

**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 September 20, 2022 at 5:30 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

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**INVOCATION**

David Fee, Pastor of Christian Fellowship Church of Pennington Gap, led the invocation.

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**PLEDGE TO THE FLAG**

Mr. Mosley led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

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

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**PUBLIC HEARINGS**

The Chairman stated anyone wishing to make a comment should state their name and address and limit their remarks to three minutes.

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**PROPOSED AMENDMENT TO LEE COUNTY WASTE MANAGEMENT  
FACILITIES ORDINANCE**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, September 20, 2022 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia. The purpose of the Public Hearing was to take public comment on a proposed amendment to the Waste Management Facilities Ordinance. Currently, the Lee County Waste Management Facilities Ordinance prohibits the establishment and/or operation of a privately owned or operated solid waste management facility within the boundaries of Lee County. If approved, the proposed amendment would allow privately owned and operated solid waste management facilities (landfills) within the boundaries Lee County, subject to siting approval by the Board of Supervisors and appropriate permitting by the Virginia Department of Environmental Quality.

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The Chairman opened the floor for public comment.

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Sue Ella Kobak, Dryden, stated there are too many inconsistencies from what was in the newspaper and asked the Board to table this matter. She stated there were no regulations, directions or standards established and that means the County could be liable for any damage. She stated there is no appropriate location in the County for a landfill and that this proposal was inconsistent with the County's Comprehensive Plan. Ms. Kobak stated she would be glad to answer any questions from the Board. She stated that the Board would be acting illegally if they pass this amendment.

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Sharman Merriam, Rose Hill, stated that the amendment did not describe whether outside waste could be brought into the County. Ms. Marion stated the public needed more details and asked the board to table this until those details are available.

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Glenn Mullins, Ely Pucketts Creek Rd., stated you can't put landfills on top of mountains because water quality would be affected by the drainage. He stated that privately owned landfills are not good, that it could damage the water quality and requested the Board table the matter.

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Tammy Ely, Pucketts Creek, stated she is not in favor of privately owned landfills for reasons already stated and doesn't see that it would benefit common people.

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Richard Shuler, Dryden, stated that he served at Camp Lejeune and referenced all the lawsuits caused by water quality problems there. He brought up the possibility of water contamination from landfills and stated the Board could be held responsible if they approve the site. Mr. Shuler asked the board to table this matter.

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Amanda Hurd, Jonesville, stated the situation in Bristol is a good example of why we should not have a private landfill. Ms. Hurd referred to the smell and all the other things they are dealing with in Bristol. She feels this should be voted on by the people of Lee County.

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Jeremiah Hurd, Jonesville, asked if property was intended to be rezoned for private landfills. Mr. Hurd doesn't think it would be a good thing and that the County would have no control over what type trash would be brought into a private facility.

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Mr. Leonard stated this was not an amendment just for Jonesville but for all of Lee County. He stated that in order for a company to operate a landfill business it would have to be properly zoned and would have to be approved by the County.

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Mr. Hurd asked if that would be public knowledge.

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Mr. Leonard stated that it would be made public knowledge prior to any approval of a private facility.

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Mr. Poe stated that the County is legally required to publish public hearing notices in a newspaper with circulation in the County and to post it on the County's website.

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Mr. Hurd stated he would like for this to come to a vote in the county. He also stated that they did not see an advertisement and ran across this unexpectedly.

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Mr. Mosley asked how he would suggest the County advertise since it is in the local newspaper and posted on the website.

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Heather Parsons, Pennington Gap, stated that Lee County has had a campaign for years stating "Keep Lee County Clean". She stated landfills are not clean and can ruin the water and the watershed. Ms. Parsons asked the board to table this matter. She also suggested the advertisements be on the radio.

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Roger Waddell, Jonesville, asked if this came up because of the Bristol landfill closing.

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Mr. Leonard stated that he thought that was a big part of it. He stated the County's cost went from nineteen dollars a ton to thirty dollars a ton which required more of the taxpayers' money.

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Mr. Waddell asked if there a company wanting to establish a private landfill in the County.

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Mr. Mosley stated there is not a company wanting to come in. He stated if someone does approach the County, they would set parameters for what they can do and what they can't do.

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Mr. Waddell asked the board to explain what has brought this up all the sudden. He stated he did not think anyone in the room wanted a landfill in the County.

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Mr. Mosley stated it was the fact that we lost the Bristol landfill and it is costing more to dispose of our waste.

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Mr. Waddell asked if the county would reap any benefits from the casino at Bristol.

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Mr. Leonard stated that we would but that there are guidelines on what that can be spent on.

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Mr. Waddell asked if the County had received any revenue from the casino.

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Mr. Poe stated that the funds go through a regional commission. The funds go to the state and they disburse it to the commission. The commission will disburse funds to the various localities and they are still working on the guidelines for how the funds can be spent. According to state legislation, the funds coming back to the localities can only be spent on public safety, transportation, or education.

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Mr. Waddell said he hopes the board will vote no against this thing.

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Ms. Kobak asked Mr. Leonard if they would vote on this tonight.

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Mr. Leonard stated if a motion is made they would.

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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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**PROPOSED AMENDMENT TO LEE**

**COUNTY COMPREHENSIVE ANIMAL ORDINANCE**

The Lee County Board of Supervisor held a Public Hearing on Tuesday, September 20, 2022 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia. The purpose of the Public Hearing was to take public comment on a proposed amendment to the Comprehensive Animal Ordinance to increase the dog license tax. If approved, the proposed amendment would change Section 3-6, Amount of License tax, as follows:

- A one-year individual dog license would increase from \$2.00 to \$5.00;
- A three-year individual dog license would increase from \$6.00 to \$12.00;
- A one-year kennel license for twenty (20) dogs or less would increase from \$15.00 to \$30.00;
- A three-year kennel license for twenty (20) dogs or less would increase from \$45.00 to \$90.00

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Richard Shuler, Dryden, asked if the County has a leash law. He stated that cats are a greater problem than dogs and that the Animal Control Officers do a good job. Mr. Shuler asked if the current cost of tags is more than what we are receiving, will three dollars cover the costs.

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Mr. Leonard stated it would.

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There was no further public comment.

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The Chairman closed the public hearing.

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to adopt the amendment to the Comprehensive Animal Ordinance to increase the dog license tax. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Smith

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## **ZONING TEXT AMENDMENT TOURIST HOMES**

The Lee County Board of Supervisors held a Public Hearing on September 20, 2022 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Zoning Text Amendment regarding Tourist Homes. The Lee County Planning Commission has requested the following Zoning Text Amendments to the Lee County Zoning Ordinance.

- Expand Tourist Homes to a permitted use in the A-1, Agricultural District and the R-M, Single Family/Manufactured Home Residential District;
- Expand Tourist Homes from a special use to a permitted use in the V-C, Village Commercial District; the B-1, Limited Business District; and the B-2, General Business District;
- Allow Tourist Homes by special use permit in the R-1, Single Family Residential District

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Mr. Kolb asked Mr. Poe to address this issue before taking public comment.

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Mr. Poe stated that the Planning Commission made the recommendation. Currently tourist homes are not allowed in A-1 Districts which is a large portion of the county. They are allowed in the Village Commercial, B-1 and B-2 Business Districts by Special Use Permit. This amendment would allow tourist homes in A-1 and Residential/Manufactured Home Districts as an allowed use and would also allow them in R-1 Districts by Special Use Permit. It would allow more tourist homes in all four districts without as much red tape.

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Mr. Kolb asked Mr. Poe if he knows anything about their logic on why you would have to have a permit to have a house in a residential area.

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Mr. Poe stated that it is not owner occupied and renters are only there for a certain number of nights instead of full time residency; therefore, the occupant is constantly changing.

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Mr. Smith asked if that includes the small houses the Mennonites sell.

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Mr. Poe stated those are not houses, they are storage or utility buildings.

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Catherine Fitzsimmons, Ewing, commented that where she lived before there was a problem with numerous properties being bought for rental purposes. She stated it could raise rental costs so that people couldn't afford to live here. She also stated it will increase the homeless population.

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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. Kolb stated he doesn't see why you have to have a permit to rent your house out. He stated we did not have good hotels. He asked if this could be passed with a change did not require a special use permit to rent your house out.

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Mr. Poe stated the Board has the final approval and can reduce restrictions and add them as long as they keep with the intent of the original proposal.

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Mr. Kolb stated we need more places for people to stay, not less. He said the more you require permits, the fewer Airbnb's you will have. He asked the Board members thoughts on passing this with the removal of requiring a Special Use Permit.

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Mr. Mosley agreed with Mr. Kolb.

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It was moved by Mr. Kolb, seconded by Mr. Mosley, to adopt the proposed amendments regarding Tourist Homes with the exception of removing the Special Use Permit requirement in the R-1, Single Family Residential District. 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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**ZONING TEXT AMENDMENT  
SUPPLEMENTAL REGULATIONS**

The Lee County Board of Supervisors held a Public Hearing on September 20, 2022 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Zoning Text Amendment. The Lee County Planning Commission has requested the following Zoning Text Amendment to Article V. Supplemental Regulations of the Lee County Zoning Ordinance:

- Any sectional and/or stand-alone building intended for storage or utility purposes and being transported to a given site shall not be used for temporary or permanent human occupation.
- In the event a recreational vehicle/camper arrives on site under its own power or being towed by another vehicle, said recreational vehicle/camper shall not be used for permanent human occupation. Said recreational vehicle/camper may be used for temporary occupation only in the event of emergency, site visitation, seasonal hunting/fishing activity, or during construction of a new dwelling. This temporary occupation shall be limited to 90 days per year. Upon request of a representative of the proper county authority overseeing said temporary occupation, verifiable documentation must be provided by the occupant(s) confirming the total number of days the recreational vehicle/camper has been occupied. Failure to provide proper documentation as to the total number of days of occupancy may result in fines as stipulated in Section 7-9 of this Ordinance.
- Upon written request by an applicant the Zoning Administrator, at their discretion, may grant one extension of temporary occupancy not to exceed a total of 180 days per year.

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Mr. Leonard stated he hadn't seen this.

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Beverly Dotson Grant, Jonesville, stated that Lee County is one of the top ten poorest counties in Virginia. She stated she is a real estate agent and is seeing a lot of people coming into the county. Ms. Grout stated that real estate has gone up and so rent also goes up. She stated the only option for some people may be to live in a tiny home or camper. She asked that the board not pass this.

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Mr. Slemp stated that he agrees one hundred percent with Ms. Dotson.

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Mr. Mosley stated that a lot of this is sent to the Board from the Planning Commission and the Board hasn't had time to discuss before the meeting. He agrees with Mr. Slemp but does think it should be inspected by the Building Inspector.

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Mr. Poe stated that this issue has been discussed by the Planning Commission since February and the problem is with the Building Code. Mr. Poe said he had asked the Building Inspector to be in attendance and speak concerning the building codes.

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Tom Bush, Building Official, stated the purpose of the code, as stated in Section 36-99 of the Code of Virginia, is to protect the health, safety, and welfare of the residents of Virginia. Utility buildings are classified as type "U" occupancy and dwellings are classified as Type "R-5" occupancy. Mr. Bush stated a few of the differences. Footings under exterior walls, natural light, emergency escape and rescue openings, air barriers around exterior walls, insulation and the requirement of a certificate of occupancy are requirements that do not apply to utility buildings. Concerning RV's and campers, Mr. Bush stated they are not constructed in accordance with building code but are built to Department of Transportation requirements. He stated there is a problem in Lee County with people living full time in RV's and campers. He stated that these result in raw sewage in creeks and streams and overloaded electrical services are also concerns. He stated that he believed RV's and campers need to be better regulated in the county.

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Mr. Mosley asked what regulations and restrictions need to be put on campers and RV's.

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Mr. Bush stated, as a Building Official, this is not my playing field. He stated these things are not built to Building Code standards for permanent residency. He stated that we need a better way of monitoring and adapting to problems.

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Mr. Kolb wants to know if someone sets up a camper and wants to live in it can it be built to spec so it will pass inspection.

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Mr. Bush stated he hasn't seen one yet that would pass building code inspection. He referred to a lady who spent thirty five thousand dollars trying to bring a utility building up to code but was still deficient.

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Mr. Kolb asked if someone tells the Building Department they want an electric hook-up for a utility building and you have to approve it, you won't if they tell you they will be living in it

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Mr. Bush stated this is part of the Zoning Ordinance, the building code doesn't regulate utility buildings that are less than two hundred fifty-six square feet. A permit is not required if they will be using it for a utility building. If a person wants electric they will put one hundred amp electric service in that building. Buildings larger than two hundred fifty-six square feet do require a permit so we can regulate them. He stated that the Zoning Committee is trying to get everything together under one ordinance.

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Mr. Kolb asked if this passes whether Mr. Bush or the Zoning Administrator would monitor the number of days someone has been in a RV.

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Mr. Bush stated he would not be monitoring the days but he did not know about the Zoning Administrator. He is too busy has 85 inspections this month a busy month is 60. If allowed how can we meet Code? This is the situation we are in.

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Justin Parsons, St. Charles, asked what does a camper not have that a trailer does. Mr. Parsons stated there aren't any jobs in Lee County and that he lives in a camper and drives to Kingsport to make twelve dollars an hour. He owns his land and pays his taxes and doesn't feel the County should tell him what to do on his own land.

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Heather Parsons, Stone Creek, stated she doesn't live in a camper or RV. Her house is grandfathered in and her sewage runs into a creek as she could not get a septic permit. Ms. Parsons stated she could not afford to buy a home on her salary and that rent in the county has gone up and some people can't afford to live in a house. Ms. Parsons stated if the board votes yes a lot of people will be homeless.

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George Merriam, Rose Hill, stated that he represents a land owner who wants to develop rental cabins and will upgrade them to code requirements. Mr. Marion stated that a lot of people can't afford to do that. He stated if the Board passes this there needs to be specifics for standards.

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Vicky Shelton, Rose Hill, stated she was considering purchasing a RV in order to live in cold or warm climates at different times of the year. She stated it was not feasible to buy a house on her income and that these things really need to be taken into consideration.

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Sharman Merriam, Rose Hill, stated she thinks tiny homes should fall under mobile home rules and suggested the state code should be changed.

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Jeff Taylor, St. Charles, asked if this is something the Board has drawn up or is it being pushed from Richmond. He asked the Board to pay attention to what people want. Mr. Taylor stated the county should mind their own business and leave people alone.

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Timothy Landry, Ewing, asked how this would be enforced without sufficient manpower. He stated that RV's are built to national standards and have internal breakers to limit power usage. He asked the board to vote against this.

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Ronnie Miles, Woodway, stated he owned his property and pays his taxes. He stated he had a camper with electric and is hooked up to sewer and should be able to do what he wants on his own land.

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Mike Parsons, Stone Creek, stated he doesn't live in a camper but knows people who do. He said he was denied a loan to purchase a home even though he had a sizable down payment. He thinks RV's should have the same status as a trailer.

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Tammy Harris, Jonesville, stated she thinks if people work and pay their taxes they should be able to put whatever they want on their property.

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Malik Tanzil Kaleem El asked who could determine the intent of what he purchased. He stated the Board works for the people and when they pass things like this, each one erodes away at our freedom. He stated that enforcing a time limit on residing in a RV was a violation of the Fourth Amendment. He stated that he did not want this and also asked why the second public hearing issue was voted on but the first public hearing issue was not.

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Mr. Leonard stated that the board has to refer to legal counsel sometimes before making a decision.

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Margaret Eldridge, Rose Hill, stated she had a petition on Change.org opposing this matter. Ms. Eldridge stated 26% of Lee Countians live below poverty level and asked how people are expected to afford more than a cabin. She stated people have no choice but to leave and asked the Board to table this matter.

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Lawrence Freeman, Stickleyville, stated he pays taxes on all his property and lives in a camper. He wanted to know who was on the Planning Commission and stated they should be here to answer questions. Mr. Freeman requested a vote be taken and to vote no.

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Mr. Kolb asked Mr. Poe who was on the Planning Commission.

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Mr. Poe stated he would provide a list.

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Terry Thomas, Jonesville, stated everything he wanted to say had already been said. He stated he had owned several campers and never saw anything that said they couldn't be lived in. He urged the Board to vote no. Mr. Thomas also stated he would like to get public water in his area on Cedar Hill Church Rd.

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Mr. Kolb stated the Board should be able to review any material from the Planning Commission that is not time sensitive before advertising to the public.

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Mr. Leonard stated he is ok with that.

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Mr. Poe stated the Board of Supervisors has final authority over these matters. He stated there are three ways that zoning matters move forward: 1) Zoning Text Amendments, anything that requires public hearing. 2) is thru the Planning Commission. 3) is at property owner request. It will take more than saying we want to make a policy change and would have to specify and define at what level they can move forward.

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Mr. Kolb stated anything that isn't time sensitive needs to be prescreened by the board before advertising to the public.

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Mr. Leonard stated they could have put out something to the public.

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Mr. Poe stated the Planning Commission did advertise this proposal and held a public hearing.

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Mr. Poe stated advertise in the Powell Valley News, county website and on Facebook.

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The floor was closed for public comment.

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It was moved by Mr. Kolb, seconded by Mr. Mosley, that no public hearings are to be advertised for the Board of Supervisors for matters that are not time sensitive until they have been presented to the Board of Supervisors for review and authorization to advertise the public hearing. 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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It was moved by Mr. Mosley, seconded by Mr. Kolb, to reject the proposed Zoning Text Amendment to Article V. 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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It was the consensus of the Board to amend the Agenda to take up one matter from Old Business and from Delegations at this time.

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## **OLD BUSINESS**

### **LEE COUNTY PSA ARPA FUNDING REQUEST**

Ms. Rebecca Crockett, LENOWISCO Planning District Commission, wanted to update the board on the St. Charles Water Project. She stated this is a much needed project due to the high rate of water loss in that area. She also advised that the PSA had conducted a pre-bid meeting for the Blackwater Water Project with four contractors in attendance. Bids for the Blackwater project will be opened on October 4<sup>th</sup>.

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Mr. Mosley stated that in a recent meeting with Senator Warner, the Senator had advised that new Federal dollars will soon be available for projects such as these and he recommended waiting until they become available. Mr. Mosley stated he hopes to find out something about these funds very soon.

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Ms. Crockett stated the St. Charles bids have a time deadline and the contractors will only honor the bids for a certain amount of time.

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## **DELEGATIONS**

### **MOUNTAIN EMPIRE COMMUNITY COLLEGE**

Amy Greer, MECC, spoke on behalf of Dr. Westover regarding the Promise Program at MECC. This program provides two years of free tuition for all Lee County

high school graduates beginning in 2023. Ms. Greer stated that a gift to the college is providing a large share of this cost and that an additional \$41,000.00 is needed from Lee County to fund the program beginning with the 2023 graduating classes. She stated that students would pay for transportation and books.

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Mr. Kolb asked if Ms. Greer had a contract for this funding.

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Ms. Greer stated that she does not have a contract at this time and is not requesting funding now.

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## **PUBLIC HEARING**

### **ZONING TEXT AMENDMENT EVENT VENUES**

The Lee County Board of Supervisors held a Public Hearing on September 20, 2022 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Zoning Text Amendment regarding Event Venues. The Lee County Planning Commission has requested the following Zoning Text Amendments to the Lee County Zoning Ordinance.

- Amend Article XI. Definitions to include the following definition:  
Event Venue – Real property, typically in a rural setting, with or without permanent structures for the purpose of housing private social events not open to the general public, including, but not limited to, weddings, wedding rehearsals, or wedding parties, with or without live entertainment, where food and drink may be consumed on site.
  - Allow Event Venues by special use permit in the A-1, Agricultural District;
  - Allow Event Venues as a permitted use in the B-1, Limited Business District; the B-2 General Business District; and the V-C, Village Commercial District.
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Mr. Leonard opened the floor for public comment.

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Amanda Hurd, Jonesville, asked if this proposed amendment would allow loud music at events.

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Mr. Poe stated an Event Venue is currently not described in the Zoning Ordinances for commercial purposes. He stated this may need to be defined better, as this is for rental purposes. He advised that if music exceeds what is reasonable for that type of event, the Sheriff's office should be contacted.

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Mr. Mosley asked if he wanted to have a wedding on his farm would he have to have a permit.

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Mr. Poe stated that is why the language needs to be clarified.

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Mr. Kolb stated it doesn't say anything about Industrial Zones. He thinks people should be able to apply for special use permit. He suggests the board change the Amendment to allow Industrial.

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It was moved by Mr. Mosley, seconded by Mr. Smith to send the Zoning Text Amendment for Event Venues back to the Planning Commission for a more detailed definition and with the addition of the Manufacturing District. 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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### **DEPARTMENTAL REPORTS**

Written departmental reports were enclosed in the packet.

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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 a five-minute time-period if representing a group.

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Roger Waddell, Jonesville, addressed higher garbage disposal costs and problems with illegal dumping at the Jasper Convenience Center. He stated the garbage coming from adjacent counties is costing Lee County money for disposal and hopes something can be done to stop this.

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Amanda Hurd, Jonesville, asked if we are paying for disposal of other counties' garbage.

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Mr. Poe stated when waste collection sites in adjacent counties are closed, some out-of-county residents come to the Jasper site to dispose of their garbage. Once the garbage is brought in to our site, we have no other choice but to dispose of it. The County collection sites are open thirteen hours a day seven days a week but the worker is only there twenty-five hours a week.

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Ms. Hurd stated the Hurricane Bridge site has been closed and asked if the Jasper site could be closed when an attendant is not there. Ms. Hurd also asked if the landfill proposal would be voted on tonight.

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Mr. Leonard stated he does not know about that yet.

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There was no further public expression.

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The Chairman closed the floor for public expression.

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### **APPROVAL OF MINUTES**

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the minutes of the August 9, 2022 Recessed Meeting and the August 16, 2022 Regular 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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**APPROVAL OF REFUND**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the refund for Peter M. Winston in the amount of \$208.68. 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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**PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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**DISBURSEMENTS**

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the disbursements for the month of September in the amount of \$337,736.76. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

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**DELEGATIONS**

**SOUTHWEST REGIONAL RECREATION AUTHORITY**

The Southwest Regional Recreation Authority requested to be placed on the October meeting agenda as they were not able to attend this meeting.

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**FINANCE**

**QUARTERLY APPROPRIATIONS**

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

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

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**APPROPRIATIONS RESOLUTION  
FISCAL YEAR ENDING JUNE 30, 2023  
22-018**

**WHEREAS**, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2022-23; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending December 31, 2022

**HEADSTART**

Federal Funds	\$ <u>1,572,303</u>
TOTAL HEADSTART	\$ 1,572,303

**VIRGINIA PUBLIC ASSISTANCE**

Federal/State Funds	\$ 9,428,812
Local Funds	<u>1,404,569</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 10889,361

**LEE COUNTY PUBLIC SCHOOLS**

Federal, State & Other Funds	\$46,057,790
Local Funds	<u>5,446,565</u>
TOTAL LEE COUNTY PUBLIC SCHOOLS	\$51,504,355

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

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

**TOTAL FY 2022-23 BUDGET                      \$83,648,201**

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**SUPPLEMENTAL APPROPRIATIONS**

**COMMISSIONER OF THE REVENUE**

It was moved by Mr. Kolb, second by Mr. Mosley to approve the following supplemental appropriation in the amount of \$3,000.00. Upon the question being put the vote was as follows.

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

Revenue Source:		
3-001-23030-0015	COR VITA Grant	\$3,000.00
Expenditure:		
4-001-12310-5885	COR VITA Grant	\$3,000.00

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**DRUG COURT**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the following Supplemental Appropriation in the amount of \$6,214.05. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18990-0051	Drug Court Donations and Fees	\$6,214.05
Expenditure:		
4-001-21120-5899	Drug Court Expenses	\$6,214.05

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

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**DRUG COURT**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the following Supplemental Re-Appropriation in the amount of \$11,200.69. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-18990-0051                      Drug Court Donations and Fees                      \$11,200.69

Expenditure:  
4-001-21120-5899                      Drug Court Expenses  
\$11,200.69

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

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**SHERIFF'S DEPARTMENT**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the following Supplemental Re-Appropriation in the amount of \$11,623.75. 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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**OLD BUSINESS**

**EDA BUDGET DRAWDOWN**

Mr. Poe stated this was tabled last month and no action was taken.

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Mr. Kolb stated we would be spending \$36,500 to study if it's a good idea to auction off produce. He stated we didn't have enough money for school resource officers but would be giving out of town people \$36,500 to study if it's a good idea to auction off a bushel of beans. He would be ok with giving \$4,300 for insurance.

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Mr. Poe stated it is covered largely by grant money.

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Mr. Kolb stated it's still someone's money.

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It was moved by Mr. Kolb, second by Mr. Mosley, to approve a payment of \$4,300.00 to the Economic Development Authority for payment of their insurance. 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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## **NEW BUSINESS**

### **BOARD APPOINTMENTS**

#### **TOURISM COMMITTEE**

It was moved by Mr. Leonard, seconded by Mr. Mosley, to appoint Karen Maggard to an unexpired term on the Tourism Committee. Ms. Maggard's term will expire on . 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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## **MOUNTAIN EMPIRE COMMUNITY COLLEGE**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to table the Mountain Empire Community College appointment. 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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## **SOLID WASTE GRAPPLE TRUCK**

Mr. Poe advised that a previous bid advertisement resulted in only one bid that did not meet the specifications. Due to the current vehicle market instability, it was determined that it would be advantageous to Sourcewell as a possible procurement mechanism in lieu of re-bidding. Sourcewell is a cooperative purchasing tool which meets Virginia procurement standards. Using Sourcewell we now have a bid from National Auto Fleet Group for a 2024 Kenworth T480 truck with a Pac-Mac Brush loader at a cost of \$227,360.43 which meets all the requested specifications. Delivery is expected by July 2023. This price is approximately \$6,000 less than the previous bid.

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Mr. Leonard asked if this was in the budget.

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Mr. Poe stated it would be in next years' budget as the truck will not be delivered until July 2023.

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to accept the bid from National Auto Fleet Group for a 2024 Kenworth T480 truck and boom at a cost of \$227,360.43. 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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#### **LEE COUNTY TOBACCO FALL FESTIVAL SPONSORSHIP**

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the Lee County Tobacco Fall Festival Sponsorship for \$300.00. 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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#### **MIG WELDER FOR TRANSFER STATION**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the purchase of a MIG Welder for the transfer station at a cost not to exceed \$5,000.00. 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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#### **CENTRAL GARAGE ADDITION**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve an addition to the Central Garage at a cost of approximately \$4,000.00. 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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**JASPER SOLID WASTE CONVENIENCE CENTER**

Mr. Poe advised the Jasper Convenience Center is experiencing problems with a bear scattering the garbage and damaging the fence. There is also a problem with waste being brought into the site by residents of neighboring counties. A purchase agreement for another site has been signed and, with the Board's permission, he will arrange for a survey and also file an application for a Special Use Permit for the new site. Transfer Station needs to install electric wire at the existing site to deter the bear. Another option to consider is to limit hours of operation to match adjacent counties.

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Mr. Mosley made the motion to close on Sunday. He stated the adjacent counties either close on Sunday or close when they are full and the trash ends up in Lee County.

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Gary Collingsworth said we are hit extremely hard on holidays. He suggested the Board close the site on holidays and Sundays.

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Mr. Kolb stated he appreciates the idea of saving money but did not want to treat that site different from the other districts.

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Mr. Mosley stated he thinks we need to change the hours.

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Mr. Kolb stated he doesn't think there is anything else to do, other than moving the site farther off the road.

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Mr. Poe stated in the past our lease required a worker there if the site is open.

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Mr. Leonard stated he would rather us do the work than see garbage scattered all over the roadways. He has lived in Keokee for over forty years and can see a big difference with the sites being open.

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Mr. Collingsworth said as long as we are open when other counties are closed they will bring it to us.

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Mr. Leonard said he knows all areas are different but it's just too easy to throw it over the bank.

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Mr. Mosley asked Mr. Collingsworth if we had any problems with illegal dumping at Hurricane Bridge when that site was closed.

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Mr. Collingsworth stated there only a couple boxes of trash the first month or so.

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Mr. Mosley stated he hates to pay for someone else's trash to be disposed of.

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Mr. Collingsworth stated that the Gibson Station site has also gotten worse with out of county trash. He stated it was previously dumped one time a week and now it is dumped three times a week. It's convenient for people from Tennessee to use this site.

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Mr. Mosley stated if we change the hours we can change them back if it doesn't work.

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Roger Waddell commented there would have to be someone there to monitor the site or trash would be piled up at the gate.

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Mr. Poe stated if sites are to closed on Sundays, it would require having Litter Control to monitor them during the transition.

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Mr. Kolb ask if someone would have to sit there all day.

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Mr. Poe stated he thought it could be checked on a random basis.

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Mr. Mosley asked how much it cost the County to deal with the out of county waste.

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Mr. Collingsworth stated there are twelve cans in Jasper being dumped three times a week. Some counties stagger the days and hours they are open. He stated we needed to limit or match the hours of adjacent counties.

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Mr. Kolb stated we need to request ID to dump garbage.

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Mr. Collingsworth stated the sites are open 91 hours per week and the workers are only there 25 hours.

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Mr. Poe stated the original proposal is to close on Sunday's. He asked Mr. Mosley if he wants his motion to include closing on holidays as well.

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Mr. Mosley stated we have to do something as we don't need to be hauling other county's trash. He stated that if this did not work, we could return to the current schedule.

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Mr. Leonard stated he has made himself clear he doesn't want trash thrown over the bank.

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**CLOSING OF JASPER CONVENIENCE CENTER SITE ON SUNDAYS AND HOLIDAYS**

It was moved by Mr. Mosley, seconded by Mr. Slemp, to close the Jasper convenience center site on holidays and Sundays. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Leonard

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Mr. Smith stated the same thing is going on at Gibson Station.

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**CLOSING OF THE GIBSON STATION CONVENIENCE CENTER SITE ON SUNDAYS AND HOLIDAYS**

It was moved by Mr. Smith, seconded by Mr. Mosley, to close the Gibson Station convenience center site on Sundays and holidays. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Leonard

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

**OPIOID SETTLEMENT FUNDS**

Stacy Munsey stated the County had received an initial payment of \$22,000 from the Opioid Settlement funds and should be receiving one more payment this year.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**AIRPORT AUTHORITY MEMBER RESIGNATION**

Mr. Poe advised that he had received a letter of resignation from the Airport Authority from Bill Sage.

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**VEHICLE BIDS**

Mr. Poe advised that bids would be advertised for a pickup truck for Building Inspection and new vehicles for the Sheriff's Department.

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**DMV SAFETY GRANT APPLICATIONS**

It was moved by Mr. Leonard, seconded by Mr. Kolb, to approve grant applications to the Department of Motor Vehicles in the amount of \$12,800.00 for alcohol enforcement and \$3,000.00 for safety restraint enforcement. 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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**LETTER OF SUPPORT FOR SCOTT COUNTY TELEPHONE COOPERATIVE GRANT APPLICATION**

It was the consensus of the Board to provide a letter of support for Scott County Telephone Cooperative's federal grant application to continue expansion of broadband in the region.

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**AT&T MULTI-BAND ORIGINATOR NUMBER AND LOCATIONS**

Mr. Poe advised that AT&T was requesting purchase orders for the three MBO's as discussed.

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It was the consensus of the Board to provide purchase orders for an MBO in Stone Creek and one in Robbins Chapel with the location of the third one to be determined.

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**CANE CREEK CONVENIENCE CENTER SITEWORK**

Mr. Poe advised that Transfer Station employees would be working to improve the entrance of the Cane Creek Convenience Center with new gates to cost approximately \$2,500 and some slight modifications to the entrance. This work will require the site to be closed for a couple of days to complete the work.

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**PD1 BEHAVIORAL HEALTH REFUND OF ARPA FUNDS**

Mr. Poe advised that PD1 Behavioral Health was not successful in obtaining funding from other localities for retention bonuses and had refunded the \$85,000 provided by Lee County. These funds will now be available for other uses.

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**JOINT MEETING WITH THE TOWN OF PENNINGTON GAP**

The joint meeting with the Town of Pennington Gap will be on September 27, 2022 at 6:00 p.m. at the Pennington Gap Town Hall.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**SOCIAL SERVICES BUILDING LEASE**

Mr. Kolb stated he had reviewed the lease with the Department of Social Services for their office space and believed the lease payments currently being paid are slightly lower than what they should be.

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**OLD ST. CHARLES TOWN HALL BUILDING**

Mr. Kolb stated he had been contacted by the St. Charles Rescue Squad regarding the status of the old St. Charles Town Hall building that the rescue squad uses as their base of operations. The building became the property of the County on July 1, 2022 when the town charter was voided. The Rescue Squad would like to either lease or purchase the building.

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**LEASE OF OLD TOWN HALL BUILDING**

It was moved by Mr. Kolb, seconded by Mr. Leonard, to draft a lease for the old St. Charles Town Hall building to the St. Charles Rescue Squad. Upon the question being put the vote was as follows.

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

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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.3., Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.; 2.2-3711 A.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; 2.2-3711 A.29., Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Upon the question being put the vote was as follows

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

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to exit 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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**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.

Upon the question being put the vote was as follows.

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

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**AMENDMENT TO LEE COUNTY SOLID WASTE MANAGEMENT FACILITIES ORDINANCE**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to adopt the amendment to the Lee County Solid Waste Management Facilities Ordinance to allow privately owned and operated solid waste management facilities (landfills) within the boundaries of Lee County. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Leonard, Mr. Smith

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**EDA FUNDING REQUEST**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve payment of \$13,039.32 to the Lee County Economic Development Authority with the stipulation that the funds be repaid to the County upon reimbursement from the grant agencies. Upon the question being put the vote was as follows.

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

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**SETTING REAL ESTATE TAX LEVY**

It was moved by Mr. Kolb, seconded by Mr. Mosley, to adopt a Real Property tax levy of \$.6187 per \$100 of assessed value for 2022. Upon the question being put the vote was as follows.

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

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It was moved by Mr. Mosley, seconded by Mr. Kolb, to recess to September 27, 2022 at 6:00 p.m. at the Pennington Gap Town Hall. Upon the question being put the vote was as follows.



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

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CHAIRMAN OF THE BOARD

\_\_\_\_\_  
CLERK OF THE BOARD