

**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 July 20, 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

OTHERS ABSENT: Stacy Munsey, County Attorney

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**INVOCATION**

Dane Poe, County Administrator, led in 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 5:38 p.m.

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**PUBLIC HEARINGS**

**PROPOSED DISPOSITION OF REAL PROPERTY**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, July 20, 2021 at 5:30 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 disposition of the following properties:

- Tax Parcel 22-(A)-127
- Tax Parcel 22-(A)-124
- Tax Parcel 22-(A)-250B
- Tax Parcel 22-(A)-250C
- Tax Parcel 22A-(1)-39
- Tax Parcel 23-(1)-1F
- Tax Parcel NM-13489

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The Chairman opened the floor for public comment.  
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There was no public comment.  
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The Chairman closed the floor for public comment.  
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It was moved by Mr. Kolb, seconded by Mr. Smith, to discuss this matter in closed session. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith  
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Prior to the question being put to vote, Mr. Smith asked where these properties are located.  
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Mr. Poe stated that they are mostly in the Stone Creek and Penn Lee areas; the location of the tax parcel NM is not known.  
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**PROPOSED ORDINANCE TO LEVY MEALS AND BEVERAGE TAX**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, July 20 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 Ordinance to levy a tax on food and beverages sold for human consumption, by

a restaurant, as such term is defined in § [35.1-1](#), of five percent (5%) of the amount charged for such food and beverages. The ordinance has been proposed to formally adopt previous action to levy the tax and contains additional provisions for the retention of one-quarter of one percent of the proceeds of the tax by the reporting business entity. This tax will not apply to businesses located within the corporate limits of any town that has adopted a similar tax.

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The Chairman opened the floor for public comment.

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Bryan Hogan asked if this tax would include delis such as the one at Wal-Mart.

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Mr. Poe stated that the tax is on any prepared food.

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Mr. Hogan asked if the revenue is going to a specific line item or if it will go to the General Fund.

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Mr. Poe stated it would go into the General Fund.

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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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Mr. Poe stated that the meals tax is already in place; this will put it in ordinance form and allows vendors to retain 5% of the amount collected.

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It was moved by Mr. Mosley, seconded by Mr. Slemph, to approve the following Ordinance to levy a meals and beverage tax. Upon the question being put the vote was as follows.

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

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**ORDINANCE TO LEVY A MEALS AND BEVERAGE TAX  
IN LEE COUNTY**

**Chapter 15**

**TAXATION**

**ARTICLE X. MISCELLANEOUS TAXES**

**WHEREAS**, Section 58.1-3833 of the Code of Virginia, 1950, as amended, provides that any county is authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in § [35.1-1](#), not to exceed six percent of the amount charged for such food and beverages; and

**WHEREAS**, on July 1, 2020, the Lee County Board of Supervisors levied a food and beverage tax of five percent (5%) to be effective August 1, 2020; and

**WHEREAS**, on March 16, 2021, the Lee County Board of Supervisors approved an amendment to the food and beverage tax to allow vendors to retain five percent (5%) of the amount of tax collected; and

**WHEREAS**, the Lee County Board of Supervisors wishes to formalize these actions in an ordinance;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Lee County Board of Supervisors that the following section of the Code of Lee County be amended as follows:

**Sec. 15-130. Food and Beverage Tax**

- (a) There is hereby levied a five percent (5%) tax on food and beverages sold, for human consumption, by any restaurant, as such term is defined in § [35.1-1](#), within the boundaries of Lee County.
- (b) Such tax shall not be levied on food and beverages sold through vending machines or by
  - (i) boardinghouses that do not accommodate transients;
  - (ii) cafeterias operated by industrial plants for employees only;
  - (iii) restaurants to their employees as part of their compensation when no charge is made to the employee;
  - (iv) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts

from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools or institutions of higher education to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees; or (xi) sellers at local farmers markets and roadside stands, when such sellers' annual income from such sales does not exceed \$2,500. For the exemption described in clause (xi), the sellers' annual income shall include income from sales at all local farmers markets and roadside stands, not just those sales occurring in the locality imposing the tax. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

- (c) Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.
- (d) The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § [4.1-100](#) and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ [58.1-600](#) et seq.). Collection of such tax shall be in a manner prescribed by the governing body.
- (e) The tax shall be collected by the vendor of food and beverages subject to the tax and shall be remitted to the Commissioner of the Revenue, along with any form(s) required by said Commissioner of the Revenue. Taxes will be remitted monthly and will be due and payable no later than the 20<sup>th</sup> day of the month following.
- (f) Vendors remitting the food and beverage tax will be allowed to retain .25% of the tax, or five percent (5%) of the total tax collected.
- (g) The tax imposed pursuant to this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town food and beverage tax.

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**PROPOSED ORDINANCE TO PLACE LEVIES UPON CERTAIN EQUIPMENT  
AND ENABLING SOFTWARE IN A DATA CENTER**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, July 20 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 Ordinance to place a levy of \$0.24 on each \$100.00 of assessed value of computer equipment or enabling software used in a data center meeting the requirements of section 58.1-609.3.18 of the Code of Virginia. This levy shall be in lieu of any other personal property tax on such property.

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The Chairman opened the floor for public comment.

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There was no public comment.

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The Chairman closed the floor for public comment.

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It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the proposed Ordinance to place levies upon certain equipment and enabling software in a data center. Upon the question being put the vote was as follows.

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

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**AN ORDINANCE PLACING LEVIES  
UPON CERTAIN EQUIPMENT AND  
ENABLING SOFTWARE IN A DATA CENTER  
Ordinance No. 21-00**

**WHEREAS**, the Lee County Board of Supervisors wishes to encourage and attract new businesses, jobs and economic development opportunity in the County, and

**WHEREAS**, the Board considers one or more data centers to be stable, well-paying employers, and

**WHEREAS**, the Board is aware that data centers require very large capital outlays to begin, expand and maintain operations, and

**WHEREAS**, the Board believes it to be in the best interest of the County to offer an attractive local personal property tax rate to data center operations in order to encourage location of data centers in the County, and

**WHEREAS**, data center equipment has been exempted from state and local sales and use tax by the General Assembly in Code Section 58.1-609.3.18 to spur economic development, and

**WHEREAS**, as a member of the Lonesome Pine Regional Industrial Facility Authority, the County wishes to participate in an effort to establish a uniform tax rate for data center equipment to further the joint interests of the Authority,

**NOW, THEREFORE BE IT ORDAINED AND ENACTED**

1. Chapter 15, Article I of the County Code is hereby amended by the adoption of the following (previously reserved) section:

**Sec. 15-5 – Special Provisions for Certain Equipment and Enabling Software Used in a Data Center.**

There is hereby levied a tax of \$0.24 on each \$100.00 of assessed value of computer equipment or enabling software used in a data center meeting the requirements of section 58.1-609.3.18 of the Code of Virginia. This levy shall be in lieu of any other personal property tax on such property.

2. All other assessments, taxes and fees imposed by the County of Lee shall remain in full force and effect.
3. This ordinance shall be effective immediately upon adoption.

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**DEPARTMENT REPORTS**

Written departmental reports for Building Inspection and Extension Office were included in the packet.

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**CONSTITUTIONAL OFFICERS**

**TREASURER’S REPORT**

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

Revenues	\$ 10,260,504.48
Expenditures	\$ 6,727,489.12
General Fund	\$ 8,409,147.10
Total Assets and Liabilities	\$ 14,639,755.14

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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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There was no public comment.

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The Chairman closed the floor for public comment.

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**APPROVAL OF MINUTES**

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the minutes of the June 15, 2021 Regular Meeting, June 17, 2021 Recessed Meeting, June 23, 2021 Recessed Meeting and June 28, 2021 Recessed Meeting. Upon the question being put the vote was as follows.

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

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**PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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**DELEGATIONS**

**BRYAN HOGAN**

**AXE HANDLE DISTILLERY  
TOURISM**

Bryan Hogan, Axe Handle Distillery, addressed the Board about the importance of Tourism for the County, using the recent growth of the Town of Big Stone Gap as an example of what advertising could do for the local economy. He suggested that conducting Tourism Committee meetings again and taking a regional approach for tourism could provide better results. He added that Lee County has some great assets to market such as: White Rocks, Sand Cave, Cave Springs, Wilderness Road State Park and Spearhead Trails.

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Joe Morton, Economic Development Director for Heart of Appalachia Tourism Authority, stated that the Heart of Appalachia’s purpose is to market tourism assets and provide support for businesses in the Western Part of the State. Marketing is currently being done through brochures, websites, apps and local and national television spots. The Authority was able to provide a \$10,000.00 grant this year to local counties to assist in tourism marketing, and is available to assist the County to promote tourism.

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**CODY WOLFORD  
AIRPORT AUTHORITY  
AIRPORT JET FUEL**

Cody Wolford was unable to attend the meeting. Judy Williams addressed the Board about the upcoming Fly-in event at the Airport on July 24, 2021 and invited the Board to attend.

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**APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the disbursements for the month of July in the amount of \$761,015.50. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

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**SUPPLEMENTAL APPROPRIATIONS**

**SHERIFF'S DEPARTMENT**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Prior Year Supplemental Appropriation in the amount of \$13,456.25. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-23020-0001                      State Compensation Board                      \$    13,456.25

Expenditure:  
4-001-31200-1140                      Salaries                      \$    12,500.00  
4-001-31200-2100                      FICA (Employers Share)                      \$        956.25

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

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**VRS / SGL**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Prior Year Supplemental Appropriation in the amount of \$7,099.34. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-19020-0002    VRS-Social Services Contributions                      \$    7,099.34

Expenditure:  
4-001-91100-2210    DSS-VRS Contributions                      \$    7,099.34

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

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**GENERAL EXPENSES**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Prior Year Supplemental Appropriation in the amount of \$10.93. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-41050-0099    Budget Supplements from Reserve                      \$        10.93

Expenditure:  
4-001-91500-5840    Disbursements General Expenses                      \$        10.93

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

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**HEAD START**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Prior Year Supplemental Appropriation in the amount of \$158,223.20. Upon the question being put the vote was as follows.

Revenue Source:  
3-024-33020-0024                      Head Start Funds                      \$    158,223.20

Expenditure:  
4-024-62170-5860                      Disbursements Head Start                      \$    158,223.20

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

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**COAL ROAD & SEVERANCE FUND**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Prior Year Supplemental Appropriation in the amount of \$216.80. Upon the question being put the vote was as follows.

Revenue Source:  
3-027-12130-0001                      Coal Severance Taxes                      \$            216.80

Expenditure:  
4-027-95100-5860                      Coal Road Tax Disbursements                      \$            216.80

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

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**LEE COUNTY WATER PROJECTS**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Prior Year Supplemental Appropriation in the amount of \$7,613.50. Upon the question being put the vote was as follows.

Revenue Source:  
3-055-15025-0001                      ARC Giles Hollow                      \$            2,500.00  
3-055-15025-0002                      CDBG Giles Hollow                      \$            5,113.50

Expenditure:			
4-055-94500-3140	Giles Hollow Enviro. Review ARC	\$	2,500.00
4-055-15025-3160	Giles Hollow Administration	\$	5,113.50

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

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**LEE COUNTY WATER PROJECTS**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Prior Year Supplemental Appropriation in the amount of \$24,082.37. Upon the question being put the vote was as follows.

Revenue Source:			
3-055-15020-0002	ARC Frog Level	\$	3,540.29
3-055-15020-0003	CDBG Frog Level	\$	20,542.08

Expenditure:			
4-055-94700-8210	Frog Level Expenditures CDBG	\$	3,540.29
4-055-94700-8212	Frog Level Expenditures ARC	\$	20,542.08

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

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**LEE COUNTY WATER PROJECTS**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve the following Prior Year Supplemental Appropriation in the amount of \$2,507.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-055-17030-0001	The Fields WL CDBG	\$	2,507.00

Expenditure:			
4-055-94800-3140	Administration	\$	2,507.00

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

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**LONESOME PINE OFFICE ON YOUTH**

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

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

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**AIRPORT AUTHORITY**

It was moved by Mr. Leonard, seconded by Mr. Kolb, to re-appoint Jason Spears to a four-year term on the Airport Authority. Mr. Spears' term will expire July 31, 2025. Upon the question being put the vote was as follows.

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

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**AIRPORT AUTHORITY**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to re-appoint Charles Culbertson to a four-year term on the Airport Authority. Mr. Culbertson's term will expire July 31, 2025. Upon the question being put the vote was as follows.

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

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**ECONOMIC DEVELOPMENT AUTHORITY**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to re-appoint Ray Blair to a four-year term on the Economic Development Authority. Mr. Blair's term will expire July 31, 2025. Upon the question being put the vote was as follows.

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

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**ECONOMIC DEVELOPMENT AUTHORITY**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to re-appoint A.J. Hatmaker to a four-year term on the Economic Development Authority. Mr. Hatmaker's term will expire July 31, 2025. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

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**WOODWAY WATER AUTHORITY**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to appoint Mike Mooney to a four-year term on the Woodway Water Authority. Mr. Mooney's term will expire July 31, 2025. Upon the question being put the vote was as follows.

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

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**SOUTHWEST VIRGINIA 911 STANDARDS COMMITTEE**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to re-appoint Dane Poe to a two-year term on the Southwest Virginia 911 Standards Committee. Mr. Poe's term will expire July 31, 2023. Upon the question being put the vote was as follows.

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

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**SOUTHWEST VIRGINIA 911 STANDARDS COMMITTEE**

It was moved by Mr. Kolb, seconded by Mr. Smith, to re-appoint Billie Kay Coleman to a two-year term on the Southwest Virginia 911 Standards Committee. Ms. Coleman's term will expire July 31, 2023. Upon the question being put the vote was as follows.

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

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**SOUTHWEST VIRGINIA 911 STANDARDS COMMITTEE**

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

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

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**ARC GRANT AGREEMENT FOR THE FIELDS WATERLINE PHASE II**

Mr. Poe presented the Board with the Appalachian Regional Commission Grant Agreement for a total of \$218,027.00 for the Fields Waterline Phase II project to be administered by the Lee County Public Service Authority.

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It was moved by Mr. Smith, seconded by Mr. Leonard, to approve the Appalachian Regional Commission Grant Agreement for a total of \$218,027.00 for the Fields Waterline Phase II project. Upon the question being put the vote was as follows.

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

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**TITLE I GRANT AGREEMENT / FISCAL AGENT DESIGNATION FOR LOCAL WORKFORCE DEVELOPMENT AREA**

Mr. Poe stated that the Local Workforce Development Area, for which Lee County serves as the grant recipient and fiscal agent, has been awarded the Workforce Innovation and Opportunity Act Title I Grant Award. These grant funds pass directly from the Virginia Community College System to the Southwest Virginia Workforce Development Board to implement programs and services related to workforce development in the Lenowisco and Cumberland Plateau Planning Districts regions.

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It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the Title I Grant Agreement and Fiscal Agent Designation for Local Workforce Development Area. Upon the question being put the vote was as follows.

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

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**WORKFORCE DEVELOPMENT AREA RETURN TO EARN INITIATIVE GRANT AWARD**

Mr. Poe stated that the Southwest Virginia Workforce Development received a grant in the amount of \$51,047.00 for the Return to Earn Initiative to help Virginians transition back to work after the COVID-19 pandemic. A motion to approve receipt of

the grant will allow the Southwest Virginia Workforce Development Board to receive the funds and implement the program.

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It was moved by Mr. Kolb, seconded by Mr. Slemph, to approve receipt of the Return to Earn Initiative Grant in the amount of \$51,047.00 . Upon the question being put the vote was as follows.

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

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**VIRGINIA EMPLOYMENT COMMISSION DATA SHARING AGREEMENT**

Mr. Poe reported that the Data Sharing Agreement between Virginia Employment Commission and Workforce Development allows access to VEC's confidential unemployment compensation data for determining eligibility for services and case management.

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It was moved by Mr. Smith, seconded by Mr. Leonard, to approve the Virginia Employment Commission Data Sharing Agreement. Upon the question being put the vote was as follows.

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

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**MEOC WALKATHON SPONSORSHIP REQUEST**

Mountain Empire Older Citizens is holding the annual walkathon for the MEOC Emergency Fuel Fund on August 29, 2021 and they are requesting sponsorship in the amount of \$5,000.00.

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to sponsor the MEOC Walkathon with a \$5,000.00 donation. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

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**SHERIFF’S DEPARTMENT REQUEST FOR CONSIDERATION**

Gary Parsons, Sheriff, is requesting the Board’s consideration in paying the Sheriff’s Department Office employees hazard pay for the conditions they have been forced to work under during the Pandemic. The Sheriff is also requesting the Board to budget enough money into Courthouse Security to pay for door security for the next two years.

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It was moved by Mr. Leonard, seconded by Mr. Mosley, to discuss this matter in closed session. Upon the question being put the vote was as follows.

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

**VDOT PROJECT PIPELINE STUDY**

Mr. Poe reported that the Virginia Department of Transportation is starting a new traffic flow corridor program, and a corridor in Lee County has been selected for this years study. The selected corridor runs from Sugar Run Road on Highway 58A to Cecil Street in West Pennington Gap. In the past five years there have been 66 accidents with 2 fatalities and this study could provide possible ways to deal with traffic flow and issues along that corridor.

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It was the consensus of the Board to move forward with the corridor project.

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**COMMUNITY DEVELOPMENT COPIER**

Mr. Poe reported that quotes for a new copier for the Community Development and Building Inspection Office were received as follows:

Tri-City Business Machine  
Konica Minolta BizHub c300i \$5,243.00

Johnco  
Kyocera Taskalfa 3253ci \$4,495.00

The quoted maintenance agreements were similar in price.

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It was moved by Mr. Smith, seconded by Mr. Mosley, to purchase the copier from Johnco in the amount of \$4,495.00. Upon the question being put the vote was as follows.

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

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### **CRUISER UPDATE**

Mr. Poe reported that the Sheriff's Office cruisers that were supposed to be delivered in July have now been rescheduled for September due to a computer chip shortage. Given the delays in the 2021 model deliveries, Mr. Poe would like to advertise for the 2022 models in hopes that the County would have delivery before the end of the current fiscal year. He asked if the Board wanted to solicit bids for SUV's or all wheel drive cars.

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Mr. Leonard suggested bidding both models.

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It was the consensus of the Board to take bids for both SUV and all wheel drive models.

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### **RADIO TOWERS**

Mr. Poe reported that due to recent storms in the Western end of the County, the radio tower has had two repeaters struck by lightning. The amount of damage to the repeaters is unknown until the repeaters are taken apart and repairs begin, and there is no way to know if a repair can be done until work begins; therefore, it was recommended to replace rather than try to repair. The cost of a new repeater would be approximately \$15,480.00 each and an insurance claim would be filed for the damages. He added that right now there is two to four weeks wait time on delivery on the units.

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It was moved by Mr. Mosley, seconded by Mr. Smith, to purchase two new repeaters for the radio tower in the Western end of the County in the amount of \$30,960.00. Upon the question being put the vote was as follows.

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

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### **COURTHOUSE LIGHTING**

Mr. Poe stated that the Board had discussed using County employees to change the lighting in the Courthouse from fluorescent to LED units. The estimated cost would be about \$80.00 per light, not including the bulbs, with approximately 135 fixtures needing replaced. All of the changes would not need to be made at once and could be done 20 or 30 fixtures at a time.

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Mr. Kolb recommended selling the old fixtures as surplus.

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It was moved by Mr. Leonard, seconded by Mr. Mosley, to start replacing the light fixtures in the Courthouse. Upon the question being put the vote was as follows.

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

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### **VARIOUS UPDATES**

Mr. Poe reported that the Recodification data has been gathered and will be submitted to the vendor soon and demolition of the old Extension Office is scheduled to start the week of August 2. He stated that at the last meeting there were questions about the Regional Jail inmates that are on home monitoring, and they are not included in the Regional Jail costs; there was also a question on what agency provides the funding for State responsible inmates, and that comes through the Compensation Board. He added that the Western Lee Sewer project meeting will be on Thursday July 29 at Wilderness Road State Park to give property owners an opportunity to meet with engineers and learn more about the project.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**JONESVILLE FIRE DEPARTMENT REQUEST**

Mr. Kolb stated that Jonesville Fire Department is in need of a place to store equipment used for the Fourth of July fireworks.

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Chester Langley, Jonesville Fire Department, stated that the Fire Department would like to use one of the old recycling buildings for storage of the fireworks equipment.

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It was moved by Mr. Kolb, seconded by Mr. Leonard, to allow Jonesville Fire Department to use one of the old recycling buildings for storage of fireworks equipment. Upon the question being put the vote was as follows.

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

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**EDA JOINT MEETING**

Mr. Kolb asked the status of the joint meeting with the Economic Development Authority.

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Mr. Poe stated that he would have Richard poll the EDA Board for possible meeting times.

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**SOUTHWEST VIRGINIA 911 STANDARDS COMMITTEE**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to appoint Mike Twigg to a two year term on the Southwest Virginia 911 Standards Committee. Mr. Twigg's term will expire July 31, 2023. Upon the question being put the vote was as follows.

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

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**LONESOME PINE OFFICE ON YOUTH**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to appoint Abigail Grout to a one year term on the Lonesome Pine Office on Youth. Ms. Grout's term will expire June 30, 2022. Upon the question being put the vote was as follows.

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

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### **MARCUM TRANSPORTATION**

Mr. Mosley stated that he would like for Mr. Poe to talk to Wayne Marcum about putting a tarp over the trailers before hauling the trash to Bristol.

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Mr. Poe stated that mesh tarps are used and the contract does not specify what type of tarp is required.

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Mr. Mosley stated that he followed one of the trucks and trash was blowing out of the back, littering the sides of the road.

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### **CLOSED SESSION**

It was moved by Mr. Kolb 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, and 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.

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Prior to a second to the motion, Chester Langley requested to address the Board about Jonesville Rescue Squad's call volume increasing since the suspension of Pennington Gap Rescue Squad. He asked the Board to consider giving Jonesville Rescue Squad additional County funds to help cover the extra expense.

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Mr. Leonard asked if the opening of Lee County Community Hospital helped cut cost.

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Mr. Langley stated that it did however covering the Pennington Gap Rescue Squad has created additional expenses.

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Mr. Poe stated he has information on this to share in closed session.

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### **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, and 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. Upon the question being put the vote was as follows.

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

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Mr. Slemp left the meeting at 8:30 p.m.

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### **CERTIFICATE OF CLOSED SESSION**

**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.

Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

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

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

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD