

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the Circuit Courtroom of the Lee County Courthouse on February 21, 2012 at 5:00 p.m. thereof.

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

MEMBERS ABSENT: None

OTHERS PRESENT: C. M. Callahan, Jr., County Attorney
Dane Poe, County Administrator

OTHERS ABSENT: None

INVOCATION

Layne Pennington, Pastor of First United Methodist Church of Jonesville, led in the Invocation.

PLEDGE TO THE FLAG

Layne Pennington led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:03 p.m.

PUBLIC HEARING

ZONING TEXT AMENDMENT TO ALLOW RACETRACKS

The Lee County Board of Supervisors held a Public Hearing on February 21, 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 proposed Zoning Text Amendment. A Zoning Text Amendment has been requested to allow Racetracks in the A-1, Agricultural district by Special Use Permit with the following restrictions:

- Minimum lot size of 35 acres
 - Hours of operation shall be between sunrise and 11:00 p.m.
 - All outdoor lighting shall be turned off between 11:00 p.m. and sunrise, except lighting used for walkways, roads, parking lots and security. In these cases, fully shielded lights must be used. Lights should not shine into the sky or onto neighboring properties.
 - The lot will have access to an arterial street
 - A fence with a minimum height of five (5) feet shall be maintained around the track to keep spectators from entering the track.
 - The track surface shall be maintained so as to minimize dust.
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The Chairman opened the floor for public comment.

Michael James, Community Development Director, advised that the Planning Commission had voted to not recommend approval of the proposed zoning text amendment. He stated there were several objections to the amendment from the public.

Jason Miles, Maple Hill Community, stated the amendment did not require setbacks, water studies, noise surveys or other studies to determine the feasibility of a racetrack. He stated this type establishment was not needed in Lee County. He requested the Board not approve the text amendment.

Clarence Stafford stated he was opposed to racetracks in the County. He stated there were no studies on water and sewage availability to the property or drainage issues.

There was no other public comment.

The County Administrator advised that Tracy Garrett had called to oppose the text amendment.

The Chairman closed the floor for public comment.

Mr. Crabtree stated he believed an error in notification had created some confusion. He stated notice to adjacent property owners would not be required until the use is allowed by text amendment. He asked if this interpretation was correct.

The County Administrator advised that this was the correct interpretation.

Mr. Slemph asked why we were rezoning the entire county.

The County Administrator advised that this was not a rezoning but rather adding an allowed use to the A-1 District.

RETURN PROPOSED TEXT AMENDMENT TO PLANNING COMMISSION

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to send the proposed Zoning Text Amendment to allow Racetracks back to the Planning Commission for further study. The Planning Commission should specifically address setback requirements and minimum acreage as well as other pertinent issues. Upon the question being put the vote was as follows.

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

Prior to the vote, Mr. Crabtree commented that, if allowed, the ordinance should address large or small operations and be detailed enough to do so.

REBECCA HAYNES SPECIAL USE PERMIT REQUEST

The Lee County Board of Supervisors held a Public Hearing on February 21, 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. Rebecca Haynes has applied for a Special Use Permit for an auto salvage yard in an A-1, Agricultural district. The property is located near Pennington Gap in the Right Hand Poor Valley community and consists of 3.35 acres.

The Chairman opened the floor for public comment.

Michael James, Community Development Director, advised that the Planning Commission voted to recommend approval of the Special Use Permit. He reported there had been no objections received to date. He also advised that an auto salvage yard may not expressly be applicable to the request as the planned use is to store vehicles for further salvage off-site.

Board Members asked questions regarding the difference in a junkyard and a salvage lot, whether a fence was required and if the setbacks would be the same as for other uses in the A-1, Agricultural District.

Mr. James advised that neither junkyard nor salvage lot are currently defined in the Zoning Ordinance. He stated a fence was not currently required unless by state or federal law, and setbacks would be the same as for other uses.

Rebecca Haynes stated that the proposed use is to store vehicles for delivery to a crusher. She stated they usually have 8-10 cars on site at any one time. They may occasionally accumulate more than that over a weekend.

There was no other public comment.

The Chairman closed the floor for public comment.

REBECCA HAYNES SPECIAL USE PERMIT

It was moved by Ms. Rowe, seconded by Mr. Mosley, to approve the Rebecca Haynes Special Use Permit to allow an auto salvage yard in an A-1, Agricultural District

with the stipulations that there be no more than 30 cars on site at any one time and that the vehicles be shielded and not visible from public view. Upon the question being put the vote was as follows.

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

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 5,455,777.96
Expenditures	\$ 5,239,094.03
General Fund	\$10,711,662.69
Total Assets and Liabilities	\$16,314,094.03

PUBLIC EXPRESSION

The Chairman opened the floor for public comment.

Brenda Cowden, Junction Center for Independent Living, thanked the Board for their past support of the Junction Center.

Richard Shular, Dryden, stated his concerns about the old Payless property in Dryden. He stated that litter has been left on the site. He also stated the County should focus on cleaning up the most visible areas along the main highways to promote tourism.

Jerry Burgin, District 3, stated he could not understand how people can start a new use on their property before getting the proper permits.

There was no other public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to approve the minutes of the January 17, 2012 Annual Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a refund in the amount of \$484.79 to Shannon D. Owens. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Bailey, seconded by Mr. Slemp, to approve the disbursements for the month of February in the amount of \$155,232.98. Upon the question being put the vote was as follows.

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

DELEGATIONS

**VDOT ADMINISTRATIVE CHANGES
ALLEN SUMPTER
RESIDENT ADMINISTRATOR**

Allen Sumpter, Wise Residency Administrator, addressed the Board regarding upcoming changes in the Residency structure. He stated the Wise Residency manages four counties with 122 employees of which approximately 40 are in Lee County. All road maintenance in Lee County is performed from the Ewing or Dryden Area Maintenance Headquarters. He advised that the changes would bring all maintenance under the Residency as well as formulation of the Secondary Six-Year Plan. Mr. Sumpter commented on recent issues including litter and expressed his appreciation for the Sheriff's Department's cooperation in overseeing inmates to clean several miles of highway. He also advised that trees overhanging the road on Route 352 could not always be easily removed as they have a limited right-of-way in many areas and have to obtain permission from private property owners to enter their property to remove trees. Various areas of guardrail damage throughout the county are hoped to be repaired in the near future. Mr. Sumpter advised that reconstruction of Route 647 is under winter shutdown and that projects on Routes 686 and 660 should begin in May. He stated that he would attempt to attend Board Meetings on a quarterly basis and expects to address the Secondary Six-Year Plan with the Board in about three months.

Mr. Crabtree asked about the process for obtaining Children At Play signs, speed studies and broken highway shoulders.

Mr. Sumpter advised that requests for signage could go to the County Administrator to be forwarded to his office. Requests for speed studies should come with a formal vote of the Board. He advised that public works projects that affect the shoulders are under permit and would be referred back to the permitted agency or contractor.

Ms. Rowe asked about planned paving projects in the County and stated that some portions of Alternate Route 58 in downtown Pennington Gap were rough.

Mr. Mosley thanked Mr. Sumpter for his attention to the Board's concerns in the past. He restated his concerns about the lack of a traffic signal on Alternate Route 58 at Route 645 in Ben Hur.

Mr. Sumpter stated that Federal standards regarding traffic signal needs do not warrant limited use signals such as the one Ben Hur.

**DANIEL BOONE SOIL AND WATER DISTRICT REPORT
ROGER ELKINS, MEMBER
BOARD OF DIRECTORS**

Roger Elkins, Member of the Board of Directors, presented a report on the activities of the Daniel Boone Soil and Water Conservation District. He advised they have received a total allocation of \$573,000 this year for erosion and water quality protection projects. They conduct annual pasture walks to educate local farmers on methods to improve their farms. They also work with the schools to educate children on conservation practices. The District is also working with the Department of Mines, Minerals and Energy to correct acid mine drainage problems at abandoned mine sites. They are also working with DMME and other partners to establish an outdoor classroom at the Stone Creek tipple site. Mr. Elkins expressed his appreciation to the Board for their support of the Soil and Water Conservation District.

Mr. Crabtree expressed his appreciation for the work of the District to help farmers promote conservation.

Mr. Bailey thanked Mr. Elkins for the District's efforts.

FINANCE

MONTHLY APPROPRIATIONS

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

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

**MONTHLY APPROPRIATIONS
12-004**

WHEREAS, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2011-12; 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 March 31, 2012;

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds	\$ 6,169,315
Local Funds	<u>1,068,509</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 7,237,824

LEE COUNTY PUBLIC SCHOOLS

Categorical Appropriation:

Instruction	\$24,959,063.10
Administration, Attendance and Health	1,584,870.40
Pupil Transportation	2,043,841.50
Operation and Maintenance	3,710,728.00
School Food Services	1,510,410.00
Facilities	466,400.00
Technology	755,653.00
Partially Self-Funded Insurance Fund	<u>4,925,000.00</u>
TOTAL	\$39,955,966.00

Source of Revenue:

Federal Funds	\$ 4,949,721.00
State Funds	25,234,600.00
Other Funds	62,600.00
Self Insured Health Fund	4,925,000.00
Local Funds	4,404,045.00
Lottery Carryover Funds	<u>380,000.00</u>
TOTAL PUBLIC SCHOOLS	\$ 39,955,966.00

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.

OLD BUSINESS

LAW LIBRARY FEE PROPOSAL

It was moved by Mr. Crabtree, seconded by Mr. Slemp, to table action on the Law Library Fee for further information. The Board has not received information from the Bar Association on the type and cost of the internet subscription to be purchased. Upon the question being put the vote was as follows.

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

ELDERLY AND DISABLED TAX EXEMPTION GUIDELINES

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to schedule a public hearing on the Elderly and Disabled Tax Exemption Guidelines as presented by the Commissioner of the Revenue. Upon the question being put the vote was as follows.

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

NEW BUSINESS

BOARD APPOINTMENTS

APPALACHIAN COMMUNITY ACTION & DEVELOPMENT AGENCY

It was moved by Ms. Rowe, seconded by Mr. Crabtree, to appoint Charles Slemp to the Appalachian Community Action and Development Agency. Mr. Slemp's term will expire on December 31, 2015. Upon the question being put the vote was as follows.

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

COMMUNITY POLICY AND MANAGEMENT TEAM

It was moved by Mr. Mosley, seconded by Mr. Bailey, to appoint Jason Crabtree to the Community Policy and Management Team. Mr. Crabtree's term will expire December 31, 2015. Upon the question being put the vote was as follows.

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

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Slemp, seconded by Mr. Mosley, to appoint Carol Benham to the Lonesome Pine Office on Youth. Ms. Benham's term will expire on December 31, 2015. Upon the question being put the vote was as follows.

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

NINTH DISTRICT DEVELOPMENT FINANCING

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

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

PLANNING COMMISSION

It was moved by Mr. Mosley, seconded by Ms. Rowe, to re-appoint Charles R. Wynn to a four year term on the Planning Commission. Mr. Wynn's term will expire on February 28, 2016. Upon the question being put the vote was as follows.

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

ST. CHARLES WATER AUTHORITY

It was moved by Ms. Rowe, seconded by Mr. Mosley, to concur with the Town of St. Charles to appoint Rochester Woodard to a four-year term on the St. Charles Water Authority. Mr. Woodard's term will expire on February 28, 2016. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA HEALTH AUTHORITY

It was moved by Mr. Slemp, seconded by Mr. Mosley, to appoint Eddie Carlton to the Southwest Virginia Health Authority. Mr. Carlton's term will expire on February 28, 2015. Upon the question being put the vote was as follows.

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

REVENUE SHARING PROJECTS FUNDING ADJUSTMENT

It was moved by Ms. Rowe, seconded by Mr. Mosley, to approve 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

**RESOLUTION
12-005**

WHEREAS, the Lee County Board of Supervisors dedicated monies to Revenue Sharing Project 0421-052-R12 UPC 13655, and that project is complete leaving a balance of funds; and

WHEREAS, the Lee County Board of Supervisors dedicated monies to Revenue Sharing Project 0606-052-125 UPC 2780, and that project is complete leaving a deficit of \$1,311.00; and

NOW, THEREFORE, BE IT RESOLVED by the Lee County Board of Supervisors that \$1,311.00 be transferred to UPC 2780 from completed project UPC 13655 to fund these project needs.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Prior to the motion, Ms. Rowe asked if the County was liable for the cost of a traffic signal study. She stated she had been contacted about conducting a signal study at the intersection of Routes 421 and 606 and thought the left over funds might be used to complete the study.

Mr. Poe advised that Revenue Sharing funds were project specific and only projects eligible under the Revenue Sharing Program could be funded. He advised that the County currently did not have a Revenue Sharing project under development.

RURAL DEVELOPMENT VEHICLES GRANT RESOLUTUION

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

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

**RESOLUTION OF GOVERNING BODY OF
LEE COUNTY
12-006**

The governing body of Lee County consisting of five members, in a duly called meeting held on the 21st day of February, 2012, at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) for the Police Vehicle Purchase Project, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors or County Administrator be authorized to execute on behalf of the Board of Supervisors, the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the required documents, is hereby entered into the permanent minutes of the meeting of this Board of Supervisors.

REQUEST TO SUPPORT SEVERANCE TAX AMENDMENT LEGISLATION

It was moved by Ms. Rowe, seconded by Mr. Mosley, to provide a letter of support for current legislation regarding the Coal, Oil and Gas Severance Tax as requested by Chris Jones, Commissioner of the Revenue, and to approve the Memorandum of Understanding between the Commissioners of the Coalfield Counties of Virginia and the Virginia Coal Association and Virginia Oil and Gas Association. Upon the question being put the vote was as follows.

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

BEN HUR CONVENIENCE CENTER FENCING CHANGES

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to accept the quote of New Image Fencing in the amount of \$2,267.40 for fencing adjustments at the Ben Hur Convenience Center. Upon the question being put the vote was as follows.

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

**SCHOOL BOARD PROPOSAL FOR PARKS AND RECREATION
DEPARTMENT**

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

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

SCHOOL BUDGET COMMITTEE APPOINTMENTS

It was moved by Mr. Bailey, seconded by Ms. Rowe, to appoint Jason Crabtree and Charles Slemp to the School Budget Committee. Upon the question being put the vote was as follows.

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

LONG TERM FINANCING PROPOSAL

It was moved by Ms. Rowe, seconded by Mr. Mosley, to table the long term financing proposal from Rural Development until budget discussions. Upon the question being put the vote was as follows.

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

HEALTH INSURANCE RENEWAL RATES

It was the consensus of the Board to authorize the County Administrator to accept the renewal rates for health insurance at a 3.7% reduction in premiums.

COMPREHENSIVE PLAN PROGRESS

Mr. Poe updated the Board on progress to the Comprehensive Plan review and amendment. The Planning Commission will complete their draft proposal by the March or April meeting. At that time it will go to a public hearing prior to approval. Any changes requested by the Board should be forwarded to Mr. James and the Planning Commission as soon as possible.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

**REQUEST FOR CLOSED MEETING
INVESTMENT OF PUBLIC FUNDS**

This item will be addressed at the end of the meeting.

ARCHITECT'S PROPOSAL FOR HVAC CHANGES

Mr. Poe provided separate fee proposals for A/E services from Thompson & Litton for replacement of the existing chiller unit for the Circuit Courtroom with a new

heat pump and for replacement of the unit with a larger unit to provide HVAC service to the entire third floor of the old Courthouse.

TABLE ARCHITECT'S FEE PROPOSALS

It was moved by Mr. Bailey, seconded by Mr. Mosley, to take this matter into Closed Session. Upon the question being put the vote was as follows.

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

CIVIL WAR SESQUICENTENNIAL COMMEMORATION RESOLUTION

It was moved by Mr. Bailey, seconded by Ms. Rowe, 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

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LEE
RELATING TO THE SUPPORT OF THE VIRGINIA SESQUICENTENNIAL OF
THE AMERICAN CIVIL WAR COMMISSION
12-007**

WHEREAS, the Board of Supervisors of the County of Lee ("the County") is dedicated to the furtherance of economic development and tourism in Lee County; and

WHEREAS, the Virginia Sesquicentennial of the American Civil War Commission ("the Commission") was created in 2006 by the General Assembly for the purpose of preparing for and commemorating the 150th anniversary of Virginia's participation in the American Civil War; and

WHEREAS, the Commission has requested that each locality form a sesquicentennial committee to aid in planning for the commemoration period; and

WHEREAS, the Lee County Sesquicentennial Committee will plan and coordinate programs occurring within the locality and communicate regularly with the state Commission; and

WHEREAS, the Board of Supervisors wishes to undertake this endeavor with the Commission to promote and commemorate this important historic milestone;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Lee:

1. The Board of Supervisors hereby desires to support the Virginia Sesquicentennial of the American Civil War Commission and their efforts to commemorate the 150th anniversary of Virginia's participation in the American Civil War.
2. Lee County has formed a sesquicentennial committee to aid in the planning for the commemoration period.

NEED FOR ADDITIONAL E-911 DISPATCHER

Mr. Poe advised that the Sheriff and the E-911 Director had requested the Board consider hiring an additional E-911 Dispatcher at this time.

LOCAL STORMWATER MANAGEMENT ENFORCEMENT

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to decline the State's offer for the County to voluntarily assume responsibility from the state for enforcement of the Local Stormwater Management Program. Upon the question being put the vote was as follows.

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

Mr. Poe advised that local enforcement of the Stormwater Management Program may become mandatory should legislation currently in the General Assembly be approved. The legislation currently appears to be headed for approval and would become mandatory on July 1, 2014.

The Chairman called for a ten-minute recess.

The Chairman called the meeting back to order.

CLOSED SESSION

It was moved by Mr. Mosley, seconded by Mr. Bailey, to enter Closed Session pursuant to Section 2.2-3711 A.1., discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; 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 2.2-3711 A. 6., the investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected. Upon the question being put the vote was as follows.

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

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

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

CERTIFICATE OF CLOSED SESSION

It was unanimously agreed as follows.

WHEREAS, the Lee County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a Certification by this Lee County Board of Supervisors that such Closed Meeting was conducted within Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Closed Meeting in which this Certification Resolution applies and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed or considered by the Lee County Board of Supervisors.

HVAC REPAIRS

It was moved by Ms. Rowe, seconded by Mr. Bailey, to approve repairs to the Circuit Courtroom HVAC unit by Southwest Heating and A/C at a cost not to exceed \$4,857.48. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE BOARD

SIGNAGE REQUESTS

Mr. Crabtree requested the County Administrator contact VDOT to request Children at Play signs for the Marwyngal and Countryside Subdivisions and to request a 35 mile per hour speed limit for these areas as well.

FEASIBILITY OF COUNTY EXPENDITURES BEING POSTED TO WEBSITE

Mr. Crabtree requested the County Administrator explore the feasibility of the County posting its expenditures to the County website. He also requested the County consider a contracted IT person to post online information.

AIRPORT COMMISSION

Mr. Crabtree asked about the status of the Airport Commission.

Mr. Poe advised that the old airport was managed by a joint Commission. He stated that it could potentially be used for the new airport if the Town of Pennington Gap withdrew its' membership. He stated this could reduce the time required to get a new Commission formed.

POSTING OF ORDINANCES TO COUNTY WEBSITE

Ms. Rowe requested the Zoning and Litter Ordinances be posted to the County website if possible.

CAPITAL IMPROVEMENT PLAN AND ECONOMIC DEVELOPMENT STRATEGY

Ms. Rowe recommended the Board develop a Capital Improvement Plan during the budget process and an Economic Development Strategy.

GRAVEL FUND POLICY

Mr. Slemp asked for guidance on using district gravel funds for trailer parks.

Mr. Callahan and Mr. Poe advised that trailer park roads were private and were actually business operations.

CONVENIENCE CENTER IMPROVEMENTS

Mr. Slemp stated that the Board needed to improve some of the Convenience Centers. He stated the one at Olinger desperately needed some improvements.

RECODIFICATION OF COUNTY ORDINANCES

Ms. Rowe stated she would like to see all County ordinances posted to the website.

Mr. Poe advised it had been twenty years since the County's ordinances had been codified.

Ms. Rowe stated that this needed to be updated and she did not think the cost would be that great. She requested this be looked at for further action.

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to recess to March 1, 2012 at 4:00 p.m. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD