

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

At the Annual Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on January 21, 2020 at 4:30 p.m. thereof.

MEMBERS PRESENT: Larry Mosley, Vice Chairman  
Sidney Kolb  
Charles Slemm, Jr.  
Robert Smith

MEMBERS ABSENT: D. D. Leonard, Chairman

OTHERS PRESENT: Dane Poe, County Administrator  
Jeny Hughes, Administrative Assistant  
Stacy Munsey, County Attorney

OTHERS ABSENT: None

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**INVOCATION**

Emery Minton, Pastor of Christian Life Fellowship, led the invocation.

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**PLEDGE TO THE FLAG**

Larry Mosley led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 4:39 p.m.

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**DEPARTMENT REPORTS**

Written departmental reports for Building Inspection, E-911 and Extension Office were included in the Board Packet.

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**CONSTITUTIONAL OFFICERS**

**TREASURER’S REPORT**

The Treasurer’s Report for the month of December 2019 was submitted as follows:

Revenues	\$ 9,324,095.13
Expenditures	\$ 6,635,815.04
General Fund	\$ 7,046,256.77
Total Assets and Liabilities	\$ 11,542,435.85

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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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Joe Jenks, Dryden, addressed the Board about needing one more load of gravel on his road and about being attacked by three German Shepherds in his neighborhood. He stated that he has been in touch with Animal Control and the Sheriff’s Office about the dogs.

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Phillip Minton, Dryden, addressed the Board about a house in his neighborhood being piled up with garbage and old furniture.

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Mr. Mosley asked Mr. Poe to look into that matter.

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Mr. Poe stated that Mr. Michael has been up there, but it might be a zoning issue as well, so it may be something both offices can work on concurrently.

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Allen Hubbard, Seminary, addressed the Board about the location of the proposed Seminary Convenience Center site, stating that he does not feel putting it beside the four-

lane is the best solution, and that he does not want that view from his front door every day.

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Mr. Mosley stated that the County has been looking for a location for thirteen years.

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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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### **MINUTES**

Mr. Poe stated that a correction is needed on page 10 of the January 7, 2020 minutes changing Mr. Cope to Mr. Kolb.

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It was moved by Mr. Smith, seconded by Mr. Slemph, to approve the minutes of the December 17, 2019 Regular Meeting. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

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It was moved by Mr. Smith, seconded by Mr. Slemph, to approve the minutes of the January 7, 2020 Meeting with the stated correction. Upon the question being put the vote was as follows.

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

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### **REFUNDS**

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

Lawrence Cheek

\$200.00

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

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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. Smith, seconded by Mr. Kolb, to approve the disbursements for the month of January in the amount of \$901,849.87. Upon the question being put the vote was as follows.

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

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**APPALACHIAN COMMUNITY ACTION AND DEVELOPMENT AGENCY**

It was moved by Mr. Slempp, to appoint Sidney Kolb to the Appalachian Community Action and Development Agency.

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Prior to a second being made, Mr. Kolb stated that he has someone in mind for this appointment and asked that this appointment be tabled.

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Mr. Slempp withdrew his motion.

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It was moved by Mr. Mosley, seconded by Mr. Smith, to re-appoint Charles Slempp to a four-year term on the Appalachian Community Action and Development Agency. Mr. Slempp's term will expire December 31, 2023. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Mosley, Mr. Smith  
VOTING NO: Mr. Slemp

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**APPALACHIAN COMMUNITY ACTION AND DEVELOPMENT AGENCY**

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

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

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**COAL HAUL ROAD COMMITTEE**

It was moved by Mr. Kolb, seconded by Mr. Slemp, to re-appoint D.D. Leonard to a four-year term on the Coal Haul Road Committee. Mr. Leonard's term will expire December 31, 2023. Upon the question being put the vote was as follows.

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

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**COMMUNITY POLICY AND MANAGEMENT TEAM**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to re-appoint Robert Smith to a four-year term on the Community Policy and Management Team. Mr. Smith's term will expire December 31, 2023. Upon the question being put the vote was as follows.

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

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**ECONOMIC DEVELOPMENT AUTHORITY**

It was moved by Mr. Kolb, seconded by Mr. Smith, to appoint Ray Blair to an un-expired term on the Economic Development Authority. Mr. Blair's term will expire July 31, 2021. Upon the question being put the vote was as follows.

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

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**EMERGENCY MANAGEMENT DIRECTOR**

It was moved by Mr. Slemp, seconded by Mr. Kolb, to appoint Larry Mosley to a four-year term as the Emergency Management Director. Mr. Mosley's term will expire December 31, 2023. Upon the question being put the vote was as follows.

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

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### **LENOWISCO PLANNING DISTRICT COMMISSION**

It was moved by Mr. Kolb, seconded by Mr. Smith, to appoint D. D. Leonard, Larry Mosley, Charles Slemp and Robert Smith to four-year terms on the LENOWISCO Planning District Commission. Their terms will expire December 31, 2023. Upon the question being put the vote was as follows.

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

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### **PUBLIC SERVICE AUTHORITY**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to re-appoint Robert Horton to a four-year term on the Public Service Authority. Mr. Horton's term will expire January 31, 2024. Upon the question being put the vote was as follows.

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

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### **ROAD VIEWERS**

It was moved by Mr. Smith, seconded by Mr. Kolb, to re-appoint Charles Chadwell and Jerry Burgan to a four-year term on the Road Viewers Committee. Mr. Chadwell and Mr. Burgan's terms will expire December 31, 2023. Upon the question being put the vote was as follows.

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

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### **ROAD VIEWERS**

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

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

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**SOCIAL SERVICES**

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

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

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**SOUTHWEST VIRGINIA HEALTH AUTHORITY**

It was moved by Mr. Smith, seconded by Mr. Kolb, to re-appoint Larry Mosley to a four-year term on the Southwest Virginia Health Authority. Mr. Mosley's terms will expire December 31, 2023. Upon the question being put the vote was as follows.

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

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**SOUTHWEST VIRGINIA REGIONAL JAIL AUTHORITY**

It was moved by Mr. Smith, seconded by Mr. Slemp, to appoint Sidney Kolb, Gary Parsons and Dane Poe to four-year terms on the Southwest Virginia Regional Jail Authority. Their terms will expire December 31, 2023. Upon the question being put the vote was as follows.

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

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**SOUTHWEST VIRGINIA WORKFORCE INVESTMENT CLEO BOARD**

It was moved by Mr. Smith, seconded by Mr. Kolb, to re-appoint Larry Mosley to a one-year term on the Southwest Virginia Workforce Investment CLEO Board. Mr. Mosley's term will expire December 31, 2020. Upon the question being put the vote was as follows.

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

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**UPPER TENNESSEE RIVER ROUNDTABLE**

It was moved by Mr. Kolb, seconded by Mr. Smith, to appoint Jolene Lambert to a two-year term on the Upper Tennessee River Roundtable. Ms. Lambert's term will expire December 31, 2021. Upon the question being put the vote was as follows.

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

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#### **UPPER TENNESSEE RIVER ROUNDTABLE**

It was moved by Mr. Kolb, seconded by Mr. Smith, to table the Alternate appointment. Upon the question being put the vote was as follows.

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

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#### **VIRGINIA ASSOCIATION OF COUNTIES LEGISLATIVE LIAISON**

It was moved by Mr. Kolb, seconded by Mr. Smith, to re-appoint Larry Mosley to a four-year term as the Virginia Association of Counties Legislative Liaison. Mr. Mosley's term will expire December 31, 2023. Upon the question being put the vote was as follows.

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

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#### **WESTERN LEE SEWER PROJECT RIGHT-OF-ENTRY AGREEMENT**

Mr. Poe reported that the U.S. Army Corps of Engineers is assisting the County with acquisition of rights-of-entry for the Western Lee Sewer Project. He has received a request for right-of-entry to conduct soil sampling on a small tract of property owned by the County. The property in question is located on the south side of U.S. Highway 58 in Ewing and is the site of a decentralized sewer system that was installed a few years ago to serve about a dozen homes in that area that were discharging wastewater directly into the nearby stream. Mr. Poe recommends approval of the right-of-entry agreement.

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It was moved by Mr. Smith, seconded by Mr. Slemp, to approve the Western Lee Sewer Project Right-of-Entry agreement. Upon the question being put the vote was as follows.

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

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**COURTHOUSE RENOVATION PROJECT PAY REQUEST NUMBER 2**

Mr. Poe presented the Board with a copy of Hamilton Construction Company Pay Request Number 2 in the amount of \$65,284.00 for work completed to date. He reported that work on Phase I of the project is nearly complete and the District Court Clerk's office is moving into their new space. Phase II of the project will consist of renovations of the previous Combined Court work area and counter and security upgrades in the Court Service Unit. Demolition work has already begun in that area.

The architect has reviewed the pay request and recommends payment, and Mr. Poe concurs.

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It was moved by Mr. Smith, seconded by Mr. Slempp, to approve Pay Request Number 2 to Hamilton Construction Company in the amount of \$65,284.00. Upon the question being put the vote was as follows.

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

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**OPPORTUNITY ZONE PLANNING AND STRATEGY DEVELOPMENT  
PLANNING GRANT**

Mr. Poe presented the Board with a copy of the Planning Grant Agreement from the Department of Housing and Community Development for the Opportunity Zone Planning and Strategy Development project. If approved by the Board, Mr. Poe will sign the agreement, which will provide funding for consulting services to assist with developing a strategy and marketing tools for the local Opportunity Zone.

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It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the Planning Grant Agreement from the Department of Housing and Community Development. Upon the question being put the vote was as follows.

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

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**DUMP TRAILER FOR LITTER CLEAN UPS**

The Solid Waste and Litter Control departments are requesting to purchase a dump trailer for use in dumpsite clean ups and other litter cleanup activities. This item should be eligible for reimbursement under the Litter Prevention and Recycling Grant received annually by the County. Mr. Collingsworth has obtained a price from O'Quinn Trailer in Coeburn for a 6'x10' two-axle 3 ½-ton dump trailer for \$3,995.00 plus \$169.00 for a tarp kit to cover and secure the load. Total cost would be \$4,164.00.

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Mr. Kolb asked what could be done with a dump trailer that could not be done with a dump truck or boom truck.

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Mr. Collingsworth stated that the height of the dump truck bed is 8 feet and it would be hard to lift several items high enough to get them into the truck. He added that the boom truck is in use every day and some days the backup boom truck has to be used.

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Mr. Kolb asked if the backup boom truck could be used on cleanups.

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Mr. Collingsworth stated that he would have to pull a garbage truck driver over to drive it because it requires a CDL license, and that the boom trucks would not fit into some of the illegal dumpsite places.

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Mr. Kolb asked for a report showing how many dumpsites are cleaned up, the date they were cleaned and the tonnage that was cleaned up before the next meeting.

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It was moved by Mr. Kolb, seconded by Mr. Smith, to table this matter until next month. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Slemp

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**COOPERATIVE EXTENSION REQUEST TO HIRE INTERN**

Mr. Poe reported that he has received a request from the Cooperative Extension Office about hiring an intern for the Lee County Office. The state funded secretarial position is part-time and there is currently no FCS Extension Agent leaving the office short staffed. The intern position would be part-time and would not go over the approved budget.

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It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve a part-time intern for the Cooperative Extension Office. Upon the question being put the vote was as follows.

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

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**ARC GRANT APPLICATION FOR ST. CHARLES WATER LINE REPLACEMENT**

Mr. Poe reported that since taking over the St. Charles Water and Sewer Authority, the Lee County Public Service Authority has continued the plan to upgrade that system with waterline replacements. They are now requesting the County submit an application for Appalachian Regional Commission funding to support the St. Charles Water Line Replacement – Phase III project. This funding is being sought to support the replacement of selected problematic sections of water distribution lines.

The project is the third of four identified phases of line replacement in the St. Charles project area, to consist of approximately 6,700 linear feet of 8-inch, 3,200 linear feet of 6-inch, 4,230 linear feet of 4-inch, 3,240 linear feet of 2-inch and 7,930 linear feet of ¾ inch line, 37 gate valves, 11 fire hydrants, 122 service reconnections and associated appurtenances.

The \$500,000.00 ARC request is part of an estimated total project cost of \$1,881,252.00, with the balance of project funding to come from the Virginia Community Development Block Grant Program and the Virginia Department of Health. The deadline for submission of the County’s ARC proposal is January 24, 2020.

As this is part of an overall plan to upgrade and strengthen this system, Mr. Poe recommends the Board approve an application to ARC for this project.

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It was moved by Mr. Kolb, seconded by Mr. Slemp, to approve the ARC Grant Application. Upon the question being put the vote was as follows.

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

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**NOVEMBER 19, 2019 REGULAR MEETING MINUTES CORRECTION**

Mr. Poe reported there was an error in the minutes that were approved for the November 19, 2019 Regular Meeting regarding re-appropriation of Delinquent Fines Collection funds to the Commonwealth's Attorney office. The revenue source line item was erroneously listed as Budget Transfer from Reserve (3-001-41500-0099). It should have been Line Item 3-001-14010-0013, which is Commonwealth Attorney Collections. Since these minutes were approved at the December meeting, a motion is needed to correct the minutes to reflect the correct line item before printing to the minutes books.

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It was moved by Mr. Smith, seconded by Mr. Slemp, to make the stated correction to the November 19, 2019 Regular Minutes. Upon the question being put the vote was as follows.

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

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**ASBESTOS REMOVAL AND MITIGATION FOR OLD EXTENSION OFFICE BUILDING**

Mr. Poe reported that asbestos testing has been conducted on the old Extension Office building and, as expected, some of the floor tiles tested positive for asbestos. Prior to demolishing this building, any asbestos containing material will have to be removed and disposed of by someone licensed to do so. Mr. Poe requests authorization to obtain quotes for this work in order to move forward on this project.

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to obtain quotes for asbestos removal of the old Extension Office building. Upon the question being put the vote was as follows.

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

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**LMU VET SCHOOL MEETING**

Mr. Poe reported that there would be a meeting on January 25, 2020 from 11:00 a.m. to 2:00 p.m. at the vet school for future growth planning. This will help bring the community and students together to discuss plans for upcoming development.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**AGENDA ITEMS FOR FEBRUARY MEETING**

Mr. Kolb stated that he would like to discuss several items at the February meeting including requiring dumpster lids to be closed prior to a Convenient Center closing for the night; purchase of lids for all dumpsters and having annual surplus sales and reviewing County owned Real Estate.

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**DUMPSTERS**

Mr. Mosley stated that the Ben Hur site probably has more lids than any other site, he went by there the other day when it was raining and every lid was open.

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**CLOSED SESSION**

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

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

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Mr. Slemph left the meeting at 7:45 p.m.

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

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

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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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It was moved by Mr. Mosley, seconded by Mr. Kolb, to recess to January 30, 2020 at 6:00 p.m. Upon the question being put the vote was as follows.

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

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD