

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

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: Stacy Munsey, County Attorney

INVOCATION

Doug Odle, Pastor of Friendship Baptist Church in Jonesville, led the invocation.

PLEDGE TO THE FLAG

Mr. Jessee led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:33 p.m.

DEPARTMENT REPORTS

Written departmental reports for Economic Development, Tourism and Works Program was included in the Board Packet.

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.

Jerry Cox stated his personal property tax on his 2015 Dodge Ram increased \$90 and his tax relief has gone down from the previous year. Mr. Cox stated he has made some suggestions to the Board and also advised that other counties have reduced their assessment. He hopes that the county can do that this year and added we are a poor county with a 30% poverty rate.

There was no further public comment.

The Chairman closed the floor for public comment.

MINUTES

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the minutes of the February 20, 2023 Regular Meeting and the March 3, 2023 Called Meeting. 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. Smith, to approve the disbursements for the month of March in the amount of \$746,332.47. 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

**APPALACHIAN SUSTAINABLE DEVELOPMENT
HANNAH GIBBS
DEVELOPMENT PROGRAM MANAGER**

Hannah Gibbs, Appalachian Sustainable Development, stated they currently work in this area and across southwest Virginia and East Tennessee to support agriculture, farming and all types of environmental conservation. Ms. Gibbs stated she works with the Ground Work Program which is a six month paid on-the-job training and work opportunity for people with barriers to employment. The goal is to help them develop skills and find jobs related to agriculture, warehousing and other fields. She said she had discussed a grant opportunity for recycling with Mr. Kolb and was encouraged to share the plan with the entire Board as the County's old recycling building could house their operation. Ms. Gibbs stated the lack of recycling in Southwest Virginia is a significant issue which is linked to littering, landfill space, and the cost of waste reduction. She stated this program supports a variety of clients struggling to get back into the workforce. Ms Gibbs stated the grant application would be in partnership with Lee County and the Upper Tennessee River Round Table and would provide a total budget allocation of \$1.6 million over a three year period. She advised it would be a great opportunity for job creation as well as focusing on plastic recycling. She advised that they have already contacted some of the schools about collecting plastic and have also partnered with Eastman in Kingsport, TN as their ultimate market for plastics. ASD already manages trucking routes in the region and this would generate additional revenue to support the program.

Stacey Munsey entered the meeting at 5:43 p.m.

Mr. Mosley asked what types of plastic they would collect.

Ms. Gibbs stated number one and number two plastics, post-consumer waste, and pre-consumer waste. She advised that as Eastman expands their accepted products, ASD would also expand accordingly.

Mr. Smith asked where the collection bins would be placed in the county.

Ms. Gibbs stated their goal is to have one at each school and work with the county to develop drop-off locations and then bring the plastic to the building.

Mr. Kolb asked if they would collect the recycling.

Ms. Gibbs stated they may need the county to collect it until they can purchase their own truck with the grant funds.

Mr. Kolb asked if they have a timeframe as to when they would know if they will receive the money.

Ms. Gibbs advised they should know sometime in May.

Mr. Kolb asked if they would receive enough money to purchase a truck in May.

Ms. Gibbs stated that if they receive notice of the grant award in May the program would start in October.

Mr. Kolb asked what repairs they would make to the building.

Ms. Gibbs stated they would update the doors, clean and update the bathrooms, and anything else the Board recommends or that is needed.

Mr. Kolb asked if the classroom space was sufficient for training.

Ms. Gibbs stated it was perfect.

Mr. Kolb asked if the person they were hiring would be dedicated to Lee County.

Ms. Gibbs stated yes.

FINANCE

QUATERLY APPROPRIATIONS

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

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

LEE COUNTY BOARD OF SUPERVISORS APPROPRIATIONS RESOLUTION FISCAL YEAR ENDING JUNE 30, 2023 23-002

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 June 30, 2023.

HEADSTART

Federal Funds \$ 1,572,303

TOTAL HEADSTART \$ 1,572,303

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds \$ 9,428,812

Local Funds 1,460,549

TOTAL VIRGINIA PUBLIC ASSISTANCE \$ 10,889,361

LEE COUNTY PUBLIC SCHOOLS

Federal, State & Other Funds \$46,057,790

Local Funds 5,446,565

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 2022-2023.

OLD BUSINESS

COUNTY CODE RECODIFICATION

Mr. Poe stated that Ms. Munsey has almost completed her review and he will get with her before next month's meeting and resolve any issues and make a recommendation to the Board.

FIRE ALARMS AT COURTHOUSE

Mr. Poe stated he hasn't had time to address the issue as he advised before he will have to coordinate on a Saturday.

NEW BUSINESS

BOARD APPOINTMENTS

BUILDING CODE APPEALS

It was moved by Mr. Smith, seconded by Mr. Mosley, to re-appoint Douglas Graham to a four-year term on the Building Code Appeals. Mr. Graham's term will expire March 31, 2027. Upon the question being put the vote was as follows.

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

BUILDING CODE APPEALS

It was moved by Mr. Kolb, seconded by Mr. Leonard, to re-appoint Robert Hines to a four-year term on the Building Code Appeals. Mr. Hines' term will expire March 31, 2027. Upon the question being put the vote was as follows.

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

BUILDING CODE APPEALS

It was moved by Mr. Mosley, seconded by Mr. Kolb, to re-appoint Wayne Bonham to a four-year term on the Building Code Appeals. Mr. Bonham's term will expire on March 31, 2027. Upon the question being put the vote was as follows.

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

BUILDING CODE APPEALS

It was moved by Mr. Jessee, seconded by Mr. Leonard, to appoint Millard (Jr.) Calton to a four-year term on the Building Code Appeals. Mr. Calton's term will expire on March 31, 2027. Upon the question being put the vote was as follows.

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

BUILDING CODE APPEALS

It was moved by Mr. Leonard, seconded by Mr. Mosley, to table 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

PLANNING COMMISSION

It was moved by Mr. Mosley, seconded by Mr. Kolb, to table 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

PLANNING COMMISSION

It was moved by Mr. Smith, seconded by Mr. Kolb, to re-appoint Ricky Ellis to a four-year term on the Planning Commission. Mr. Ellis’s term will expire on March 31, 2027. 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. Mosley, seconded by Mr. Leonard, to table this appointment. Upon the question being put the vote was as follows.

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

SOCIAL SERVICES

It was moved by Mr. Kolb, seconded by Mr. Smith, to re-appoint Summer Hines to a four-year term on the Social Services. Ms. Hines’s term will expire on March 31, 2027. Upon the question being put the vote was as follows.

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

SOCIAL SERVICES

It was moved by Mr. Leonard, seconded by Mr. Smith, 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

DRYDEN WATER AUTHORITY

It was moved by Mr. Jessee, seconded by Mr. Leonard, to re-appoint Roger Gates to a four-year term on the Dryden Water Authority. Mr. Gate’s term will expire on March 31, 2027. Upon the question being put the vote was as follows.

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

The Chairman amended the agenda to allow a Tourism Committee appointment.

TOURISM COMMITTEE

It was moved by Mr. Jessee, seconded by Mr. Kolb, to appoint Bernadine Huff to an unexpired term on the Tourism Committee. Ms. Huff’s term will expire on December 31, 2023. Upon the question being put the vote was as follows.

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

EDA BUDGET DISBURSEMENT REQUEST

Mr. Poe stated that Richard Johnson, Deputy Director of the EDA, requested the balance of the allocation for the EDA for this year be released. He advised no specific expenses were provided.

Mr. Mosley stated he would like to see a financial statement.

Mr. Poe stated he will request additional information.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to table the EDA Budget Request. Upon the question being put the vote was as follows.

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

BLACKWATER CONVENIENCE CENTER OPERATION AGREEMENT

Mr. Poe stated the contract agreement for operation and maintenance of the Blackwater Convenience Center site expires at the end of the month. The agreement contains a provision for two additional one-year terms upon mutual agreement of both parties. The contractor wishes to renew the agreement for an additional year with no changes.

It was moved by Mr. Kolb, seconded by Mr. Smith, to renew the Blackwater Convenience Center contract agreement at the current cost. Upon the question being put the vote was as follows.

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

HEALTH INSURANCE RENEWAL

Mr. Poe advised he has received information on the County's health insurance renewal. The County will incur a premium increase of 8.9% higher than current cost if it remains with The Local Choice. The County's basic plan is the Advantage 250 which the county pays 85% for single coverage and 75% for dual and family coverage with employees having the option to upgrade to the Key Advantage Expanded at their expense. The County must notify The Local Choice by April 1, 2023 to remain in the group.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to renew the County's health insurance plan with The Local Choice. Upon the question being put the vote was as follows.

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

POSSIBLE RURAL ADDITION PROJECT

Mr. Poe stated the Virginia Department of Transportation has recently been working with the owners of Whistle Pig Country Store regarding an entrance to their proposed development. He advised that VDOT has indicated a preference for using the existing Cedar Valley Road for this entrance since it already intersects with US Highway 58. He stated that the residents of Cedar Valley Road have petitioned the Board of Supervisors for improvements to their road for several years. The road is approximately 1.70 miles in length and serves about 20 homes. VDOT has suggested the County consider using Rural Addition funds to improve the first 500 feet or so of Cedar Valley Road which would provide a better entrance for Whistle Pig and start improving Cedar Valley Road. VDOT provided an estimated cost of \$65,000.00 for this project with the owners of Whistle Pig providing the necessary right-of-way. VDOT also indicates that the County's current available Rural Addition funds are in the approximate amount of the cost of the proposed project and would provide a paved roadway for six of the twenty households served by the road. Mr. Poe advised the decision on the use of the Rural Addition funding lies with the Board and that additional information would be needed for a formal resolution.

It was moved by Mr. Smith, seconded by Mr. Leonard, to move forward with this Rural Addition Project. Upon the question being put the vote was as follows.

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

SCHOOL CAPITAL RESERVE FUND TRANSFER REQUEST

Mr. Poe stated that at the November 15, 2022 Regular Meeting the Board approved re-appropriation of unspent School Board State funds from the prior fiscal year. The School Board also requested a transfer to the School Board Capital Reserve Fund of an amount representing two-thirds of the unspent Local Required Effort which was returned to the County on June 30, 2022. Mr. Poe stated the request was tabled and he has been requested to determine if the Board intends to act on this matter.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve a transfer of \$156,555.55 to the Lee County School Board Capital Reserve Fund. Upon the question being put the vote was as follows.

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

TW POOL AND TRANSFER STATION GATE CAMERAS

Mr. Poe stated the Board has been discussing surveillance cameras at the Thomas Walker Pool and at the dumpsters at the Transfer Station gate. He added that in both instances it was recommended to try to obtain necessary internet feed from adjacent structures on School Board property. County staff has been contacted by a School System employee about the matter to determine what is needed and a possible cost. Both sites have been proposed to have cameras with recorders, remote access features, and possible cloud storage and video. While wireless feed of the internet signal was discussed it may not be sufficient to allow onsite recorders and multiple cameras. Mr. Poe advised this will be explored, but added we may need to consider running fiber from the School Board facilities to our properties. He stated it was his understanding that the recorder requires a wired connection and if it is located in school facilities, we may not have access when needed. He added if fiber has to be installed to our sites, there could be additional costs. He advised that the area between the pool and existing internet would require a line through several existing trees where some have recently fallen. Mr. Poe stated that the Transfer Station gate should be easier but may require an overhead line high enough to clear traffic around the Transfer Station and Bus Shop. He recommended the County acquire dedicated internet service to each site.

It was moved by Mr. Smith, seconded by Mr. Kolb, to move forward with obtaining internet service at the TW Pool and Transfer Station gate sites and purchase cameras and recorders. Upon the question being put the vote was as follows.

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

Mr. Kolb asked if a motion was needed to purchase the cameras.

Mr. Poe stated that would be included in the previous motion.

Mr. Kolb stated he spoke with Mr. Fortner about the cameras at Flatwoods and he advised they are good and he needs three more for the Transfer Station.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

LANDFILL TIPPING FEE INCREASE

Mr. Poe advised that the tipping fee cost at Blountville Landfill has increased fifty cents a ton.

AIRPORT SPRAYING BIDS

Mr. Poe stated that bids for vegetation spraying at the airport were due by 2:00 p.m. today with no bids submitted. He stated one company came on site and looked at the area but they do ground application only. He recommended scaling the project back and re-advertising.

Mr. Jessee asked if the company was local.

Mr. Poe stated they were not.

Mr. Jessee advised reaching out to someone local.

Mr. Poe stated it was advertised locally as well as regionally.

Mr. Jessee stated they may have missed the advertisement.

Mr. Poe stated we could put the bid back out and extend the deadline.

Mr. Jessee stated he would like to contact someone locally that would be interested.

Mr. Poe stated if there were no objections he would prepare another bid.

It was the consensus of the Board to reduce the scope and re-advertise the project.

RE-NAMING SOLID WASTE DEPARTMENT

Mr. Poe stated the discussion about restructuring or renaming the Solid Waste Department has come up in the past. He advised that people are inquiring about the jobs they are doing outside the scope of Solid Waste. Mr. Poe asked the Board to think about and consider re-naming the department Public Works with Sanitation / Solid Waste falling within the Public Works Department.

Mr. Poe requested closed session for an item under personnel.

REPORTS AND RECOMMENDATIONS OF THE BOARD

RESCUE SQUAD FUNDING

Mr. Kolb asked if Mr. Poe has a recommendation on how to go about studying the issue of the Rescue Squad Funding and what to do about the situation. He asked if they should form a committee or speak to the chiefs and captains.

Mr. Poe asked for time to think about that. He advised the issue may need to be approached in steps by contacting different groups at different times.

Mr. Kolb stated there seems to be several conversations going on but nobody is talking to each other. He advised he's not sure how to approach it and asked if Mr. Mosley does.

Mr. Mosley stated he doesn't and added that different departments want to do different things. He stated that it does need to be ironed out.

AT&T MBO'S

Mr. Kolb asked where we were at with the MBO's.

Mr. Poe stated two have been ordered and we need a third location. Mr. Poe advised the cost of the two is \$40,000.00 each and the delay in the location of the third may affect the cost.

Mr. Mosley asked where the two are going.

Mr. Poe advised one will go in Robbins Chapel and the other one will go at Stone Creek.

Mr. Mosley stated we discussed putting one at Sticklelyville and thinks that is the only logical place to put it.

Mr. Leonard advised putting it in the upper end of Saint Charles. He stated they don't have internet at all.

Mr. Mosley asked if the internet stops at the school.

Mr. Leonard stated yes until they get an agreement with ODP or Kentucky Utilities.

Mr. Poe stated internet service in St. Charles should go to the clinic.

Mr. Leonard stated that putting a MBO around the Kemmer Gem area should cover the area down to the other MBO in Saint Charles and possibly on up to Monarch.

Mr. Poe stated he thinks one can be put at the mouth of Kemmer Gem and cover the area between it and the other MBO.

Mr. Kolb stated Saint Charles has no option for cell phone service but if you're in Stickleyville you can get Verizon.

Mr. Poe stated you do have Verizon coverage in Stickleyville but no AT&T coverage.

Mr. Kolb asked if Mr. Poe could look for locations for both areas.

PROPERTY DONATIONS

Mr. Kolb asked about property donations to the County.

Mr. Poe stated he provided the Board with information and is waiting to hear back on which ones, if any, the Board wants to proceed on. He stated he received a call after the

Board packets went out last week on another potential piece of property in the Monarch area of Saint Charles.

Mr. Kolb asked Mr. Poe about looking into some title work on the previous properties.

Mr. Poe stated he would provide the information to the County Attorney.

SOCIAL SERVICES PROJECT

Mr. Mosley asked if the HVAC project at Social Services was completed.

Mr. Poe advised it has been done for awhile.

JASPER PROPERTY DEED

Mr. Poe stated we now have the deed on the Jasper property and will be proceeding with an entrance permit application to submit to VDOT.

PARKING LOTS AT COURTHOUSE

Mr. Mosley asked about the parking lots.

Mr. Poe advised we have a signed purchase contract on the parking lot across the street and are waiting on the deed.

Mr. Mosley asked about the back parking lot.

Mr. Poe stated they had a meeting last week and hope to get started by mid April.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Smith, to enter Closed Session pursuant to 2.2-3711 A.1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body, 2.2-3711 A. 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.6 The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, 2.2-3711 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, 2.2-3711 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. 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 Mr. Smith, 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

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

LAND DONATION ACCEPTANCE

It was moved by Mr. Leonard, seconded by Mr. Kolb, to accept the donation of land from the landowner discussed in Closed Session. 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 adjourn. Upon the question being put the vote was as follows.

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