

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 21, 2023 at 5:30 p.m. thereof.

MEMBERS PRESENT: Larry Mosley, Chairman
David Jessee
Sidney Kolb
D.D. Leonard
Robert Smith

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Angie Thomas, Administrative Assistant
Stacy Munsey, County Attorney

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led 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 5:33 p.m.

PUBLIC HEARING

SPECIAL USE PERMIT REQUEST

The Lee County Board of Supervisors held a Public Hearing on Tuesday, February 21, 2023 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.

The Lee County Board of Supervisors has applied for a Special Use Permit to establish a solid waste refuse collection center to be operated by the County in a V-C, Village Commercial District. The property consists of approximately 0.75± acres and is located on the North side of Route 611 approximately 0.28 miles West of U.S. Highway 23 in the Jasper Community.

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.

Sharon Fisher, Sticklelyville, handed out photos and stated that VDOT looked at the site and asked the entrance be put as far from the railroad as possible and she doesn't believe it can be put in the recommended area. Ms. Fisher stated the area is in a flood way and that FEMA defines that the area cannot be bothered in any way. Ms. Fisher stated the property map states there shouldn't be adjustments to the land.

Jackie Christian, Jasper, owns the property adjacent the existing dump site and lives close to it and has been bothered by this site for many years. Mr. Christian stated the existing site is a very dangerous site and stated it's almost impossible for the trucks to maneuver in there to dump the cans. Mr. Christian also stated he has to pick up garbage on his property daily from the site and is in support of the new site.

There was no further comment.

The Chairman closed the floor for public comment.

Mr. Kolb asked if anyone has done any work concerning the limited site distance.

Mr. Poe stated he and Mr. Collingsworth met with VDOT and showed them the proposed location which is out of the floodway. VDOT looked at the site, measured and walked it and determined it would be an adequate site distance.

Mr. Kolb asked how many more dumpsters will be able to be added at this site.

Mr. Poe stated he doesn't know but the goal is to get enough to reduce the number of trips to the site each week.

Mr. Kolb stated he thinks the Jasper Site holds 11 cans and we need it to hold more.

Mr. Poe stated that's about right but a few more would help. Mr. Poe advised it's helped tremendously by closing on Sundays and stopping some of the out of county waste.

LEE COUNTY BOARD OF SUPERVISORS SPECIAL USE PERMIT

It was moved by Mr. Jessee, seconded by Mr. Smith, to approve the Special Use Permit to establish a solid waste refuse collection center in a V-C, Village Commercial District. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

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

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of January 2023 was submitted as follows:

Revenues	\$ 8,347,922.29
Expenditures	\$ 8,792,979.47
General Fund	\$ 16,137,711.94

Total Assets and Liabilities \$ 19,007,067.70

COMMISSIONER OF THE REVENUE STAFF SALARY REQUEST

Commissioner of Revenue, Chris Jones, requested a salary increase of \$7500 annually for one staff member in his office. He stated the staff position has done the majority of the work on the new GIS Project as well as other work that will aid the county in mapping and reduce the amount of contracted services in the Commissioner’s office.

Mr. Mosley stated he knows the employee has been asked to do more work.

APPROVAL OF EMPLOYEE SALARY INCREASE

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve a salary increase of \$7500 per year for Dale Edwards effective March 1, 2023. Upon the question being put the vote was as follows.

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

Eddie Watson, Jonesville, stated he is asking the Board to take the lead on appropriating funding for litter control. Mr. Watson stated we are very fortunate to have the inmates pick up litter but we need to create awareness and put out signs and VDOT needs to get involved. Mr. Watson stated going into Hancock County they have signs stating it’s illegal to litter with \$300 fines with hardly any litter on the highways. Mr. Watson advised we need to get the schools involved to educate our children on litter control and the Sheriff’s office needs to be writing tickets. Mr. Watson added he owns a farm across Powell River Bridge on Highway 70 and would be willing to donate an acre of land to make a landing for boats to get in and out of the water if it would be feasible and would be developed.

Mr. Mosley stated we do have litter control people and also educate the children through the schools. Mr. Mosley stated the Board has discussed buying signs and putting up billboards and advised they are aware of it.

Richard Shular, Dryden, stated you can look on TV, radio or Ipad and see how blessed we are to live here with all the bad things going on and stated in time it will get to us. Mr. Shular stated he asked about two months ago about how many deputies we are short and if we were short and hasn't gotten an answer.

Mr. Mosley stated that's not our department and he needs to talk to the Sheriff.

Mr. Poe advised he could answer the question and stated they are not short any positions. The state approves the number of positions that are state funded and anything above that would be at local expense.

Mr. Shular asked about the rescue squad reports.

Mr. Poe stated he has an updated schedule for the Board.

Mr. Shular stated we need to educate our kids, grandkids and the people who are coming into our county. Mr. Shular stated we have some smart kids in our schools and we need to make it better for them.

Debbie Artrip, Keokee, stated she's been asking the Board members to express their opportunity and all except Mr. Jessee have and would like for him to express his stance on the landfill amendment and any recommendations. Ms. Artrip asked about the raise in the vehicle taxes and stated to her understanding Washington County did not have an increase in taxes and read in the paper Wise County is looking to eliminate or adjust theirs. Ms. Artrip stated she would like to see a balance sheet on the Covid Funding and asked for a balance sheet to be put in the paper.

There was no further public expression.

The Chairman closed the floor for public expression.

APPROVAL OF MINUTES

Mr. Kolb advised that the minutes for the December 19, 2022 Recessed Meeting stating that Ms. Munsey was not present are incorrect, she was in attendance.

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the minutes of the December 19, 2022 Recessed Meeting the January 17, 2023 Regular Meeting and the January 23, 2023 Recessed Meeting with the stated correction. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve a refund to E. Wayne & Deborah Bonham in the amount of \$224.79. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Leonard, seconded by Mr. Jessee, to approve the disbursements for the month of February in the amount of \$ 233,705.80. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

DELEGATIONS

**RECYCLING PROGRAM PROPOSAL
HANNAH GIBBS**

Not present.

**PERSONAL PROPERTY TAX
JERRY COX**

Mr. Cox stated the budget is not on the internet but to his understanding that's being undertaken to get posted for next year. Mr. Cox stated that we have a 30% poverty rate in Lee County and to most people their automobile is their most expensive asset and would like to see the car tax reduced closer to Scott and Wise County's. Mr. Cox stated theirs is \$1.65 and maybe we could go to \$1.75 and bring the sticker cost down to \$20. Mr. Cox stated other counties in the state made adjustments last year and forfeited a lot of money. He stated upon checking with the Commissioner of Revenue in 2021 we collected \$3.8 million in tax tickets and in 2022 we sent out over \$5 million in tax tickets. Mr. Cox advised in next years' budget we need to give some money back to the tax payers and stated the car tax isn't meant for a progressive tax. Mr. Cox stated we know our property tax will go up and stated 30% of people in Lee County rent and home ownership has dropped 7%.

FINANCE

SUPPLEMENTAL APPROPRIATIONS

CENTRAL GARAGE

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$4,804.49. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18990-0013 VACO Insurance Claims 4,804.49

Expenditure:
4-001-12520-6009 Vehicle Supplies (Parts) 4,804.49

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

CIRCUIT COURT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$1,000.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18030-0006 Reimbursement 1,000.00

Expenditure:
4-001-21100-1150 Salaries 371.57
4-001-21100-2100 FICA (Employers Share) 28.43
4-001-21600-1150 Salaries 557.36
4-001-21600-2100 FICA (Employers Share) 42.64

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

CIRCUIT COURT CLERK

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$4,521.27. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18030-0006 Reimbursements 4,521.27

Expenditure:
4-001-21600-1150 Salaries 1,116.00
4-001-21600-3150 Part-Time Salaries 3,307.70
4-001-21600-2100 FICA (Employers Share) 85.37
4-001-21600-2210 VRS (Employers Share) 6.03
4-001-21600-2400 SGL (Employers Share) 6.03
4-001-21600-2600 Unemployment Insurance .14

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

CWA COLLECTION PROGRAM

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Re-appropriation in the amount of \$ 15,950.38. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplements from Reserve 15,950.38

Expenditure:
4-001-22200-5899 CWA Collection Program Expenses 15,950.38

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

SHERIFFS DEPARTMENT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$640.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18030-0006 Reimbursements 640.00

Expenditure:
4-001-31200-1339 SRO Direct PT 640.00

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

SHERIFFS DEPARTMENT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$ 1,000.00. Upon the question being put the vote was as follows.

Revenue Source;
3-001-18030-0006 Reimbursements 1,000.00

Expenditure:
4-001-31200-1140 Salaries 1,000.00

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

SHERIFFS VEHICLES

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$ 28,488.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18090-0013 VACO Insurance Claims 28,488.00

Expenditure:
4-001-31700-8105 Capital Outlay 28,488.00

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

ANIMAL CONTROL

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$ 50.00. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18030-0006 Reimbursements 50.00

Expenditure:
4-001-35100-5540 Training 50.00

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

BUILDING OFFICIAL

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$9,062.25. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplements from Reserve 9,062.25

Expenditure:
4-001-34100-8102 Capital Outlay 9,062.25

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

OLD BUSINESS

FLATWOODS CONVENIENCE CENTER CAMERAS

Mr. Poe advised the cameras have been installed and are operating.

Mr. Mosley asked if Mr. Collingsworth figured out anything about the camera that was discussed.

Mr. Poe advised he thinks so but will check with him.

Mr. Kolb stated when that was voted on it was a two part motion.

Mr. Poe stated Mr. Collingsworth is working on the signage.

Mr. Kolb asked if it would be soon.

Mr. Poe stated he had to order metal for the signs.

COUNTY CODE RECODIFICATION

Mr. Poe stated the draft is still under review.

RESCUE SQUAD FUNDING

Mr. Poe stated he has provided an update with all the numbers he has with the exception of one department and that his understanding was the Board would deal with this matter during budget discussions.

Mr. Kolb stated the Board needs to discuss how to go forward. He stated he has had another complaint and an individual was told it would take an hour and a half to get an ambulance to Ewing. Mr. Kolb advised he knows what the solution is and that Mr. Mosley stated it was done in the 90's but didn't go over well.

Mr. Poe stated that was in the 70's when the County operated an ambulance service and the expense got pretty heavy. He stated in the last 3 to 5 years he has seen a few counties transition to a combination of county and volunteer personnel.

Mr. Kolb stated it seems prudent for the county to take it over. Mr. Kolb asked Mr. Poe if he has an opinion on what should be done.

Mr. Poe stated it needs to be discussed and that discussion should start soon.

Mr. Leonard stated we need to look at reality with people talking about how much our taxes are. Mr. Leonard stated we are spending about \$120,000 a year now and if we take it over it would cost around \$2,000,000.

Mr. Kolb asked where the \$2,000,000 figure came from.

Mr. Leonard stated all the cost plus paying employees 24 hours a day.

Mr. Kolb asked about recouping money from the people you are transporting.

Mr. Leonard stated he doesn't know if the county operates like that and that there would need to be a better discussion.

Mr. Kolb agrees there needs to be a better discussion and stated it's not acceptable for people to be told in the middle of the day it's going to take an hour and a half to get an ambulance.

Mr. Smith stated if they don't have any help they have to call Jonesville or Claiborne County.

WEBSITE REDESIGN

Mr. Poe stated that this project will be advertised this weekend.

AIRPORT SPRAYING RFP

Mr. Poe stated that this project will also be advertised this weekend.

FIRE ALARMS AT COURTHOUSE

Mr. Poe stated this will have to be done when the building is empty.

AT&T MBO UPDATE

Mr. Leonard asked about the AT&T MBO's that were approved.

Mr. Poe advised that purchase orders were issued on two of them and we need to provide a location on the third. Mr. Poe stated the cost has gone up from \$40,000 to

\$55,000 each but they have agreed to honor the original price of \$40,000 each.

Mr. Leonard asked if they can proceed with the two locations.

Mr. Poe stated they have already been instructed to start on the two sites and we will provide a location for the third one at a later time.

NEW BUSINESS

BOARD APPOINTMENTS

BUILDING CODE APPEALS

It was moved by Mr. Leonard, seconded by Mr. Kolb, to table the District 5 appointment. Upon the question being put the vote was as follows.

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

It was moved by Mr. Jessee, seconded by Mr. Leonard, to table the District 4 appointment. Upon the question being put the vote was as follows.

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

PLANNING COMMISSION

It was moved by Mr. Mosley, seconded by Mr. Kolb, to table the District 3 appointment. Upon the question being put the vote was as follows.

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

It was moved by Mr. Kolb, seconded by Mr. Mosley, to appoint Bradley Bledsoe to a four year term on the Planning Commission. Mr. Bledsoe's term will expire on February 28, 2027. Upon the question being put the vote was as follows.

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

It was moved by Mr. Jessee, seconded by Mr. Smith, to appoint Ron Bailey to an unfulfilled term on the Planning Commission. Mr. Bailey's term will expire November 30, 2024. Upon the question being put the vote was as follows.

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

SPEARHEAD TRAILS

It was moved by Mr. Kolb, seconded by Mr. Mr. Smith, to appoint Richard Johnson II to an unfulfilled term on Spearhead Trails. Mr. Johnson's term will expire on June 30, 2023. Upon the question being put the vote was as follows.

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

BLACK DIAMOND RESOURCE CONSERVATION & DEVELOPMENT

It was moved by Mr. Kolb, seconded by Mr. Smith, to re-appoint Jerry Ingle to a four year term on Black Diamond Resource Conservation & Development. Mr. Ingle's term will expire on February 28, 2027. Upon the question being put the vote was as follows.

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

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

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

REDEVELOPMENT & HOUSING AUTHORITY

It was moved by Mr. Leonard, seconded by Mr. Kolb, to re-appoint Ron Carson to a four year term on the Redevelopment & Housing Authority Board. Mr. Carson's term will expire on February 28, 2027. Upon the question being put the vote was as follows.

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

WOODWAY WATER AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Jessee, to re-appoint James Shelburne to a four year term on the Woodway Water Authority. Mr. Shelburne's term will expire on February 28, 2027. Upon the question being put the vote was as follows.

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

**OCOONITA-SMYTH-MILLER CHAPEL WATER PROJECT RESOLUTION
FOR COMPLIANCE**

The county was awarded an Appalachian Regional Commission grant for the Ocoonita-Smyth- Miller Chapel Water project which is administered by the Department of Housing and Community Development. In order to meet their requirements a resolution of compliance with the grant guidelines is needed.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to adopt Resolution 23-001. Upon the question being put the vote was as follows.

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

**RESOLUTION FOR COMPLIANCE
OCOONITA-SMYTH-MILLER CHAPEL WATER INTERCONNECT PROJECT
ARC #22-05A
23-001**

WHEREAS, Lee County anticipates an ARC award to install 4,600 linear feet of water line;

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

Resolution to Appropriate Funds
Residential Anti-Displacement and Relocation Assistance Plan
Grievance Procedure

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.

Adopted this the 21st day of February, 2023.

County of Lee

The County of Lee does hereby resolve to appropriate \$542,003.00 from the Appalachian Regional Commission for the

Ocoonita-Smyth-Miller Water Interconnect Project.

The County of Lee is in no way committed to spend the \$542,003.00 from the Appalachian Regional Commission if the funds from that agency are not received.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The *County of Lee* will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit 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 (3) 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, the *County of Lee* 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 a low/moderate-income dwelling unit 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.

The *County of Lee* 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 provided 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.

The County of Lee FY 22 project includes the following activities:

- Installation of approximately 4,600 linear feet of 8-inch water line
- Installation of one electronic flow control valve
- Installation of related appurtenances required to connect two separate water systems

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. The *County of Lee* will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to ensure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

Grievance Procedure

The *County of Lee* has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: *Mr. Dane Poe, County Administrator, County of Lee, PO Box 367, Jonesville, Virginia, 24263, phone (276) 346-7714*, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within *10 days* after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by *Mr. Dane Poe, County Administrator*. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the *County of Lee* need not process complaints from applicants for employment or from applicants for admission to housing.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by *Mr. Dane Poe, County Administrator*, and a copy forwarded to the complainant no later than *30 days* after its filing.
5. The Section 504 coordinator shall maintain the files and records of the *County of Lee* relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within *10 days* to *Mr. Dane Poe, County Administrator*.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as

the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the *County of Lee* complies with Section 504 and the HUD regulations.

DOMESTIC VIOLENCE OFFICER GRANT AWARD ACCEPTANCE

The County has received the award notice for the Domestic Violence Officer program in the amount of \$48,075. The grant runs from January 1 through December 31, 2023 and is already included in the budget. A motion is needed to accept the grant.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to accept the Domestic Violence Officer Grant award in the amount of \$48,075. Upon the question being put the vote was as follows.

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

LOCAL LAW ENFORCEMENT BLOCK GRANT AWARD ACCEPTANCE

The County has received the award notice for the FY 22 Local Law Enforcement Block Grant in the amount of \$ 1,924.00 with no local match and the term being from March 1 through September 30, 2023. The funds will be used for Prevention and Education purposes working with school age children and a motion is needed to accept the grant.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to accept the Local Law Enforcement Block Grant in the amount of \$1,924.00. Upon the question being put the vote was as follows.

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

PRO-ART REQUEST FOR FY 23-24 GRANT MATCH FUNDS

Pro-Art has requested funding for the FY 23-24 budget year which can be used to match an equal amount from the Virginia Commission for the Arts. Applications must be submitted by April 1. Pro-Art is requesting local funding of \$3,500 for the upcoming budget year.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the local funding request for Pro-Art in the amount of \$3,500. Upon the question being put the vote was as follows.

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

WILDERNESS TRAIL REGION-PORSCHE CLUB OF AMERICA REQUEST

Ryan Elswick, representing the Porsche Club, is a Lee County native and stated the club encourages having an autocross event. Mr. Elswick stated the program promotes driver safety by slow speed maneuvering around cones that doesn't cause any damage to vehicles or the cone if hit. Mr. Elswick stated they have used airports in Kentucky and also used an ETSU parking lot and are looking for someplace closer to home. Mr. Elswick contacted Mr. Poe with a proposal to use the Lee County Airport for an autocross event for the Wilderness Trail Region.

Mr. Kolb stated he suggests putting the Airport Authority in charge of handling the details and asked if the Airport would need to be closed.

Mr. Mosley stated the Airport will have to be closed for the event.

Mr. Poe stated the runway would need to be closed for the day and the donation they are willing to make would be more than enough to offset fuel sales.

Mr. Kolb asked the Boards thoughts on splitting the donation with the Airport Authority.

Mr. Mosley stated he would give it all to the Airport Authority.

It was moved by Mr. Kolb, seconded by Mr. Jessee, to approve the request to use the airport for an autocross event with the Airport Authority to be in charge of handling the details. Upon the question being put the vote was as follows.

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

ARPA ALLOCATION FOR FIRE DEPARTMENT AIR PACKS

Mr. Poe stated the Board committed an allocation of American Rescue Plan Act funds in the amount of \$757,469.00 to purchase new air packs for all fire departments in the county. Upon placing the order for the units, additional items were needed to make everything functional. The total cost for everything exceeds the original allocation by \$3,816.00 and an additional allocation for this amount is needed.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the additional allocation of ARPA funds in the amount of \$3,816.00. Upon the question being put the vote was as follows.

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

E-911 HARDWARE UPGRADE FOR HOSTED SOLUTION SERVICES

Mr. Poe stated the County's E-911 call handling system is nearing the end of term. He stated cost estimate for replacement is \$316,910.97. Mr. Poe stated we will have state funds of \$200,000 to apply to the cost and pay the balance over a 7 year period or we can pay upfront. He advised there will be maintenance fees but doesn't have pricing on that yet. Mr. Poe stated this will keep our system up to date and is requesting approval from the Board.

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the E-911 Hardware Upgrade at a total cost of \$316,910.97 with state grant funds to pay \$200,000 toward the purchase. Upon the question being put the vote was as follows.

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

ST. CHARLES RESCUE SQUAD LEASE

Mr. Poe stated the lease agreement was submitted to the Rescue Squad and they have requested an additional clause that would allow them to construct a new building at their expense in the event the building is severely damaged or destroyed.

Mr. Kolb asked for a copy of the lease.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the St. Charles Rescue Squad lease agreement with changes as presented. Upon the question being put the vote was as follows.

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

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, 2.23711 A.7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the public body; and consultation with legal counsel employed or retaining by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, 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.

Mr. Leonard asked if they were going to take up Reports and Recommendations of the Board.

Mr. Kolb withdrew his motion.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

Ms. Munsey requested Closed Session to discuss ongoing litigation.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

METAL DETECTORS FOR SCHOOLS

Mr. Poe stated the board previously approved to pay for up to 15 metal detectors for the school system and through negotiations with the committee has agreed to split the cost. Mr. Poe stated they have ordered 25 units at a cost of \$4,300 each. The County's portion will be \$53,750.00.

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve payment of the invoice for \$53,750.00 for the metal detectors. Upon the question being put the vote was as follows.

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

COUNTY CELL PHONE CARRIER

Mr. Poe stated we are having issues with Verizon cell service for county employees AT&T has better service except for the Sticklelyville area. Mr. Poe stated he would like to work with AT&T on moving some of the county phone service and is requesting the approval of the board.

It is the consensus of the board to allow the County Administrator to move some county cell phones to AT&T in order to compare coverage and service.

REPORTS AND RECOMMENDATIONS OF THE BOARD

AIRPORT AUTHORITY KILL PERMITS

Mr. Kolb stated the Airport Authority is having a problem with deer on the airport property and is asking permission to get kill permits for Authority members.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to allow the Airport Authority Members to obtain kill permits for deer on airport property. Upon the question being put the vote was as follows.

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

SIX YEAR PLAN

Mr. Kolb stated at last month's board meeting Mr. Cox asked about the Six Year Plan and requested putting the remainder of the Sticklelyville Truck Lane on there. Mr. Kolb asked what the guidelines were on the Six Year Plan and when it was due.

Mr. Poe stated there will be a preliminary process starting later this year and stated he has spoken with VDOT about the project. Mr. Poe advised that previously they required a current estimate on a project before allowing it to be submitted.

Mr. Kolb asked if they will start working on pricing.

Mr. Poe stated they would be discussing it further.

ROSE HILL LIBRARY HOURS

Mr. Kolb stated he noticed the Rose Hill Library is only open 12 hours a week which is less than anything in the region and doesn't understand why we pay our share of the cost and it isn't open additional hours.

Mr. Poe stated it has been that way for years. He stated that we do not pay to operate the libraries in other counties and advised if more hours are requested for the libraries in Lee County it increases the cost of Lee County's contribution.

Mr. Kolb asked why Rose Hills hours are so much less and stated Pennington's hours are 46 to 48 hours a week.

Mr. Poe stated Pennington has always been the main library and that Rose Hill Library came into existence in the late 90's when the house was donated to the County specifically for the purpose of a community library. Mr. Poe stated if the County wants to increase the hours it will have to increase the amount of the annual appropriation to the Regional Library system.

PARKING LOT DESIGN BUILD PROJECT

Mr. Kolb asked where we were at with the design build project on the parking lot.

Mr. Poe stated there was a question about if we wanted to tie into the retaining wall or back off and build a new retaining wall. Mr. Poe stated upon speaking with our architect they advised as long as we maintained a 42 foot width it would be better to move back from VDOT so that's what he advised them to do and they are moving forward accordingly.

Mr. Kolb asked if we have any time estimates.

Mr. Poe stated he has requested an updated schedule.

LITTER CONTROL AND EDUCATION

Mr. Kolb asked Mr. Poe to give an outline on the education program we have in the schools on litter control and the issue with inmates picking up litter.

Mr. Poe stated in the past there were funds available through VDOT to pay off-duty officers to take inmates out to pick up litter. Mr. Poe stated with COVID jails went into lockdown and hasn't picked back up. Mr. Poe stated they are allowing a few more trusties out now but simply do not have enough inmates who qualify to be released. Mr. Poe stated we are using the Works Program but there aren't near as many in the program. Mr. Poe stated they do assign probationers to pick up secondary roads. Mr. Poe stated Animal Control has taken over Litter Control and they are working through the program and developing. Mr. Poe stated with highway trash you have to see it thrown out in order to charge that person. Mr. Poe stated as far as educational program he just submitted a requisition for supplies for school education and will be going in the schools in the spring.

Mr. Watson spoke from the bench and stated the people doing the trash pick-up do a commendable job but added the people that lose garbage out of their vehicle won't stop and pick it up.

ZONING TEXT AMENDMENT TO ALLOW PRIVATE LANDFILLS

It was moved by Mr. Leonard, seconded by Mr. Smith, to withdraw the Zoning Text Amendment request to allow private landfills. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb, Mr. Mosley

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Smith, 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, 2.23711 A.7., Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the public body; and consultation with legal counsel employed or retaining by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, 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. Jessee, Mr. Kolb, Mr. Leonard, Mr. Mosley, 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. Jessee, 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.

TRANSFER STATION HIRE

It was moved by Mr. Kolb, seconded by Mr. Smith, to hire Leslie Langley, Jr. as General Laborer at the Transfer Station at \$16.00 an hour effective March 1, 2023. Mr. Langley is hired on a one-year probationary period. Upon the question being put the vote was as follows.

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

LIBERTY MUTUAL BOND SETTLEMENT

It was moved by Mr. Kolb, seconded by Mr. Mosley, to accept the Liberty Mutual Performance Bond settlement offer and to authorize Mr. Poe to sign the necessary document. Upon the question being put the vote was as follows.

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

OPIOID SETTLEMENT ACCEPTANCE

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve Resolution 23-002. Upon the question being put the vote was as follows.

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

**RESOLUTION
23-002**

**A RESOLUTION OF THE LEE COUNTY BOARD OF SUPERVISORS
APPROVING OF THE COUNTY'S [CITY'S] PARTICIPATION IN THE
PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA,
ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED
CORPORATE ENTITIES, AND DIRECTING THE COUNTY [CITY] ATTORNEY
AND/OR THE COUNTY'S [CITY'S] OUTSIDE COUNSEL TO EXECUTE THE
DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S [CITY'S]
PARTICIPATION IN THE SETTLEMENTS**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Lee County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Lee County’s various departments and agencies; and

WHEREAS, Lee County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Lee County; and

WHEREAS, Lee County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Lee County; and

WHEREAS, the County’s suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “Virginia MOU”), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered “Settlements” that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, the County’s outside opioid litigation counsel has recommended that the County [City] participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW THEREFORE BE IT RESOLVED that the Lee County Board of Supervisors, this 21st day of February, 2023, approves of the County’s participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney and/or the County’s outside counsel to execute the documents necessary to effectuate the County’s participation in the settlements, including the required release of claims against settling entities.

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

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD