

VIRGINIA: County of Lee, to-wit:

At the Annual Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on January 15, 2013 at 5:00 p.m. thereof.

MEMBERS PRESENT: Jason Crabtree, Chairman
Carl Bailey
Larry Mosley
Tina Rowe
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

INVOCATION

Mike Humfleet, Pastor of First Baptist Church of Jonesville, led in the Invocation.

PLEDGE TO THE FLAG

Mike Humfleet led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:55 p.m.

ESTABLISH TIME, DATE AND PLACE OF REGULAR MEETING

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to establish regular monthly meetings on the third Tuesday of each month at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse. Upon the question being put the vote was as follows.

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

RULES OF PROCEDURE

It was moved by Mr. Mosley, seconded by Ms. Rowe, to adopt the following Rules of Procedure. Upon the question being put the vote was as follows.

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

Prior to the question being put to vote, Ms. Rowe requested that Section 5-3 be amended to add a time limitation of three (3) minutes per individual or five (5) minutes for an individual representing a group.

Mr. Mosley amended his motion to include the time limit of three (3) minutes per individual or five (5) minutes for an individual representing a group.

RULES OF PROCEDURE

LEE COUNTY BOARD OF SUPERVISORS

Section I – Meeting

Section 1-1: When and where regular meetings held

The date, time and place of the regular Board of Supervisors meeting shall be established at the January annual meeting. Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended. (1)

Section 1-2: Special Meetings

The Board of Supervisors may hold such special meetings, as it deems necessary, at such time and place as it may find convenient; and it may adjourn from time to time as it may find convenient and/or necessary. A special meeting of the Board of Supervisors shall be called pursuant to, and in full compliance with, Sections 15.2-1417 and 15.2-1418 of the Code of Virginia, as amended. (2)

Section 1-3: Annual/semi-annual meetings

The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting. (3)

Section 1-4: Quorum and method of voting

At any meeting a majority of the Supervisors shall constitute a quorum. (4) All questions submitted to the Board for decision shall be determined by a voice vote of a majority of the Supervisors voting on any such question, unless otherwise provided by law. (5) The name of each member voting and how he or she voted must be recorded. (6)

Section 1-5: Member absenting himself from meeting prior to adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, a member shall not leave the meeting previous to adjournment unless by consent of the Board.

Section 1-6: Board to sit with open doors

The Board of Supervisors shall sit with open doors and all persons conducting themselves in an orderly manner may attend meetings; (7) provided, however, that Board may hold closed meetings as permitted by law. (8)

Section II – Officers

Section 2-1: Chair and Vice-Chair

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chair and a Vice-Chair in accordance with the provisions of Section 15.2-1422 of the Code of Virginia, as amended. The term of office for the Chair and Vice-Chair shall be for one (1) year, but they may be re-elected. In the case of the absence from any meeting of the Chair and Vice-Chair, the members present shall choose one of their number as temporary Chair, provided those members constitute a quorum. (9)

Section 2-2: Chair may administer oaths

The Chair shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its' powers and duties. (10)

Section 2-3: Clerk (duties, etc.)

The Clerk for the Board shall be the County Administrator and his/her duties and responsibilities shall be as set out in Section 15.2-1540 of the Code of Virginia, as amended. The Clerk may appoint a deputy as recording secretary if needed.

Section 2-4: Preservation of order

At meetings of the Board the presiding officer shall preserve order and decorum (11) and may require the Sheriff of Lee County, or at the Sheriff's option, a deputy to attend meetings of the Board to preserve order.

Section III – Conduct of Business

Section 3-1: Order of business

At meetings of the Board, subject to rearrangement by the Chair, absent an objection by the full Board, the order of business shall be as follows:

- (A) Call of order and roll call of members
- (B) Public hearings
- (C) Reports, requests, and recommendations of other departments
- (D) Citizens expression
- (E) Submission and approval of the minutes of the preceding meeting
- (F) Approval of Refunds
- (G) Approval of Warrant List
- (H) Delegations
- (I) Finance
- (J) Unfinished business
- (K) New business
- (L) Reports, requests and recommendations of the County Attorney
- (M) Reports, requests and recommendations of the County Administrator
- (N) Communications and instructions of members of the Board

When any matter is made the special order of business for a future meeting, it shall at such meeting take priority of all other business except the approval of the minutes of the last meeting.

Section 3-2: Manner of addressing Board generally; speaking only on question before Board

- (A) When any person, including Board Members, speaks to the Board, that person shall address the Chair and shall speak directly to the question before the Board.
- (B) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any Motion, Resolution or Ordinance preliminary to a vote on the same except at the discretion of the

Chair.

(C) No Board Member shall engage in discussion or ask questions of those addressing the Board without first being recognized by the Chair.

Section 3-3: Use of offensive language or gestures; sectarian or political discussion

No member of the Board shall, in debate at any meeting of the Board, use any language or gesture calculated to offend or insult another member. No discussion of sectarian or partisan character shall be allowed at meetings of the Board. (12)

Section 3-4: Priority in speaking to Board

When two or more members wish to speak at the same time, the Chair shall name the person who shall speak first. (13)

Section 3-5: Speaking more than once on same subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless consent of the Board has been given. (14)

Section 3-6: Form of petitions, etc.

Every petition, communication or address to the Board shall be respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-7: Motions

No proposition shall be entertained by the Chair until a Motion for the same has been duly made. The Chair may make a Motion without vacating the Chair. (15)

Section 3-8: Decisions on points of order

The Chair, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made on any point of order and such decision shall be made without debate. (16)

Section 3-9: Same, appeal to Board

Any member of the Board may appeal to the Board regarding the decision of the Chair on any question of order, a majority vote of those present being necessary to overrule the Chair. (17)

Section 3-10: Motion to adjourn

At a meeting of the Board, a Motion to adjourn shall always be in order and shall be decided without debate. (18)

Section 3-11: Voting on appointments to office

Every appointment by the Board shall be by voice vote, recorded by name in the Minutes of the Board of Supervisors. (19)

Section 3-12: Suspending rules

The rules of the Board may be suspended with the concurrence of four-fifths (4/5) of the members present. (20)

Section 3-13: Roberts Rules of Order

The proceedings of the Board, except as otherwise provided in applicable State law, shall be governed by Roberts Rules of Order, Newly Revised.

Section IV – Public Hearings

Section 4-1: Speakers

At every public hearing, speakers wishing to address the Board shall clearly state their name and address and shall be subject to a time limitation of three (3) minutes per individual or five (5) minutes for an individual representing a group, or such other limitation as the Board, in its' discretion, may impose. Each speaker shall be limited to one appearance at each public hearing.

Section 4-2: Members' participation

Board Members shall limit their comments in public hearings to insure participation by the public without Board interference.

Section 4-3: Close of hearing

When a public hearing shall have been closed by the order of the Chair of the Board, no further public comments are in order.

Section V – Agenda

Section 5-1(A): Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except where emergency circumstances require otherwise, every item to be placed on the Agenda shall be received in the Office of the County Administrator by 10:00 a.m. on the Tuesday prior to any regular meeting of the Board.

Section 5-1(B): Notification

Any member absent from a meeting shall be notified of a recessed meeting, including place, time and items to be placed on the Agenda.

Section 5-2: Delivery

The Agenda shall be mailed, or hand delivered, to each Member of the Board and the Attorney to the Board at least six (6) days prior to the meeting.

Section 5-3: Request to appear before the Board of Supervisors

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors to request Board action on any matter shall make such request to the Clerk or Agent as provided; however, no request shall be required in order to speak to the Board during the Citizens' Expression period.

Note: The purpose of the Citizens' Expression period at each regular meeting is to give all citizens an opportunity to appear before the Board to voice their opinions on matters of concern to them over which the Board has influence. Sections 4-1, 4-2 and 4-3 of these Rules of Procedure regarding public hearings will also apply to the Citizens' Expression period. This period should not be used to request specific Board action at that meeting. (See Section 5-3) If Board action is indicated as a result of information provided during this period, the matter should be placed on the Agenda for a future Board meeting.

NOTES

1. Code of Virginia, as amended, Section 15.2-1416.
2. Code of Virginia, as amended, Section 15.2-1417 and 1418.
3. Code of Virginia, as amended, Section 15.2-1416.
4. Code of Virginia, as amended, Section 15.2-1415.
5. Code of Virginia, as amended, Section 15.2-1420.
6. Constitution of Virginia, Article VII, Section 7.
7. Code of Virginia, as amended, Section 2.2-3707.
8. Code of Virginia, as amended, Section 2.2-3711.
9. Code of Virginia, as amended, Section 15.2-1422.
10. Code of Virginia, as amended, Section 15.2-1410.
11. The Virginia Local Legislator, Virginia Municipal League, Virginia Association of Counties, and the Institute of Government, University of Virginia, (1972) pp. 62-63.
12. Roberts, pp. 386-389.
13. Roberts, pp. 28-31.
14. Roberts, pp. 42-43.
15. Roberts, pp. 477-478.
16. Roberts, pp. 214-215.
17. Roberts, pp. 254-259.
18. Roberts, pp. 67-68, 234-240.
19. Roberts, pp. 43-50, 403-405.
20. Roberts, pp. 259-265.

DEPARTMENTAL REPORTS

BUILDING INSPECTOR

David Fee, Building Code Official, reported that there were 78 permits issued this quarter, with a total of \$2,645.37 collected in permit fees, and \$650.38 collected for Contractor's Tax. Mr. Fee also gave the Board an update on the status of the Derelict Structures whose owners had been notified of safety issues.

E-911

Alan Bailey, E-911 Director, reported that the department is still working on Wireless Carrier updating, and that errors with the 911 circuits are being corrected. Mr. Bailey also report that the verification is still ongoing and is around 90 percent complete at this time.

EXTENSION OFFICE

Ms. Jeanie Mullins introduced the new Agriculture / Natural Resources Agent, Amy Fannon Osborne, to the Board. Ms. Osborne thanked the Board for the opportunity and is looking forward to working close to her home.

CONSTITUTIONAL OFFICERS

COMMISSIONER OF THE REVENUE

Chris Jones, Commissioner of the Revenue, addressed the Board about the Gas Severance Tax. Mr. Jones reported that the Virginia General Assembly is back in session, and there have been a few bills introduced this year that are going to affect the

way the Gas Severance Tax is collected and calculated. Mr. Jones reported that there has been a committee of six other Southwest Virginia mineral producing Counties working with the Coal and Gas industry to help clarify some inaccuracies in the Code. Last year the Board agreed to supply up to \$2,500 on this effort. Mr. Jones added that Buchanan, Russell, Dickenson, and Wise Counties all pledged \$5,000 to hire a lobbyist to go to Richmond and fight for this Bill. Mr. Jones requested the Board approve the same amount that was pledged last year.

Mr. Crabtree asked if the \$2,500 was half of a share.

Mr. Jones advised that the fee is \$30,000 to be split six ways, and we split a share with Scott County because we are two of the smaller producing mineral Counties.

Ms. Rowe asked if the other Counties had already appropriated the \$5,000.

Mr. Jones advised that Scott County has been the only County he has not gotten a response from, but that the rest of the Counties have appropriated up to \$5,000.

It was moved by Ms. Rowe, seconded by Mr. Slemp, to approve a supplemental appropriation in the amount of \$2,500 to the Commissioner's Office to pay a lobbyist. Upon the question being put the vote was as follows.

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

TREASURER'S REPORT

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

Revenues	\$ 7,117,993.02
Expenditures	\$ 5,149,488.03
General Fund	\$ 14,604,024.81
Total Assets and Liabilities	\$20,061,954.71

PUBLIC EXPRESSION

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

Bobbie Littrell, Ewing, stated she had left several questions for the Board to answer and asked if she needs to schedule an appointment, or if she could go into executive session get those answered. Ms. Littrell also had questions about the Rescue Squads and 911.

Mr. Poe stated that one was a personnel question, another was a question about people employed by State or other Local agencies.

Mr. Crabtree stated that the Board does not have records on people that are employed by other agencies, only on those that are employed by the County, and questions about County personnel should be discussed in closed session. Mr. Crabtree added the Board does not have control over the Rescue Squad, and advised Ms. Littrell to contact the Office of Emergency Medical Services.

Mr. Callahan suggested that Ms. Littrell could submit a list of questions to the County Administrator, and he could direct the questions to the correct departments.

Ms. Littrell stated that she would stay and enter closed session.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the minutes of the December 18, 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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the disbursements for the month of January in the amount of \$480,374.97. Upon the question being put the vote was as follows.

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

DELEGATIONS

**LEE FOSTERS RESCUE
AUDREY OSBORNE**

Audrey Osborne, Lee Fosters Rescue, addressed the Board about issues with the Animal Control Officer. Ms. Osborne also reported that the Rescue has saved over 3,000 dogs in the past 3 years, which should have saved the County, in food and euthanasia costs, enough to pay the salary of one Animal Control Officer.

Mr. Crabtree stated that the personnel matter would need to be discussed in closed session.

Ms. Judy Collins, Lee Fosters Rescue, asked the Board to have the shades on the 2 west windows of the Pound put back up, and asked that the Animal Control Officers go back to the Pound before going home each day to make sure all of the dogs have plenty of water. Ms. Collins also requested the County adopt an Ordinance for cats. Ms. Collins added that she also had matters that would need to go into closed session.

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

MONTHLY APPROPRIATIONS

13-001

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 February 28, 2013;

VIRGINIA PUBLIC ASSISTANCE

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

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>
TOTAL	\$ 39,322,272

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>
TOTAL PUBLIC SCHOOLS	\$ 39,322,272

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.

Adopted this the 15th day of January, 2013.

SUPPLEMENTAL APPROPRIATION

DELINQUENT TAX COLLECTION

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$20,188.58 to Fund 001, Delinquent Tax Collection, Line Item 4-001-12230-3160. Upon the question being put the vote was as follows.

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

SHERIFF DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$5,044.10 to Fund 001, Sheriff Department, and to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-001-31200-1145	\$4,685.64
Line Item 4-001-31200-2110	\$ 358.46

SHERIFF DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$10,689.17 to Fund 001, Sheriff Department, and to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-001-31200-1345	\$4,834.17
Line Item 4-001-31200-5885	\$5,855.00

SHERIFF DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$1,200.00 to Fund 001, Sheriff Department, Line Item 4-001-031200-6024. Upon the question being put the vote was as follows.

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

E-911IMPLEMENTATION

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$21,687.32 to Fund 001, E-911 Implementation and to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-001-31400-3160	\$21,313.00
Line Item 4-001-31400-3180	\$ 374.32

RETIREE HEALTH INSURANCE

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$9673.39 to Fund 001, Retiree Health Insurance, Line Item 4-001-91200-2390. Upon the question being put the vote was as follows.

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

GENERAL EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$3,377.67 to Fund 001, General Expenses, Line Item 4-001-91500-5840. Upon the question being put the vote was as follows.

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

MISCELLANEOUS EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$902.26 to Fund 001, Miscellaneous Expenses, and to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-001-92100-5870	\$139.83
Line Item 4-001-92100-5880	\$762.43

COAL ROAD EXPENDITURES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$4,057.34 to Fund 027, Coal Road Expenditures, Line Item 4-027-91500-5860. Upon the question being put the vote was as follows.

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

COAL ROAD IMPROVEMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$11.64 to Fund 027, Coal Road Improvement, Line Item 4-027-95100-5860. Upon the question being put the vote was as follows.

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

ECONOMIC DEVELOPMENT FUND

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$8,422.22 to Fund 061, Economic Development Fund, Line Item 4-061-94100-5899. Upon the question being put the vote was as follows.

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

OLD BUSINESS

LEE COUNTY PLANNING COMMISSION REZONING

Mr. Poe stated this was tabled last month and is a requested to rezone 191 acres at Constitutional Oaks.

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve the Lee County Planning Commission Rezoning Request to rezone 191.67 acres in the Constitutional Oaks Industrial Park from A-1, Agricultural to M-2, General Manufacturing. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Mosley, Ms. Rowe
VOTING NO: Mr. Crabtree, Mr. Slemp

Prior to the vote Mr. Bailey asked that Mr. Mike James explain the M-2 Zone

Mr. James stated that the M-2 zone allows everything that is allowable in an M-1 zone along with another list of items.

Mr. Crabtree asked if part of the M-2 zoning is noise related.

Mr. James stated that M-2 zones will typically have more noise, more traffic and more emissions.

Mr. Crabtree asked if the Board zoned this M-1, could it be brought back later to be rezoned to M-2.

Mr. James stated yes it could be done that way, but the other part of the property is already zoned M-2, so having two different zones for one property would make it hard to market.

PROPOSED POLLING SITE CHANGES

Mr. Poe presented the Board with proposed polling site changes that included a request from the Electoral Board to consolidate some precincts, and the closure of three elementary schools that are no longer operating. Mr. Poe stated that it appears that the consolidation of the Stone Creek Precinct into the St. Charles Precinct is agreeable. Consolidation North and South Jonesville Precincts was also discussed, with the polling site proposed to be moved to Jonesville Middle School. Mr. Poe stated that the Jasper Fire Department has indicated a willingness to allow that polling site to be moved to the Fire Hall, which is just across Highway 23 from the current location. The closing of Keokee Elementary will require a new polling site unless it is combined with Robbins Chapel. The Keokee Alumni group has suggested using the old gymnasium for this site. The closing of Stickleyville Elementary will require a new location as well. The Volunteer Fire Department building may be an option for this location. Mr. Poe stated that the redistricting done in 2011 moved a large portion of West Pennington voters into District 5, and the remaining precinct is very small. It may be a good time to move this into the Ben Hur Precinct. If the Board can agree on changes a public hearing could be scheduled for February 19, 2013 and the Justice Department could be notified by the end of February.

Mr. Crabtree asked if the Board needed to agree on something tonight so that a Public Hearing could be held in February.

Mr. Poe stated we will need to hold a public hearing first, and then notify the Justice Department. The Justice Department then has a thirty-day period to respond. If it cannot be done by the first week of April, the existing precincts will have to be used for the June Primary.

It was moved by Mr. Slempp, seconded by Mr. Bailey to advertise for a public hearing for February 18, 2013 for Polling Site Changes as presented. Upon the question being put the vote was as follows.

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

NEW BUSINESS

BOARD APPOINTMENTS

SOUTHWEST VIRGINIA COMMUNITY CORRECTIONS

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to table this appointment 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

SOUTHWEST VIRGINIA WORKFORCE INVESTMENT BOARD

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to re-appoint Larry Mosley to a one-year term on the Southwest Virginia Workforce Investment Board. Upon the question being put the vote was as follows.

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

AIRPORT AUTHORITY BOARD

It was moved by Mr. Slemp, seconded by Mr. Crabtree to appoint Clarence "Bud" Napier, Charlie Culbertson, and Robert Coffey, Jr. to the Airport Authority Board. Upon the question being put the vote was as follows.

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

AIRPORT RUNWAY REMARKING PAY REQUEST

Mr. Poe reported that this pay request in the amount of \$1,487.98 is for completion of the Runway Remarking Project. This amount represents all retainage held for correction of a problem. The problem area was corrected in December and is acceptable to both the engineer and County Staff. The engineer recommends payment of this amount and Mr. Poe concurs.

It was moved by Ms. Rowe, seconded by Mr. Mosley, to approve Speidel Construction Pay Request - Final in the amount of \$1,487.98 for completion of the Airport Runway Remarking Project. Upon the question being put the vote was as follows.

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

AIRPORT ENGINEERING AGREEMENT AMENDMENT NO. 7

Mr. Poe reported that Amendment No. 7 is for the Base Engineering Agreement for engineering and inspection services concerning the Construct Connector Taxiway project. Delta's proposed total fee is \$89,278.00 and is eligible for 98% reimbursement by state and federal grant funds.

It was moved by Mr. Mosley, seconded by Ms. Rowe, to approve Delta Airport Consultants Amendment No. 7 to their Base Engineering Agreement in the amount of \$89,278.00. Upon the question being put the vote was as follows.

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

RADIOS FOR SOLID WASTE TRUCKS

Mr. Poe reported that Gary Collingsworth, Transfer Station Superintendent, has requested the Board to consider purchasing two-way radios for the garbage trucks to

provide better communications for solid waste pickup and in emergencies. The County received one quote for eight mobile units in the amount of \$7,705.00.

Mr. Slemp asked if there were other bids obtained for the radios.

Mr. Poe stated that Two-Way Radio has been our radio provider for years, there were no other quotes, but we can obtain some additional quotes.

Mr. Slemp asked if the county would not be comfortable going with another company if one came in at a cheaper bid.

Mr. Poe stated that it should not be a problem.

Mr. Slemp suggested contacting another company for another quote.

It was moved by Mr. Bailey, seconded by Ms. Crabtree, to table this until next month, pending further investigation by Mr. Poe. Upon the question being put the vote was as follows.

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

WIRELESS HEADSETS FOR E-911 DISPATCH

Mr. Poe reported since implementing the new E-911 system equipment dispatch has been incurring problems with background noise from other center activities interfering with radio transmissions. Wireless headsets would keep the microphones close to the dispatcher's mouth and would help eliminate the majority of any background noise. The total cost would be approximately \$3,800.00 for three control stations and twelve headsets.

Mr. Crabtree asked if any of this amount is reimbursable by the state.

Mr. Poe stated it is not reimbursable.

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$3,800.00 to Fund 009, E-911, Line Item 4-009-31400-8102 to purchase wireless headsets for E-911 Dispatch. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

CONNECTOR TAXIWAY ENGINEERING INVOICE

Mr. Poe reported this is a pay request for Delta Airport Consultants, Inc. Invoice Number 4 in the amount of \$63,340.84 for construction phase services. The project has been completed with only a few punch list items yet to be corrected. There will be some additional engineering costs for the close out of the project, however, we do expect to realize a significant savings from the contract amount for services. Mr. Poe recommends payment of this invoice.

Mr. Slemp asked how much local money is involved.

Mr. Poe stated local funds would be approximately \$1,250.00

It was moved by Ms. Rowe, seconded by Mr. Slemp, to approve Invoice number 4 to Delta Airport Consultants in the amount of \$63,340.84 for Connector Taxiway Engineering. Upon the question being put the vote was as follows.

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

ROSE HILL COMPREHENSIVE COMMUNITY DEVELOPMENT PROJECT

Mr. Poe reported this is under a Department of Housing and Community Development Planning Grant. We have been studying a Housing Rehabilitation and a small sewer project in the East end of Rose Hill. The application is due on March 27, 2013. The Housing Authority found 11 housing rehabilitations that would be qualified, 2 substantial rehabilitations and 6 demolitions. The Department of Housing and Community Development has also requested that they include an area across the road from this that add potentially six more homes that would eligible for rehabilitation. On the sewer side, they have identified 50 possible connections. At this point we have scheduled a Public Hearing on the block grant program for January 29, 2013 at 3:00 pm. We will need to hold a Public Hearing at the regular Board Meeting on February 19, 2013 that is project specific. We are looking at a potential \$1,000,000.00 grant for this project.

UPDATE ON TRAILS PROJECT

Mr. Poe stated they are still trying to make contact with the Coal Companies. It has been a slow process. We are trying to move that forward as soon as possible.

STORMWATER MANAGEMENT

Mr. Poe stated we have received our state grant for \$20,015.00 to assist in staff time that is going to be required to implement the Stormwater Management Program and any consultants we may have to contract with. There are two or three things that need to be done by the April 1, 2013 deadline - a draft Ordinance which will mirror the state model, an identified contact person, and a preliminary plan on how we are going to fund the program. These things have to be in their hands in order for us to get a one-year extension to July 1, 2014. The bulk of the work we will be doing will be done within the next year. Mr. Poe stated that he had been in contact with a Board Member with Daniel Boone Soil and Water Conservation as to whether or not they will be taking over this project, and he indicated that they had not made a decision at this time.

BIDS / REQUEST FOR PROPOSALS

Mr. Poe advised the Board that the County currently has three items out for bid. One is for a dump truck for the Transfer Station, which was included in the budget, the second is a Request for Proposals for Engineering Services for the Trails Project, and the last one is tax map updating in the Commissioner of the Revenue's office.

REPORTS AND RECOMMENDATIONS OF THE BOARD

VDOT LINE PAINTING AND CANE CREEK BRIDGE

Mr. Mosley asked the County Administrator to contact VDOT about the white lines on the roadways needing to be repainted, and the about the possibility of starting a discussion with them on a new bridge in Cane Creek.

Mr. Poe stated he has been in contact with VDOT on line painting, and that is a statewide contract that is being administered in Richmond. They had hoped to get a crew down here before bad weather.

BLUE SPRINGS ROAD

Mr. Bailey asked about the access to the mountain on Blue Springs.

Mr. Poe stated that they are checking into the maintenance on that road.

STONE MOUNTAIN FOREST ROAD

Mr. Crabtree asked if the County put out a bid for the working on the Stone Mountain Forest Road, or was that the Forestry Department.

Mr. Poe stated nothing has been done on the County's side for over 16 years. He stated he has always been told that it belongs to the Forestry Department.

Mr. Bailey added that the Forestry Department was the last one to work it.

CENTRALIZED ACCOUNTING

Mr. Crabtree stated he would like the Board to go ahead and start getting the Centralized Accounting implemented. He asked Mr. Poe if January 1, 2014 would be a good target date.

Mr. Poe stated it would probably be a yearlong process, and it may be better to implement in July rather than the middle of a budget year.

Mr. Crabtree stated he was hoping to see something implemented quicker of that.

Mr. Slempp stated that we may need to hire a consultant to get all of this done.

Mr. Poe stated it is going to take some time to get this implemented, and our Auditor may be able to help.

Mr. Slempp stated that the Auditor might be the first place to go. Mr. Slempp requested that Mr. Poe have information ready at the next meeting.

It was moved by Mr. Crabtree, seconded by Mr. Slempp, to go to Centralized Accounting where all County spending and purchasing is processed through the County Administrator's Office. Upon the question being put the vote was as follows.

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

SCHOOL RESOURCE OFFICER

Mr. Crabtree asked about a grant through the Department of Criminal Justice Services.

Mr. Poe stated that he has emailed them to get clarification about eligibility of the grant. We could use that grant for a School Resource Office not a School Security Officer, and we need to submit it under Law Enforcement instead of Prevention and Education. We will need to include the history of the School Resource Officer program, the source of previous funding, and the source of funding the County is going to use now.

Mr. Crabtree asked if the School Board could apply.

Mr. Poe stated they can, but the funds will still come through the County.

Ms. Rowe asked if the amount of the grant was \$75,000.

Mr. Poe stated it is \$75,000 total, with 10% being a local match. The match increases to 25%, 50% and 75% in years two through four, respectively, and thereafter it is all Locality funding. Should we be awarded the grant and the Legislature provides additional funds, we can turn down the grant.

Mr. Crabtree stated we should do everything to keep the children safe.

Ms. Rowe asked if the Sheriff is okay with going forward with the grant.

Mr. Poe stated that he has indicated no objection.

CLOSED SESSION

It was moved by Mr. Bailey, seconded by Ms. Rowe, 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 Section 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. Upon the question being put the vote was as follows.

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

It was moved by Ms. Rowe, 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

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.

LEASE OF COLLINS PROPERTY

It was moved by Mr. Mosley, seconded by Ms. Rowe, to lease the Collins Property for a Convenience Site for \$100.00 per month for five years, with an additional five year option. Upon the question being put the vote was as follows.

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

LITTER CONTROL / RECYCLING COORDINATOR

It was moved by Mr. Slemp, seconded by Ms. Rowe to hire Joshua Fleenor for the Litter Control / Recycling Coordinator position at an annual salary of \$25, 000 effective February 1, 2013. Mr. Fleenor 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. Slemp

It was moved by Ms. Rowe, seconded by Mr. Bailey to adjourn. Upon the question being put the vote was as follows.

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