

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 August 15, 2023 at 5:30 p.m. thereof.

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

MEMBERS ABSENT: None

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

INVOCATION

Dane Poe, County Administrator, led the invocation.

PLEDGE TO THE FLAG

D.D. Leonard led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:31 p.m.

PUBLIC HEARINGS

REZONING REQUEST THOMAS AND PATRICK PRIDEMORE

The Lee County Board of Supervisors held a Public Hearing on Tuesday, August 15, 2023 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Rezoning request. Thomas and Patrick Pridemore have applied to rezone property that is currently zoned R-1, Single-Family Residential to A-1, Agricultural. The

property consists of approximately 1.40 acres and is located in the Ewing Community adjacent to 626 Sand Cave Rd. (State Route 724), Tax Parcel #63A-(1)-BKB, 23-28.

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.

Patrick Pridemore, co-owner of Brothers Shop, LLC in Ewing, stated their shop works on vehicles and has helped many people on the mountain in need of repairs. He stated having the property is a necessity for their business and not having it would take income away from their business and family. He added they have cleaned and organized the property and are willing to keep it clean and advised the property is in between three M-1 lots and one Special Use Permit A-1 lot. He stated they have a petition with his neighbor's signatures in favor of rezoning the property.

Thomas Pridemore, co-owner of Brothers Shop, LLC in Ewing, stated he has the petition and pictures of the cleaned property with him for the Board to see. He advised none of the neighbors have ever complained of any type of disturbances and he has their names and phone numbers. He stated they are honest people trying to make an honest living.

Mr. Kolb asked to see the petition.

John Miele, owner of Rock Bottom Horse Camp in Ewing, stated he lives on the west side of Brothers Shop, LLC on Sand Cave Road. He advised the property is already in violation of the Zoning Ordinance and stated it is zoned as R-1 Residential and has been used as an automobile salvage yard since at least 2019. He stated park employees and tourists have described it as an eyesore, dump, and junk yard and added it has been the number one complaint from his guests. He stated the second complaint is the noise from the shop late at night with guests being woke up around 3:00a.m. from the sounds of impact wrenches. He stated they have cleaned up the lot but advised rezoning the lot to A-1 Agricultural does not meet the requirements. He stated an automobile graveyard should be zoned as M-2 General Industrial District and that is what he is requesting the Board approve with the requirement that a fence be put up and noise ordinance put in place.

Mr. Smith asked if the junk yard was there when Mr. Miele purchased his property.

Mr. Miele stated there were around fifteen cars on the south end of the property.

Dustin Edds stated Brothers Shop, LLC has tremendously helped people that can't afford vehicle repairs.

There was no further public comment.

The Chairman closed the floor for public comment.

Mr. Smith stated people keep talking about the scenery on Sand Cave Road and added the stock barn, old sewing factory and old mining equipment are all on that road. He added upon talking to people he has had no complaints about Brothers Shop, LLC.

It was moved by Mr. Smith, seconded by Mr. Kolb, to approve the Thomas and Patrick Pridemore Rezoning request. Upon the question being put the vote was as follows.

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

REZONING REQUEST CRESSWOOD PROPERTIES, LLC

The Lee County Board of Supervisors held a Public Hearing on Tuesday, August 15, 2023 at 5:30 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Rezoning request. Cresswood Properties, LLC has applied to rezone property that is currently zoned A-1, Agricultural to V-C, Village Commercial. The property consists of approximately 1.90 acres and is located at 123 Cane Creek Rd (State Route 925) just off Kelly Rd (State Route 643) in the Cane Creek community, Tax Parcel #36A-(5)-1-11, 1A-11A, 1B-11B.

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.

It was moved by Mr. Kolb, seconded by Mr. Smith, to approve the Cresswood Properties, LLC Rezoning request. Upon the question being put the vote was as follows.

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

DEPARTMENT REPORTS

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

PUBLIC EXPRESSION

The Chairman opened the floor for public comment.

EMS FUNDING

Chester Langley, Captain at Jonesville Rescue Squad, stated the County gives the rescue squads \$15,000 each per year which is not enough. He stated that Hancock County Rescue Squad gets \$55,000 per year, Scott County was raised to over \$50,000 per year and Wise County gets \$70,000 per year. He stated that a lot of the departments that provide twenty-four hour a day seven day a week service are about to go out. He advised that if \$900.00 is billed to insurance they may get \$100.00 and added insurance doesn't pay like it used to. He suggested adding ten dollars to the personal property tax for fire and rescue squads.

Mr. Mosley asked if each rescue squad gets that much money.

Mr. Langley stated yes that's what he was told.

Mr. Kolb asked what percentage of calls Jonesville Rescue Squad responded to.

Mr. Langley stated in the last fiscal year they ran 41.93 % of calls in the county.

There was a discussion about the County Rescue Squads and how to distribute the funding, what percent of calls the departments are responding to and that some departments are short on responders due to inability to pay.

Mr. Kolb asked at what point do you cut funding when one department has gone 90 days without making a call and have a quarter of a million dollar ambulance that is not being used.

Mr. Leonard asked if each department has a full audit each year.

Mr. Langley stated he doesn't think so.

Mr. Leonard stated he wasn't willing to keep giving out money without knowing where it is going. He added having an audit is a great place to start.

Mr. Kolb asked how much an audit would cost.

Mr. Langley replied \$3,000 was the cost five years ago.

Mr. Kolb stated they have gone up since then.

Mr. Leonard asked who they would contact to do an audit.

Mr. Mosley stated this is a topic the Board is well aware of and has spent many hours discussing and are still working on. He stated the board isn't trying to mistreat anyone and added that revenue is down.

Mr. Langley stated that's why he suggested \$10.00 a year tax increase go to rescue departments.

Mr. Mosley stated that couldn't be done until next year.

Mr. Poe stated he doesn't know if a fee can be imposed just for EMS and added you may be able to tag an existing revenue with a portion designated to EMS.

Mr. Leonard stated one reason the Board wanted the captains to come in was to provide some insight and suggestions to the Board. He added the captain's that know they won't be making any calls in the near future should turn in their badges and move the equipment to a department that needs it.

Mr. Langley stated he thinks the county can run sufficiently with three rescue squads and suggested that was something to look at in the future.

Mr. Langley stated last month they ran eighty-two calls and Pennington is running about the same. He stated they have electric, water, over-head and paying a crew twenty-

four hours a day seven days a week. He stated the only income they have is insurance and what the county gives them.

Mr. Smith asked where the three rescue squads would be located.

Mr. Langley stated maybe four Pennington, Jonesville, Thomas Walker and Keokee.

Mr. Kolb asked Mr. Langley and Mr. Sharrett what their suggestions are on how to divide the funding.

Mr. Sharrett stated he is not in favor of basing funds on call volume and is speaking on behalf of his department.

Mr. Kolb asked about leaving the current funding intact and making another pool of funds to be disbursed depending on call volume.

Mr. Sharrett advised call volume and availability may be something to look into.

Mr. Langley stated that was a good idea and added his department's insurance cost is \$14,000 for vehicle and Workmans Comp.

Mr. Leonard stated he would agree once he starts seeing some clear audits.

Mr. Sharrett asked how the funding was worded in the July budget.

Mr. Poe stated it was \$90,000.00.

Mr. Jessee asked what the departments spend the \$15,000 on.

Mr. Langley replied 99% of his is spent on vehicle insurance and Workmans Comp the rest on wages or fuel.

Mr. Jessee asked if there is a breakdown report of the department expenses.

Mr. Leonard asked if the expenses for the year are turned in.

Mr. Langley stated no.

Mr. Mosley stated the department running 41% of calls will get the majority of the separate pool of money.

Mr. Leonard asked if Mr. Langley didn't have paid crews what percent of calls could he run.

Mr. Langley stated it would be very low. He advised in this day and time people need a paycheck and volunteers are not out there.

Mr. Leonard stated it isn't being done as a public service anymore.

Mr. Kolb asked what do we do moving forward to get departments to take more calls.

Mr. Smith asked if Pennington and Jonesville are the only rescue squads with paid EMT's.

There was a discussion about the number of paid EMT's at the rescue squads.

Mr. Leonard stated they have talked about getting a committee together.

Mr. Kolb stated this should be discussed in Chiefs and Captains meetings. He asked what can be done in the mean time.

Mr. Smith agreed with Mr. Leonard on getting a committee together, have the captains present and try to come up with a solution.

Mr. Leonard stated nothing is going to change on this year's budget it's already been passed unless an amendment was added to include money for call volume. He added he is not in favor of adding any money tonight.

Mr. Kolb asked if the money should be disbursed equally.

Mr. Smith stated yes.

Mr. Leonard stated they still have to pay their insurance.

Mr. Mosley stated he agrees with Mr. Leonard and a deeper discussion needs to take place.

Mr. Kolb stated the Board has been talking about making a committee for a year and it needs to be done.

Mr. Leonard asked if Mr. Langley and Mr. Sharrett were interested in serving on the committee.

Mr. Sharrett stated he was concerned about doing all the work knowing four new Board members will come in January 1, 2024.

Mr. Leonard stated the new Board members may have different ideas.

COMMITTEE TO STUDY EMS FUNDING

The Chairman appointed Mr. Langley, Mr. Sharrett, Mr. Leonard and Mr. Mosley to a committee to study this matter and report back to the Board.

DSS HVAC SYSEM

Michele Brooks, Social Services Director, requested an evaluation of the HVAC system in the Social Services Building. She stated one quarter of the office hasn't had air conditioning in over three weeks with some offices being eighty degrees. She stated the new unit put in last year has blown fuses four separate times since May of this year and added even when properly working the interior offices are hot all year around. She added two weeks ago a unit in the server room spilled water all over computer equipment and there are electrical outlets present in that area which is a fire hazard.

Mr. Mosley asked if the air conditioning unit has a warranty.

Mr. Poe stated the breakers were kicking and Southwest Heating and Air hadn't been able to get fifty amp breakers but was able to get one Friday and install it. He asked if that area was still hot.

Ms. Brooks stated that area has improved.

Mr. Poe stated there is one unit with an expansion valve that is bad and the repairman advised that it is the hardest one to get and has been on order for two weeks but should resolve the issue.

Ms. Brooks stated there's a lot of HVAC problems in the building and doesn't know what the issue is and added it's not that old of a building and it concerns her that it continues to happen.

Mr. Poe stated the building is old enough that the original units are wearing out and added if the units can be repaired that's what is typically done. He advised the server room unit doesn't have drain pans and isn't sure if they have condensation drains.

Ms. Brooks stated they do have condensation drains but added they back up all the time with a slushy material and the water is black.

Mr. Poe stated that's typical for those units.

Ms. Brooks stated the water runs down the wall and gets on the carpet.

Mr. Kolb asked if the only thing wrong with the unit is that it's blowing fuses.

Mr. Poe stated that was his understanding and the breaker has been replaced.

Mr. Kolb asked Ms. Brooks if she was saying even though the new breaker is in the hallway is hotter than the rest of the building.

Ms. Brooks stated that the middle hallway seems to be working fine but the left hand hallway had been out since July 16, 2023. She stated there are twenty people working in that hallway and its eighty-four degrees. She stated that she isn't saying the County Administrator isn't being responsive but seems like it's an ongoing problem.

Mr. Kolb asked if the new heat pump is working besides the breaker.

Ms. Brooks stated the new heat pump has been working since Friday.

Mr. Kolb asked if they were having issues before that.

Ms. Brooks stated yes.

Mr. Mosley stated they will work on getting it fixed.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Kolb, seconded by Mr. Leonard, to approve the minutes of the July 18, 2023 Regular Meeting with the following corrections; page eighteen Mr. Kolb requested his phone number be posted on the County Website. 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 August in the amount of \$491,250.60. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb

FINANCE

SUPPLEMENTAL RE-APPROPRIATIONS

DRUG COURT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Re-appropriation in the amount of \$11,919.58. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18990-0051	Drug Court Donations & Fees	\$ 11,919.58
Expenditure:		
4-001-21120-5899	Drug Court Expenses	\$ 11,919.58

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

CWA COLLECTIONS PROGRAM

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Re-appropriation in the amount of \$20,347.91. Upon the question being put the vote was as follows.

Revenue Source:
3-001-14010-0013 Commonwealth Attorney Collection (Fines) \$ 20,347.91

Expenditure:
4-001-22200-5899 CWA Collection program Expenses \$ 20,347.91

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

SHERIFF DEPARTMENT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Re-appropriation in the amount of \$10,998.75. Upon the question being put the vote was as follows.

Revenue Source:
3-001-18990-0002 Sheriff's Donations \$ 10,998.75

Expenditure:
4-001-31200-5899 Sheriff's Donations \$ 10,998.75

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

FINES & FORFIETURES

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Re-appropriation in the amount of \$4,016.00. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0004 State Forfeiture Proceeds \$ 4,016.00

Expenditure:
4-007-94100-5840 State Forfeiture Proceeds \$ 4,016.00

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

FINES & FORFEITURES

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Re-appropriation in the amount of \$45.79. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0005 Federal Forfeiture Proceeds (SHRF) \$ 45.79

Expenditure:
4-007-94100-5860 Federal Forfeiture Proceeds \$ 45.79

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

FINES & FORFEITURES

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Re-appropriation in the amount of \$4,742.59. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0015 CWA State Asset Forfeiture \$ 4,742.59

Expenditure:
4-007-94300-5850 CWA State Forfeiture Proceeds \$ 4,742.59

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

SUPPLEMENTAL APPROPRIATIONS

DRUG COURT

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$10,000.00. Upon the question being put the vote was as follows.

Revenue Source:
3-008-11020-0001 Opioid Abatement Funds \$ 10,000.00

Expenditure:

4-001-21120-5899 CWA Collection Program Expenses \$ 10,000.00

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

OLD BUSINESS

COUNTY CODE RECODIFICATION

Mr. Poe stated they are moving forward.

SUGAR RUN CONVENIENCE CENTER LEASE AGREEMENT

Mr. Poe stated he has a proposal from the land owner and requests closed session for this matter.

OLD DRUGSTORE AND REGISTRAR PARKING LOTS

Mr. Kolb stated he met with Mr. Glass and his recommendation is to have Public Works tear out the existing entrance into the parking lot of the old drugstore and get it ready to pave. He stated he also spoke with Austin Glass about the registrar parking lot and he recommended getting a pipe as big as will fit in the hole and put a twelve inch pipe in the bottom. He stated he spoke with Mr. Collingsworth and he was ok with getting a bigger pipe.

Mr. Poe stated that a thirty inch pipe will fit easily and will allow access for someone to be able to get down into the space.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to allow Mr. Collingsworth to go forward with his plan for the registrar parking lot subject to using as big a pipe as he can. 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 about the drugstore parking lot.

Mr. Poe stated Mr. Glass recommended tearing out the entrance and repaving the lot.

Mr. Kolb stated they would have to go back to procurement if the cost is over \$25,000.00 for the project. He advised having the Public Works Department clear out the parking lot.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to have the Public Works Department take out the front entrance and clear out the parking lot. Upon the question being put the vote was as follows.

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

DONATED REAL ESTATE

Mr. Poe stated he spoke with the County Attorney and she has the deeds prepared and a final check needs to be done on the deeds. There is one that she hasn't been able to do a title search on.

Ms. Munsey stated the other deeds are complete they just need signatures.

Mr. Kolb asked who will obtain the signatures.

Mr. Poe stated he has the addresses.

EMPLOYEE PHONES

Mr. Poe stated service was transferred on thirteen county employee's phones and four additional phones still need to be transferred. He has been talking with the Sheriff's Office on getting their phones transferred within the next few weeks.

Mr. Leonard asked if the Sheriff's office will get the first net price.

Mr. Poe stated yes.

NEW BUSINESS

BOARD APPOINTMENTS

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

LONESOME PINE OFFICE ON YOUTH

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

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

SW VA 911 STANDARDS COMMITTEE

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

MAP PLOTTER QUOTES

Mr. Poe stated the FY23-24 budget includes funding for a map plotter/scanner/copier for the Commissioner of the Revenue's office. He stated the plotter will be used to generate maps and other items for the GIS system, 911 mapping, zoning, etc. The quotes obtained were for a HP Designjet T830MFP 36" wide color plotter and range from \$7,695.00 to \$6,725.00. He recommends purchasing from HP directly at a cost of \$6,725.00 including shipping. He stated staff has indicated assembly is minor and the machine is designed to self-calibrate and align the printhead.

Mr. Mosley asked who would work on the plotter.

Mr. Poe stated HP.

It was moved by Mr. Leonard, seconded by Mr. Kolb, to purchase a HP Designjet T830MFP 36" plotter from HP at a cost of \$6,725.00. Upon the question being put the vote was as follows.

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

ELECTRIC POLL BOOKS

Patsy Burchett, County Registrar, stated the electronic poll books speed up and simplify check-in and can scan driver's license and alert election officials if a voter has already cast an in-person ballot. She stated voters can also check their vote record and added all but eleven counties in Virginia have electronic poll books.

Mr. Mosley stated thirty-five electronic poll books have been requested and asked how many will be put in each precinct.

Ms. Burchett stated two per precinct and two in absentee.

Mr. Kolb asked how many precinct are in the county.

Ms. Burchett stated sixteen plus absentee.

Mr. Kolb asked if information storage is a benefit of having poll books.

Ms. Burchett stated no. She stated the poll books have to be retained in the Clerk's office for thirty days and added the poll pads will have two thumb drives one will stay with the registrar and one will be sent to court. She stated the records can be uploaded instead of waiting on paper polls.

Mr. Kolb asked if Ms. Burchett knows which eleven counties do not have electronic poll books.

Ms. Burchett stated she doesn't have that information with her but can get it.

Mr. Kolb asked if any are local.

Ms. Burchett stated she doesn't know but most of the state does have it.

Mr. Kolb asked if the training would be in person.

Ms. Burchett stated yes.

Mr. Kolb asked if there was a reason the iPad Pro needed to be purchased opposed to the standard iPad.

Ms. Burchett stated they go with what the vendor recommends.

Mr. Kolb stated the school system uses the ipad that costs \$699.00 each and the iPad Pro costs \$1695.00 each and asked if there is anything they will be using them for that would require that software.

Ms. Burchett stated there aren't many vendors we can purchase from and the cost is about the same.

Mr. Jessee asked if there's a yearly cost associated with the poll books.

Mr. Poe stated the software license and maintenance fee is \$5,250.00 per year for poll books and another \$1,000.00 for ballot printers per year.

Mr. Kolb asked if that was for the first two years.

Mr. Poe stated yes and can be adjusted after that.

Mr. Jessee asked if the poll books can be purchased without going through a vendor.

Mr. Poe stated vendors have to be approved by the state board of elections.

Mr. Jessee asked where the vendors are located.

Mr. Poe stated St. Louis Missouri.

Ms. Burchett stated the vendor covers Scott County.

Mr. Jessee asked if they had priced other vendors.

Ms. Burchett stated she had not and added the vendor she checked with has been tried and proven to be a good vendor.

It was moved by Mr. Smith, seconded by Mr. Leonard, to approve the purchase of electronic poll books and the Poll Print ballot printers at a cost of \$76,965.00. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Jessee, Mr. Kolb

Prior to the vote on the motion there was additional discussion.

Mr. Kolb stated he would like to have a further discussion. He added there was just a discussion concerning more funding for rescue squads therefore he can't justify spending \$76,965.00 on poll books. He stated he has done research on the vendor and found out last year the poll books malfunctioned in four counties. He stated he is hesitant to spend that much money and recommends if possible purchasing one for each precinct to try them out first.

Laura Rouse, secretary of the Electoral Board, stated the electronic poll books would benefit so much with the long lines in addition to checking in voters and added they would benefit the whole county. She asked for the Board to consider purchasing the poll books.

Mr. Kolb stated he hasn't had any complaints about long lines or that the county doesn't do a good job with elections.

Ms. Rouse stated that the issue with long lines has happened in the past.

Mr. Kolb stated he is concerned if the poll books would be any faster.

There was a discussion about the use of poll books, price, keeping up with technology and training.

Mr. Kolb asked if it was possible to try the poll books out in a few districts before purchasing for all districts.

Ms. Burchett stated not that she is aware of.

Mr. Jessee stated technology is here and we need to move with it but his concern is the price.

Ms. Burchett stated she thinks we have the lowest price.

Mr. Jessee asked if have anything to compare the price with.

Mr. Poe stated the company packages the deals and advised all election equipment is high.

Mr. Kolb asked if Mr. Poe knows if we can try the poll book in a precinct to see how well it works.

Mr. Poe stated he doesn't know the mechanics of election laws.

Mr. Kolb asked if there is a code that states you cannot try out election equipment, that is has to be all or nothing.

Ms. Burchett stated she doesn't think there is a code stating you can try out election equipment.

Mr. Kolb stated the law in general states you can do something unless there's a law stating you can't. If there's not a law stating we can't do a partial paper and partial electronic voting than we can.

Ms. Burchett stated the company would have to agree to that.

Mr. Mosley stated you will get a better price when you buy more.

Mr. Kolb stated that's not a good price and added the iPad Pro is \$1695.00.

Ms. Rouse stated the electoral board has to have a State Board certified iPad.

Mr. Kolb stated we don't have another quote to compare the cost to.

Ms. Burchett stated that was the best deal for Southwest Virginia and added there are more people in Southwest Virginia using this company and that there will be a vendor somewhere around Bristol that can come out if needed on Election Day.

Mr. Kolb stated he knows election time is upon us but would like to check with other vendors and doesn't like making quick decisions with it being so much money.

Mr. Smith asked how much time they have.

Ms. Burchett stated its about thirty-five days and they need them now.

Mr. Jessee stated in business you usually get more than one price.

NELSON COUNTY REQUEST REGARDING LINE OF DUTY ACT BENEFITS

Mr. Poe stated the Nelson County Board of Supervisors is seeking support for General Assembly legislation to expand Line of Duty Act (LODA) benefits for law enforcement to include private police departments. Under current legislation, LODA provides benefits to eligible family members of eligible employees and volunteers killed in the line of duty and those eligible, employees and volunteers disabled in the line of duty. Employers (Commonwealth of Virginia, counties, cities and towns) pay premiums to the Virginia Retirement System or to an insurance company if self-funded. These premiums cover the cost of the LODA benefits. Benefits include death, disability, and health benefits for eligible employees and volunteers and their survivors.

Nelson County is requesting the General Assembly include private law enforcement employees in this benefit program.

It was moved by Mr. Smith, seconded by Mr. Mosley, to approve Nelson County's requested Resolution regarding Line of Duty Act Benefits. Upon the question being put the vote was as follows.

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

**RESOLUTION
REQUESTING AMENDMENT OF THE LINE OF DUTY ACT
23-009**

WHEREAS, the Line of Duty Act, Virginia Code § 9.1-400 *et seq.*, excludes private Police Officers from the benefits of that Act; and

WHEREAS, by definition under the Code of Virginia private Police Officers are law enforcement officers; and

WHEREAS, private Police Officers, just as their counterparts employed by a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, are responsible for the prevention and detection of crime and the enforcement of the penal laws and are exposed to the same risks of injury or death; and,

WHEREAS, it is the sense of the Lee County Board of Supervisors that the Line of Duty Act should be amended to afford private Police Officers the benefits available under the Act.

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby calls upon the General Assembly to amend the Code of Virginia to afford private Police Officers the benefits available under Virginia Code § 9.1-400 *et seq.*, Line of Duty Act, and

BE IT FURTHER RESOLVED, said Board hereby directs that a copy of this Resolution requesting these State Code amendments be delivered forthwith to representatives in the General Assembly.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

Ms. Munsey requested closed session for donated property.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

REQUEST TO TAP ONTO COUNTY WATERLINE

Mr. Poe stated that Jason Cave has requested to tap onto the county waterline which has been discussed but he needs an answer from the Board.

Mr. Kolb asked Mr. Poe what his recommendation is.

Mr. Poe stated Mr. Cave wants to insure that he can have access to tap onto the waterline possibly next year. He stated if the town would be willing to relocate the County's meter up to the point on the other side of where Mr. Cave taps on there wouldn't be an issue of having a master meter at the road. He stated the other option would be to leave the existing meter and install a meter where it goes to Mr. Cave's property.

Mr. Leonard stated the county doesn't need to spend money for someone else.

Mr. Jessee stated he is ok with him tapping on but doesn't recommend having one meter going to more than one property.

Mr. Kolb asked if Mr. Poe's recommendation was to have two meters and have Mr. Cave responsible for the cost of the meter.

Mr. Poe stated yes and added the ideal situation would be for the town to put a meter wherever Mr. Cave taps in and for them to bill at the meters and added if the town is willing to take the responsibility for any leakage up to that point. He stated it's not so much the leakage issue it's the accounting issue of reading a master meter and determining who would be responsible for a leakage.

Mr. Kolb asked if Mr. Poe needs to make a request to the town to cover the line or have two meters.

Mr. Poe stated he will make a request to the town.

It was moved by Mr. Leonard, seconded by Mr. Smith, to authorize Jason Cave to tap into the County waterline with the stipulation he pays for any additional meters. Upon the question being put the vote was as follows.

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

PERSONAL PROPERTY TAX RELIEF RATE

Mr. Poe stated the personal property tax relief rate has to be calculated every year and the percentage for relief is calculated at 47.14 % for 2023.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to adopt Resolution 23-008. Upon the question being put the vote was as follows.

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

RESOLUTION 23-008

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code 58.1-3523 et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2005-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles;

NOW, THEREFORE, BE IT RESOLVED, by the Lee County Board of Supervisors that qualifying vehicles obtaining situs within the County during tax year 2023, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$100 to \$20,000 will be eligible for 47.14% tax relief;

- Personal use vehicles valued at \$20,001 or more shall only receive 47.14% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

TASK ORDERS FOR ANNUAL LANDFILL GAS AND GROUNDWATER MONITORING REPORTS

Mr. Poe stated the lump sum cost for the landfill gas report is \$2,750.00 and the lump sum cost for the ground water report is \$13,750.00. He added in the ground water task order there is a provision for a ground water monitoring plan amendment which is driven by an exceedance of cobalt in 2020 on one well we monitor which exceeds ground water protection standards. He stated we are currently are in remedial mode and are seeing decreasing concentration levels on that and once below remedial mode we will have to file for an amendment at an estimated cost of \$6,000.00.

It was moved by Mr. Smith, seconded by Mr. Kolb, to approve the Groundwater and Gas Monitoring Reports. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Leonard

US ARMY CORP OF ENGINEERS FLOOD STUDY

Mr. Poe stated back in 2017 the school superintendent initiated a possible flood study in hopes of obtaining funding for new schools. He added it didn't make it to application stage and was set aside but recently he was contacted by the US Army Corp of Engineers to see if there was continued interest in the study in at least three or four areas in the county. He stated with the passage of the Bipartisan Infrastructure Law there is no local sponsor cost share and would be 100% federally paid. He added the four areas are in St. Charles, Pennington Gap, Ben Hur and Jonesville and advised there is no obligation to go beyond the study phase. He advised the BIL Law also stipulates that project costs could be covered at 100% if going forward with proposed projects from the study. He also advised they do require a letter of interest for the study project and project scope and has to be submitted by August 21.

It was moved by Mr. Leonard, seconded by Mr. Mosley, to submit a letter of interest to the US Army Corp of Engineers Flood Study. Upon the question being put the vote was as follows.

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

Prior to the vote the following discussion took place.

Mr. Kolb asked what type of project is a constructive project.

Mr. Poe stated flood mitigation.

Mr. Kolb asked when the county's last flood survey was.

Mr. Poe stated he doesn't know he added this is for known areas of flooding.

Mr. Kolb asked if the areas are already in the flood plain.

Mr. Poe stated yes.

Mr. Poe requested closed session for property lease.

ST. CHARLES ARPA FUNDING

Mr. Poe stated the St. Charles ARPA Funding that was allocated for the town of St. Charles no longer exists. The State advised after thorough review, these funds were returned to the US Department of the Treasury in the spring of 2022.

ADVERTISEMENT FOR ASSISTANT COUNTY ADMINISTRATOR

Mr. Poe handed out a proposed draft of the advertisement for the Assistant County Administrator for the Board to review and approve.

It was the consensus of the Board to approve the advertisement.

REPORTS AND RECOMMENDATIONS OF THE BOARD

SWVA 911 STANDARDS COMMITTEE

It was moved by Mr. Kolb, seconded by Mr. Smith, to re-appoint Mike Twigg to a two-year term on the SW VA 911 Standards Committee. Mr. Twigg’s term will expire on July 31, 2025. Upon the question being put the vote was as follows.

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

TRASH OUTSIDE FLATWOODS CONVENIENCE CENTER

Mr. Kolb stated the land owner that borders the Flatwoods Convenience Center was complaining about trash blowing out and animals carrying it on their property. He asked if it was the site workers job to go outside the fence and collect the trash and what can be done about it.

Mr. Poe stated we can have the site workers police the area. He advised he would get with Mr. Collingsworth about the problem.

DSS PARKING LOT

Mr. Kolb stated the parking lot at DSS is looking bad and asked if we can have someone look at it and make a recommendation about sealing it.

Mr. Poe stated he will have someone look at it.

OPIOID SETTLEMENT FUNDS

Mr. Kolb stated he spoke with Mr. Mosley about the Opioid Settlement Funds and also spoke to Mr. Dean about paying people with addiction issues to prepare a speech and speak to students in the schools. He added it can be professionals, people with addiction issues or both.

It was the consensus of the Board to allow Opioid funds to be used for this purpose.

TERMITE INSPECTION AT INSTITUTE BUILDING

Mr. Kolb asked if a termite inspection has been done at the Institute Building.

Mr. Poe stated no.

Mr. Kolb stated the floor in the northeast room is sagging and ask if it needs to be sprayed or an inspection done first.

Mr. Poe advised doing an inspection first.

It was the consensus of the board to have a termite inspection done.

SURPLUS EQUIPMENT

Mr. Kolb stated in Mr. Collingsworth's report he is recommending the County surplus the 2006 Mack Truck and asked if we have any other vehicles that can go in a surplus sale.

Mr. Poe stated we can list the truck on Gov Deals and may have three cruisers to list also.

It was moved by Mr. Kolb, seconded by Mr. Smith, to list all available surplus on Gov Deals and put an advertisement in the local paper stating the County has listings for sale on Gov Deals.

Mr. Kolb withdrew his motion.

Mr. Leonard stated it should be done on a regular basis.

Mr. Kolb stated one truck sat for four years.

HANGER LEASES

Mr. Poe asked if the Board wants to terminate the lease for hanger tenants that do not have a based aircraft at the airport.

Mr. Kolb asked if the Board is in favor of giving the Airport Authority the authority to send out letters to end leases for anyone not having a based aircraft.

Mr. Leonard agrees.

It was moved by Mr. Kolb, seconded by Mr. Leonard, to authorize the Airport Authority to end leases for tenants that do not have a based aircraft at the airport. Upon the question being put the vote was as follows.

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

Mr. Leonard requested closed session for personnel.

Mr. Mosley requested closed session for personnel.

CLOSED SESSION

It was moved by Mr. Kolb, seconded by Mr. Leonard, to enter Closed Session pursuant to Code Section 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, 2.23711 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 2.23711 A.29., Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Upon the question being put the vote was as follows.

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

It was moved by Mr. Mosley, seconded by Mr. Leonard, to exit Closed Session. Upon the question being put the vote was as follows.

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

CERTIFICATE OF CLOSED SESSION

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. Leonard, Mr. Mosley, Mr. Smith

ABSTAINING: Mr. Kolb

CO-LOCATION OF ANTENNA ON KEOOKEE TOWER

It was moved by Mr. Leonard, seconded by Mr. Kolb, to allow Scott County Telephone Cooperative to put an antenna on the tower in Keokee. Upon the question being put the vote was as follows.

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

SUGAR RUN CONVENIENCE CENTER LEASE

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the updated lease on the Sugar Run Convenience Center. Upon the question being put the vote was as follows.

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

ABSTAINING: Mr. Kolb

TERMINATION OF COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

It was moved by Mr. Mosley, seconded by Mr. Jessee, to terminate the current Community & Economic Development Director effective August 17, 2023. Upon the question being put the vote was as follows.

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

VOTING NO: Mr. Kolb, Mr. Leonard

Mr. Mosley stated Mr. Poe needs to advertise immediately and monitor him when he cleans out his work station.

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

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD