

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on March 16, 2021 at 5:30 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Ted Booth, Pastor of Long Hollow Christian Church, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:36 p.m.

PUBLIC HEARINGS

**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, March 16, 2021 at 5:30 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 \$13.00 as part of the costs in each criminal or traffic case in the General District or Circuit Courts in the County of Lee, Virginia. If adopted, the amendment will also impose the fee in the Juvenile and Domestic Relations Court of Lee County, Virginia.

Mr. Poe stated that adoption of this Amendment clarifies that the fee does apply to the Juvenile and Domestic Relations Court of Lee County.

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

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Kolb, seconded by Mr. Smith, to adopt the amendment to the Courthouse Security Fee Ordinance to impose a fee of \$13.00 as part of the costs in each criminal or traffic case in the Juvenile and Domestic Relations Court as well as the General District and Circuit Courts in the County of Lee, Virginia. Upon the question being put the vote was as follows.

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

PROPOSED ABANDONMENT OF TWO STREETS

The Lee County Board of Supervisors held a Public Hearing on Tuesday, March 16, 2021 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse, Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on the proposed abandonment of two streets shown on a plat of the Richmond Heights Subdivision dated July 22, 1967 and recorded in the Lee County

Circuit Court Clerk's Office Plat Cabinet AA, Slide 18, and lying in the Jonesville Magisterial District of Lee County, Virginia adjacent to the eastern border of the Town of Jonesville and more particularly described as follows:

- A portion of Cedar Street beginning at State Route 864 (Bus Shop Rd) and running northerly approximately 440 feet to its intersection with Sinking Springs Drive.
- Valley Street beginning at Cedar Street and running westerly approximately 680 feet to Oak Street.

If the abandonment is approved, the streets will revert back to the adjacent property owner(s).

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

There was no public comment.

The Chairman closed the floor for public comment.

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

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

VOTING NO: Mr. Mosley

PROPOSED ROAD ABANDONMENT

The Lee County Board of Supervisors held a Public Hearing on Tuesday, March 16, 2021 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse, Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on the proposed abandonment of 1.1 miles of State Route 739 (Harris Hollow Rd and Hunting Club Rd) from State Route 783 to .95 miles south of State Route 617 in the Jonesville Magisterial District of Lee County, Virginia. The proposed abandonment also includes the abandonment of a pedestrian bridge over the Powell

River. If the abandonment is approved, the roadway will revert back to the adjacent property owner(s).

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.

Kena Sizemore, Estes Brother's Property Manager, made a presentation to the Board on the proposed changes that would be made to the property if the Board votes to abandon this road and on the changes that have already occurred at the Steep Rock location. She asked the Board to approve that abandonment of State Route 739.

Sue Ella Kobak, Dryden, addressed the Board in opposition of the proposed road abandonment.

Ben Richmond, Jonesville, stated that he has been using the ford for 50 years to ride horses and to get in and out of the river. He stated that this is not abandoned property and asked the Board not to close the road.

Wayne Nickodam, Jonesville, stated that he has lived on Tanbark for around a year, and has been down to this property ten to twelve times. He asked the Board to leave the access road to the river open and presented the Board with a petition signed by concerned citizens of the County.

Danny Rutherford, Jonesville, addressed the Board in opposition of the road closure.

Carl Orr, Jonesville, stated that he has floated the river for years and got in and out at this location. He also stated that the Fire Department needs emergency access to the river and if this road is closed the Department would have to search for a location to access the river.

Randy Crumley, Jonesville, stated that he has floated the river all his life and it is harder now to find places to get in and out, he asked to Board to vote against this request.

Johnny Lakins, Rose Hill, addressed the Board in opposition of closing this road, stating that he was under the impression that Lee County had a strong emphasis on tourism, recreation and inviting people into the County.

Jacob Harris and Dennis Grizzle, Jonesville, presented the Board with a plat that showed Mr. Grizzle's right-of-way across the Estes property and addressed the Board about it being illegal to gate a public highway and block right-of-ways.

Ed Johnston, Jonesville, stated these bridges and fords are part of the County's history and should remain open for historical reasons.

Lena Bledsoe, Jonesville, stated that several people use this location and asked that the Board leave the road open.

Roger and Gail Waddell, Jonesville, stated that this property is within walking distance of their home and they walk to it often and asked that the Board not cater to one person when so many people use this location.

Rick Stafford, Sticklelyville, stated that this swinging bridge has historical value and asked that the location remain open.

Skylar White, Pennington Gap, stated that he can drive his truck all the way down to the river and has caught many fish in that area and asked that this location remain open.

Michael Dunn, Pennington Gap, stated that closing this access for another would add three to four hours onto a float, which would make it harder for people to be able to do so, and asked that this location be left open.

Kathy Harris, Jonesville, stated that her children and grandchildren have enjoyed playing at the river and is opposed to the closing of this road and asked that the Board vote no.

Britni Harris Early, Jonesville, stated that if the property is opened back up at a later date it could lead to more illegal activity.

Greg Estes, Jonesville, addressed questions and comments from the public.

Multiple questions and comments were made by unidentified members of the audience with Mr. Estes and members of the audience debating back and forth.

The Chairman closed the floor for public comment.

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

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

The Meeting was called back to order at 7:22 p.m.

It was moved by Mr. Mosley, seconded by Mr. Slemp, to table this matter for more information. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

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.5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, 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, 2.23711 A.8, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter and 2.2-3711 A.29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. 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. Leonard, to exit Closed Session. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

Written departmental reports for Community Development was included in the packet.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of February 2021 was submitted as follows:

Revenues	\$ 5,896,535.56
Expenditures	\$ 6,559,648.30
General Fund	\$ 9,199,666.25
Total Assets and Liabilities	\$12,720,812.38

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.

There was no public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the minutes of the February 16, 2021 Regular Meeting. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

**MICHAEL MCNULTY
PRO-ART
YEARLY UPDATE**

Mr. McNulty, introduced himself as the new Executive Director of Pro-Art. He reported that programs have been limited this year due to COVID-19 and stated that they are planning to start live performance again in the fall. He asked the Board to consider continued participation in the Creative Communities Partnership Grant at the current funding level.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of March in the amount of \$775,833.33. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

FINANCE

QUARTERLY APPROPRIATIONS

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

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

**LEE COUNTY BOARD OF SUPERVISORS
APPROPRIATIONS RESOLUTION
FISCAL YEAR ENDING JUNE 30, 2021
21-006**

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2020-21; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Headstart, Lee County Public School and Virginia Public Assistance Budgets;

NOW, THEREFORE, BE IT RESOLVED, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending June 30, 2021.

HEADSTART

Federal Funds \$ 1,469,711

TOTAL HEADSTART \$ 1,469,711

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds \$ 8,868,612

Local Funds 1,404,569

TOTAL VIRGINIA PUBLIC ASSISTANCE \$ 10,273,181

LEE COUNTY PUBLIC SCHOOLS

Federal, State & Other Funds	\$39,884,883
Local Funds	<u>4,530,072</u>
TOTAL LEE COUNTY PUBLIC SCHOOLS	\$44,414,955

1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the General Fund to the Headstart, Public School and Virginia Public Assistance funds and will not exceed the foregoing one and three months appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Headstart, Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2020-2021.

TOTAL FY 2020-21 BUDGET \$69,866,977

SUPPLEMENTAL APPROPRIATIONS

CIRCUIT COURT CLERK

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$3,250.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18030-0006	Reimbursements	\$	3,250.00
Expenditure:			
4-001-21600-1150	Salaries	\$	3,000.00
4-001-21600-1350	Part-Time Salaries	\$	250.00

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

CIRCUIT COURT CLERK

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$1,179.00. Upon the question being put the vote was as follows.

Revenue Source:

3-001-18030-0006	Reimbursements	\$	1,179.00
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Expenditure:

4-001-21600-1350	Part-Time Salaries	\$	1,179.00
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VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

CENTRAL GARAGE

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$39,602.51. Upon the question being put the vote was as follows.

Revenue Source:

3-001-18990-0013	VACO Insurance Claims	\$	39,602.51
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Expenditure:

4-001-12520-6009	Vehicle Supplies (Parts)	\$	39,602.51
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VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

COURTHOUSE SECURITY CESF GRANT

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$49,415.00. Upon the question being put the vote was as follows.

Revenue Source:

3-001-22010-0030	CESF Courthouse Security DCJS Grant	\$	49,415.00
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Expenditure:

4-001-31235-1140	Salaries	\$	35,575.00
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4-001-31235-2100	FICA	\$	2,722.00
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4-001-31235-2600	Unemployment Insurance	\$	80.00
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4-001-31235-2700	Workers Compensation	\$	1,623.00
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4-001-31235-5890	Courthouse Security DVM Grant	\$	8,120.00
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4-001-31235-5899	Equipment	\$	1,295.00
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VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

WORKS PROGRAM

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$44,371.00 Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplement from Reserves	\$	44,371.00
Expenditure:			
4-001-33400-1143	Salaries	\$	27,085.00
4-001-33400-2100	FICA	\$	1,889.00
4-001-33400-2210	VRS Retirement	\$	2,414.00
4-001-33400-2300	Health Insurance	\$	7,553.00
4-001-33400-2400	VRS-SGL	\$	147.00
4-001-33400-2500	Hybrid – STD/LTD	\$	72.00
4-001-33400-2600	Unemployment Insurance	\$	160.00
4-001-33400-2700	Workers Compensation	\$	1,096.00
4-001-33400-5210	Postal Services	\$	25.00
4-001-33400-5230	Telephone	\$	500.00
4-001-33400-6001	Office Supplies	\$	800.00
4-001-33400-6014	Drug Testing Supplies	\$	500.00
4-001-33400-8102	Capital Outlay	\$	2130.00

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

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$2,114.99. Upon the question being put the vote was as follows.

Revenue Source:			
3-007-14010-0004	State Forfeiture Proceeds	\$	2,114.99
Expenditure:			
4-007-94100-5840	State Forfeiture Proceeds	\$	2,114.99

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

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the following Supplemental Appropriation in the amount of \$1,560.56. Upon the question being put the vote was as follows.

Revenue Source:			
3-007-14010-0015	CWA State Asset Forfeiture	\$	1,560.56

Expenditure:			
4-007-94300-5850	CWA State Forfeiture Proceeds	\$	1,560.56

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 recommend the appointment of Karen Shirks to the Board of Zoning Appeals. Ms. Shirks term will expire June 30, 2025. Upon the question being put the vote was as follows.

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

COAL HAUL ROAD COMMITTEE

It was moved by Mr. Mosley, seconded by Mr. Smith, 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

LONESOME PINE REGIONAL INDUSTRIAL FACILITIES AUTHORITY

It was moved by Mr. Kolb, seconded by Mr. Mosley, to appoint Richard Johnson to an un-expired term on the Lonesome Pine Regional Industrial Facilities Authority. Mr. Johnson's term will expire December 31, 2021. Upon the question being put the vote was as follows.

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

THE FIELDS WATERLINE REPLACEMENT PHASE II GRANT DOCUMENTS

Mr. Poe reported that the County anticipates receiving an Appalachian Regional Commission grant in the amount of \$218,027.00 for Phase II of the Fields Waterline Replacement Project located in Ewing. This grant will be administered by the Virginia Department of Housing and Community Development, which requires adoption of several documents in order to receive the grant funds. The adoption of the Resolution of Compliance will incorporate adoption of the Appropriation of Funds, the Residential Anti-Displacement and Relocation Assistance Plan, and the Fair Housing Proclamation. Upon adoption, the Board will be advertising the Local Business and Employment Notice and the Minority and Female Owned Business Notice and posting the Non-Discrimination Policy and Handicapped Regulations. All of these items are mandatory in order to receive these funds.

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

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

RESOLUTION FOR COMPLIANCE

21-007

THE FIELDS PHASE II WATER LINE REPLACEMENT PROJECT

ARC #20-08A

WHEREAS, Lee County anticipates an Appalachian Regional Commission award to replace 7,771 LF of water line; and

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

Resolution for Compliance

Resolution to Appropriate Funds

Residential Anti-Displacement and Relocation Assistance Plan

Fair Housing Proclamation

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

RESOLUTION
County of Lee

County of Lee does hereby resolve to appropriate up to \$218,027 from
the Appalachian Regional Commission Grant funds for the
construction of the

**The Fields Phase II Water Line Replacement
Project.**

County of Lee is in no way committed to spend the \$218,027 if funds
from the Appalachian Regional Commission Grant if the funds are not
received.

**RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE
PLAN**

Lee County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than low/moderate-income dwelling units as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, Lee County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. a description of the proposed assisted activity;
2. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. a time schedule for the commencement and completion of the demolition or conversion;
4. the general location on a map and approximate number of dwelling units by size

- (number of bedrooms) that will be provided as replacement dwelling units;
5. the source of funding and a time schedule for the provision of replacement dwelling units;
 6. the basis for concluding that each replacement dwelling unit will remain low/moderate-income dwelling for at least 10 years from the date of initial occupancy; and
 7. information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low-and moderate- income households in the jurisdiction.

Lee County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provide under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Lee County's FY 2020 The Fields Phase II Water Line Replacement Project includes the following activities:

- Installation of 1,713 LF of 4-inch water line (PVC)
- Installation of 110 LF of 4-inch water line (DI)
- Installation of 3,033 LF of 2-inch water line
- Installation of 415 LF of 1-inch water line
- Installation of 2,500 LF of 3/4-inch service line
- Connection of 36 homes to the replacement water lines
- Related appurtenances

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. Lee County will work with the grant management staff, engineers, project area residents and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, all occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$12,500 or less.

FAIR HOUSING PROCLAMATION

BE IT KNOWN by all persons that the following Proclamation of the Board of Supervisors of Lee County, Virginia, endorsing the concept of Fair Housing, was duly adopted and approved on the 16th day of March 2021:

WHEREAS, discrimination in the sale, purchase, rental, or financing of housing against any person on the basis of race, color, religion, national origin, sex, age, familial status, disability, veteran status, gender identity, sexual orientation, or source of funds is prohibited by Lee County; and

WHEREAS, Lee County does hereby designate Mr. Dane Poe, County Administrator, as the Fair Housing authority to investigate all complaints of fair housing discrimination;

NOW THEREFORE, BE IT RESOLVED, that Lee County, Virginia,

- Endorses the concept of within Lee County
- Adopts the month of April 2021 as Fair Housing Month.

PROPERTY DONATION OFFER

Mr. Poe reported that he has received an offer from property owners to donate seven parcels of property to the County. These parcels were purchased at State Escheat Sales in 1989 and 1991. Several of these parcels are in the Penn Lee area between Stone Creek and St. Charles, one is located in the Pocket area near Stone Creek and one is located on Wallens Ridge. Mr. Poe sees no benefit to the County in owning any of these properties.

It was moved by Mr. Kolb, seconded by Mr. Smith, to take this matter into closed session. Upon the question being put the vote was as follows.

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

RECODIFICATION PROPOSALS

Mr. Poe reported that the County received three proposals for updating and recodifying the County Code of ordinances.

This matter will be taken up in closed session.

EDA REQUEST FOR ECONOMIC DEVELOPMENT FUNDS

Mr. Poe reported that at their March 2, 2021 Regular Meeting, the Lee County Economic Development Authority voted to request up to \$30,000.00 from the Lee County Economic Development Fund. These funds would be used for a property acquisition for which details will be provided in Closed Session.

This matter will be taken up in closed session.

SECONDARY SIX-YEAR PLAN CLARIFICATION AND AMENDMENT

Mr. Poe reported that after advising the Virginia Department of Transportation of the Board's February 16, 2021 action regarding the Secondary Six-year Plan, they advised that Route 805 (Slemp Road) could not be considered for upgrade unless an unpaved segment of Route 708 (Seminary Road) was included in the plan. After several emails and phone conversation and revisiting available funding, Mr. Poe has been advised that there are sufficient funds available to add Route 805 (Slemp Road), all of Route 708 (Seminary Road), and Phase I of Route 669 (Blue Hollow Road). The additional funding needed to add all of these roads will come from cost savings on other projects.

With this information, the Board may now wish to add all three of these projects to the Secondary Six-Year Plan this year.

It was moved by Mr. Slemp, seconded by Mr. Kolb, to add Routes 708, 805 and Phase I of Route 669 to the Secondary Six-Year Plan and to adopt the following Resolution. Upon the question being put the vote was as follows.

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

**SECONDARY SIX-YEAR ROAD PLAN AND CONSTRUCTION BUDGET
21-008**

WHEREAS, Sections 33.2-331 of the 1950 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 (2020/2021 through 2025/26) as well as the Construction Priority List (2020/21) on January 19, 2021 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, Jackie Christian, Wise Residency Assistant Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2020/21 through 2025/26) and the Construction Priority List (2020/21) for Lee County, Virginia;

NOW, THEREFORE, BE IT RESOLVED, that since said Plan, with amendments adopted by this Board, 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 (2020/21 through 2025/26) and Construction Priority List (2020/21) as presented at the public hearing with amendments approved by this Board, are hereby approved.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

The Chairman called a five-minute recess.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

ST. CHARLES WATERLINE REPLACEMENT

Mr. Poe reported that the Board has already approved all of the required paperwork for the St. Charles Waterline Replacement Project. There would need to be an Administrative Management Agreement with LENOWISCO to administer the project.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the Administrative Management Agreement with LENOWISCO for the St. Charles Waterline Replacement Project. Upon the question being put the vote was as follows.

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

LETTER OF SUPPORT

Mr. Poe reported that he received a request for a letter of support for a grant application in the amount of \$100,000.00 that LENOWISCO Planning District is sponsoring to GO Virginia. This project is in connection with project Thoroughbred to introduce growing barley and other grains in Southwest Virginia. Project Thoroughbred is hoping to work to build a \$2,500,000.00 grain terminal in Norton to be able to ship the grain out of the area. The \$100,000.00 grant would be used for barley, rye, wheat, oat and corn production and distribution, and for a consultant to develop a land bank up to 3,000 acres that would be available for lease to farmers without sufficient land to grown grain crops.

It was moved by Mr. Slempp, seconded by Mr. Kolb, to provide a letter of support for the LENOWISCO Planning District's grant application to Go Virginia. Upon the question being put the vote was as follows.

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

ENERGY SAVINGS PERFORMANCE CONTRACT

Mr. Poe reported that he has been contacted by Johnson Controls about conducting an initial walk through to determine whether an energy savings performance contract might be feasible. They would look at potential energy savings in buildings such as lighting, HVAC systems, and improvements to buildings. Mr. Poe thought that this would be worth looking into as a means of making improvements on the old part of the Courthouse. The Department of Mines Minerals and Energy offers a similar program through the State where an energy audit is conducted and gives an opinion on whether it is a feasible option.

It was the consensus of the Board to allow The Department of Mines Minerals and Energy to conduct an energy audit.

MEALS TAX

Mr. Poe reported that at last month's meeting Chris Jones, Commissioner of the Revenue, asked that the Board to amend the adopted meals tax to allow vendors to retain 5% of their collections. Mr. Poe asked if the Board wished to take any action on this.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to amend the meals tax to allow vendors to retain 5% of the County Meals tax collected. Upon the question being put the vote was as follows.

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

TRANSFER STATION LAWN MOWER

Mr. Poe reported that the standard riding mower at the Transfer Station is very old and the transmission is out. Mr. Collingsworth is requesting to purchase a new riding at a cost of approximately \$2,300.00.

It was moved by Mr. Kolb, seconded by Mr. Slempp, to purchase a new riding mower in an amount up to \$2,499.00 and to sell the old riding mower at the equipment auction in April. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE BOARD

REASSESSMENT

Mr. Kolb stated he has received several complaints about the company that is doing the County reassessments using drones to view properties. He stated that he assumed that the drones would only be used on large tracts and vacant properties. He would like for it to be published in the paper and on Facebook that the drones are being used for all aspects of the reassessment. He has also received complaints about the letters that are going out from the Reassessment Company.

Mr. Poe stated that he has already spoken with Mr. Chastang about the notices and they were typically sent out on income generating properties. Mr. Chastang requested that the calls be referred to him.

It was moved by Mr. Kolb, seconded by Mr. Smith, to clarify that appeals can be made even if the forms are not returned. Upon the question being put the vote was as follows.

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

LITTER PICKUP

Mr. Kolb recognized Greenthumb, LLC and HAC Construction for the good job they are doing picking up the litter on the roads.

SPEARHEAD TRAILS

Mr. Kolb reported that Spearhead Trails mentioned they would prefer to have Dr. Allred on the Southwest Region Recreational Authority and Harold Jerrell on the Spearhead Trailblazers Board.

It was moved by Mr. Kolb, seconded by Mr. Mosley, switch those two appointments. Upon the question being put the vote was as follows.

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

HOPE HOUSE

Mr. Kolb stated that the Board did not take any action on the Hope House request last month.

Mr. Poe added that the request for Pro-Art was for a grant and is due April 1.

It was moved by Mr. Kolb, seconded by Mr. Smith, to apply for the Creative Communities Partnership Grant with a \$2,500.00 local match for Pro-Art. 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. Kolb, seconded by Mr. Mosley, to approve \$2,500.00 for the Hope House. Upon the question being put the vote was as follows.

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

AIRPORT SPRAYING

Mr. Kolb asked the status of the Airport Spraying.

Mr. Poe stated that the Airport Spraying and Asbestos Abatement bids would be done this week.

FRONT DOOR

Mr. Kolb asked about the front door.

Mr. Poe stated he has not had a chance to follow up.

It was moved by Mr. Kolb, seconded by Mr. Smith, to have the front door completed by the end of May. Upon the question being put the vote was as follows.

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

COVID FUNDS

Mr. Kolb asked if there were any unspent COVID funds.

Mr. Poe stated that he did not receive anything from Blackwater, Jasper and Dryden Fire Departments.

Mr. Kolb asked about the Town of Pennington Gap and Town of Jonesville and stated there needs to be a cutoff.

Mr. Poe stated that the money is committed but he has not received all of the drawdowns.

Mr. Kolb asked that a breakdown of remaining funds be provided for the next Board Meeting.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Leonard, 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.5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, 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, 2.23711 A.8, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter and 2.2-3711 A.29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the

bargaining position or negotiating strategy of the public body. Upon the question being put the vote was as follows.

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

Mr. Slemph left the meeting at 9:38 p.m.

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

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

EDA REQUEST FOR ECONOMIC DEVELOPMENT FUNDS

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the Economic Development Authority’s request for \$30,000.00 for the acquisition of property. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

PROPOSED ABANDONMENT OF TWO STREETS

It was moved by Mr. Mosley, seconded by Mr. Smith, to adopt Resolution 21-009. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Mosley, Mr. Smith

VOTING NO: Mr. Kolb, Mr. Leonard

**RESOLUTION
ABANDONMENT OF STREETS IN RICHMOND HEIGHTS SUBDIVISION
21-009**

WHEREAS, public notice was posted as prescribed under §33.2-916, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the streets described below which is not part of the Primary or Secondary State Highway System; and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of a portion of Cedar Street beginning at State Route 864 (Bus Shop Rd) and running northerly approximately 440 feet to its intersection with Sinking Springs Drive and Valley Street beginning at Cedar Street and running westerly approximately 680 feet to Oak Street as shown on a plat of the Richmond Heights Subdivision dated July 22, 1967 and recorded in the Lee County Circuit Court Clerk's Office Plat Cabinet AA, Slide 18, and lying in the Jonesville Magisterial District of Lee County, Virginia adjacent to the eastern border of the Town of Jonesville;

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above described portion of streets for public use, pursuant to Section 33.2-915, Code of Virginia.

BE IT FURTHER RESOLVED, that title to the abandoned right-of-way is hereby transferred to the adjoining landowners each to the center of the right-of-way adjoining their property.

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. Smith

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD