

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 October 20, 2020 at 4:30 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Larry Mosley, Vice Chairman
Sidney Kolb
Charles Slemp, Jr.
Robert Smith

MEMBERS ABSENT: None

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

OTHERS ABSENT: Stacy Munsey, County Attorney

INVOCATION

Dane Poe, County Administrator, led the invocation.

PLEDGE TO THE FLAG

Mr. Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 4:38 p.m.

PUBLIC HEARING

COMPREHENSIVE PLAN

The Lee County Board of Supervisors held a Public Hearing on Tuesday, October 20, 2020 at 4:30 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

Lee County Comprehensive Plan as updated. A copy of the Draft Comprehensive Plan was available at the Lee County Administrator's Office or the Lee County Community Development Office, located in the Lee County Courthouse, Jonesville, VA.

Mr. Poe reported that there was already a public hearing by the Planning Commission.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the Comprehensive Plan with the following changes: page 9 and page 10 should be changed to reflect that the population is going down instead of up, page 18 update the number of Convenience Centers and on page 41 change St. Charles Fire Department to Pennington Gap Fire Department Number 3. Upon the question being put the vote was as follows.

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

**PROPOSED AMENDMENT TO COURTHOUSE SECURITY FEE ORDINANCE
ENACTED PURSUANT TO TITLE 53.1, CHAPTER 756 (§53.1-120) OF THE
CODE OF VIRGINIA, AS AMENDED**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, October 20, 2020 at 4:30 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 Courthouse Security Fee Ordinance which imposes a fee of \$10.00 as part of the costs in each criminal or traffic case in the General District, Juvenile and Domestic Relations or Circuit Courts in the County of Lee, Virginia. If adopted, the amendment will increase the Courthouse Security Fee to \$20.00 in each criminal or traffic case in each of the Courts. A copy of the full ordinance is

available in the County Administration Office, Room 111, Lee County Courthouse in
Jonesville, Virginia.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor.

Mr. Kolb stated that he does not want to increase this fee to the maximum amount
because fines and costs are already too high.

Mr. Poe stated that security at the front entrance would operate from this fund.

Mr. Kolb asked how much is currently being deposited monthly.

Mr. Poe stated that he would check into that.

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

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

DEPARTMENT REPORTS

A written departmental report for Building Inspection, E-911 and the Extension
Office was included in the Board Packet.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of September 2020 was submitted as follows:

Revenues	\$ 7,240,916.74
Expenditures	\$ 6,115,208.06
General Fund	\$ 6,324,665.66
Total Assets and Liabilities	\$ 10,541,345.12

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.

Arnold Riggs, Big Stone Gap, addressed the Board about the impact the proposed cigarette tax would have on his customers and his business if it is set at \$.25 a pack. He asked the Board to consider a \$.50 per carton tax instead.

Larry Warner, Jonesville, stated that a \$.50 per carton tax would go over a lot better and would not drive customers to other localities to purchase their cigarettes.

Carla McKnight gave the Board petitions that were signed against the cigarette tax.

Deana Osborne, Pennington Gap, stated that she also had petitions from the customers from Cuz's Tobacco that are against the cigarette tax.

Theresa Caldwell, St. Charles, stated that the people that signed the petitions are tired of the tobacco taxes continually increasing. She added that there needs to be new business brought into the County and that would generate additional tax revenue for the County.

Terry Andis, St. Charles, stated that there has been a lot talk about the tax increases, the people in the Courthouse get raises every few months adding that the County should control the money better and not give any raises.

Mr. Kolb stated that his salary is \$400.76 a month, and he does not do the work for the money and the County employees did not get raises this year.

Mr. Leonard stated that his salary is a little more because he is Chairman of the Board and he spends more a month conducting County business than he makes. He stated that County employees are probably the lowest paid County employees in the State.

Mr. Mosley stated that he has sat on this Board for thirteen years and the Board has not gotten one raise in those years. He stated none of the Supervisors are doing the job for the money.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the September 10, 2020 Recessed Meeting, September 15, 2020 Regular Meeting, September 21, 2020 Recessed Meeting, and the September 29, 2020 Recessed Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve a refund for Michael Erik Twigg in the amount of \$200.00. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of October in the amount of \$359,415.66. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

FINANCE

SUPPLEMENTAL APPROPRIATIONS

BOARD OF SUPERVISORS

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the following Supplemental Appropriation in the amount of \$431,823.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-22010-0026	State Coronavirus Relief Grant	\$ 431,823.00

Expenditure:		
4-001-11010-5890	Cares Act State Funding	\$ 431,823.00

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

ELECTORAL BOARD

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the following Supplemental Appropriation in the amount of \$56,177.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-23060-0004 Cares – Electoral Board \$ 56,177.00

Expenditure:
4-001-13100-5890 Cares Act State Funding \$ 56,177.00

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

DISTRICT COURT

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

Revenue Source:
3-001-18030-0006 Reimbursements \$ 2,000.00

Expenditure:
4-001-21200-5210 Postage \$ 2,000.00

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

SHERIFF DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the following Supplemental Appropriation in the amount of \$10,000.00 Upon the question being put the vote was as follows.

Revenue Source:
3-001-18990-0013 VaCorp Insurance Claims \$ 10,000.00

Expenditure:
4-001-31200-6024 K-9 Expenses \$ 10,000.00

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

NEW BUSINESS

BOARD APPOINTMENTS

BOARD OF ZONING APPEALS

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

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

MOUNTAIN EMPIRE COMMUNITY COLLEGE ADVISORY BOARD

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

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

TOURISM COMMITTEE

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

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

REGIONAL TOURISM BOARD APPOINTMENT

Mr. Poe reported that last month the Board reappointed Karen Maggard to a two-year term on the Heart of Appalachia Tourism Authority with a term expiration date of September 30, 2022. Because of recent legislative changes, all Heart of Appalachia board members terms are set to run from January 1 through December 31 of the second year. To correct Ms. Maggard's term to this requirement, Mr. Poe is requesting the Board extend her current appointment to end December 31, 2022.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to correct Karen Maggard's term on the Heart of Appalachia Tourism Authority to expire December 31, 2022. Upon the question being put the vote was as follows.

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

E-911 AUDIO RECORDER UPGRADE

Mr. Poe stated Alan Bailey, E-911 Director, is requesting approval for upgrading for the audio recorder that is currently in use. The system is fully functional but is an aged system that is no longer vendor supported. The County's current vendor, RevCord, has recently submitted a quote to upgrade at a cost of \$5,909.52 per year over the next five years.

Mr. Kolb asked what would happen if the current record malfunctions.

Mr. Poe stated that it is no longer vendor supported, which means if parts are available, it could be repaired, if parts are not available it would not be repairable.

Mr. Kolb stated that he prefers to wait until the unit breaks.

EMS REQUEST FOR PHONE CARDS FOR PORTABLE OPERATIONS

Mr. Poe stated that this request ties back into the grant approved by the Board for the Network in a Box portable dispatch. In order for the network to be operational, there will need to be at least two cellular networks connected to the unit simultaneously. This would require a SIM card from both Verizon Wireless and AT&T Wireless at an approximate monthly cost of \$39.00 per network.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the request for the cellular SIM card activation with the two cellular carriers for the Network in a Box system. Upon the question being put the vote was as follows.

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

REQUESTS FOR CARES ACT FUNDING

Mr. Poe reported that he has received two additional requests from outside agencies requesting the County provide CARES Act funding to assist them with their operations.

- 1) The Lee County Health Department has requested the Board's consideration in providing funding to construct glass partitions with sliding windows at the patient intake stations. The Health Department obtained a quote for this work in December, 2019 for \$5,490.10. Dr. Cantrell has advised that their offices in Wise and Scott were eventually funded by the counties, but the price had increased by approximately 15% due to the increased material costs between the time of the quote and the date they were approved.
- 2) The Woodway Water Authority is requesting the Board's consideration of funding \$15,000.00 for construction of a drive through window service at their office.

Also, the General District and J&DR Judges recently requested a plexiglass partition be installed on the courtroom bench. Gary Collingsworth is getting a material cost, expected to be less than \$1,000.00 and the Solid Waste employees can construct the partition on a non-court day if approved by the Board.

Mr. Kolb stated that he would like to see an excel spreadsheet that shows the amount of money that has already been spent or allocated before making a decision.

Mr. Mosley stated that he would like to move forward on the Health Department's request.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to table these requests. Upon the question being put the vote was as follows.

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

CARES FUNDING REIMBURSEMENT REQUESTS

Mr. Poe stated that he has received invoices from Keokee Fire Department and Keokee Rescue Squad for the CARES funding allotted to them. He also received invoices from Thomas Walker Fire and Thomas Walker Rescue, Lee County Rescue Pennington Gap Unit, and Jonesville Rescue Squads just prior to the meeting, but has not had time to review those. Mr. Poe asked if the Board wanted to continue getting copies and reviewing all invoices or if they would like to create a committee that would review and approve.

Mr. Kolb stated he is fine with paying the ones the County Administrator approves.

Mr. Leonard stated he would like to create a committee.

The chairman called a 10 minute recess.

The meeting was called back to order at 6:18 p.m.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to create a committee to review and approve the rescue squads reimbursement request with the committee being Mr. Mosley, Mr. Slemp and Ms. Munsey. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

POLICE CRUISER BIDS

Mr. Poe stated it is time to solicit bids for police cruisers and asked if the bids should be for SUV's or sedans.

Mr. Kolb stated he thought there needed to be a mix of SUV's and sedans.

Mr. Poe stated that he would bid both.

TREASURER'S OFFICE PRINTERS

Mr. Poe stated that the Treasurer's Office was able to get the first laser printer working, and is requesting to purchase two more for the other workstations at the counter.

Mr. Kolb asked if Mr. Cope had used funds in the Part-Time line item.

Mr. Poe stated that none of the funds has been used.

Mr. Mosley stated that if the laser printers will help with wait times, the printers could be taken out of the part time funds.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to purchase two new laser printers for the Treasurer's Office using Part Time Funds. Upon the question being put the vote was as follows.

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

BROADBAND

Mr. Poe stated that Scott County Telephone Company contacted him about the mapping and addressing guide. SCTC is finding that some of the houses that were shown as not having any service actually do have service. Mr. Poe advised them to move on to the next location and not delay the project.

REPORTS AND RECOMMENDATIONS OF THE BOARD

BLACKWATER CONVENIENCE CENTER CAMERAS

Mr. Kolb asked if the cameras could be ordered for the Blackwater Convenience Center by Friday.

Mr. Poe stated that he would get that taken care of.

PORT-O-JOHN

Mr. Kolb asked if there was still a port-a-john placed at the Transfer Station.

Mr. Poe stated that he was not sure.

It was moved by Mr. Kolb, seconded by Mr. Mosley, that if there is a port-o-john unit at the Transfer Station that it be returned. Upon the question being put the vote was as follows.

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

AIRPORT TERMINAL DOORS

Mr. Kolb asked if the Airport Terminal Doors could be fixed by the end of November.

Mr. Poe stated that it is on Mr. Collingsworth's list and he believed it could be done by November.

AIRPORT FENCE SPRAY AND BUSH HOG

Mr. Kolb asked what the issue was on the Airport fence spray and bush hog bid.

Mr. Poe stated that he did not know what funds would be used, if State funds are used the project would have to be submitted for approval.

Mr. Kolb stated that it needs to be done no matter where the money comes from.

RECODIFICATION

Mr. Kolb asked the status of the Recodification.

Mr. Poe stated that he has begun going through the minute books to count the needed number of updates.

INTERNET IN THE COURTROOM

Mr. Kolb asked about available internet in the Courtroom.

Mr. Poe stated that he would have to check with the Courts.

TRASH CREW

Mr. Kolb asked status of the trash crew.

Mr. Poe stated that he has not gotten a response from VDOT.

Mr. Kolb stated that the Board needs to make something happen, even if it hires someone that picks up litter daily.

DUMPSTERS AT THE SCHOOLS

Mr. Kolb stated that lids on the dumpsters at the schools are being left open and requested Mr. Poe draft a letter to the School Superintendant asking that the lids be closed nightly.

CONVENIENCE CENTERS

Mr. Kolb stated that lids on the dumpsters at convenience centers are being left open even if the dumpster is full. He added that the dumpsters at Dryden and Ben Hur are running over on the weekends and he would like for the routes to be ran again on Saturdays.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to have the Transfer Station start running a truck on Saturdays to Dryden, Woodway, Jonesville and Ben Hur. Upon the question being put the vote was as follows.

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

RESCUE SQUADS

Mr. Leonard asked about the rescue squad ambulance situation.

Mr. Poe stated that the squads are meeting with the new company at 5:00 p.m. He informed the Board that after the original company issued updated quotes, it was not at the agreed prices and he rescinded the Purchase Order for those units.

LITTER CONTROL VEHICLE

It was moved by Mr. Leonard, to allow the Litter Control Coordinator to take the litter vehicle home at night.

The motion died for the lack of a second.

DUMPSTERS AT THE POCKET CENTER

Mr. Leonard asked that some of the short height dumpsters be placed at the Pocket Convenience Center.

CONVENIENCE CENTER HOLIDAY

It was moved by Mr. Kolb, seconded by Mr. Mosley, for the gates at the Convenience Centers to remain open the night before Election Day, Veteran's Day and Thanksgiving Day and not be locked until closing time the following night, unless the operator of the sites that have issues would rather lock and unlock as done on a normal day. Upon the question being put the vote was as follows.

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

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Mosley, 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. 3, Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, 2.2-3711 A.6. The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, and 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. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

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

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

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.

MOBILE BROADBAND

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve three of the Mobile Broadband locations at Keokee School, St. Charles School and Blackwater Funeral Home. Upon the question being put the vote was as follows.

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

LETTER TO PROPERTY OWNER

It was moved by Mr. Kolb, seconded by Mr. Leonard, for the County Administrator to send a letter to the property owner in west Jonesville this week. Upon the question being put the vote was as follows.

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

BUILDING INSPECTOR

It was the consensus of the Board to re-advertise for the position of Field Inspector in the Building Inspection Department with a salary of up to \$40,000.00.

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

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD