

**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 15, 2020 at 4:30 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: Stacy Munsey, County Attorney

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**INVOCATION**

John Grimm, Pastor of First United Methodist 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 4:34 p.m.

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**PUBLIC HEARING**

**PROPOSED DISPOSITION OF REAL PROPERTY  
COUNTY OF LEE, VIRGINIA**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, September 15, 2020 at 4:30 p.m. in the General District Courtroom of the Lee County Courthouse in Jonesville, Virginia. The purpose of the Public Hearing was to receive public comment on the proposed disposition of the following property:

- Tax Parcel 21-(A)-132 containing approximately 5.8 acres and fronting on State Route 864 (Bus Shop Rd) near Jonesville.

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Mr. Poe stated that the location of the property advertised was correct, but the Tax Parcel should have been 53-(A)-75.

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The Chairman opened the floor for public comment.

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There was no public comment.

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The Chairman closed the floor.

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### **DEPARTMENT REPORTS**

A written departmental report for Community Development was included in the Board Packet.

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### **CONSTITUTIONAL OFFICERS**

#### **TREASURER'S REPORT**

The Treasurer's Report for the month of August 2020 was submitted as follows:

Revenues	\$ 8,240,162.42
Expenditures	\$ 6,274,229.27
General Fund	\$ 5,442,211.01
Total Assets and Liabilities	\$ 9,415,636.44

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**NATHAN COPE, TREASURER  
COURTHOUSE SECURITY PLAN**

Mr. Cope, Treasurer, presented a proposal for the Courthouse Security Plan utilizing the front doors of the old building as the public entry for the Courthouse.

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Mr. Poe presented the Board with a written report from Sheriff Gary Parsons on his Courthouse Security Plan utilizing the front doors of the 1977 addition as the public entry for the Courthouse.

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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 five-minute time-period for a group.

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Bryan Sage, Stickleyville, addressed the Board about the Federal CARES Act funds, stating that some of the surrounding Counties have used those funds for Emergency Medical Services, and asked the Board to consider doing the same.

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Richard Garrett, Jonesville, stated that the Board set aside \$60,000.00 for Emergency Services, but did not send out guidelines. He added that most of the Rescue Squads are running on broken down units and asked the Board to help using the CARES Act funds.

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Steven Jaynes, Rose Hill, stated that the County has gotten funding that it was not expecting; however, only 2% has been designated for Fire and Rescue. He asked the Board to consider allocating more money to buy a new ambulance for each rescue squad.

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Mr. Mosley asked the cost of an ambulance.

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Josh Flanary stated they were approximately \$250,000.00 fully equipped.

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Larry Warner, Pennington, addressed the Board about the cigarette tax that was passed at the July meeting, stating that the State tax has already hurt his business and the County tax will do the same. He stated that he planned to submit an alternate proposal at a future meeting.

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Josh Flanary, Dryden, thanked the Board for the new radio system but stated that the County's Emergency Services are in dire need of help; adding that, over the weekend there were only two ambulances available to serve the entire County. He asked that the Board help the County's Emergency Services.

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Pat Brown, Rose Hill, stated that Lee County has the opportunity for growth, however, if the County cannot provide dependable fire and rescue services that opportunity is thrown away.

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Anthony Robbins, Pennington, addressed the Board about allowable uses of the CARES Act funds, and stated that it makes no sense that the Emergency Medical Services has to ask for funds.

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Theresa Caldwell, St. Charles, addressed the Board in opposition of the cigarette tax and the new drug treatment facility in St. Charles.

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Jerry Caldwell, St. Charles, addressed the Board about the deficit budget and the possibility of bringing in new businesses.

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Steve Jaynes stated CARES Act funds should be spent wisely.

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Bryan Sage urged the Board not to let this money go back to the state.

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Mr. Kolb stated he supports spending all the CARES Act funds even if the County has to repay a portion of it. He stated the County is broke and a tax increase is needed to cover expenses.

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Jerry Caldwell asked how the County will pay back the deficit.

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### **APPROVAL OF MINUTES**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to approve the August 17, 2020 Recessed Meeting, August 18, 2020 Regular Meeting and September 8, 2020 Recessed Meeting. 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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### **APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of September in the amount of \$932,351.50. 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**

#### **AMY BYINGTON LEE COUNTY EXTENSION OFFICE PRODUCE AUCTION PLANNING GRANT**

Amy Byington, Extension Agent, stated she would be applying for a planning grant to begin a Produce Auction with the Economic Development Authority being the

grantee; she will be applying to the Tobacco Commission for the cash match amount. Ms. Byington requested a letter of support from the Board to go along with her application.

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It was moved by Mr. Kolb, seconded by Mr. Slemp, to provide a letter of support for the Produce Auction Planning Grant. 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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**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. Slemp, Mr. Smith

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**LEE COUNTY BOARD OF SUPERVISORS  
APPROPRIATIONS RESOLUTION  
FISCAL YEAR ENDING JUNE 30, 2021  
20-013**

**WHEREAS**, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2020-21; 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, 2020

**HEADSTART**

Federal Funds

\$ 1,469,711

TOTAL HEADSTART \$ 1,469,711

**VIRGINIA PUBLIC ASSISTANCE**

Federal/State Funds \$ 8,868,612  
Local Funds 1,404,569

TOTAL VIRGINIA PUBLIC ASSISTANCE \$ 10,273,181

**LEE COUNTY PUBLIC SCHOOLS**

Federal, State & Other Funds \$39,884,883  
Local Funds 4,530,072

TOTAL LEE COUNTY PUBLIC SCHOOLS \$44,414,955

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 2020-21 BUDGET \$69,866,977**

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**SUPPLEMENTAL APPROPRIATIONS**

**TREASURER'S OFFICE**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$185.00. Upon the question being put the vote was as follows.

Revenue Source:  
3-001-18030-0006 Reimbursements \$ 185.00

Expenditure:  
4-001-12410-5540 Travel (Conference & Education) \$ 185.00

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

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**EMERGENCY SERVICES**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$64,802.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplement from Reserve	\$	20,002.00
3-001-24040-0003	EMS Grant	\$	44,800.00
Expenditure:			
4-001-32400-5890	EMS Grant	\$	64,802.00

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

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**SOLID WASTE MANAGEMENT EXPENDITURES**

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$31,540.30. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-41050-0099	Budget Supplement from Reserve	\$	31,540.30
Expenditure:			
4-050-42300-6008	Convenience Centers	\$	31,540.30

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

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**BOARD OF ZONING APPEALS**

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



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

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### **HEART OF APPALACHIA**

It was moved by Mr. Slemp, seconded by Mr. Mosley, to re-appoint Karen Maggard to a two-year term on the Heart of Appalachia Tourism Committee. Ms. Maggard's term will expire September 30, 2022. 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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### **HEART OF APPALACHIA**

It was moved by Mr. Mosley, seconded by Mr. Kolb, to table the additional appointment. 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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### **TOURISM COMMITTEE**

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

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

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### **REDEVELOPMENT AND HOUSING AUTHORITY**

It was moved by Mr. Smith, seconded by Mr. Kolb, to re-appoint June Etta Pillion to a four-year term on the Redevelopment and Housing Authority. Ms. Pillion's term will expire September 30, 2024. 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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### **E-911 TRAINING GRANT**

Mr. Poe stated Alan Bailey, E-911 Director, is seeking to apply for a 100% grant funded Emergency Medical Dispatch training grant for all dispatchers. If it were awarded at a different rate, the local match would be unknown until the grant is approved.

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It was moved by Mr. Mosley, seconded by Mr. Smith, to apply for the training grant for the 911 dispatchers. 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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### **DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT**

Mr. Poe stated that he received notification from the Virginia Department of Criminal Justice Services that the grant application in the amount of \$49,415.00 has been approved. The grant was intended to support a broad range of activities to prevent, prepare for, and respond to the Coronavirus, specifically to pay a contract security guard for the main courthouse entrance and purchase masks and sanitizing supplies.

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to accept the Department of Criminal Justice Grant in the amount of \$49,415.00. 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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### **REGIONAL LIBRARY REQUEST FOR CARES ACT FUNDING**

Mr. Poe stated that the Lonesome Pine Regional Library is requesting the Board to consider providing a small amount of the County's CARES Act funding to reimburse their costs of \$3,020.49, for modifications and sanitization of the Pennington Gap and Rose Hill libraries in order to continue providing services to the public during the COVID-19 pandemic.

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It was moved by Mr. Smith, seconded by Mr. Mosley, to approve the reimbursement request for the Lonesome Pine Regional Library in the amount of

\$3,020.49 using the CARES Act Funds. 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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### **TEMPORARY CLOSURE OF ROUTE 682**

Mr. Poe stated that the Virginia Department of Transportation is requesting the Board of Supervisors' approval for the temporary closure of a small portion of Route 682 (Giles Hollow Road) to allow for the replacement of a bridge. The road section in question is between intersections of Routes 851 and 680. The existing bridge is one-lane and is currently posted at a 8 ton restricted loading.

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It was moved by Mr. Smith, seconded by Mr. Kolb, to approve the temporary closure of Route 682 and adopt the following Resolution. 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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### **RESOLUTION 20-014**

**WHEREAS**, this Board has been advised that the Virginia Department of Transportation plans to replace the bridge on Route 682 over Martin Creek, Project Number 0682-052-785, B648, in the Giles Hollow area of Lee County; and

**WHEREAS**, the Virginia Department of Transportation proposes to close the bridge in order to facilitate the construction from mid-summer to late fall of 2021; and

**WHEREAS**, the Virginia Department of Transportation will advertise the proposed closure to advise the public of this project and accept public comment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Lee County Board of Supervisors has no objection to the proposed temporary closure of the Route 682 bridge over Martin Creek for construction.

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### **E-911 SIGN MAINTENANCE AGREEMENT**

Mr. Poe stated that the County's agreement for E-911 Street Sign Maintenance would expire at the end of this month. Signs and Designs of Wise, Virginia has performed this work for the past four years and has done a good job. They are willing to continue the agreement at no increase in pricing for an additional two years, with the option to renew for an additional two years, subject to the approval of both parties.

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It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the sign maintenance agreement for an additional two years at no increase in pricing and with the option to extend for an additional two years, subject to approval of both parties. 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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The Chairman called a five-minute recess.

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The meeting was called back to order at 6:21 p.m.

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### **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. 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 exit Closed Session. 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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### **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.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**MOUNTAIN EMPIRE OLDER CITIZENS**

Mr. Poe stated that he received a request from Mountain Empire Older Citizens asking the County to sponsor the annual Walk-a-Thon as they done last year.

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It was moved by Mr. Mosley, seconded by Mr. Smith, to sponsor the 2020 Mountain Empire Older Citizens Walk-a-Thon in the amount of \$5,000.00. 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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**DMV GRANTS**

Mr. Poe stated the Sheriff's Office is submitting for the annual DMV grants; one for Alcohol Safety Checks in the amount of \$ 12,700.00 and the other for Seatbelt checks in the amount of \$3,000.00.

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It was moved by Mr. Leonard, seconded by Mr. Mosley, to approve application for the DMV Grants in the total amount of \$15,700.00. 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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### **COVID TESTING**

Mr. Poe stated that the Health Wagon is assisting the Health Department with additional COVID testing, and will be conducting testing at the Pennington Gap IGA on September 29, Rose Hill IGA on October 6 and at Friendship Baptist Church west of Jonesville on October 27.

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### **ROBBINS CHAPEL POLLING HOUSE**

Mr. Poe stated that he has been notified by the Electoral Board that the Robbins Chapel Polling House floor was spongy and upon inspection the flooring is going to need to be replaced.

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### **DRUG DOG**

Mr. Poe reported that the last drug dog had to be put down and the Officer wants to use the insurance proceeds to replace the dog. The cost of the dog and the training would be \$10,500.00.

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### **ROAD CLOSURE**

Mr. Poe stated that he has been contacted by a citizen to request a couple of road closures, the street at Richmond Heights that ties back into Bus Shop Road and another across the street. This would require a public hearing

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Mr. Kolb stated that the road ties back into the property the County will be selling and it could hurt the sale. He recommended any action be delayed until after the property is sold.

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**VEHICLE REGISTRATION FEE**

Mr. Poe reported that he has received a few calls in objection to the increase of the vehicle registration fee.

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**BRIDGE NAMING**

Mr. Poe reported that both bridge namings have been approved and asked the Board to decide on dates for the ceremonies.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

None.

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It was moved by Mr. Mosley, seconded by Mr. Leonard, to recess to September 21, 2020 at 4:30 p.m. 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

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CLERK OF THE BOARD