

**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 December 18, 2012 at 5:08 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**

Tina Rowe held a moment of silence in remembrance of the tragedy in Newtown, Connecticut.

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**PLEDGE TO THE FLAG**

Tina Rowe led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 5:08 p.m.

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**PUBLIC HEARINGS**

**JOHN O'DELL SPECIAL USE PERMIT**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on December 18, 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. John O'Dell is requesting a Special Use Permit to allow a manufactured home park in an R-2, General Residential District. The property is located in the Rose Hill Community on the North side of Route 58 and consists of 2.98 acres. The Planning Commission has previously approved the plan of development.

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

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Mr. Crabtree asked Mr. O'Dell if this property is located next to Campie's Trailer park.

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Mr. O'Dell said yes.

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The Chairman opened the floor for public comment.

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There was no public comment.

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The Chairman closed the floor for public comment.

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**KIM COOK SPECIAL USE PERMIT**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on December 18, 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. Kimberly Cook is requesting a Special Use Permit to allow a doublewide manufactured home to be used as a Beauty Salon in a VC, Village Commercial District. The property is located in the Ewing Community on the South side of Old Route 58, (Dr. Thomas Walker Road) and consists of 2.0 (+/-) acres.

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

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The Chairman opened the floor for public comment.

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There was no public comment.

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The Chairman closed the floor for public comment.

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**LEE COUNTY PLANNING COMMISSION REZONING**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on December 18, 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 Rezoning request. The Lee County Planning Commission is requesting to rezone 191.67 acres from A-1, Agricultural to M-2, Manufacturing. The property is located on the north side of U.S. 58 approximately 1 mile east of Rose Hill. The property is a part of Constitutional Oaks Industrial Park, Parcel # 47-(A)-57.

Michael James, Community Development Director, stated that both Boards had previously approved this in July. However, the property notification requirements of the Lee County Zoning Ordinance does not match that of State Code, which is why we are doing this again. He also stated that his office had received two emails opposing this matter.

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The Chairman opened the floor for public comment.

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Jeff Rowlett, Jonesville, stated his concern is that the M-2 zoning was amended which mean that materials recovery will be allowed in all M-2 zoning. He suggested that the Board amend that to require a Special Use Permit for materials recovery.

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Bob Bost, Jonesville, stated he is concerned about the precedent this will establish if the Board approves the Rezoning for this property. He stated this would allow companies to come into the county and establish garbage dumps in any M-2 zone.

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Mike Wade, Jonesville, stated the Zoning Text Amendment was changed to accommodate this recycling facility. There is not enough protection built into the description of what constitutes solid waste to protect the County. He is concerned about companies that recycle rare earth minerals. He is opposed to garbage coming into the county.

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Rex Livesay, Rose Hill, stated he is concerned about the effect this will have on increasing property tax values of the surrounding property.

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Joan Minor, Rose Hill, stated her concern was losing equity in her home, and this having a long-term negative impact on Lee County.

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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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### **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 December 18, 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 add the following permissible use to the B-1, Limited Business District; the B-2, General Business District; the V-C, Village Commercial District; the M-1 Limited Industrial District; and the M-2, General Industrial District.

Radio broadcasting stations and towers serving the station and communication towers for cellular use provided the tower placement conforms with Section 5-6, Supplementary Height Regulations and the Airport Safety Zoning Overlay:

- (i) Any tower application will be reviewed by the County to determine the feasibility of co-location of County's emergency communications equipment. Any such co-location would be performed in such a manner as not to interfere with applicant's use of the tower for its primary purpose and the tower owner would be requested to provide the co-location function free of charge to the County as a community service. In exchange for co-location of County's equipment, the County would waive all zoning application fees associated with the tower application. Emergency communications equipment includes, but is not limited to, antennas, radios and other ground equipment to be located on a tower or within a control building. The cost of installing County's equipment on the tower would be borne by the County.
- (ii) The tower owner may also be requested to provide data including, but not limited to, a map depicting and describing all tower sites and antenna installations controlled by the applicant within the county or within 10 miles of the county boundary line. The tower owner shall provide such data within 90 days of issuance of a zoning permit and annually each year thereafter.
- (iii) Information required on the county zoning application will include the operating frequencies, microwave link locations and type of current broadcast system technology.

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Michael James, Community Development Director, stated that currently cell towers are only allowed in the A-1 zone. This request is to allow towers in all the areas listed. He had received no comments on this request.

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The Chairman opened the floor for public comment.

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There was no public comment.

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The Chairman closed the floor for public comment.

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**LEE COUNTY AIRPORT AUTHORITY ORDINANCE**

The Lee County Board of Supervisors held a Public Hearing on Tuesday, December 18, 2012 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia. The purpose of the Public Hearing is to take public comment on a proposed ordinance for the creation of the Lee Airport Authority. A copy of the proposed ordinance is available in the Lee County Administrator's Office, Room 111, Lee County Courthouse. For further information, please contact Dane Poe, County Administrator, at (276) 346-7714.

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The Chairman opened the floor for public comment.

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There was no public comment.

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The Chairman closed the floor for public comment.  
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It was moved by Mr. Crabtree, seconded by Mr. Bailey, to approve the Lee County Airport Authority Ordinance. 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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**ORDINANCE CREATING AN AIRPORT AUTHORITY FOR  
LEE COUNTY VIRGINIA**

to be known as

**LEE COUNTY AIRPORT AUTHORITY**

BE IT RESOLVED, by the Board of Supervisors for Lee County Virginia, the governing body of the County of Lee, Commonwealth of Virginia, to create an Authority according to the provisions of Title 5.1 Aviation, Chapter 3 Municipal and County Airports and Other Navigation Facilities, Article 1, §5.1-31, for the purpose of maintaining and operating the Lee County Airport, and shall possess all other powers pursuant to this Title, Chapter, and Article.

**Airport Authority established**

Pursuant to §5.1-31 of the Code of Virginia, 1950 as amended, the Board of Supervisors for the County of Lee, Virginia, resolve that there be created a Lee County Airport Authority and said authority shall be vested with all of the powers, duties, responsibilities and authority of an independent board, commission, or agency established in accordance with Title 5.1 of the Code of Virginia (1950) as amended, together with all proper powers and authority granted by the general law of the Commonwealth of Virginia applicable to independent commissions. The body shall be officially titled the Lee County Airport Authority.

**Membership in Authority**

- a) The governing body of the Lee County Airport Authority shall be a board of directors consisting of five members appointed by the board of supervisors, one from each election district of the county. The board of supervisors may remove members from the authority at any time.
- b) The following qualifications shall be given paramount consideration in selecting members for appointment to the authority: experience and interest in aviation and related areas; some background or training in business endeavors; a commitment to increased economic, commercial and industrial development in Lee County; and the ability to work well with members of the public, officials of state and federal agencies, and the local business community of the county.
- c) The term of each director shall be for four years, except for an initial appointment or in the case of an appointment to fill out an unexpired term, in which case the appointment shall be only for the duration of the unexpired term. Initial appointments to the board of directors shall be for staggered terms, with two members being appointed for four years, one for three years, one for two years, and one for one one-year term. Thereafter, all appointments shall be for four-year terms of office.
- d) The authority shall adopt by-laws for the conduct of its business and meetings.

**Powers and Duties**

The responsibility of the Lee County Airport Authority is to acquire, establish, construct, enlarge, improve, equip, maintain, operate, and regulate the use of the Lee County Airport, its structures, air navigation facilities, and other property incident thereto and is empowered, as fully and completely as provided by the Code of Virginia, Title 5.1, as amended, together with all applicable powers and authority granted by the general law of the Commonwealth of Virginia to fulfill such functions.

**Compensation of Directors**

The compensation of the members of the Board of Directors of the Lee County Airport Authority shall be established by resolution of the Board of Supervisors for the County of Lee Virginia.

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**DEPARTMENTAL REPORTS**

**ECONOMIC DEVELOPMENT/ZONING**

Mike James, Community Development Director reported that the Planning Commission has continued reviewing the Zoning Ordinance to make updates and clarifications, and at some point in 2013, they will hold Public Hearings for the new Zoning Ordinance. He reported that for the period ending November 30, the department issued 41 zoning permits, 3 special use permits, and 1 variance. For the Economic Development, Mr. James reported that the paving project at the Patriot Center is complete, and that the next project for Constitutional Oaks is the completion of the access road at Martin's Creek into the interior of the Park. The 2011 Audit Report is complete and that brings the audits up to date. Negotiations with GreenUSA are still underway, it is a large complex project, and there are still a lot of hurdles to clear before it comes into place. The IDA sent a formal request to the Virginia Coalfield Coalition for prioritization for the placement of cell phone towers in Blackwater and Keokee. The Coalition did respond, they are open to our development but they are currently over budget and behind schedule and could not give us a date.

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**TOURISM DEPARTMENT**

Joan Minor, Tourism Director, reported to the Board that the DGIF funding did not go through, but there is a possibility of resubmitting that next year. The Appalachian Regional Commission Grant was submitted but it will be a few months before they are awarded. She reported that the kiosks have been restocked with brochures. She stated the Tourism Committee will meet again on January 18, and that the strategic plan still needs updates and additions.

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**CONSTITUTIONAL OFFICERS**

**TREASURER’S REPORT**

The Treasurer’s Report for the month of November 2012 was submitted as follows:

Revenues	\$ 7,692,344.72
Expenditures	\$ 4,527,086.52
General Fund	\$12,358,304.52
Total Assets and Liabilities	\$18,004,891.19

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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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Bob Bost, Jonesville, informed the Board about a Virginia Supreme Court Case from 2003 where the Board of Supervisors from Spotsylvania County had a similar case on Zoning, and were ruled against due to the lack of a sufficient descriptive summary in the Public Notice.

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Mike Wade, Jonesville, addressed the Board about the possibility of public electronic access to county records such as County Ordinances.

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Jason Crabtree stated the County is working toward this goal. Our minutes and agendas are on-line now, and we working on network upgrades to make more access possible.

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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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**APPROVAL OF MINUTES**

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the minutes of the November 8, 2012 Recessed Meeting and November 20, 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. Bailey, seconded by Mr. Crabtree, to approve the following refunds. Upon the question being put the vote was as follows.

Robert Lanningham	\$ 483.54
William R. McDavid	\$1,279.72
James Herb	\$ 833.19

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 December in the amount of \$173,622.93. 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**

**MOUNTAIN EMPIRE COMMUNITY COLLEGE  
DR. SCOTT HAMILTON**

Dr. Scott Hamilton, President of Mountain Empire Community College, reported the Fall head count being 4,429 students and the full time equivalent head count is 2,104. There are a total of 889 Dual Enrollment students, with 178 from Lee County. There are 160 students receiving the AIMS scholarship. Dr. Hamilton added that MECC contributes \$14.2 million in regional income with an economic impact of \$121 million.

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Mr. Crabtree asked if there were any students in the electro mechanical program internship working with Eastman.

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Dr. Hamilton stated that on Career Day Eastman brought two students with them that are currently on internship with them.

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Mr. Slemp asked if there was a relationship with any other universities where the students can get their BS or BA.

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Dr. Hamilton stated there are many. MECC and UVA-Wise are partnered with the AIMS scholar program, and if the student completes two years at MECC and maintains a 2.5 grade point average they can transfer to UVA-Wise with the same scholarship. If they stay with it, they can get a 4-year degree tuition and fees free. He added that Old Dominion University and Lindsey Wilson University have locations on the MECC campus as well.

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Ms. Rowe stated that the AIMS scholarship is a wonderful scholarship for any child that is considering college, and she appreciates Mountain Empire's contributions to the community.

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Mr. Mosley asked about the number of students from Lee County on the AIMS scholarship, and if marketing could help get Lee County's participants number higher than they were in the past.

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Dr. Hamilton stated he did not have those specific numbers with him, but the college recruiters are in the high schools and make the students aware of the AIMS scholarship program.

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Mr. Slemp added that in the past some of those students that were eligible did not take advantage of it.

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**COOPERATIVE EXTENSION OFFICE  
JEANNIE MULLINS**

Ms. Mullins was unable to attend the meeting due to a scheduling conflict.

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**BOBBIE LITTRELL**

Ms. Littrell was unable to attend the meeting.

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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 the John O'Dell Special Use Permit.
  - voted to recommend approval for the Kim Cook Special Use Permit
  - voted to recommend approval for the Lee County Planning Commission Rezoning.
  - voted to recommend approval for the Lee County Planning Commission Zoning Text Amendment.
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**SPECIAL USE PERMITS**

**JOHN O'DELL SPECIAL USE PERMIT**

It was moved by Mr. Bailey, seconded by Mr. Slemp, to approve the Special Use Permit for John O'Dell. 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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**KIM COOK SPECIAL USE PERMIT**

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to approve the Special Use Permit for Kim Cook. 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 REZONING**

It was moved by Mr. Crabtree, seconded by Mr. Slemp, to table the Rezoning 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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Prior to the vote Mr. Mosley asked Mr. James if this rezoning is just changing A-1 to M-2.

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Mr. James responded yes.

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Mr. Crabtree asked Mr. Poe when the property was purchased

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Mr. Poe responded that the smaller parcel was purchased in the late 1990's and the larger tract was purchased in 2002.

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Mr. Slemp asked Mr. James what is allowed in M-2.

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Mr. James stated that the M-2 zoning includes all uses in allowed in an M-1 zone with additional items; he then read all allowable uses for M-1 and M-2 zoning.

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Mr. Slemp asked Mr. Callahan to research the Virginia Supreme Court Case on Spotsylvania County referenced earlier in the meeting.

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#### **LEE COUNTY PLANNING COMMISSION ZONING TEXT AMENDMENT**

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to approve the Zoning Text Amendment for radio broadcast and cell phone towers as requested by the Lee County Planning Commission. 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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#### **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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#### **RESOLUTION MONTHLY AND QUARTERLY APPROPRIATIONS 12-033**

**WHEREAS**, the Lee County Board of Supervisors has approved the Headstart Budget, 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 Headstart, Lee County Public School and Virginia Public Assistance Budgets;

**NOW, THEREFORE, BE IT RESOLVED**, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending March 31, 2013;

**HEADSTART**

Federal Funds	\$ 1,343,793
TOTAL HEADSTART	\$ 1,343,793

**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 January 31, 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 Headstart, Public School and Virginia Public Assistance funds and will not exceed the foregoing one and three months appropriations.

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**OLD BUSINESS**

**WAIVER OF TIPPING FEES**

The County Administrator reminded the Board that the Appalachian Service Project is requesting a waiver of the tipping fee.

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Mr. Slemp asked how much is being brought in.

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Mr. Poe stated he does not have that exact number, but it is less in the winter months than in the summer months.

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Mr. Mosley asked the reason they are not waived.

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Mr. Poe stated there are other volunteer groups that do that type of work that could also request a waiver.

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It was moved by Mr. Bailey, seconded by Mr. Crabtree to table this matter indefinitely. 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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**POLLING SITE CHANGES**

The County Administrator reported there was a proposal submitted by the Electoral Board in the spring and at that time the Board voted to postpone any action until after the November election. Since that time there have been three elementary schools close which are used as polling sites. Any action that is taken to propose change has to be submitted to the Department of Justice and they have a 30-day review period. Mr. Poe recommended scheduling the public hearing for February. Mr. Poe also stated he had spoken with the chief of the Jasper Fire Department and they have no issues with moving the polling site to the Fire Hall.

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Mr. Crabtree stated the board will have to come up with proposed places to move prior to the hearing.

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Mr. Poe added that the Fire Department in Sticklelyville is two story and they do have a handicap ramp. If we opted to do anything there, we may have to put asphalt or concrete there to be handicap compliant.

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Mr. Bailey asked Mr. Poe to contact Mark Cater about using the cafeteria at Thomas Walker High School for the Ewing Precinct.

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Ms. Rowe asked if this needs to be brought back up next month.

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Mr. Poe responded that we need to get some locations in mind.

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Ms. Rowe stated that she is not sure moving the Keokee site to Robbins Chapel is a good move.

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Mr. Poe responded that the Robbins Chapel building is a portable building and it could be moved to a central location.

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Mr. Gullion, Keokee Alumni Association, stated that the gym foyer could be used as a polling site.

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Mr. Poe added there is also a proposal on combining Stone Creek and St. Charles Precincts.

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Ms. Rowe stated that Stone Creek should be included in St. Charles.

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Mr. Poe stated another proposal is to consolidate North and South Jonesville Precincts.

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### **SCHOOL BOND REFUNDING**

The County Administrator reported that in June of 2011, the Board voted to approve \$118,000 for an air conditioning unit at Thomas Walker Gymnasium with the VPSA Bond Refund Savings. Lee County has a refund share of \$147,111. The School Board has voted to take bids on an air conditioner unit. Since the original motion is only \$118,000 there needs to be a new motion for the higher amount. There also needs to be a motion for the resolution saying the original use of the bond fund was for construction and these funds will be used in a similar manner.

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Mr. Bailey stated he had spoken to Mr. Carter and if the board approves up to \$147,111 then the School Board could have a little room for another project if we need it.

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It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve up to \$147,111 for air conditioning at Thomas Walker High School Gymnasium with the VPSA Bond Refunding Savings and the balance of funds to be used at the School Board's discretion. 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. Bailey, seconded by Mr. Mosley, to adopt the following Resolution Authorizing the execution and delivery of the continuing disclosure agreement and authorizing any other actions necessary to achieve the objectives. 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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**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF LEE GENERAL OBLIGATION SCHOOL BONDS, REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY**  
**12-034**

**WHEREAS**, the Virginia Public School Authority (the "Authority") pursuant to (i) a bond resolution adopted on May 21, 1963, as amended (the "1963 Resolution"); (ii) a bond resolution adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution"); and (iii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the "1997 Resolution") issued bonds (respectively, the "1963 Resolution Bonds", the "1987 Resolution Bonds" and the "1997 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

**WHEREAS**, the Authority used a portion of the proceeds of certain 1963 Resolution Bonds and certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Lee, Virginia (the "County") designated the Lee County General Obligation School Bonds, Series of 1987 A and Series 1988 ("Prior Local School Bonds");

**WHEREAS**, the Authority has issued under the 1987 Resolution two series of 1987 Resolution Bonds designated as "School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the "Series 1991 C Bonds") and "School Financing Bonds (1987 Resolution) 1993 Refunding Series B" (the "Series 1993 B Bonds");

**WHEREAS**, the Authority refunded certain 1963 Resolution Bonds and certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and Series 1993 B Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of Lee General Obligation School Bond, Refunding Series 1994 A (the "Local School Bonds");

**WHEREAS**, the Authority refunded its Series 1991 C Bonds and Series 1993 B Bonds ("Refunded Bonds") with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the "Refunding Bonds") issued pursuant to the 1997 Resolution;

**WHEREAS**, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

**WHEREAS**, the Authority is required to assist the underwriters (the “Underwriters”) of the Refunding Bonds with their duty to comply with Securities and Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”);

**WHEREAS**, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

**WHEREAS**, the Board of Supervisors of the County of Lee, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF LEE, VIRGINIA:**

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement in substantially the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate in substantially the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**SOUTHWEST VIRGINIA EMERGENCY MEDICAL SERVICES COUNCIL**

It was moved by Mr. Bailey, seconded by Mr. Mosley, to appoint Freda Ayers to a one-year term on the Southwest Virginia Emergency Medical Services Council. Ms.

Ayers' term will expire on December 31, 2013. 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**

It was moved by Mr. Slempp, seconded by Ms. Rowe, to appoint Charles Slempp to an un-expired term on the Tourism Committee. Mr. Slempp's term will expire on September 30, 2013. 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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#### **SOUTHWEST VIRGINIA CHILDREN'S ADVOCACY CENTER**

Ms. Rowe stated this is funding for a challenge grant, and there is no money in the budget for this.

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It was moved by Mr. Bailey seconded by Mr. Mosley, to table this matter indefinitely. 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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#### **PESTICIDE CONTAINER RECYCLING**

Mr. Poe reported that the Cooperative Extension Office has provided information on the possibility of conducting a Pesticide Container Recycling program in Lee County in 2013. The program is eligible for a small amount of grant funding from the Virginia Department of Agriculture and Consumer Services. The application is due January 15, 2013 and there are certain obligations required to participate. It is proposed as a one or two day event and should require only a modest use of county personnel and facilities.

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It was moved by Mr. Bailey, seconded by Mr. Slempp, to move forward with the Pesticide Container Recycling Program. 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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#### **AIRPORT PROPERTY EXCHANGE DEED AUTHORIZATION**

Mr. Poe reported that in 2006 the Board considered a request to exchange a small parcel of property at the airport for an equal sized tract adjacent to airport property. A public hearing was conducted on the proposed exchange with no public comment. All necessary information has been completed for requirements of the FAA for disposal of publicly owned property. The FAA has now approved the exchange and the County Attorney is preparing the deeds for exchange. Mr. Poe is requesting authorization to execute the County's deed upon completion.

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It was moved by Mr. Mosley, seconded by Mr. Slemp, to authorize execution of the deed upon completion. 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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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**SIDEWALK AND HANDRAIL REPLACEMENT PROJECT**

Mr. Poe reported due to delays in getting the project started, he and the contractor agree it would be best to postpone the front sidewalk and handrail replacement project until spring. This will eliminate the possibility of salt being applied to the new concrete before it has adequate curing time.

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**UPDATED HOLIDAY SCHEDULE**

Mr. Poe reported that on November 21, 2012 Governor McDonnell granted an additional holiday leave day for Christmas on December 26. According to County policy, we observe additional days issued by the Governor, so the County Offices will be closed on Wednesday December 26, 2012.

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**PLANNING DISTRICT ONE BEHAVIORAL HEALTH SERVICES FUNDING**

Mr. Poe reported that there were questions raised at previous meetings regarding current and future funding for Behavioral Health Services in Planning District One. Lee County is projected to increase from 25% of total funding to 27% of total funding which tentatively will increase the County's share by \$7,000.00 annually. This is due to population shifts within the Planning District.

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Mr. Bailey asked Mr. Poe to call Susan Chadwell and explain the rate change to her since she is on that board.

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**TRAILS UPDATE**

Mr. Poe reported that the Town of Pennington Gap has begun construction on Phase I of the ATV Trail. There has been some Erosion and Sediment permit issues, and the Building Inspector is working with them on what they need to do to get that project back under compliance. We are still trying to get indications from coal companies on the potential to use portions of their property for Phase II, which will be funded by a Tobacco Commission grant through the County. There has been an outstanding issue on whether we need to go through procurement to obtain assistance with design and other services, or if we can use cooperative procurement and use the Regional Recreational Authority contract with Lane Engineering to do that. Mr. Callahan gave his opinion that we would not be able to do that, and after reviewing state code, Mr. Poe came to the same opinion.

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**ADVERTISE FOR TRAIL ENGINEERING SERVICES**

It was moved by Ms. Rowe, seconded by Mr. Mosley, to advertise for bids for engineering services for Phase II of the trails project. Upon the question being put the vote was as follows.

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

**DERELICT STRUCTURES UPDATE**

Ms. Rowe asked Mr. Poe about the derelict structures that were voted on last month.

Mr. Poe stated that the Building Official has been working with Mr. Callahan on getting the letters ready to go out.

**REPORTS AND RECOMMENDATIONS OF THE BOARD**

Mr. Bailey asked Mr. Poe to check on a section of road at Blue Springs to see if that is under state maintenance.

Mr. Bailey asked Mr. James the projected date of completion on the cell tower in Rose Hill.

Mr. James responded that it could be April or May.

Mr. Bailey wished everyone a Merry Christmas and Happy New Year.

Mr. Mosley asked Mr. Poe about the white lines being painted on the roads.

Mr. Poe replied VDOT stated that it is on their plan of work.

Mr. Mosley asked Mr. Poe to check with surrounding Counties to see what they are doing with the Children Advocacy Center because this is to help abused children.

Mr. Slemp wished everyone a blessed Christmas and New Year. He asked that everyone pray that next year is a better year and for peace in Israel.

Ms. Rowe asked about the Organizational Meeting.

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Mr. Poe stated that the Organizational meeting is typically held when a new board comes on and, after that any changes are made at the Annual Meeting.

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Ms. Rowe asked if there needs to be a new Chairman in place at that time.

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Mr. Poe stated that is usually done at the beginning of the first meeting of the new year.

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Ms. Rowe asked if it could be done now, with an effective date of January 1.

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Mr. Poe stated there are applications for Litter/Recycling, and the Board could hold a recessed meeting for interviews and elect the chair then.

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**ELECTION OF THE CHAIR FOR 2013**

It was moved by Ms. Rowe, seconded by Mr. Slemp, to appoint Jason Crabtree as Chairman for the 2013 year. 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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**ELECTION OF THE VICE CHAIR FOR 2013**

It was moved by Mr. Slemp, seconded by Mr. Crabtree, to appoint Tina Rowe as Vice-Chairman for the 2013 year. 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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Ms. Rowe asked Mr. Poe to look into funding for a School Resource Officer.

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Mr. Poe stated that the School Resource Officer was a grant-funded position, but he could look into that.

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Ms. Rowe stated that she and Mr. Crabtree had attended the School Board budget workshop meeting to discuss the importance of having a School Resource Office and more controls in place for the protection of the children. This is something the Board could look at with the School Board.

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Mr. Poe stated that because of this tragedy there might be some funding that could become available through the educational side for funding of a Resource Officer.

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Ms. Rowe stated she would like to see the two boards work together on this for the safety of the children in the County.

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Mr. Mosley asked if there is not enough money to put an officer in every school, how you determine which one the officer goes to.

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Ms. Rowe responded that Lee High School has the bridge and students have to go back and forth across the bridge, and the doors cannot be kept locked.

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**CLOSED SESSION**

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to enter Closed Session pursuant to 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, and 2.2-3711 A. 7, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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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**SUPPLEMENTAL APPROPRIATION  
DOMESTIC VIOLENCE OFFICER**

It was moved by Ms. Rowe, seconded by Mr. Crabtree, to supplemental appropriate up to \$2,000.00 to the Domestic Violence Officer Department, to keep the salary at the same level until June 30, 2013. 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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It was moved by Mr. Mosley, seconded by Mr. Crabtree, to recess to January 8, 2013 at 5:00 p.m. Upon the question being put the vote was as follows.

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