

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 16, 2021 at 5:30 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Bob Richards, Pastor of First Christian Church of Pennington Gap, led in the Invocation.

PLEDGE TO THE FLAG

Larry Mosley led the Pledge to the Flag.

MEETING CALLED TO ORDER

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

PUBLIC HEARINGS

SPECIAL USE PERMIT

The Lee County Board of Supervisors held a Public Hearing on February 16, 2021 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on the following proposed Special Use Permit. Recovery Through Christ Ministries, Inc. has applied for a Special Use Permit to allow a faith-based recovery home for substance abuse (including alcohol) in a Village Commercial (V-C) District. The property consists of approximately 22 acres and is located in the Jasper Community on the West side of US Highway 23 just off Jasper Road (Route 611) and Baptist Home Drive (Tax Parcel # 28-(A)-23).

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.

Josh Osteen, Pastor of First Baptist Church of Pennington Gap, stated that there is nowhere for people in Lee County to go and this home presents a special opportunity to help those that have been affected by drugs or alcohol. This program would assist the participants in getting a drivers license, and obtaining a job and Mountain Empire Community College is going to assist in helping with an education.

Mr. Smith asked how the facility would be funded.

Mr. Osteen stated that it would come from individuals to begin with and there is hope that the local churches will help as well.

There was no further public comment.

The Chairman closed the floor for public comment.

Mr. Poe stated that the Planning Commission heard this matter at their January meeting and voted to recommend approval.

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the Special Use Permit for Recovery Through Christ Ministries, Inc. to allow a faith-based recovery home for substance abuse (including alcohol) in a Village Commercial (V-C) District. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

DEPARTMENT REPORTS

Written departmental reports for Litter Control and Solid Waste were included in the packet.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 5,767,678.00
Expenditures	\$ 6,972,193.72
General Fund	\$10,229,502.13
Total Assets and Liabilities	\$13,383,925.12

TOWN FUNDS HELD BY THE COUNTY

Mr. Kolb commented on the fact that there is over \$20,000 in sales tax for the Town of St. Charles held by the Treasurer due to the Town having no sitting mayor or council. He stated that the County is bearing the cost of town elections even though there have been no candidates and no one voting in the last two town elections. He stated he knew this had been discussed with Delegate Kilgore in the past and suggested the County write a proposed bill for General Assembly action to abolish the town charter.

Mr. Poe advised that Delegate Kilgore had referred this matter to Legislative Services to review and they had advised that the County should take action in the Circuit

Court. Mr. Poe advised that he could find no statutory authority for the County to take this action, that only the Town Council could take action to abolish their charter.

Mr. Kolb requested this matter be discussed in Closed Session.

**COMMISSIONER OF REVENUE
CIGARETTE TAX UPDATE**

Chris Jones, Commissioner of the Revenue, addressed the Board about the options in which the cigarette tax could be administered. The General Assembly has three options before them for the current session, which include letting the Virginia Department of Taxation administer the tax, letting a regional board administer the tax, or letting the local level Commissioner of the Revenue administer the tax. Mr. Jones recommends going with the regional approach for administering the tax.

Mr. Jones also asked the Board to consider making a change to the food tax to allow for the merchants that are collecting the tax to keep a portion of the tax collected.

PUBLIC EXPRESSION

The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

There was no public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Kolb, seconded by Mr. Mosley, to approve the minutes of the January 12, 2021 Annual Meeting, January 19, 2021 Public Hearing, January 19, 2021 Regular Meeting and February 2, 2021 Recessed Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve a refund request for Randy Asbury in the amount of \$85.39. Upon the question being put the vote was as follows.

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

DELEGATIONS

**CURTIS DAVIS
HOPE HOUSE
DONATION REQUEST**

Curtis Davis, Hope House Volunteer, stated that the Hope House is located in Gate City and serves Lee County domestic violence victims and asked the Board to consider making a donation to the Hope House.

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of February in the amount of \$146,626.03. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

NEW BUSINESS

BOARD APPOINTMENTS

BOARD OF ZONING APPEALS

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

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

SOUTHWEST REGIONAL RECREATION AUTHORITY

It was moved by Mr. Kolb, seconded by Mr. Mosley, to appoint Harold Jerrell to an un-expired term on the Southwest Regional Recreation Authority. Mr. Jerrell's term will expire June 30, 2023. Upon the question being put the vote was as follows.

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

SPEARHEAD TRAILBLAZERS BOARD

It was moved by Mr. Leonard, seconded by Mr. Kolb, to appoint Kevin Allred to a two-year term on the Spearhead Trailblazers Board. Mr. Allred's term will expire December 31, 2022. Upon the question being put the vote was as follows.

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

DRYDEN WATER AUTHORITY

It was moved by Mr. Slempp, seconded by Mr. Kolb, to re-appoint Darrell Cody to a four-year term on the Dryden Water Authority. Mr. Cody's term will expire February 28, 2025. Upon the question being put the vote was as follows.

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

ROUTE 657 AND 704 DISCONTINUANCE OR ABANDONMENT

Mr. Poe reported that the information on Routes 657 and 704 was provided to the Board at the November 17, 2020 Regular Meeting. A portion of both of these roads is currently not maintained and serves no residences. At the time, the Virginia Department

of Transportation was requesting you to consider either discontinuing or abandoning portions of each road. They are now advising that another course of action would be to leave the roads “as-is” for the time being. This would accomplish their desire to limit public hearings during the pandemic and the matter could be addressed at a future date, if desired. This would not affect any standard of the maintenance of the affected portions of these roads, as they are not currently being maintained. A resolution notifying VDOT of your non-support of discontinuance or abandonment would be required.

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

**RESOLUTION OF NON-SUPPORT FOR ABANDONMENT OR
DISCONTINUANCE OF ROUTE 657 AND ROUTE 704
21-004**

WHEREAS, the Virginia Department of Transportation has notified the Lee County Board of Supervisors of its request to abandon or discontinue sections of Route 657 from 1.69 mile south of Route US58 to Route 661, a distance of 0.97 miles; Route 704 from Route 915 to the dead end, a distance of 0.05 miles; and Route 704 from Route 915 to the dead end, a distance of 0.28 miles; and,

WHEREAS, the sketch, attached and incorporated herein as a part of this resolution, more particularly describes the routes identified for possible abandonment or discontinuance, and

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby does not support abandonment or discontinuance of Route 657 and Route 704, as identified on the attached sketch, at this time, and

BE IT FURTHER RESOLVED, the Lee County Board of Supervisors requests that the roadways described on the attached sketch remain included in the Secondary System of State Highways with the understanding that the Virginia Department of Transportation will only maintain these routes to the extent of their use by the general public, and

BE IT FINALLY RESOLVED, this Board of Supervisors orders that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

SECONDARY SIX-YEAR PLAN AND CONSTRUCTION BUDGET

Mr. Poe reported that at last month’s public hearing on the proposed Secondary Six Year Plan resulted in the Board requesting costs and traffic counts on the two roads proposed to be added to the plan and three other routes discussed during the public hearing. The two routes proposed to be added to the plan were Route 708 (Seminary Road) and Route 805 (Slemp Road). The other three roads discussed during the hearing were Route 620 (Hen Reasor Road), Route 669 (Blue Hollow Road) and Route 656 (Old Friendship Road). VDOT has provided the following information:

Route	Length	Traffic Count	Homes Located on Unpaved Section	Estimate
708	1.00	30-110	4 + off road	\$250,000.00
805	0.40	40	6	\$150,000.00
620	2.36	50	19	\$450,000.00
669	0.70	110	0	\$225,000.00
669	0.80	90	4 + off road	\$450,000.00
669	2.00	140	15 + off road	\$550,000.00
656	2.94	70	7	\$590,000.00

If possible, this matter needs to be resolved this month in order to approve a plan and the construction budget for the current year in order not to delay ongoing construction projects scheduled for the current year.

Mr. Smith stated that he would like to get Blue Hollow Road onto the plan.

It was moved by Mr. Kolb, seconded by Mr. Smith, to remove Seminary Road (Rte. 708) and add Section 1 of Blue Hollow Road(Rte. 669) and Slemp Road (Rte. 805) to the plan. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Slemp

It was moved by Mr. Kolb, 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

RESOLUTION
SECONDARY SIX-YEAR ROAD PLAN AND CONSTRUCTION BUDGET
21-002

WHEREAS, Sections 33.2-331 of the 1950 Code of Virginia, as amended provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2020/2021 through 2025/26) as well as the Construction Priority List (2020/21) on January 19, 2021 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Jackie Christian, Wise Residency Assistant Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2020/21 through 2025/26) and the Construction Priority List (2020/21) for Lee County, Virginia;

NOW, THEREFORE, BE IT RESOLVED, that since said Plan appears to be in the best interests of the Secondary Road System in Lee County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2020/21 through 2025/26) and Construction Priority List (2020/21) are hereby approved as presented at the public hearing.

DATA CENTER EQUIPMENT TAX RATE

Mr. Poe reported that one of the initiatives of the Lonesome Pine Regional Industrial Facilities Authority is to improve the attractiveness of the region for data centers. The Code of Virginia provides for reduced local taxation rates and modified depreciation rates in order to make Virginia more competitive in attracting data centers.

A regional tax rate of \$0.24 has been proposed for data center investments in order to make our region competitive with other areas of the state. In addition to the lowered tax rate, a modified depreciation schedule would be used for valuing the equipment for taxation. That depreciation schedule is as follows:

- Year 1 – 50%
- Year 2 – 35%
- Year 3 – 30%
- Year 4 – 10 %
- Year 5 - 5%

In order to qualify for the lower tax rate and depreciation schedule, a data center must meet investment and employment thresholds of \$150 million and 50, respectively. In distressed areas of the state, employment numbers may be reduced to 25. Even with a reduced tax on data center, significant investment would still generate handsome tax revenues for the locality in which they are located.

Mr. Poe presented the Board with a draft Memorandum of Understanding between the Counties of Dickenson, Lee, Scott, and Wise counties and the City of Norton agreeing to the \$0.24 per \$100.00 of assessed value and the above-state depreciation schedule.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to enter into the Memorandum of Understanding as drafted. Upon the question being put the vote was as follows.

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

MEMORANDUM OF UNDERSTANDING.

Purpose: To establish an equitable and competitive data center equipment tax rate and depreciation schedule to be implemented within the Lonesome Pine Regional Industrial Facilities Authority region. The criteria, eligibility, and implementation of the Virginia Data Center Retail Sales and Use Tax Exemption (DCRSUT Exemption) is structured through §58.1-609.3 (18) of the Code of Virginia.

This Memorandum of Understanding (“Agreement”) is made on this 1st day of February 2021 and among Lonesome Pine Regional Industrial Facilities Authority member localities of the counties of Dickenson, Lee, Scott, and Wise and the City of Norton, and the Commissioners of Revenue (“Commissioners”) of these respective members.

Agreement

The Parties agree:

1. The Board of Supervisors/City Council of the participating counties and city agree to establish a tax rate for personal property of a data center at \$0.24 per \$100 of assessed value.
2. The Commissioners of the participating counties and city have agreed to utilize a uniform valuation and assessment ratio as follows:

- a. **Valuation Method:** The Commissioners, in accordance with the authority granted by §58.1-3503 (17) of the Code of Virginia, declare for valuation purposes that computer equipment and peripherals used in a data center, as defined in a subdivision A 43 of §58.1-3506 of the Code of Virginia shall be valued by means of a percentage or percentages of original cost, or by such other method as may reasonably be expected to determine the actual fair market value.
- b. **Depreciation Schedule:** The Commissioners, in accordance with the authority granted by the §58.1-3503 of the Code of Virginia, declare to adopt the following depreciation schedule for all property that meets the definition of a data center as described in subdivision A 43 of §58.1-3506 of the Code of Virginia:

Year 1	50%
Year 2	35%
Year 3	20%
Year 4	10%
Year 5	5%

Dissolution of Agreement

Any county/city or Commissioner who decides to end their participation in the Agreement must notify all other counties/city and Commissioners within 30 days of their intent to do so and such withdrawal shall be effective at the next following assessment date.

LITTER CLEAN UP PROPOSALS

Mr. Poe reported that as a result from the recent advertisement, the County received two proposals for litter clean up along most the County’s primary highways.

Both proposals exclude the roadways with the corporate limits of the Towns of Jonesville and Pennington Gap. Mr. Poe recommends this be discussed further in closed session.

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

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

POSSIBLE SALE OF RECYCLING TRUCK

Mr. Poe reported that he has been advised by the County mechanic that the 2008 Isuzu truck used by the recycling program will need a new engine within a very short time if it is placed back into service. The lift gate is also beyond repair and will need to be replaced. This truck has in excess of 132,000 miles and is the larger of the two trucks used by recycling.

It was moved by Mr. Kolb, seconded by Mr. Smith, to sell the litter van at the equipment sale held by Lee Auction in the spring. Upon the question being put the vote was as follows.

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

It was moved by Mr. Kolb, seconded by Mr. Smith, to sell the aluminum trailer and the 2008 box truck on GovDeals. Upon the question being put the vote was as follows.

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

POLICE VEHICLE BIDS

Mr. Poe reported that bids were recently advertised for police vehicles. A Chevrolet dealer advised that Chevy has stopped production until August. There was only one bid received which was from Freedom Ford for a 2021 Ford Police Interceptor in the amount of \$33,749.14 with a road ready package bid at \$36,457.14. The Virginia Sheriff's Association has state eligible contract price for Dodge Chargers at a cost of \$26,692.00 plus transportation cost, and Ford Police Interceptor at a cost of \$32,555.00, plus transportation cost. Both of these prices are subject to adjustment for options specified in the County's bid.

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

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

HEALTH INSURANCE RENEWAL

Mr. Poe reported that he recently received notice that our rates for employee health insurance for the year beginning July 1, 2021 will decrease by 1%. This includes both the standard offering of the Key Advantage 250 plan and the optional upgrade to the Key Advantage Expanded plan. The County is required to notify the Local Choice by April 1 if it chooses not to renew.

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

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

DELTA AIRPORT CONSULTANT'S TASK ORDER NUMBER ONE

Mr. Poe provided the Board with a copy of Delta Airport Consultant's Proposed Task Order Number One for design through bidding services for the first project on the Airport Capital Improvement Plan, which was recently approved by the Board. This is for repairs to cracks in the runway and taxiway, seal coating of the runway and taxiway, and remarking of the pavement. The design phase work would also include updating of the Disadvantaged Business Enterprise Plan, which is a requirement of the FAA in order to utilize their funding.

The total cost of all services under this task order is \$49,500.00 and would be funded 90% by the FAA, 8% by the Virginia Department of Aviation and 2% by the County (\$990.00). The purpose of this project is to extend the life of the pavement by approximately 5-10 years postponing the need to completely repave the runway.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve Delta Airport Consultant's Task Order Number One. Upon the question being put the vote was as follows.

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

REGIONAL JAIL PER DIEM

Mr. Poe reported that the General Assembly is currently considering increasing the per diem payments for local-responsible and state-responsible inmates held in local and regional jails and increasing the starting pay and implementing a career progression program for deputy sheriffs and regional jail officers.

It was moved by Mr. Mosley, seconded by Mr. Slemph, 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

**RESOLUTION
STATE FUNDING FOR REGIONAL JAILS AND SHERIFFS
21-005**

WHEREAS, Lee County is a member of the Southwest Virginia Regional Jail Authority; and,

WHEREAS, the Virginia General Assembly is currently considering revisions and amendments to the Commonwealth’s biennial budget; and,

WHEREAS, both the House and Senate are considering amendments to the budget (Item 69#3h) which includes an increase to the per diem payments for local-responsible and state-responsible inmates held in local and regional jails, namely, an 18.75% increase in the Consumer Price Index; and,

WHEREAS, the per diem rate of reimbursement for regional jails was established by the 2010 session of the General Assembly; and,

WHEREAS, regional jails are expected to incur significant costs in compliance with new standards for behavioral health and medical care which are in the process of being adopted by Board of Local and Regional Jails at the direction of the 2019 session of the General Assembly; and,

WHEREAS, an increase of the per diem reimbursement rate from the Commonwealth for local-responsible and state-responsible inmates will significantly impact and reduce the contributions of each locality to the operation of the Southwest Virginia Regional Jail Authority; and,

WHEREAS, both the House and Senate are also considering amendments to the budget (Item 68#2h) to increase the starting pay and implement a career progression program for deputy sheriffs and regional jail officers

NOW, THEREFORE, BE IT RESOLVED, by the Lee County Board of Supervisors as follows:

- a) The Lee County Board of Supervisors supports House Budget Amendment and Senate Budget Amendment (Item 69#3h) which provides \$10.6 million the second year from the general fund to increase the per diem payments for local-responsible and state-responsible inmates held in local and regional jails. The amount reflects the 18.75% increase and the Consumer Price Index since the current rates were set by the 2010 session of the General Assembly; and
- b) The Lee County Board of Supervisors supports House Budget Amendment and Senate Budget Amendment Item 68#2h which provides \$90.9 million from the general fund in physical year 2022 to increase the starting pay and implement a career progression program for deputy sheriffs and regional jail officers.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

SCOTT COUNTY TELEPHONE INVOICES

Mr. Poe stated that he received an invoice from Scott County Telephone Company for work on the CARES Act funding project in the amount of \$282,829.69 for work completed December 3, 2020 through February 4, 2021 and an invoice for the Broadband grant in the amount of \$419,047.91.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to pay Scott County Telephone \$282,829.69 from the CARES Act Funding and \$419,047.91 from the Broadband grant funding. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE BOARD

THOMAS WALKER BASKETBALL

Mr. Smith congratulated the Thomas Walker Girls Basketball team for placing Runner-up in Region 1 D with Burke and Fannon ending the season scoring 1,000 career points and Caleb Yeary for ending his high school career with 1710 points.

LITTER CONTROL FACEBOOK PAGES

Mr. Kolb stated that there are two different Facebook pages for Litter Control and one of them needed to be shut down.

INTERNET IN COURTROOM

Mr. Kolb asked about the internet connection in the General District Courtroom and stated he would like for it to be set up as WiFi with the press given access.

SPRAYING AT AIRPORT

Mr. Kolb asked about the status of the bids for spraying at the airport.

Mr. Poe stated that he has to look at the area again and adjust how the bid is written.

COURTHOUSE SECURITY FEE

Mr. Kolb asked if the Courthouse Security Fee Ordinance would need to be revised to include Juvenile and Domestic Relations Court.

Mr. Poe stated that the Ordinance says general district and circuit courts. It would take a public hearing to add juvenile and domestic relations court.

It was moved by Mr. Kolb, seconded by Mr. Mosley, to hold a public hearing to add Juvenile and Domestic Relations Court to the Ordinance. Upon the question being put the vote was as follows.

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

TIMBER

Mr. Kolb asked about selling the timber on the Transfer Station property.

Mr. Poe stated that if the area behind the bus shop was logged it could cause runoff problems.

WORKS PROGRAM

Mr. Kolb stated that the Works Program already had two participants sign up.

EXTENSION OFFICE

Mr. Kolb asked about the deadline for tearing down the Extension Office.

Mr. Poe stated that there was not a deadline set, but the abatement would need to be done before anything else could be done.

TRASH COLLECTION COMPANIES

Mr. Kolb stated that the companies that are picking up household waste should not have to pay a tipping fee at the Transfer Station.

It was moved by Mr. Kolb, seconded by Mr. Smith, that for any trash that is residential to be allowed to be dumped in a dumpster at no charge. Upon the question being put the vote was as follows.

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

REGIONAL JAIL SURPLUS VEHICLES

Mr. Kolb stated that the jail either gives away surplus vehicles or sells them at auction. He stated that the Works Program does not have a vehicle assigned to them and could use one.

It was moved by Mr. Kolb, seconded by Mr. Smith, to notify the Regional Jail Authority that the County wants either of the last two vehicles on the list. Upon the question being put the vote was as follows.

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

CONVENIENCE CENTER SCAVAGING

Mr. Mosley stated that he was at the Convenience Center in front of the Transfer Station Sunday and people were there getting trash bags out of the dumpsters and putting them in their vehicles.

Mr. Kolb stated that someone from the Works Program could be stationed at the site.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Mosley, 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. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

Mr. Slemp left the meeting at 9:20 p.m.

Ms. Munsey left the meeting at 9:40 p.m.

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. 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 POSITION

Mr. Poe stated that one of the Transfer Station Employees has given their two-week notice and requested the Board advertise for the position.

It was the consensus of the Board to advertise for General Laborer at the Transfer Station.

TRANSFER STATION CONVENIENCE CENTER

It was the consensus of the Board to use the Work Program participants to man the Convenience Center at the Transfer Station.

CIRCUIT COURT CLERK'S OFFICE HEAT PUMP

It was moved by Mr. Mosley, seconded by Mr. Leonard, to purchase two ductless heat pump units from Southwest Heating and Air in the amount of \$20,651.00. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

SHERIFF'S OFFICE VEHICLES

It was moved by Mr. Mosley, seconded by Mr. Leonard, to authorize the County Administrator to research the state contract and make a decision on the Sheriff's Office Vehicles. Upon the question being put the vote was as follows.

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

COMMUNITY DEVELOPMENT DIRECTOR

It was moved by Mr. Leonard, seconded by Mr. Smith, to hire Richard Johnson as Community Development Director at an annual salary of \$50,000.00 effective March 1, 2021. Mr. Johnson is hired on a one-year probationary period. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Mosley

ABATEMENT OLD EXTENSION OFFICE

Mr. Kolb stated that if the abatement could be done under procurement laws without bidding to proceed, if not put it out for bids.

It was moved by Mr. Mosley, seconded by Mr. Kolb, to recess to February 25, 2021 at 6:00 p.m. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD