

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 February 15, 2022 at 5:30 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: Stacy Munsey, County Attorney

INVOCATION

Shane Carr, Pastor of Christian Life Fellowship Church of Jonesville, 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 5:32 p.m.

DEPARTMENTAL REPORTS

Written departmental reports for Animal Control, Litter Control, Solid Waste, and the Works Program were included in the packet.

LITTER CONTROL

Brooke Fee, Litter Control Coordinator, addressed the Board about SCOP training, the need for a communication radio in her vehicle, and the possibility of being able to serve her own summons again.

Mr. Kolb stated that some of that would need to be taken up in closed session.

Ms. Fee presented the Board with an anti-litter design that could be used as a vehicle wrap on two of the trash trucks. She stated that the wraps would be printed and installed by the same company at a cost of \$1,900.00 per wrap. She also asked the Board’s permission to take male inmates to clean up the illegal dump sites, and invited the Board to participate in the spring cleanup on March 19, 2022.

OLD SCHOOL BOARD BUILDING

Mr. Kolb stated that the old School Board Building demolition was not on the upcoming projects list on the Solid Waste report and asked the status of the demolition.

Mr. Poe stated that he did not recall a deadline being set for this project.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to have the Transfer Station begin demolition by the end of April. Upon the question being put the vote was as follows.

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

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 January 11, 2022 Recessed Meeting, January 18, 2022 Annual Meeting, January 27, 2022 Recessed Meeting and February 3, 2022 Recessed Meeting. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the disbursements for the month of February, in the amount of \$169,990.65. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

DELEGATIONS

**RUSSELL SAWMILL
LAURA YOUNG
VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION**

Laura Young stated that she manages The Cedars Natural Area Preserve, which is a state natural area preserve that is scattered throughout Jonesville. This preserve is here to protect federally listed threatened and endangered species. There is an EPA Brownfields project going on near The Cedars on the property formerly used by Russell Sawmill. There will be some equipment moving in and out of the area and she wanted to make the Board aware of the work.

Mr. Kolb stated that it sounds like the project is already a done deal and asked what input the public would have at the local meetings that have been held.

Ms. Young stated that the meetings are a requirement of the grant stipulations and there is not any specific information to be obtained. This property will be going into an open space easement as is the rest of The Cedars. There are some options that would be looked at in the future for public use, but that is beyond the scope of this project at this time.

Ronald Lambert, The Nature Conservancy, stated that the public meetings give the community an opportunity to come out and ask questions about The Cedars Natural Preserve as well as plans for the future. As part of The Nature Conservancy agreement with the Department of Conservation and Recreation, the property will be transferred as part of The Cedars Natural Preserve.

Mr. Leonard asked if transferring the property was part of the grant.

Mr. Lambert stated that the grant is to make sure the property is cleaned up and returned to its natural state.

Mr. Kolb asked how the County is supposed to replace the tax revenue that will be lost on the property.

Mr. Lambert stated that he does not know about that, but he could try to find out.

LETTER OF SUPPORT

DAVID LEDFORD
APPALACHIAN WILDLIFE FEDERATION

David Ledford, CEO Appalachian Wildlife Federation, stated that he came before the Board in 2016 for a letter of support for the Appalachian Wildlife Federation and since that time the project has grown enormously and has been rebranded as Boone's Ridge. This will be a major tourist attraction with current projections that the center could host over 1,000,000 paid attendees within 5 years of opening. They have greatly expanded the scope of the project, thus broadening the appeal. They are also developing a very aggressive marketing and advertising program that is being developed by one of the top firms in the United States.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the request for a letter of support for Boone's Ridge. Upon the question being put the vote was as follows.

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

**REQUEST TO PROVIDE EMERGENCY MEDICAL SERVICE
TRANSPORTATION
EARL BLACKMAN, PRESIDENT
D19 TRANSPORTATION SERVICES, INC.**

Earl Blackman, President of D19 Transportation Services, stated that D-19 Transportation currently operates in Wythe and Sussex Counties and is requesting permission to operate Emergency Services in Lee County.

Mr. Kolb asked if Billie Kay Coleman had been contacted about this.

Mr. Blackman stated that he has not spoken with Ms. Coleman, but he would schedule a meeting with her.

Mr. Leonard asked if the company was already taking applications for this area.

Mr. Blackman stated that there is a job fair at the events center in Pennington Gap that was set up trusting that the Board would be favorable in its decision.

Mr. Mosley asked how long the company has been in business.

Mr. Blackman stated the company has been operating since 2013.

Mr. Leonard stated that there are some negative reviews on the website.

Mr. Blackman stated that the human factor plays a role in everything that is done, but he would be happy to answer any specific questions on specific issues.

Mr. Kolb asked if this would be a 24 hour service.

Mr. Blackman stated he plans on working up to being a 24 hour service.

Mr. Kolb stated that he is interested in knowing what the departments that are already here think about someone else coming in and starting a business.

Mr. Blackman stated that he is not looking to push the local squads out of the way, his company is happy with dealing with transports so local squads can do the emergency calls, adding that D-19 Transportation specializes in transports over five or six hours.

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

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

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

BLACKWATER PHASE II WATER PROJECT RESOLUTION

Mr. Poe stated that the Blackwater Phase II Water Project is expected to receive notification of award of a Community Development Block Grant and an Appalachian Regional Commission grant. Both of these grant funding programs have requirements that must be met in administering the grants. The Board would need to adopt a Resolution in order to meet these requirements.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to adopt Resolution 22-003. Upon the question being put the vote was as follows.

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

**RESOLUTION FOR COMPLIANCE
BLACKWATER PHASE II WATER PROJECT
CDBG #20-20-19 / ARC #21-05A
22-003**

WHEREAS, Lee County anticipates a Department of Housing and Community Development Block Grant award and an Appalachian Regional Commission grant award to install 21,590 linear feet of waterline, including 2,640 linear feet of service line for the Blackwater Phase II Water Project; and

WHEREAS, Lee County adopts the following documents as a requirement of the Department of Housing and Community Development and the Appalachian Regional Commission:

- (a) Resolution to Appropriate Funds
- (b) Residential Anti-Displacement and Relocation Assistance Plan
- (c) Resolution to Adopt and Publish Department of Housing and Urban Development Handicapped Regulations

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby adopts the above-mentioned 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.

REQUIRED FAIR HOUSING DISCUSSION

Mr. Poe stated that every other year he can attend a Fair Housing seminar to meet the Fair Housing Requirements, but that cannot be done every year. This year the Fair Housing can be discussed at a meeting of the Board, and the items to be discussed are as follows:

- Lee County endorses a commitment to Fair Housing practices.
 - Lee County endeavors to ensure equal opportunity to all persons residing in Lee County to live in decent housing.
 - Lee County prohibits discrimination in sale, purchase, rental, or financing of housing against any person on the basis of race, color, religion, nation origin, sex, age, familial status, disability, veteran status, gender identity, sexual orientation, or source of funds.
 - The Lee County Administrator is the designated authority for investigating all complainants of Fair Housing discrimination.
 - As members of the Lee County Board of Supervisors we must keep ourselves aware of these provisions of Fair Housing in our county.
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WORKFORCE DEVELOPMENT YOUTH PROGRAM WAIVER REQUEST

Mr. Poe stated that the Southwest Workforce Development Board provides workforce training services to Planning Districts 1 and 2. This includes Title 1 Youth Services which is required by the Workforce Innovation and Opportunity Act to be competitively procured unless the services are being performed by the local grant recipient.

The Southwest Workforce Development Board is requesting a waiver from Lee County, the grant recipient, to continue performing Title 1 Youth Services at the comprehensive American Job Center, Virginia Career Works/Appalachian Workforce Center in Tazewell County; the two Affiliates, Virginia Career Works/Duffield and Norton; and the three points-of-service sites in Dickenson, Buchanan and Russell Counties. The Workforce Development Board has performed the youth services component of their work for several years but a formal approval of the waiver request is required on an annual basis.

It was moved by Mr. Kolb, seconded by Mr. Slemph, to approve a waiver for the Southwest Workforce Development Board to continue performing Title 1 Youth Services. Upon the question being put the vote was as follows.

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

**VIRGINIA DEPARTMENT OF AVIATION JET TANK GRANT
OFFER/AGREEMENT**

Mr. Poe presented the Board with a copy of the grant offer from the Virginia Department of Aviation for the Jet A Fuel Tank project in the amount of \$65,878.00. These funds will be used towards the purchase of the tank. There is still earmarked funding of \$10,800.00 available for plumbing, electrical and installation costs associated with the tank. There will be another application for these funds for consideration at the Virginia Aviation Board's May 19, 2022 meeting.

It was moved by Mr. Kolb, seconded by Mr. Slemph, to approve the Virginia Department of Aviation Jet tank grant in the amount of \$65,878.00. Upon the question being put the vote was as follows.

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

EMPLOYEE HEALTH INSURANCE RENEWAL QUOTES

Mr. Poe reported he received renewal notice from The Local Choice Health Benefits Program for Fiscal Year 2023 which reflects an increase of approximately 8.6% in premiums. The County currently provides the Key Advantage 250 Plan with comprehensive dental as their base plan and pay 85% of the cost of a single plan and 75% of the cost of a dual or family plan. Employees have the option to upgrade to the Key Advantage Expanded Plan by paying all of the additional premium cost.

The Local Choice must be notified of the County's decision to renew coverage by March 25, 2022.

Mr. Kolb asked what the employees preferred.

Mr. Poe stated that a lot of the employees opt up to the Key Advantage Expanded plan.

Mr. Kolb stated he wants to get input from the employees before making a decision.

Mr. Poe stated he could get a survey out to the employees.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

CLOSED SESSION REQUEST

Mr. Poe stated he has one item to discuss in closed session for public contracts.

REPORTS AND RECOMMENDATIONS OF THE BOARD

VDOT

Mr. Kolb asked if Mr. Poe had spoken with VDOT about the curve in front of Lee Farmer's Co-op.

Mr. Poe stated that VDOT has met with Mr. Woliver and is working with him on how to address the situation.

CONVENIENCE CENTERS

Mr. Kolb stated that with one Convenience Center worker out and minimum wage is on the rise he is not sure that paying someone 25 hours per week or having the Transfer

Station employees fill in is economical. He would like to solicit bids for the operation and mowing of Convenience Centers and allow a varying time on when to open and close the sites.

Mr. Poe stated that he is concerned with floating closing times, and believes it needs to be a set closure time.

Mr. Smith agreed with set closing times and stated that he wants to see the cost and compare that with the expense of having a worker and he wants to make sure the contractor is the one that does the work and does not subcontract it.

It was moved by Mr. Kolb, seconded by Mr. Smith, to advertise for proposals for mowing and operation of the Blackwater Convenience Center. Upon the question being put the vote was as follows.

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

PRISONER RELEASE

Mr. Mosley stated that there would soon be thousands of inmates released from the State Prison system from March to June and another 1,200 set to be released from August to October.

Mr. Leonard stated that he has something under investment of public funds for closed session.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Mosley, to enter Closed Session pursuant to 2.2-3711 A.1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body, 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, and 2.23711 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 8:15 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

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. Kolb, Mr. Leonard, Mr. Mosley, Mr. Smith

VEHICLE WRAPS

It was moved by Mr. Kolb, seconded by Mr. Smith, to purchase two decal wraps to go on two garbage trucks at a cost of \$1,900.00 each. Upon the question being put the vote was as follows.

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

DEPARTMENT OF SOCIAL SERVICES HEATING UNIT

It was moved by Mr. Kolb, seconded by Mr. Smith, to purchase a heat pump unit from Southwest Heating and Air for \$24,950.00 for the Department of Social Services. Upon the question being put the vote was as follows.

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

DEPARTMENT OF SOCIAL SERVICES ACCESS WAY

It was moved by Mr. Kolb, seconded by Mr. Smith, to authorize Thompson and Litton to design an access way for the unit at the Department of Social Services. Upon the question being put the vote was as follows.

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

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