

**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 November 20, 2012 at 5:00 p.m. thereof.

MEMBERS PRESENT: Tina Rowe, Chairman  
Carl Bailey  
Jason Crabtree  
Larry Mosley  
Charles Slemp, Jr.

MEMBERS ABSENT: None

OTHERS PRESENT: C. M. Callahan, Jr., County Attorney  
Dane Poe, County Administrator  
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: None

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**INVOCATION**

Gary Perdue, Pastor of Robbins Chapel United Methodist Church led in the Invocation.

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**PLEDGE TO THE FLAG**

Gary Perdue led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 5:04 p.m.

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**PUBLIC HEARINGS**

**VICKY BRAY SPECIAL USE PERMIT**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on November 20, 2012 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Special Use Permit request. Vicky Bray is requesting a Special Use Permit to allow a singlewide manufactured home in a V-C, Village Commercial district. The property is located in the Ewing Community on old U.S. Highway 58 west of Western Building Supply.

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The Chairman opened the floor for public comment.

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Michael James, Community Development Director stated he had received no comments on this request.

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There was no public comment.

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The Chairman closed the floor for public comment.

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**LEE COUNTY PUBLIC SCHOOLS SPECIAL USE PERMIT**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on November 20, 2012 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Special Use Permit request. The Lee County School Board is requesting a Special Use Permit to allow a modular classroom in an R-1, Residential district. The property is located in the Woodway Community on U.S. Highway 421 at the Elk Knob Elementary School.

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The Chairman opened the floor for public comment.

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Michael James, Community Development Director, stated he had received no comments on this request.

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There was no public comment.

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The Chairman closed the floor for public comment.

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**LEE COUNTY PLANNING COMMISSION ZONING TEXT AMENDMENT**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on November 20, 2012 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on a Zoning Text Amendment request. The Lee County Planning Commission is requesting a Zoning Text Amendment to remove pyrolysis as a permissible use in the M-2, General Industrial District. If approved, the new text would read as follows:

Allowed Use

“Materials Recovery Facility. A solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials but not to include the process of pyrolysis, all subject to the following conditions:

- a. All sorting of materials must take place within an enclosed structure.
- b. Applicant must meet all applicable Virginia Department of Environmental Quality and Environmental Protection Agency requirements.

- c. No material will be buried, landfilled or permanently stored on the property or anywhere within the borders of Lee County other than as provided for under Section 4-8. (b) (12) of this ordinance.
- d. There shall be no open burning on the property.
- e. Set back minimums of at least 100 feet from any street and any adjoining parcel shall be required for any structure or active area.
- f. A wastewater treatment plan for the facility must be approved by the Lee County Public Service Authority or its successors, assigns or designees.
- g. There shall be no salvage yard activities allowed at the facility for the recovery of vehicle or used motor parts.

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The Chairman opened the floor for public comment.

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Michael James, Community Development Director, stated he had received no comments on this request.

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Marion Hoe, Ewing stated she is concerned about where the garbage will be coming from.

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Ms. Rowe explained that this was a public hearing to remove pyrolysis from the M-2 zoning.

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Mr. Crabtree explained that this hearing is not site specific; it will affect all M-2 zones Countywide.

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Cecil Wilson stated he was concerned over removing pyrolysis from the M-2 zoning due to the definition of pyrolysis, and how it could affect future business in the zone.

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Mr. Crabtree explained that the use this refers to is burning in a kiln without the presence of oxygen.

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Kathleen Bost, Jonesville, stated she is representing Sue Ella Kobak and addressed the Board about the validity of the M-2 zoning without repealing and re-writing of the 1993 comprehensive plan and zoning ordinance.

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Mr. Crabtree asked Mr. Poe if the Comprehensive plan was updated.

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Mr. Poe stated the Comprehensive Plan is required to be updated every five years, and has undergone several updates since the time previously stated.

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The Chairman closed the floor for public comment.

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## **DEPARTMENTAL REPORTS**

### **LITTER CONTROL AND RECYCLING**

Mary Wires, Litter Control and Recycling Coordinator, provided an update on her department. She reported eleven people on the Assign-A-Highway program, 125 people assigned to the litter program, and thirteen active community service workers. A total of 396 hours of community service was reported in October, and as a result, 27 bags of litter were picked up from Smyth Chapel Road. Ms. Wires also reported that on October 18, 5.75 tons of garbage and debris was removed from an illegal dumpsite in the Rose Hill area.

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Mr. Crabtree asked if the 5.75 ton was picked up in Poor Valley

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Ms. Wires said it was on Martin's Creek

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### **TRANSFER STATION**

Gary Collingsworth, Transfer Station Superintendent, provided an update on the drainage issues and excessive methane levels on the old landfill, stating that the methane levels have been maintained at zero percent for the past six months. He stated he has received several complaints on people scavenging through dumpsters and creating messes at the sites. He stated he is still unable to receive brush from contractors and VDOT due to the chipping contractor having no market at this time. He also reported that dumpster repairs have started and minor repairs can be made on site and the more severe repairs will be brought to the shop.

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Mr. Mosley stated the Landfill looks good, and they have done an excellent job.

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Mr. Poe stated that if the zero reading is able to hold it will save the County a considerable amount of money. We are actually able to drop down to quarterly monitoring instead of monthly.

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## **CONSTITUTIONAL OFFICERS**

### **TREASURER'S REPORT**

The Treasurer's Report for the month of October 2012 was submitted as follows:

|                              |                 |
|------------------------------|-----------------|
| Revenues                     | \$ 5,722,673.22 |
| Expenditures                 | \$ 4,799,817.27 |
| General Fund                 | \$ 8,775,620.95 |
| Total Assets and Liabilities | \$14,839,626.52 |

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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.

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William Smith, Rose Hill, addressed the Board about his concern over who would have to pay the bill in the case that an environmental cleanup needed to be performed for the material recovery facility to be located in Rose Hill.

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Bob Bost, Jonesville, addressed the Board about his concern of pyrolysis being done by Green USA and toxins being released into the air.

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Bobbie Littrell, Ewing, questioned the Board about why the previous Community Development Director was terminated. She expressed concerns about the local rescue squads and 911 system. She is also concerned about a board member with several family members in state and local jobs.

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Beth Davies, St. Charles, addressed the Board about her concerns of Green USA not having the financial backing from any group or bank.

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Mike Wade, Jonesville, addressed the Board about his concern of the possibility of the recycling facility having production lines breaking down, trucks not being able to get into the facility and backing up traffic.

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Judy Collins, Martins Creek, addressed the Board about concerns of toxins and contaminants that could be released by the pyrolysis plant and the dangers to the groundwater.

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Clyde Scott, Jonesville, addressed the Board about the conditions put into the special use permit for the M-2 zone.

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Mr. Crabtree explained that there was a public hearing in July about adding this use in a M-2 zone, and today's hearing is to take pyrolysis out of the allowed use.

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Kathleen Bost, Jonesville, addressed the Board to make them aware that Don Willis has removed his name and phone number from the website and facebook page.

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Larry Gullion, Kingsport, gave the Board an update on the Keokee Gym, stating that an alarm system has been installed and they are working on getting phone service there.

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Cecil Sumpter, Flatwoods, addressed the Board about the Keokee Gym and asked that once the County has taken charge of the gym that the Board act favorably and let the Keokee Alumni Association take over the building.

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Jill Carson, Pennington, addressed the board about Green USA and her major concerns regarding environmental and financial issues. She would like to see the County bring in jobs that are safe and the people can feel confident about.

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There was no further public comment.

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The Chairman closed the floor for public comment.

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**PLANNING COMMISSION REPORT ON PUBLIC HEARINGS**

Michael James, Community Development Director, reported that the Planning Commission had voted on the earlier public hearing matters with the following results:

- voted to recommend approval for Vicky Bray Special Use Permit.
  - voted to recommend approval for the Lee County Schools Special Use Permit
  - no recommendation on the Lee County Planning Commission Zoning Text Amendment as the Commission was deadlocked with a 2-2 vote.
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**SPECIAL USE PERMITS**

**VICKY BRAY SPECIAL USE PERMIT**

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to approve the Special Use Permit for Vicky Bray. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**LEE COUNTY PUBLIC SCHOOLS SPECIAL USE PERMIT**

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve the Special Use Permit for Lee County Public Schools. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**LEE COUNTY PLANNING COMMISSION ZONING TEXT AMENDMENT**

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to remove pyrolysis as an allowed use in the M-2 zoning district. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**APPROVAL OF MINUTES**

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the minutes of the October 16, 2012 Regular Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**APPROVAL OF REFUNDS**

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to approve the request for refund for Howard Burns and Jess Griffith. Upon the question being put the vote was as follows.

|               |          |
|---------------|----------|
| Howard Burns  | \$192.05 |
| Jess Griffith | \$ 68.23 |

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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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. Bailey, seconded by Mr. Mosley, to approve the disbursements for the month of November in the amount of \$112,035.80. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**DELEGATIONS**

**SECURITY ISSUES AT LEE HIGH SCHOOL  
DONNA MILLER**

Donna Miller was not able to attend the meeting.

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**FINANCE**

**MONTHLY APPROPRIATIONS**

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

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**MONTHLY APPROPRIATIONS  
12-031**

**WHEREAS**, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2012-13; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the following activities 1/12 of the amount shown is appropriated for a 1-month period ending December 31, 2012;

**VIRGINIA PUBLIC ASSISTANCE**

|   |                     |
|---|---------------------|
| Federal/State Funds                     | \$ 6,022,218        |
| Local Funds                             | <u>1,068,481</u>    |
| <b>TOTAL VIRGINIA PUBLIC ASSISTANCE</b> | <b>\$ 7,090,699</b> |

**LEE COUNTY PUBLIC SCHOOLS**

Categorical Appropriation:

|                                       |                      |
|---------------------------------------|----------------------|
| Instruction                           | \$ 24,030,343        |
| Administration, Attendance and Health | 2,065,227            |
| Pupil Transportation                  | 2,137,300            |
| Operation and Maintenance             | 3,350,600            |
| School Food Services                  | 1,688,110            |
| Facilities                            | 547,967              |
| Technology                            | 852,725              |
| Partially Self-Funded Insurance Fund  | <u>4,650,000</u>     |
| <b>TOTAL</b>                          | <b>\$ 39,322,272</b> |

Source of Revenue:

|                             |                      |
|-----------------------------|----------------------|
| Federal Funds               | \$ 4,675,075         |
| State Funds                 | 24,741,951           |
| Other Funds                 | 81,600               |
| Self Insured Health Fund    | 4,650,000            |
| Local Funds                 | 4,963,668            |
| Lottery Carryover Funds     | <u>209,978</u>       |
| <b>TOTAL PUBLIC SCHOOLS</b> | <b>\$ 39,322,272</b> |

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 Public School and Virginia Public Assistance funds and will not exceed the foregoing one month appropriation.

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**OLD BUSINESS**

None

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**PLANNING COMMISSION**

It was moved by Mr. Slemp to postpone this matter until later in the meeting.

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**ST. CHARLES WATER AUTHORITY**

It was moved by Ms. Rowe, seconded by Mr. Crabtree to appoint Elijah Scott to an un-expired term on the St. Charles Water Authority. Mr. Scott's term will expire on February 28, 2016. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**AIRPORT RUNWAY REMARKING PAY REQUEST**

Mr. Poe reported the corrected invoice total for work completed by Speidel Construction is \$14,879.95, and the engineer recommends withholding 10% for retainage until a small amount of corrective work is completed. Mr. Poe recommended paying \$13,391.77

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Mr. Crabtree asked about the corrective work.

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Mr. Poe stated the contractor was trying to beat the weather and there was some spray out from the templates, which will need to have the lines touched up.

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It was moved by Mr. Mosley seconded by Mr. Bailey to approve the Runway Remarking Pay Request in the amount of \$13,391.77 to Speidel Construction. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**PROPOSED TASK ORDERS FOR LANDFILL MONITORING REPORTS**

Mr. Poe reported these task orders are for the completion of the 2012 gas and groundwater monitoring reports, which are required by the Department of Environmental Quality. Lane Engineering has been completing these for the past several years. Task Order No. 12-03 is for gas monitoring in the amount of \$5,200.00 and Task Order No. 12-04 is for groundwater monitoring in the amount of \$10,300.00. It is the recommendation of Mr. Poe the task orders be approved.

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It was moved by Ms. Rowe seconded by Mr. Mosley, to approve Lane Engineering's Task Order No. 12-03 in the amount of \$5,200.00 and Task Order No. 12-04 in the amount of \$10,300.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**LIVESCAN BOOKING EQUIPMENT UPGRADE**

Mr. Poe reported that the Virginia State Police is upgrading the Livescan system and has recently provided a new computer for administration of the system. Because of this upgrade the current fingerprint scanner is not compatible and must be upgraded. The cost for the new scanner equipment is \$6,900.00. Mr. Poe explained that this was not a budgeted item, so there must also be a budget transfer from Line Item 4-001-50000-001 Miscellaneous & Contingency to Line Item 4-001-31200-8001 Sheriff Department Capital Outlay.

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Mr. Crabtree added that in his day job they recently had to purchase the same unit, but at \$10,000.00 so the County is getting a good deal with this price.

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It was moved by Mr. Crabtree, seconded by Mr. Slempp, to approve the purchase of the new livescan unit at a cost of \$6,900.00 and to approve a budget transfer in the amount of \$6,900.00 from Line Item 4-001-91400-5840 to 4-001-31200-8102. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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#### **PROPOSED ACTION ON DERELICT STRUCTURES**

Mr. Poe reported that the Board recently approved an Ordinance regarding removal or repair to unsafe or dangerous structures. The Building Code Official and Litter Control Coordinator are recommending action according to that ordinance on two structures that have been deemed uninhabitable and a health and safety hazard to the communities. The first action would be to notify the property owner and allow them time to repair the condition or stabilize the structure, or to respond to the notice with what plans they intend to take. If that is not successful then the County would be authorized with making the necessary repairs or removing the structure and billing the owner for the cost.

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Mr. Crabtree asked the location of the property

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Mr. Poe responded it is just northwest of Stone Face Rock, just past the railroad trestle on the right side of the road.

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

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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#### **RESOLUTION AUTHORIZING ACTION PURSUANT TO THE ORDINANCE REGARDING REMOVAL OR REPAIR OF UNSAFE OR DANGEROUS STRUCTURES 12-032**

**WHEREAS**, the Lee County Board of Supervisors adopted an Ordinance Regarding Removal or Repair of Unsafe or Dangerous Structures effective July 1, 2012; and

**WHEREAS**, pursuant to said Ordinance the Lee County Building Code Official and Lee County Litter Control Coordinator have recommended action regarding two structures in Lee County; and

**WHEREAS**, after consideration of the information presented to this Board, the Lee County Board of Supervisors has determined it to be in the best interest of public safety to proceed with action on these structures;

**NOW, THEREFORE, BE IT RESOLVED**, the Lee County Board of Supervisors hereby authorizes the Lee County Building Code Official, the Lee County Litter Control Coordinator and the County Attorney to proceed according to the stated Ordinance with action to repair or remove the unsafe or dangerous structures as presented at the Board of Supervisors Regular Meeting on November 20, 2012.

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**DCR STORMWATER MANAGEMENT GRANT ACCEPTANCE**

Mr. Poe reported that due to legislation adopted by the General Assembly, each county will be responsible for implementing a Local Stormwater Management Program. They did make some grant funds available to offset a portion of the cost of implementing these programs. Lee County has been notified we were awarded \$20,015.00 to go toward this project. If we meet certain requirements, we will be able to defer implementation until July 1, 2014. Mr. Poe requested the Board approve acceptance of the grant.

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Mr. Crabtree asked if Daniel Boone Soil and Water Conservation Board had indicated interest in administering the program.

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Mr. Poe responded that he has not heard anything concrete from them.

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Mr. Crabtree asked about the grant money and if there was any deadline.

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Mr. Poe responded that the grant money is to offset the cost of personnel, or we may have to employ outside consulting services to help develop all the guidelines, and that the program will have to be live and running by July 1, 2014.

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Mr. Crabtree stated he was under the impression that this was an opt in or out program, and asked if we were opting in.

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Mr. Poe responded that there is no local option. At the request of the Governor that was changed and made mandatory. We are mandated to implement this if we accept the grant fund or not.

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Mr. Bailey asked if this would be a yearly grant.

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Mr. Poe responded that it is one time grant.

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Mr. Crabtree asked what type of stormwater this is referring.

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Mr. Poe responded that up until this point the State has still not written all of the state regulations as to what has to be in this. The state is still working on a model ordinance and even though we do not know what is going to be in it, we have to have a rough draft ordinance ready by April 1, 2013. It will be a work in progress from April 1, 2013 until July 1, 2014.

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Ms. Rowe asked if we will have to hire an engineering firm to draft this plan with the grant money.

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Mr. Poe responded that a portion of the funds would be to help offset our costs. We will have to track our time in doing this, and that is an allowable cost.

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It was moved by Mr. Crabtree, seconded by Ms. Rowe, to accept the DCR Stormwater Management Grant in the amount of \$20,015.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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**REQUEST FOR WAIVER OF TIPPING FEES**

Mr. Poe stated he was contacted by a representative of the Appalachian Service Project requesting that the County consider waiving Transfer Station tipping fees for their organization. When the tipping fees were first implemented, ASP was allowed to dump material at no charge; however as word began to spread more organizations asked to be exempt, so the Board at that time dropped the waiver. Now they are asking this Board to reconsider the waiver.

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It was moved Mr. Crabtree by seconded by Mr. Bailey to table this matter until next month. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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**PROPOSED POLLING SITE CHANGES**

Mr. Poe reported that earlier this year the Electoral Board had submitted a proposal to consolidate several polling precincts in order to save money for elections. Since that time, the School Board has closed three schools which were used as polling sites. There needs to be some changes made on the three closed school sites. There is a

June primary in 2013 and because of that, if changes are not made prior to April 1 we will not meet the 60-day window for the June primary.

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Mr. Slemp stated he is against closing the Seminary polling site.

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Mr. Bailey stated he is looking into other options for the Ewing polling site.

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Ms. Rowe asked when a decision needs to be made.

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Mr. Poe stated it will require a public hearing because of the poll changes. He recommended getting the final changes in place before we hold the hearing. We may not be able to get it done in time for the June primary because once the hearing is done, we will have to notify the Department of Justice, and there is a 30 day time period for their comment period.

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It was moved Mr. Bailey by seconded by Mr. Crabtree to table this matter until next month. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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#### **HOLIDAY SCHEDULE**

Mr. Poe provided the following upcoming holiday closing schedule with additions as provided by the Governor.

November 21, 2012 - Closed at Noon for Thanksgiving  
November 22, 2012 - Closed for Thanksgiving  
November 23, 2012 - Closed for Thanksgiving  
December 24, 2012 - Closed for Christmas  
December 25, 2012 - Closed for Christmas  
December 31, 2012 - Closed for New Year's  
January 1, 2013 - Closed for New Year's

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Mr. Crabtree asked about the closure of the convenience centers.

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Mr. Poe stated that the holiday closures for the convenience centers were posted in the paper.

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#### **RESIGNATION OF LITTER CONTROL COORDINATOR**

Mr. Poe reported that the Resignation of the Litter Control Coordinator will be effective on November 30, 2012.

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Mr. Crabtree asked Mr. Poe if he could go ahead and advertise for the position.

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Mr. Poe responded that we can, if that is what the Board wants.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

Mr. Callahan gave the Board a proposed ordinance for an Airport Authority for the County. He stated this would have to be passed as a regular Ordinance by the Board. It will have to be recognized by the Commonwealth Transportation Board, and the Authority will be able to take over supervision of the Airport.

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Mr. Crabtree stated he knows the public is interested, and we should move forward.

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It was consensus of the Board to advertise for a public hearing on the Ordinance.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**TAXIWAY CONNECTOR PAY REQUEST NO. 1**

Mr. Poe stated he has just received a bill for the taxiway connector, this is funded largely by Federal and State grant funds. The contractor reached substantial completion of the project last Friday. He asked the Board to consider the pay request in the amount of \$276,810.89. There is retainage on this and a final inspection is scheduled within the next two weeks. We will be receiving reimbursement from the FAA and the State for 98 percent of the cost.

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Mr. Slempp asked how much local money is involved in this.

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Mr. Poe responded the County funds two percent of this, and for this project roughly \$5,500.00 will be County funds.

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Mr. Crabtree asked if this amount was budgeted.

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Mr. Poe responded yes, this amount was included in the budget.

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It was moved Ms. Rowe, by seconded by Mr. Bailey, to approve Pay Request Number 1 for the Airport Connector Taxiways to W-L Construction in the amount of \$276.810.89. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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**TOURISM COMMITTEE MEMBER RESIGNATION**

Mr. Poe advised the Board that he received the resignation of the Tourism Committee member for District 4.

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**POLICE CRUISER PROPOSALS**

Mr. Poe reported he has received proposals from four dealers on police cruisers, and requested the matter be taken up in closed session under investment of public funds.

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**REZONING OF A PORTION OF CONSTITUTIONAL OAK INDUSTRIAL PARK**

Mr. Poe reported that during the review of the public request for information regarding the rezoning of the Constitutional Oaks Industrial Park, it was determined there was a flaw in the notice to adjacent property owners. He stated he had discussed this matter with the County Attorney, and there is a provision that if the flaw is not discovered within 30 days that you may not have to take corrective action. The notices were sent out but they were not sent by certified or registered mail, which is a requirement to prove that notices did go out. Staff is recommending that the matter be brought back before the Planning Commission and Board of Supervisors for reconsideration. This is for the second portion of the property.

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It was consensus of the Board to schedule the public hearing.

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**PLANNING DISTRICT 1 BEHAVIORAL HEALTH FUNDING**

Mr. Poe reported the increased funding for the Planning District 1 Community Services Board is not for this year. The question came up as to how they determined the percentages that each county pays. They researched this and could not concretely establish that this went by population. They are going to continue researching and they will be sending a letter out in the next few days. Mr. Poe explained to the Board that he did ask them to consider removing the Prison population from our numbers.

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Mr. Bailey asked if there was information on each county and the percentage they pay.

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Mr. Poe advised he would have that information at the next board meeting.

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**TRAILS PROJECT UPDATE**

Ms. Rowe asked for an update on the Trails project.

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Mr. Poe reported that the Town Of Pennington is moving forward with their portion of the project, and have constructed around five miles of trail at this point. They may be able to do some additional loops and get additional mileage. We are still trying to make some contact and may have an opening with one of the coal companies.

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Ms. Rowe asked if County will be able to use the Authority's contract for services.

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Mr. Poe responded that he will have that information at the next board meeting.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

Mr. Bailey wished everyone a Happy Thanksgiving.

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**RURAL DEVELOPMENT LOAN**

Mr. Crabtree stated that if the Board would come to a consensus on using County funds when a project comes up to better the County and help the citizens, up to the \$1.3 million, that he would agree not request the Rural Development loan.

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Ms. Rowe stated she was hoping to have strategic planning done by the first of the year, and asked that the Board hold off on a decision about the loan until that is completed.

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Mr. Mosley wished everyone a Happy Thanksgiving.

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**KEOKEE LAKE IMPROVEMENTS**

Ms. Rowe stated she would like to focus on the Keokee area, and asked if there was any way to get some picnic tables or benches around the lake. She also asked the Board if they would work with the Town of Pennington on lighting Stone Face Rock.

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Mr. Crabtree suggested the County buy the materials to make the picnic tables and get the carpentry classes from the local high schools to make them.

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Mr. Slemp pledged his support to the Keokee Alumni Association, stating that the gym building is a classic and should not go to waste.

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Mr. Mosley asked if there would be a problem with the railroad on the lighting of Stone Face Rock.

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Mr. Poe stated he would discuss it with the Town to see if that is an issue.

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It was consensus of the Board to light Stone Face Rock in cooperation with the Town Of Pennington Gap.

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**SCHOOL BOND REFUNDING SAVINGS**

Mr. Poe stated he had received a letter from the Virginia Department of Treasury advising that there was \$147,111.00 in Bond Refunding Savings. This has been discussed with the School Board as to possible uses. We are one of the localities that have not taken necessary actions to claim that money. They are requesting that we notify the Virginia Public School Authority of our plans regarding the savings by December 31, 2012.

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Mr. Bailey stated he has spoken to Mr. Carter about six weeks ago, and he is going to introduce this to his new board and should have some information by the next meeting.

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**CLOSED SESSION**

It was moved by Ms. Rowe, seconded by Mr. Bailey, to enter Closed Session pursuant to 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, and 2.2-3711 A. 6., the investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, and Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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It was moved by Mr. Mosley, seconded by Mr. Crabtree, to come out of Closed Session. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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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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**PLANNING COMMISSION**

It was moved by Mr. Slemph, seconded by Mr. Crabtree, to appoint Greg Rasnic to a four-year term on the Planning Commission. Mr. Rasnic's term will expire on November 30, 2016. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemph

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**HIRING OF E-911 DISPATCHER**

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to hire Patricia Hounshell as E-911 Dispatcher with annual salary of \$23,723.00. Ms. Hounshell is hired on a one-year probationary period. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemph

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**CRUISER PROPOSALS**

It was moved by Mr. Mosley, seconded by Mr. Slemph, to purchase five new police cruisers from B.J. Motor Company on a three-year lease purchase program. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemph

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**SCHOOL SALARIES**

The Board requested the County Administrator obtain a list of School Board salaries.

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**LITTER AND RECYCLING COORDINATOR**

It was consensus of the Board to advertise for Litter and Recycling Coordinator.

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

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemph