLUTION SIX-YEAR PLAN AND CONSTRUCTION BUDGET 24-004**

**WHEREAS**, Sections 33.2-358 and 33.2-331 of the Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2025/2026 through 2029/2030) as well as the Construction Priority List (2024/2025) on June 18, 2024 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, the Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2025/2026 through 2029/2030) and the Construction Priority List (2024/2025) for Lee County;

**NOW, THEREFORE, BE IT RESOLVED** that since said Plan appears to be in the best interests of the Secondary Road System in Lee County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2025/2026 through 2029/2030) and Construction Priority List (2024/2025) are hereby approved as presented at the public hearing.

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**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.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 retaining 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

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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

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**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.

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**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

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**LONESOME PINE OFFICE ON YOUTH**

It was moved by Mr. Leonard, 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

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**LONESOME PINE REGIONAL LIBRARY**

It was moved by Mr. Shoemaker, seconded by Mr. Kidwell, to appoint Charlcia Jones to a four-year term on the Lonesome Pine Regional Library Board. Ms. Jones's term will expire June 30, 2028. Upon the question being put the vote was as follows.

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

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**MOUNTAIN EMPIRE COMMUNITY COLLEGE**

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to re-appoint Emily Kinser to a four-year term on the Mountain Empire Community College Board. Ms. Kinser's term will expire June 30, 2028. Upon the question being put the vote was as follows.

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

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**TOURISM COMMITTEE**

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, to appoint Kim Ray to the unfulfilled term on the Tourism Committee. Ms. Ray’s term will expire on September 30, 2027. Upon the question being put the vote was as follows.

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

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**UPPER TENNESSEE RIVER ROUND TABLE**

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

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

None.

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Mr. Kidwell asked Mr. Poe for his recommendation on the school funds.

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Mr. Poe stated he wouldn’t make a recommendation but stated they have options. He stated he can’t positively tell the Board what the amount is but if they are correct in their interpretation on the required match, which is the Standards of Quality funding but not the Incentive Funds or Lottery Funds, the required local effort can be reduced by over a million dollars.

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Mr. Kidwell asked for a recommendation on Department of Social Services (DSS).



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Mr. Poe stated it needs to be looked at closely with the overages from earlier this year and getting hit this late in the fiscal year for over a half million dollars.

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Mr. Kidwell asked if a formal vote needs to be made to look into the matter.

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Mr. Poe referred the question to Ms. Munsey.

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Ms. Munsey recommended exploring the matter further.

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Mr. Poe stated he will try to get information prior to the final meeting of the year.

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Mr. Waddell asked if a decision needs to be made concerning the matter with DSS by June 30<sup>th</sup>.

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Mr. Poe stated you can make appropriations to the prior year and explained the process.

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Mr. Kidwell stated DSS needs to be notified of the Board's decision.

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**LEE COUNTY CHILDREN'S SERVICES ACT BUDGET REQUEST**

It was moved by Mr. Kidwell, seconded by Mr. Shoemaker, not to fund the DSS's request for \$658,000 for over expenditures on the Children's Services Act. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Flanary, Mr. Kidwell, Mr. Leonard, Mr. Shoemaker, Mr. Waddell  
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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

Mr. Waddell asked if SECOR, LLC will be expecting an answer on their request.

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Mr. Leonard stated no.

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There was a discussion about SECOR and Opioid Abatement Funds.

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Mr. Poe stated he doesn't see that it's urgent to respond to SECOR's request.

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Mr. Kidwell asked if Lee County pays the same rate per day to house inmates at the Regional Jail as other counties.

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Mr. Poe stated yes and at the end of the year they do a true-up process where actual usage numbers are calculated.

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Mr. Kidwell asked how long the contract with the jail is for.

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Mr. Poe stated for the life of the bond.

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**SOLID WASTE CLOSED JULY 4<sup>TH</sup>**

It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to close the Solid Waste department on July 4, 2024. Upon the question being put the vote was as follows.

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

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**POSSIBLE TAX-RATE INCREASE**

Mr. Kidwell asked about increasing the tax-rate for Real Estate to \$.75.

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Mr. Flanary stated he was ok with that.

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Mr. Shoemaker stated he will not vote on any tax increase until the numbers are nailed down.

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Mr. Kidwell stated \$.75 will not balance the budget and asked how far it will be from balancing.

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Mr. Poe stated as it's currently laid out in the next budget cycle will be an over \$3 million deficit.

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Mr. Leonard stated the assessments will be in by then.

-----

Mr. Poe stated the tax rate will have to be set by mid-March so the taxes can be mailed in time for people to get them paid by May 31, 2025.

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Mr. Waddell stated he will probably vote no.

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It was moved by Mr. Shoemaker, seconded by Mr. Flanary, to recess to June 20, 2024 at 6:00 p.m. Upon the question being put the vote was as follows.

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