

**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 July 17, 2012 at 4:00 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

OTHERS ABSENT: None

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**INVOCATION**

Dane Poe led in the Invocation.

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**PLEDGE TO THE FLAG**

Dane Poe led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 4:06 p.m.

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**PUBLIC HEARING**

**PROPOSED ROAD ABANDONMENT**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on July 17, 2012 at 4:00 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 Board of Supervisors is requesting a Special Use Permit to construct a refuse and recycling collection center (Solid Waste Convenience Center) in an A-1, Agricultural zone. The property is located at the western intersection of U.S. Highway 58 and Route 982 (Seminary Church Loop).

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The Chairman opened the floor for public comment.

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Michael James, Community Development Director, stated his office has received no comments on this request.

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Dexter Eden, lay pastor at Powell Valley Seventh Day Adventist church, stated that this site was only 300 feet from their church and their school was nearby also. He stated dogs and cats dropped at the site could be a danger to their students. He stated he strongly opposed locating dumpsters at this site.

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Paul Johnson, Seminary, stated this would be right next to the main highway and would be an eyesore. He stated the current location was on a secondary road and more appropriate. He stated he was opposed to this site.

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Gail Tritt stated he was opposed to this site. He had presented letters to the Board Members.

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Christine Carroll, 19396 Wilderness Road, asked if this was going to be across the road from her house. She stated she thought this would cause pollution and a bad smell.

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Mr. Poe stated he did not know where her address was located.

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Mr. Bailey stated Ms. Carroll lived near Rose Hill.

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Mr. Poe advised that this public hearing concerned a convenience center in the eastern part of the county and that she was probably here about another public hearing.

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Kim Johnson, Seminary, stated she was also opposed to the site.

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Shawn Kelly, Pastor of Powell Valley Seventh Day Adventist Church, stated that he was opposed to the site as were the members of the church.

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Sherry Jean Young, Seminary, stated she was also opposed to the site. She asked why the current site was being replaced.

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Mr. Poe advised that the site was abused heavily and the plan was to relocate it to a place where it could be fenced and locked at night.

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There was no other public comment.

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The Chairman closed the floor for public comment.

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Mr. Slemp stated he was not certain of the plans for the site but it seemed small to him and had a sinkhole present.

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Mr. Poe provided a sketch plan and stated VDOT had not posed any objection to use of the site. He stated the area was used for water retention during construction of the highway but now only had a drainage way for limited runoff that went under the roadway through a drainpipe.

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Mr. Slemp stated there appeared to be a pond on the site and that significant grading would appear to be required to make the site feasible.

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### **AMEND AGENDA**

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to amend the Agenda to address the Bridge Naming Resolution from Reports and Recommendations of the Board at this time. 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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### **BRIDGE NAMING RESOLUTION**

It was moved by Mr. Crabtree, 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 12-021**

**WHEREAS**, H. Frank Watson was born August 3, 1920 in the Hunter's Gap Community near Jonesville in Lee County, Virginia; and

**WHEREAS**, Mr. Watson attended grade school at Hunter's Gap and graduated from Jonesville High School in 1940; and

**WHEREAS**, Mr. Watson then attended vocational school and worked in Baltimore, Maryland until he was drafted in June of 1944; and

**WHEREAS**, Mr. Watson served in the U. S. Army during World War II with the 28<sup>th</sup> Infantry Division in France, Belgium, Luxembourg and Germany; and

**WHEREAS**, after his discharge from the Army in July, 1946, Mr. Watson entered Lincoln Memorial University where he graduated in 1949 with a B.S. Degree in Math and Physics. Mr. Watson continued his education through the years and in 1969 received a M.S. Degree in Administration and Supervision from East Tennessee State University; and

**WHEREAS**, Mr. Watson was an educator in the Lee County School System for 33 years and was active in the Lee County Education Association, Virginia Education Association and the National Education Association. He retired as Principal of

Flatwoods High School in 1982 and was able to devote more time to his second profession which was farming; and

**WHEREAS**, Mr. Watson was active in his community throughout his lifetime serving as a member of the Flatwoods United Methodist Church, Flatwoods Ruritan Club, American Legion Post 185 and the Lee County Farm Bureau; and

**WHEREAS**, Mr. Watson died on December 9, 1997 and is survived by his wife, Manerva, two daughters, Charlotte Brooks and Nancy Britton, three granddaughters and one grandson and many friends;

**NOW, THEREFORE, BE IT RESOLVED**, to commemorate the life of H. Frank Watson, the Lee County Board of Supervisors respectfully requests the Commonwealth Transportation Board and the Virginia Department of Transportation formally designate the Route 880 bridge over Dry Creek as the "H. Frank Watson Memorial Bridge".

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**LEE COUNTY PLANNING COMMISSION REZONING REQUEST**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on July 17, 2012 at 4:00 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.

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The Chairman opened the floor for public comment.

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Mike James, Community Development Director, stated that the IDA had owned the property for several years and it was part of the industrial park but had never been rezoned appropriately. He stated his office had received no comments on the request.

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George Scott, Rose Hill, stated he owned property adjacent to the Industrial Park. He wanted to know how run off from the site would be handled.

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Mr. James stated that any development of the property would have to meet all federal, state, and local regulations.

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Mr. Scott stated his property had been subject to flooding issues since the four lane was constructed and he was concerned about how the run-off water would be handled from this site. He said his trailer park had flooded several times. He asked to be involved with any development to minimize damage to his property.

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Mr. Bailey stated that any development would be subject to DEQ and other regulations.

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Mr. Scott stated he was also concerned about odor problems that he had heard might be present with the planned use of the property.

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Mr. James stated that one factor that would be considered when recruiting any industry to the county would be that they be a good neighbor.

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Mr. Bailey stated that if the project developed further, a community meeting would be held to address concerns of nearby residents.

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Mr. Crabtree stated there was a dry creek in the flood zone that ran through the property.

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Mr. Scott stated this was a dry creek and only had water when it rained. He asked if the flood zone would be changed in this area.

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Mr. Poe advised that the Army Corps of Engineers was the only entity that could change the flood zone.

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Christine Carroll asked how far from the property line the Materials Recovery Facility would be located.

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Mr. Poe advised that this public hearing only dealt with rezoning of the industrial park property and did not include a proposed use. He stated that Materials Recovery Facilities would be addressed in the next public hearing.

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Ms. Carroll asked how many jobs would be generated by this facility.

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Mr. Poe again stated that this hearing was only regarding the rezoning of the property and not a proposed use.

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There was no other public comment.

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The Chairman closed the floor for public comment.

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The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on July 17, 2012 at 4:00 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 M-2, General Industrial District.

“Materials Recovery Facility. A solid waste management facility that provides for the extraction form solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials including 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 his office had received one complaint from a Mr. Lakins and two individuals who had questions but did not state their support or opposition. He stated he could not comment on any potential prospect but that this type of facility was typical in Europe where space for landfills was limited. He stated that odors should be minimal.

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Christine Carroll asked about odors and how many jobs this would provide.

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Mr. James stated he could not comment on the number of jobs since he could not disclose whether there may or may not be a prospect at this time who would construct such a facility. He stated that pyrolysis was the opposite of burning and would produce no fumes. He also stated the proposed use would require a minimum setback of one hundred feet.

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There was no other public comment.

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The Chairman closed the floor for public comment.

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on July 17, 2012 at 4:00 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 amend Section 4-1. (C) regarding allowed Special Uses by permit in the A-1, Agricultural District. Section 4-1.(3)(dd ) currently reads as follows:

“Automobile, truck, trailer, recreational vehicle, construction equipment, machinery, farm implement and manufactured home sales, rental, service, and repair businesses, but not including junkyard or automobile graveyards, and provided that no repair of vehicles shall be conducted outside of completely enclosed buildings and in view from any adjacent property or public street.“

The proposed amendment would replace this section and read as follows:

“(dd) Automobile, truck, trailer and/or recreational vehicle sales, rental, service and repair businesses, but not including junkyard or automobile graveyards, and provided that no repair of vehicles shall be conducted outside of completely enclosed buildings and in view from any adjacent property or public street.

(ee) Manufactured home sales, rental, service and repair businesses but not including junkyard or automobile graveyards, and provided that no repair of vehicles shall be conducted outside of completely enclosed buildings and in view from any adjacent property or public street.

(ff) Construction equipment and/or farm implement sales, rental service and repair businesses, but not including junkyard or automobile graveyards, and provided that no repair of vehicles shall be conducted outside of completely enclosed buildings and in view from any adjacent property or public street.

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The Chairman opened the floor for public comment.  
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Michael James, Community Development Director, stated this amendment was put forth to clarify a section of the Zoning Ordinance and to provide more specific uses in this particular section. He stated his office had received no comments on this matter.

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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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**PROPOSED ORDINANCE DESIGNATING EMERGENCY VOLUNTEERS AS INTEGRAL PARTS OF THE COUNTY’S SAFETY PROGRAM**

The Lee County Board of Supervisors held a Public Hearing on July 17, 2012 at 4:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia. The purpose of the hearing is to solicit public input on a proposed ordinance which will designate the volunteer fire departments, volunteer rescue squads, the County’s Department of Emergency Management and the Virginia Department of Emergency Services Search and Rescue Teams as integral parts of the County’s official safety program.

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The Chairman opened the floor for public comment.

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Mr. Poe stated this Ordinance was necessary in order to comply with recent legislative changes regarding the Line of Duty Act and to provide coverage for emergency volunteers.

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Mr. Crabtree stated he very much supported this Ordinance and thanked all the volunteers in the County.

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Ms. Rowe asked if this covered fire departments and rescue squads located within incorporated towns.

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Mr. Poe stated it would cover all volunteers in the County regardless of location.

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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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**ORDINANCE DESIGNATING EMERGENCY VOLUNTEERS AS INTEGRAL PARTS OF THE COUNTY'S SAFETY PROGRAM**

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to adopt the following 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 OF THE COUNTY OF LEE, VIRGINIA  
REGARDING VOLUNTEER ORGANIZATIONS IN THE  
OFFICIAL SAFETY PROGRAM  
2012-004**

**Section 1. Fire Departments and Rescue Squads designated as part of County's Official Safety Program.**

Pursuant to the Sections 2.1-133.5 – 2.1-133.11 of the Code of Virginia, as amended, and in accordance with the state's Line of Duty Act, the active members of the Blackwater Volunteer Fire Department; the Dryden Volunteer Fire Department; the Jasper Volunteer Fire Department; the Jonesville Volunteer Fire Department; the Keokee Volunteer Fire Department and Rescue Squad; the Pennington Gap Volunteer Fire Department #1; the Pennington Gap Volunteer Fire Department #2, the St. Charles Volunteer Fire Department and Rescue Squad; the Sticklelyville Volunteer Fire Department; the Thomas Walker Volunteer Fire Department #1; the Thomas Walker Volunteer Fire Department #2; the Jonesville Volunteer Rescue Squad; the Lee County Rescue Squad, Pennington Gap Unit; the Thomas Walker Volunteer Rescue Squad; the Lee County Department of Emergency Management; and the Virginia Department of Emergency Services Search and Rescue Teams are hereby recognized as an integral part of the Official Safety Program of the County.

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**DEPARTMENTAL REPORTS**

**ECONOMIC DEVELOPMENT**

Michael James, Community Development Director, stated he was currently attending Certified Planning Commissioner training classes. He stated the Planning Commission was reviewing the entire Zoning Ordinance to determine any changes that are needed. He stated this would be ongoing over the next year. The IDA is making progress on getting their audits up to date. The commercial entrances at Constitutional Oaks Industrial Park will be paved in the near future and a sign is on order. Site work at the Patriot Center will begin soon. A new cell phone tower will be constructed soon on the Constitutional Oaks Park site. He also provided some other updates on local industry and reminded the Board of the open house at the shell building on August 2, 2012.

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Ms. Rowe asked if they had been any progress on the zoning amendment for a racetrack.

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Mr. James stated this would be part of the overall ordinance review.

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Mr. Mosley stated that the property for the cell tower site was needed as quickly as possible.

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Mr. Slemp asked if the sewing facility at Dryden was still in operation.

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Mr. James stated they were still in business but employees were on furlough for a lack of work.

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Mr. Crabtree asked whether this meeting had been scheduled early to allow Board Members to attend the School Board meeting and whether any Board Members needed to leave at a certain time. He stated that some Board Members would not be affected by potential school closings.

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The Chairman asked Board Members if they planned to attend the School Board meeting.

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Mr. Bailey stated that he was scheduled to speak on behalf of Ewing Elementary and would need to leave the meeting early.

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Mr. Crabtree asked if an appointment for District 1 needed to be taken up at this time.

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**AMEND AGENDA**

It was moved by Mr. Bailey, seconded by Ms. Rowe, to amend the agenda to address the Lee County Redevelopment and Housing Authority appointment at this time. 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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**BOARD APPOINTMENT**

**LEE COUNTY REDEVELOPMENT AND HOUSING AUTHORITY**

It was moved by Mr. Bailey, seconded by Mr. Mosley, to appoint Eddie Quillen to an unexpired term on the Lee County Redevelopment and Housing Authority Board. Mr. Quillen's term will expire on September 30, 2012. 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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Mr. Bailey requested to leave the meeting at 5:03 p.m. to attend the School Board public hearing regarding school closings and consolidation. With no objections, Mr. Bailey left the meeting.

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**E-911 DEPARTMENT**

Alan Bailey, E-911 Director, provided an update on the E-911 Department. Mapping software has been implemented with various problems having been addressed. Remote connectivity to the system has been provided in some law enforcement vehicles to provide secure transfer of information. Geocomm continues to verify phone number and address matching. A signage installation contract was recently signed which will allow installation of several signs throughout the county. Mapping of the county has been completed and the E-911 office can now print maps in house.

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Mr. Mosley asked how close the address verification was to the required 95%.

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Mr. Poe stated it was currently at 74-78%.

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Mr. Mosley asked if this was holding up the implementation project.

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Mr. Bailey stated it was delaying the implementation but 911 call mapping was also needed for wireless calls.

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Mr. Poe stated the 95% verification rate would provide enhanced 911 for wireline calls but not for wireless.

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Mr. Crabtree stated that Verizon was now issuing cell phones with a 346 exchange and asked Mr. Bailey to explain problems with Comcast phone subscribers.

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Mr. Bailey stated the regional 911 group had pooled together to obtain Comcast phone numbers but there were problems with how the data is delivered.

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**PLANNING COMMISSION REPORT ON PUBLIC HEARINGS**

Charles Wynn, Planning Commission Chairman, reported that the Planning Commission had voted on the earlier public hearing matters with the following results:

- Voted to not recommend approval of the Lee County Board of Supervisors Special Use Permit request with the suggestion that another site be sought.
- Voted to recommend approval of the Lee County Planning Commission Rezoning request.
- Voted to recommend approval of the Lee County Planning Commission Zoning Text Amendment to allow Materials Recovery Facilities in the M-2, General Industrial district.
- Voted to recommend approval of the Lee County Planning Commission Zoning Text Amendment to amend Section 4-1. (C) of the Zoning Ordinance for clarification purposes.

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**LEE COUNTY BOARD OF SUPERVISORS SPECIAL USE PERMIT REQUEST**

The Chairman asked if the Board had any comments on the Olinger Convenience Center Special Use Permit.

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Mr. Slemph stated he would like to hear the County Administrator's comments on this matter.

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Mr. Poe stated the Superintendent and he were requested to locate a site. He stated that sites near county or state lines tended to be abused more often. He said his first reaction to this site was that it was not large enough but after several visits and the Superintendent's proposed layout, he believed it would work. He stated there would be no ideal site as there will always be some who object to a particular site. He stated if the public had ideas on a proposed site, he would be happy to explore other alternatives.

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Mr. Crabtree stated this site recently had 38 televisions dumped and some mining materials which are difficult to handle.

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Mr. Poe stated the guardrail at the proposed site provided a separation from the highway and would allow the site to be fenced. He said the existing site looked larger but due to the highway right-of-way, the site was not large enough to fence and allow access by the County's trucks.

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Gerald Williams suggested a possible site on Route 621.  
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It was moved by Mr. Slempp, seconded by Mr. Crabtree, to table action on the Board of Supervisors Special Use Permit. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp  
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**LEE COUNTY PLANNING COMMISSION REZONING**

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to approve the rezoning of 191.67 acres near Rose Hill owned by the Lee County Industrial Development Authority from A-1, Agricultural to M-2, General Industrial. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp  
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**LEE COUNTY PLANNING COMMISSION ZONING TEXT AMENDMENT**

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to approve the Lee County Planning Commission Zoning Text Amendment to establish Materials Recovery Facilities as an allowed use in the M-2, General Industrial district. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp  
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**LEE COUNTY PLANNING COMMISSION ZONING TEXT AMENDMENT**

It was moved by Mr. Mosley, seconded by Ms. Rowe, to approve the Lee County Planning Commission Zoning Text Amendment to amend Section 4-1. (C) of the Zoning Ordinance for clarification purposes. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp  
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**VIRGINIA COOPERATIVE EXTENSION**

Jeannie Mullins, Virginia Cooperative Extension Unit Director, provided a report on the activities and programs of the Extension Office. She also provided a brief history and summary of what Cooperative Extension entails.  
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Mr. Crabtree asked about possible state funding for hiring a full time Agricultural Agent.  
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Ms. Mullins stated there could be an announcement of the additional funding in the near future and the position would be filled soon thereafter.

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Mr. Crabtree advised that bids had been received for a replacement roof and the Board would be addressing this matter over the next few weeks.

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Ms. Mullins stated there were several repairs and improvements needed to the building.

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**CONSTITUTIONAL OFFICERS**

**TREASURER'S REPORT**

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

Revenues	\$ 4,829,355.02
Expenditures	\$ 8,027,370.90
General Fund	\$ 8,070,793.72
Total Assets and Liabilities	\$13,474,474.14

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**PUBLIC EXPRESSION**

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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**APPROVAL OF MINUTES**

It was moved by Ms. Rowe, seconded by Mr. Mosley, to approve the minutes of the June 1, 2012 Recessed Meeting, the June 11, 2012 Recessed Meeting and the June 19, 2012 Regular Meeting with an addition to the June 11, 2012 Recessed Meeting to reflect Ms. Rowe's question regarding whether the School Board would consider making a reduction in their request for additional funds with the understanding that they could approach the Board later in the fiscal year for additional funds if they were needed. Upon the question being put the vote was as follows.

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

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**APPROVAL OF REFUNDS**

None

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**PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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**APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve the disbursements for the month of July in the amount of \$476,446.77. Upon the question being put the vote was as follows.

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

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**DELEGATIONS**

None

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**FINANCE**

**MONTHLY APPROPRIATIONS**

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

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

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**MONTHLY APPROPRIATIONS  
12-019**

**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 August 31, 2012;

**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.

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**SUPPLEMENTAL APPROPRIATIONS**

**SHERIFF DEPARTMENT**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$19,361.00 to Fund 001, Sheriff Department, Line Item 4-001-31200-1340. Upon the question being put the vote was as follows.

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

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**SCHOOL RESOURCE OFFICER**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$4.12 to Fund 001, School Resource Officer, Line Item 4-001-31220-2210. Upon the question being put the vote was as follows.

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

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**COURTROOM SECURITY**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$2512.77 to Fund 001, Courtroom Security, and to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-001-31230-1140	\$2,385.00
Line Item 4-001-31230-2100	\$ 127.77

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**GENERAL PROPERTIES**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$9,091.51 to Fund 001, General Properties, and to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-001-43200-5110	\$4,942.63
Line Item 4-001-43200-3310	\$4,148.88

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**GENERAL EXPENSES**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$106.26 to Fund 001, General Expenses, Line Item 4-001-91500-5840. Upon the question being put the vote was as follows.

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

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**DEPARTMENT OF SOCIAL SERVICES**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$36,000.00 to Fund 002, Department of Social Services, and to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-002-53100-0012	\$ 3,000.00
Line Item 4-002-53100-0033	\$13,000.00
Line Item 4-002-53100-0253	\$20,000.00

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**FINES AND FORFEITURES**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$9,491.70 to Fund 007, Fines and Forfeitures, Line Item 4-007-94100-5840. Upon the question being put the vote was as follows.

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

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**HEADSTART**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$106,916.17 to Fund 024, Headstart, Line Item 4-024-62170-5860. Upon the question being put the vote was as follows.

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

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**COAL ROAD EXPENDITURES**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$6,515.39 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. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slempp

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### **COAL ROAD EXPENDITURES**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve a supplemental appropriation to the prior fiscal year in the amount of \$9.63 to Fund 027, Coal Road Expenditures, Line Item 4-027-95100-5860. Upon the question being put the vote was as follows.

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

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### **OLD BUSINESS**

None

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### **NEW BUSINESS**

#### **BOARD APPOINTMENTS**

#### **BOARD OF ZONING APPEALS**

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to recommend the appointment of Betty Grable to a five-year term on the Board of Zoning Appeals. Upon the question being put the vote was as follows.

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

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#### **COAL HAUL ROAD COMMITTEE**

It was moved by Ms. Rowe, seconded by Mr. Mosley, to appoint Jimmy Woodard to a four-year term on the Coal Haul Road Committee. Upon the question being put the vote was as follows.

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

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#### **EMERGENCY MANAGEMENT COORDINATOR**

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

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

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#### **INDUSTRIAL DEVELOPMENT AUTHORITY**

It was moved by Mr. Slemp, seconded by Mr. Mosley, to appoint Paul Johnson to a four-year term on the Lee County Industrial Development Authority. Mr. Johnson's term will expire on July 31, 2016. Upon the question being put the vote was as follows.

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

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**INDUSTRIAL DEVELOPMENT AUTHORITY**

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

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

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**BEHAVIORAL HEALTH SERVICES ANNUAL PERFORMANCE CONTRACT**

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. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**RESOLUTION  
COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT  
12-020**

**WHEREAS**, title 37.2 of the Code of Virginia, 1950, as amended, creates the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, hereinafter referred to as the Department, to ensure the delivery of publicly-funded services to citizens of the Commonwealth with mental illnesses, mental retardation and alcohol or other drug abuse or dependence; and

**WHEREAS**, Sections 37.2-501 of the Code of Virginia, 1950, as amended, require every city and county to establish or join a community services board that plans and provides, directly and contractually, publicly-funded local mental health, mental retardation, and substance abuse services; and

**WHEREAS**, Section 37.2-508 of the Code of Virginia, 1950, as amended, establishes the performance contract as the primary accountability and funding mechanism between the Department and each Community Services Board; and

**WHEREAS**, Section 37.2-508 of the Code of Virginia, 1950, as amended, further requires every operating Community Services Board to submit its annual performance contract to each political subdivision that established it as an agency for the political subdivision's approval prior to submission of the Contract to the Department; and

**WHEREAS**, the Counties of Lee, Scott, Wise and the City of Norton have joined together to establish the Planning District One Community Services Board; and

**WHEREAS**, the Planning District One Community Services Board has submitted its FY2013 Community Services Board Performance Contract to the Lee County Board of Supervisors for approval;

**NOW, THEREFORE, BE IT RESOLVED**, that the Lee County Board of Supervisors hereby approves the Planning District One Community Services Board FY2013 Performance Contract.

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**VICTIM WITNESS PROGRAM GRANT AWARD ACCEPTANCE**

It was moved by Mr. Mosley, seconded by Ms. Rowe, to accept the Victim Witness Program grant in the amount of \$49,446.00 with no local match. Upon the question being put the vote was as follows.

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

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Prior to the vote, Mr. Crabtree asked if the office rent payment had been removed from the budget.

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Mr. Poe advised that the office rent payment had been removed from the Victim Witness Program during budget work sessions with no objection from the Board.

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**STORMWATER MANAGEMENT ISSUES**

Ms. Rowe provided a list of questions from a Daniel Boone Soil and Water Conservation District Director regarding the Erosion and Sediment Control and Stormwater Management Programs. She also stated there was a question regarding the fees to be collected and who would get the revenue.

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Mr. Poe stated that, should the Soil and Water office decide to administer the program, they should include a proposal regarding who received the fee revenues.

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**LEASH LAW**

Ms. Rowe asked if the County Administrator had obtained any further information about imposing a leash law in certain areas of the county.

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Mr. Poe stated he had not obtained the information at this time.

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Ms. Rowe requested to leave the meeting at 5:52 p.m. to attend the School Board meeting and turned the Chair over to Vice-Chair Charles Slemp.

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**EXTENSION OFFICE ROOF REPLACEMENT BIDS**

The County Administrator advised that three bids were received for a metal roof and no bids were received for shingles. The bids ranged from \$9,924 - \$10,250. Any work required beyond the bid specifications would be negotiated prior to work being completed.

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Mr. Crabtree stated this was a lot of money to invest in an old building which is going to require extensive work on the inside as well. He asked the Board to consider

tabling the bids to obtain information on constructing a new building for Cooperative Extension.

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Mr. Poe listed several issues that need to be addressed with the existing building.  
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**TABLE EXTENSION OFFICE ROOF BIDS**

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to table the Extension Office Roof Replacement bids to explore other options. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Crabtree, Mr. Mosley, Mr. Slemph  
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**RECYCLING TRUCK**

Mr. Poe distributed information and prices for several used trucks and van bodies for the recycling collection program. He advised that this purchase was included in the budget and that all units are subject to prior sale. He requested that should the Board act on this that they also authorize a contingent purchase in the event the first choice unit is sold.

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Mr. Mosley recommended purchasing the 2007 ISUZU Cab and Chassis and the 2006 Van box with a lift gate.  
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Mr. Crabtree asked for information about the lift gate.  
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**AUTHORIZE PURCHASE OF RECYCLING TRUCK**

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to authorize the County Administrator to purchase the 2007 ISUZU truck located in Texas at a price of \$18,900 plus delivery charges and the 2006 or 2001 van box at a cost of \$3,500 or \$3,900 plus delivery or, in the event this unit is sold, to purchase the 2008 ISUZU located in Pittsburgh at a cost of \$27,500 and to purchase a lift gate for this unit. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Crabtree, Mr. Mosley, Mr. Slemph  
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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None  
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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

None  
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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**AIRPORT TERMINAL RIBBON CUTTING**

Mr. Mosley asked about the Airport Terminal Ribbon Cutting ceremony.

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Mr. Poe advised that the event was scheduled for August 2, 2012 at 1:30 p.m. Delegate Kilgore and Senator Carrico are expected to be in attendance and Department of Aviation officials have been invited.

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**CLOSED SESSION**

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to enter Closed Session pursuant to Section 2.2-3711 A.5., discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, 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. Crabtree, Mr. Mosley, Mr. Slemp

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

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

VOTING AYE: Mr. Crabtree, Mr. Mosley, Mr. Slemp

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD