

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 May 18, 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

Dane Poe, County Administrator, 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 HEARING

The Lee County Board of Supervisors held a Public Hearing on May 18, 2021 at 5:30 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. Earl and Ruth Kinsler have applied for a Special Use Permit to allow a doublewide manufactured home in a V-C, Village Commercial District. The property is located on the west side of US

Highway 23 approximately 3.80 miles south of the Wise County Line in the Jasper Community. The property consists of approximately 2.08 acres of land (Tax Parcel 28-(A)-16B).

Richard Johnson, Community Development Director, stated that his office did not receive any opposition on this request and that the Planning Commission voted to recommend approval.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor for public comment.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve the Special Use Permit for Earl and Ruth Kinsler. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

Written departmental reports for Transfer Station and Litter Control were included in the packet.

Mr. Kolb stated that the Transfer Station's report stated that there were internet issues at Blackwater Fire Department and he would like for Mr. Poe to send a letter stating that if the issue is not fixed the County would get another provider.

Mr. Poe stated that the provider has been out a few times and fixed the issue but it keeps going out.

It was moved by Mr. Kolb, seconded by Mr. Leonard, that the County Administrator draft a letter to the broadband company this week. Upon the question being put the vote was as follows.

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

LITTER CONTROL

Brooke Fee, Litter Control Coordinator, presented the Board with a list of citations that have been issued and gave the presentation that she will be doing in the schools next school year.

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. 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. Slemph, to exit Closed Session. Upon the question being put the vote was as follows.

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

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 5,477,406.00
Expenditures	\$ 6,470,187.09
General Fund	\$ 7,230,737.00
Total Assets and Liabilities	\$11,084,041.44

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 April 20, 2021 Regular Meeting and May 5, 2021. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

**ROGER ELKINS AND SHAWN MORRIS
DANIEL BOONE SOIL AND WATER CONSERVATION
YEARLY UPDATE**

Roger Elkins gave a yearly update on the Daniel Boone Soil and Water Conservation projects adding that there has been 76,848 feet of new pipe line and 168,710 feet of new fencing installed this year with 29 contracts that total \$1,507,703.34 to be paid out by the end of the fiscal year.

**DONALD PURDIE
APPALACHIA COUNCIL FOR INNOVATION
STARLINK WIRELESS BROADBAND PROJECT**

Donald Purdie, President of the Appalachian Council for Innovation, addressed the Board about a Starlink wireless broadband project that could provide 60 residential accounts to those with school children now without any broadband services. The cost for hardware and two-year service would be around \$200,000.00 and could be ready to launch in early 2022.

Mr. Kolb asked if the County would get to pick the location of the cells.

Mr. Purdie stated that there are 4 cell locations and the County could choose which of the four to use.

**CHRISTOPHER D. LLOYD
RICHARDSON AMBULANCE SERVICE, LLC
EMS OPERATING AUTHORITY**

Christopher Lloyd, Chief Executive Officer, addressed the Board to request that Richardson Ambulance Service be given permission to do non-ambulatory transports within the County.

It was consensus of the Board to table action on this matter to determine if a Resolution is needed.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith , to approve the disbursements for the month of May in the amount of \$305,330.19. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

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 \$2,050.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplement from Reserve	\$	2,050.00

Expenditure:			
4-001-11010-5895	COVID-19 Stimulus Grant	\$	2,050.00

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

BOARD OF SUPERVISORS

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the following Supplemental Appropriation in the amount of \$23,074.02. Upon the question being put the vote was as follows.

Revenue Source:
3-001-22010-0029 CRF Municipal Utility Relief \$ 23,074.02

Expenditure:
4-001-11010-5880 CRF Municipal Utility Pass Thru \$ 23,074.02

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

DEPARTMENT OF SOCIAL SERVICES

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the following Supplemental Appropriation in the amount of \$24,000.00. Upon the question being put the vote was as follows.

Revenue Source:
3-002-24010-0005 State & Federal Funding \$ 24,000.00

Expenditure:
4-002-53100-0004 Auxiliary Grants \$ 6,000.00
4-002-53100-0012 Adoption Subsidy \$ 6,000.00
4-002-53100-0024 Fostering Futures Foster Care \$ 12,000.00

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

NEW BUSINESS

BOARD APPOINTMENTS

EMERGENCY SERVICES COORDINATOR

It was moved by Mr. Kolb, seconded by Mr. Leonard, to re-appoint Billie Kay Coleman to a two year term as the Emergency Services Coordinator. Ms. Coleman's term will expire May 31, 2023. Upon the question being put the vote was as follows.

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

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Kolb, seconded by Mr. Leonard, to appoint Kristi Flanary to a four year term on the Lonesome Pine Office On Youth Advisory Board. Ms. Flanary's term will expire May 31, 2025. Upon the question being put the vote was as follows.

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

THE FIELDS PHASE II WATER PROJECT ADMINISTRATIVE AGREEMENT

Mr. Poe presented the Board with a proposed agreement with the LENOWISCO Planning District Commission for project administration services related to an Appalachian Regional Commission grant for Phase II of the Fields Waterline project in Ewing. The Planning District Commission will provide all grant administration services required by the Department of Housing & Community Development for the ARC grant for a fee not to exceed \$20,092.00. These costs are reimbursable from the project grant funds.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the Administrative Agreement for The Fields Waterline Replacement Project. Upon the question being put the vote was as follows.

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

THE FIELDS PHASE II WATER PROJECT INTERAGENCY AGREEMENT

Mr. Poe presented the Board with a copy of the proposed agreement with the Lee County Public Service Authority for project construction related to an Appalachian Regional Commission grant for Phase II of the Fields Waterline project for Ewing. The agreement provides for the County to serve as the recipient and pass-through agency for ARC grant funds for the stated project. It also provides for the PSA to construct and maintain the project as owner of the system.

It was moved by Mr. Smith, seconded by Mr. Kolb, to approve the Interagency Agreement for The Fields Waterline Replacement Project. Upon the question being put the vote was as follows.

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

ANNUAL LANDFILL GROUNDWATER AND GAS MONITORING TASK ORDERS

Mr. Poe presented the Board with The Lane Group's proposed Task Orders number 21-01 and 21-02 for compiling and submitting the required annual groundwater and gas monitoring reports to the Virginia Department of Environmental Quality.

Task Order Number 21-01 includes the annual groundwater report and a response and plan to address an exceedance of Cobalt in the 2020 sampling cycle. The estimated budgets are \$12,750.00 for Task I and \$6,000.00 for Task II for a total estimated budget of \$18,750.00.

Task Order Number 21-02 is for compiling and submitting the annual gas monitoring report and has an estimated budget of \$5,750.00.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the Lane Group's Task Order 21-010 in the amount of \$18,750.00 and Task Order 21-02 in the amount of \$5,700.00. Upon the question being put the vote was as follows.

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

TOWN OF PENNINGTON GAP REQUEST FOR LITTER PICKUP

The Town of Pennington Gap submitted a request that the roads inside of town limits be included in the County's litter clean-up contract, specifically Route 421 and Alternate Highway 58.

Mr. Mosley stated that this the is Town of Pennington Gap's responsibility.

JONESVILLE WOMAN'S CLUB FUNDING REQUEST

The Jonesville Woman’s Club submitted a request for funding due to the inability to have fund raisers in 2020 because of the COVID pandemic.

Mr. Kolb asked how much was given to Pennington Woman’s Club.

Mr. Poe stated he did not have that amount.

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

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

CONVENIENCE CENTER POSITIONS

Mr. Poe stated that three employees have worked as floaters at the Convenience Centers but all three have been working at assigned centers for several months due to vacancies at those sites. He requested that those employees be designated to the centers they are currently working.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to transfer Bobby Young, Johnny Cope and Jerry Burke from convenience center floaters to Convenience Center Operators at Sugar Run, Flatwoods and Woodway Convenience Centers, respectively effective immediately. Upon the question being put the vote was as follows.

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

OLD CEMETERY

Mr. Poe reported that there is an old potter's cemetery left of the entrance of the Transfer Station property that the employees maintain and they would like to level the ground to make it easier to mow. He added that the Historical Society has been doing field research at the cemetery and they would like to plot the gravesites and possibly place markers while the leveling work is being done.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to fill in the indentions of the grave sites only. Upon the question being put the vote was as follows.

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

FACE COVERING REQUIREMENTS

Mr. Poe stated that the Governor announced new guidelines in keeping with the Center for Disease Control face covering recommendations. The Board previously adopted a policy to require masks to enter the Courthouse and the Board may want to amend that policy.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to allow the mask requirement to expire May 28, 2021. 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

SECONDARY SIX-YEAR PLAN

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the Secondary Six-Year Plan and Construction Budget as presented. Upon the question being put the vote was as follows.

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

AIRPORT FUEL

Mr. Kolb stated that the Airport Authority voted to recommend a discount on fuel prices for anyone that purchased over 500 gallons of fuel per month.

AMERICAN RESCUE FUNDING

Mr. Kolb stated that he would like to put Richard Johnson in charge of overseeing the American Rescue Funds that will be coming to the County.

Mr. Poe stated that the funding is not coming directly from the Federal Government and the State could also put regulations on how the funding is spent.

It was moved by Mr. Kolb, seconded by Mr. Slempp, to make Richard Johnson the contact for the American Rescue Funding and for him to help develop a plan on spending. Upon the question being put the vote was as follows.

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

COUNTY CODE FINES

Mr. Kolb asked if the amount of income on County Code fines had been determined.

Mr. Poe stated he would need to get with the Accounting Department on that.

DONATED PROPERTY DEEDS

Mr. Kolb asked about the deed for the property donated to the County.

Ms. Munsey stated that she had been in contact with the Attorney's office to give them instructions on how to fill out the paperwork.

ASBESTOS REMOVAL

Mr. Kolb asked about the status of the Asbestos removal.

Mr. Poe reported that the contract has been awarded and he is waiting on the company to schedule removal.

RECODIFICATION

Mr. Kolb asked about the status of the Recodification.

Mr. Poe stated he has the contract and just needs to sign and return it.

INTERNET IN THE COURTROOM

Mr. Kolb asked about the status of the internet in the courtroom.

Mr. Poe stated that the drop has been installed, the router has been received and the IT department needs to set it up.

DEPARTMENT REPORTS

Mr. Mosley stated he would like to receive a monthly report on the Works Program.

INTERVIEWS

Mr. Mosley stated that he would like for Department Heads to review applications and give the Board recommendations on the individuals prior to the Board selecting candidates for interviews.

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.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.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.

Prior to the vote, Mr. Kolb withdrew his motion.

It was moved by Mr. Mosley, seconded by Mr. Slemph, to recess to May 20, 2021 at 5:00 p.m. 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