

**VIRGINIA:** County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on November 19, 2013 at 5:00 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

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**INVOCATION**

Steve Garrett led in the invocation.

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**PLEDGE TO THE FLAG**

Steve Garrett led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 6:09 p.m.

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**DEPARTMENTAL REPORTS**

**LITTER CONTROL AND RECYCLING**

Josh Fleenor, Litter Control Coordinator reported that the Community Service Program had 29 people participate for a total of 831 hours and 531 bags collected, and he signed 6 people onto the Assign-A-Highway program. He stated that he is still working on the Outdoor Classroom in Stone Creek, locating illegal dumpsites throughout the County, and has been checking into citizen complaints.

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Mr. Bailey stated that with the foliage dying out, the litter is becoming more noticeable along the roadways and asked that an emphasis be put into cleaning that up.

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**SOLID WASTE**

Gary Collingsworth, Transfer Station Superintendent, reported that the Transfer Station had taken in 1,168.8 tons of garbage and 13.45 tons of tires in October. He stated that they have completed several projects at the airport, Thomas Walker pool and that all

County properties have been mowed to get them ready for the winter. He added that they have been working on dumpster repairs during the bad weather.

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Ms. Rowe asked if it would be possible for the centers to remain open during the holidays.

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Mr. Collingsworth stated that leaving the convenience centers open and unattended leads to illegal dumping at the sites.

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Ms. Rowe stated that she was thinking about the closure for Thanksgiving would be Thursday, Friday, Saturday and Sunday.

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Mr. Collingsworth stated that the Transfer Station will only be closed on Thanksgiving Day and Christmas Day, it will be open the other days.

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Ms. Rowe stated a lot people had told her it was a burden to drive to the convenience center and find it closed. She stated that some people have said they threw their trash over the fence and wondered if this was as issue.

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Mr. Collingsworth stated there had been some random instances of people doing. He stated signs had been posted at all sights regarding the holiday closings.

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## **PUBLIC HEARINGS**

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to amend the agenda to move the Higher Education Zoning Text Amendment to be the first item under Public Hearings because it is a joint public hearing. 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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## **HIGHER EDUCATION ZONING TEXT AMENDMENT**

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on November 19, 2013 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia to solicit input on the following proposed Zoning Text Amendments:

- 1) the following permissible use to be added in the A-1, Agricultural, V-C, Village Commercial, M-1, Limited Industrial, and M-2, General Industrial Districts:

Higher educational institution as defined in Article XI of this Ordinance

- 2) Article 5-2 Off-street Parking

Add: Higher educational institution – 1 parking space per 4 students enrolled plus 1 per employee

3) Article XI – Definitions

Higher educational institution – A public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty. Higher educational institutions include colleges, universities, or any trade or vocational school including, but not limited to, those educating students in such subjects as barbering, cosmetology, music, drafting or healthcare professions. Such institutions of higher learning may be either non-profit or for-profit institutions and must be accredited by a recognized regional or national accreditation organization.

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Mike James, Community Development Director, reported that the current zoning allowed Trade Schools, but the Planning Commission wanted to update the Zoning Text for clarification. He added that his office had not received any comment on this matter.

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

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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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**ST. CHARLES HEALTH CLINIC REZONING REQUEST**

The Lee County Board of Supervisors held a Public Hearing on November 19, 2013 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. St. Charles Health Council, Inc. is requesting to rezone 138.85 acres of property from A-1, Agricultural District, to B-2, General Business District to allow a medical clinic. The property is located on the North side of Route 659 (Sugar Run Road) just off U.S. 58A approximately 2 miles east of Jonesville.

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Mike James reported that this office had not received any comment on this request, and that the Planning Commission voted to recommend approval of this request.

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Greg Edwards stated that his is a request to build a new health clinic on the Eagle Farm. He added that the facility will be approximately 23,000 square feet, Stone Mountain Health Services is a non-profit organization, and has received grant funding to build the facility.

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

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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. Mosley, seconded by Mr. Bailey, to approve the St. Charles Health Clinic Rezoning Request. 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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### **JAMES MIDDLETON REZONING REQUEST**

The Lee County Board of Supervisors held a Public Hearing on November 19, 2013 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. James Middleton is requesting to rezone 33.20 acres of property from A-1, Agricultural District, to M-2, General Industrial District to allow a livestock auction business. The property is located in Blackwater on the East side of Route 70 approximately 0.8 miles South of Blackwater Post Office.

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Mike James reported that his office had received numerous comments opposing this request. He added that the Planning Commission had voted to recommend denying this request.

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

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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 Ms. Rowe, to deny the James Middleton Rezoning Request. 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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### **CONSTITUTIONAL OFFICERS**

#### **TREASURER'S REPORT**

The Treasurer's Report for the month of October 2013 was submitted as follows:

Revenues	\$ 5,499,638.18
Expenditures	\$ 4,946,696.71

General Fund	\$ 9,136,137.49
Total Assets and Liabilities	\$ 14,572,497.69

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**PLANNING COMMISSION REPORT ON PUBLIC HEARINGS**

Michael James, Community Development Director, reported that the Planning Commission had voted to recommend approval of the Higher Education Zoning Text Amendment.

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**HIGHER EDUCATION ZONING TEXT AMENDMENT**

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to approve the Higher Education Zoning Text Amendment. 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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**PUBLIC EXPRESSION**

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

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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 Mr. Bailey, seconded by Mr. Mosley, to approve the minutes of the October 15, 2013 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. Mosley, seconded by Mr. Slemp, to approve the request for refund for Randall E. and Christine A. Lawson in the amount of \$2,725.90. 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 Ms. Rowe, seconded by Mr. Mosley, to approve the request for refund for Hossein Faiz in the amount of \$228.70. 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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**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 Ms. Rowe, to approve the disbursements for the month of November in the amount of \$117,836.93. 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**

**RENOVATIONS CONSTRUCTION AND DESIGN PLANS  
THE LANE GROUP  
SANDRA GRAHAM AND JEFF COCHRAN**

Bobby Lane presented the designs and cost estimates on the three proposed projects for the County. He stated that the engineers are still working on trying to get the cost down on a couple of the projects.

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Mr. Crabtree asked if there were special features in the admin area of the new Transfer Station building that was making the cost for the area so high.

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Mr. Lane stated that he hopes that is a high estimate, adding that they try to use a realistic number then try to push the cost down.

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Mr. Poe stated that if the contractor will do the rough in work; the rest could be finished in house.

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**DANIEL BOONE SOIL & WATER CONSERVATION DISTRICT UPDATE  
ROGER ELKINS  
BOARD MEMBER**

Roger Elkins was unable to attend the meeting.

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**LONESOME PINE REGIONAL LIBRARY ANNUAL REPORT  
MELANIE JORGENSEN AND RUTH GILLIAM  
BOARD MEMBERS**

Melanie Jorgensen reported that the Rose Hill Library has one of the largest computer labs in the library system. She stated that the Pennington Gap Library has many things to offer the public, and stated that the meeting room had recently been remodeled. The library's webpage has several helpful links from homework help to free magazine downloads and e-books rentals.

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**STONE MOUNTAIN HEALTH SERVICES  
GREG EDWARDS AND MALCOLM PURDUE  
BOARD MEMBERS**

Greg Edwards and Malcolm Purdue reported to the Board that their Pennington Gap Clinic will be relocated to the new facility and the behavioral health service would be expanded. The new clinic will be built on about 5 of the 138 acres, and will be approximately 21,000 square feet, and will employ around 50 people with the potential to expand beyond that. They added the clinic will be built with federal grant funds; but, there is a lack of funds to get sewer onto the site. Stone Mountain is requesting funding from the County to help get sewer on the property.

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**FINANCE**

**MONTHLY AND QUARTERLY APPROPRIATIONS**

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

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**RESOLUTION  
MONTHLY APPROPRIATIONS  
13-035**

**WHEREAS**, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2013-14; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the following activities 1/12 of the amount shown is appropriated for a 1-month period ending December 31, 2013;

**VIRGINIA PUBLIC ASSISTANCE**

Federal/State Funds	\$ 5,978,599
Local Funds	<u>1,077,062</u>
<b>TOTAL VIRGINIA PUBLIC ASSISTANCE</b>	<b>\$ 7,055,661</b>

**LEE COUNTY PUBLIC SCHOOLS**

Categorical Appropriation:

Instruction	\$ 23,912,714
Administration, Attendance and Health	1,721,521
Pupil Transportation	1,937,730
Operation and Maintenance	3,307,797

School Food Services	1,558,843
Facilities	460,218
Technology	712,278
Partially Self-Funded Insurance Fund	<u>3,990,000</u>

TOTAL \$37,601,101

Source of Revenue:

Federal Funds	\$ 4,066,300
State Funds	24,206,669
Other Funds	71,600
Self Insured Health Fund	3,990,000
Local Funds	4,561,621
Textbook Carryover Funds	<u>704,911</u>

TOTAL PUBLIC SCHOOLS \$ 37,601,101

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 and three months appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2013-2014.

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**SCHOOL BOARD SUPPLEMENTAL APPROPRIATION**

Mr. Poe reported that the School Board has been awarded a grant from the School Security Equipment Grant Program in the amount of \$100,000.00 . He added that there is no local match required for this grant.

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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

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**RESOLUTION  
13-036**

**LEE COUNTY SCHOOL BOARD  
SUPPLEMENTAL APPROPRIATION**

**WHEREAS**, the Lee County School Board has been awarded a grant from the School Security Equipment Grant Program in the amount of \$100,000.00 to install security equipment; and

**WHEREAS**, no local matching funds are required for this grant;

**NOW, THEREFORE, BE IT RESOLVED**, the Lee County Board of Supervisors grants a supplemental appropriation to the 2013-14 School Budget in the amount of \$100,000.00 to the Operation and Maintenance category;

**BE IT FURTHER RESOLVED**, that the revised total Lee County School Board appropriation for the 2013-14 fiscal year be increased from Thirty Eight Million, Seven



Hundred Ninety Four Thousand, Six Hundred Twelve Dollars and Twenty Cents (\$38,794,612.20) to Thirty Eight Million, Eight Hundred Ninety Four Thousand, Six Hundred Twelve Dollars and Twenty Cents (\$38,894,612.20).

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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. 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. Crabtree, seconded by Ms. Rowe, 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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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**BOARD OF ZONING APPEALS**

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

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

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**LONESOME PINE OFFICES ON YOUTH**

It was moved by Ms. Rowe, seconded by Mr. Slempp, to re-appoint Aaron Fee and Lance Fannon to the Lonesome Pine Office on Youth. Mr. Fee's and Mr. Fannon's terms will expire on September 30, 2014. 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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It was the consensus of the Board to table the adult appointment to this Board until next month.

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#### **TOURISM COMMITTEE**

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to appoint Gary Carroll the Tourism Committee. Mr. Carroll's term will expire on September 30, 2017. 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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#### **APPALACHIA JUVENILE COMMISSION**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to re-appoint C.M. Callahan to the Appalachia Juvenile Commission. Mr. Callahan's term will expire on November 30, 2015. 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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#### **COMMUNITY SERVICE BOARD**

It was the consensus of the Board to table this appointment until next month.

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#### **DISABILITY SERVICE BOARD**

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to re-appoint Sheri Yates to the Disability Service Board. Ms. Yates' term will expire on November 30, 2016. Upon the question being put the vote was as follows.

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

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It was the consensus of the Board to table the remaining appointments until next month.

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#### **WOODWAY WATER AUTHORITY**

It was moved by Mr. Mosley, seconded by Ms. Rowe, to re-appoint Scott Napier to the Woodway Water Authority. Mr. Napier's term will expire on November 30, 2017. 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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**WOODWAY WATER AUTHORITY SUPPORT RESOLUTION**

Mr. Poe reported that the Woodway Water and Sewer Authority is preparing to implement a project to upgrade their water system. The project will be done in two phases, and will require bond issues from the Virginia Resource Authority in the amounts of \$519,047 for Phase I and \$522,723 for Phase II. He added that one of VRA's requirements is that the Water Authority obtain a Resolution from the Board of Supervisors authorizing execution of the Support Agreement.

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It was moved by Mr. Mosley, seconded by Mr. Bailey, to adopt the following Resolutions. 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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**RESOLUTION  
13-037**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF LEE COUNTY, VIRGINIA CONSENTING TO THE ISSUANCE OF A \$519,047 WATER REVENUE BOND BY THE WOODWAY WATER AND SEWER AUTHORITY AND AUTHORIZING THE EXECUTION OF A SUPPORT AGREEMENT PROVIDING FOR LEE COUNTY'S MORAL OBLIGATION TO MAKE CERTAIN APPROPRIATIONS WITH RESPECT THERETO**

The Woodway Water and Sewer Authority (the "Authority") proposes to issue its not to exceed \$519,047 Water Revenue Bond, Series 2013 (the "Bond") to the Virginia Resource Authority, as Administrator of the Virginia Water Supply Revolving Fund (the "VRA"), to finance improvements to the Authority's water system (the "System) in Central Lee County service area of Lee County (the "Project").

The Authority has requested the Board of Supervisors of Lee County, Virginia (the "County") to facilitate the issuance and sale of the Bond by consenting to the issuance of the Bond and providing for the County's moral obligation to make certain appropriations to the Authority with respect to the Bond and the System.

As part of its plan for financing the Project, the Authority proposes to execute the following documents, drafts of which have been presented to the Board of Supervisors at this meeting:

- a. Financing Agreement (the "Financing Agreement") between the Authority and the VRA; and
- b. Support Agreement (the "Support Agreement"), between the Authority, the Board of Supervisors of the County and the VRA.

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

1. The Authority's plan of financing for the Project, substantially on the terms set forth in the Financing Agreement and which involves the issuance of the Bond, is hereby approved. The Board of Supervisors consents to the issuance of the Bond.

2. The Board of Supervisors agrees, in accordance with the Support Agreement, to pay to the Authority amounts sufficient to pay the debt service under the

Bond and any other indebtedness secured by or payable from the revenues of the System, including the Existing Parity Bonds set forth on Exhibit F to the Financing Agreement, the operation and maintenance expense of the System of which the Project is a part, and additional payments for costs and expenses related to any amendment, waiver, consent, or collection or enforcement proceedings under the Financing Agreement, subject to annual appropriation by the Board of Supervisors, all on the terms and conditions to be provided in the Support Agreement. The County's obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Bond or the Support Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

3. Any one of the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form submitted to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions or changes. The County Administrator is hereby authorized and directed to take such actions and give such notices as may be required of him or her under the Support Agreement.

4. This resolution shall take effect immediately upon its adoption.

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**RESOLUTION  
13-038**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF LEE COUNTY,  
VIRGINIA CONSENTING TO THE ISSUANCE OF A \$522,723 WATER  
REVENUE BOND BY THE WOODWAY WATER AND SEWER AUTHORITY  
AND AUTHORIZING THE EXECUTION OF A SUPPORT AGREEMENT  
PROVIDING FOR LEE COUNTY'S MORAL OBLIGATION TO MAKE  
CERTAIN APPROPRIATIONS WITH RESPECT THERETO**

The Woodway Water and Sewer Authority (the "Authority") proposes to issue its not to exceed \$522,723 Water Revenue Bond, Series 2013 (the "Bond") to the Virginia Resource Authority, as Administrator of the Virginia Water Supply Revolving Fund (the "VRA"), to finance improvements to the Authority's water system (the "System) in Central Lee County service area of Lee County (the "Project").

The Authority has requested the Board of Supervisors of Lee County, Virginia (the "County") to facilitate the issuance and sale of the Bond by consenting to the issuance of the Bond and providing for the County's moral obligation to make certain appropriations to the Authority with respect to the Bond and the System.

As part of its plan for financing the Project, the Authority proposes to execute the following documents, drafts of which have been presented to the Board of Supervisors at this meeting:

- a. Financing Agreement (the "Financing Agreement") between the Authority and the VRA; and
- b. Support Agreement (the "Support Agreement"), between the Authority, the Board of Supervisors of the County and the VRA.

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

1. The Authority's plan of financing for the Project, substantially on the terms set forth in the Financing Agreement and which involves the issuance of the Bond, is hereby approved. The Board of Supervisors consents to the issuance of the Bond.

2. The Board of Supervisors agrees, in accordance with the Support Agreement, to pay to the Authority amounts sufficient to pay the debt service under the Bond and any other indebtedness secured by or payable from the revenues of the System, including the Existing Parity Bonds set forth on Exhibit F to the Financing Agreement, the operation and maintenance expense of the System of which the Project is a part, and additional payments for costs and expenses related to any amendment, waiver, consent, or collection or enforcement proceedings under the Financing Agreement, subject to annual appropriation by the Board of Supervisors, all on the terms and conditions to be provided in the Support Agreement. The County's obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Bond or the Support Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

3. Any one of the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form submitted to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions or changes. The County Administrator is hereby authorized and directed to take such actions and give such notices as may be required of him or her under the Support Agreement.

4. This resolution shall take effect immediately upon its adoption.

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**HUNTERS GAP TOWER SITE LEASE**

Mr. Poe reported that he has been working on the lease for this site and requested closed session to further discuss the matter.

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**COAL ROAD PLAN RESOLUTION**

Mr. Poe reported that the Board had approved the Coal Road Advisory Committee's recommended Coal Road Plan at last month's meeting. The Board will need to adopt a formal Resolution.

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It was moved by Ms. Rowe, seconded by Mr. Mosley, 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  
APPROVED ANNUAL PLAN FOR THE IMPROVEMENT OF  
COAL HAUL ROADS FOR PERIOD ENDING JUNE 30, 2014  
13-039**

**WHEREAS**, the Lee County Severance Tax Ordinance as adopted and amended provides that the Coal Road Improvement Advisory Committee shall prepare a plan for the improvements of coal haul road; and,

**WHEREAS**, such a plan has been submitted for approval to the Lee County Board of Supervisors; and,

**WHEREAS**, revenue available for the improvements of roads pursuant to the Severance License Tax Ordinance is estimated to be **\$425,000** by June 30, 2014; and

**NOW, THEREFORE, BE IT RESOLVED**, that the projects listed below are hereby approved as the Annual Plan for Fiscal Year 2013/2014.

<b>Route</b>	<b>Type of Improvement And Allocation</b>	<b>Length</b>	<b>Allocation</b>
Rt. 723 Horseshoe Bend Road	Rural Rustic Road Project From: Route 639 To: 0.78 Mi. S. of Route 639 Estimated Cost: \$70,000	0.78 Miles	\$ 35,000
Various Routes	Asphalt Strengthening Various Routes in and Around Keokee Estimated Cost \$780,000	6.16 Miles	\$390,000

**BE IT FURTHER RESOLVED**, that the County Administrator be authorized to sign a request for Revenue Sharing Program Funds, pursuant to Section 33.1-75.1, Code of Virginia, 1950, as amended. Under this program the Virginia Department of Transportation shall annually allocate funds to provide an equivalent matching allocation to the portion of the County's designated funds; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors distribute \$2,500 to each Board of Supervisors Member to be used on public/private roads that are in need of gravel and serve at least three occupied houses.

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**REVENUE SHARING RESOLUTION**

Mr. Poe reported that last month the Board approved an application to the Virginia Department of Transportation's Revenue Sharing Program totaling \$850,000.00, one-half of which would be provided with local Coal Road Improvement funds. The Board will need to adopt a formal Resolution for this request.

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It was moved by Ms. Rowe, seconded by Mr. Mosley, 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  
REVENUE SHARING PROGRAM APPLICATION  
13-040**

**WHEREAS**, the Lee County Board of Supervisors desires to submit an application for an allocation of funds of up to \$425,000.00 through the Virginia Department of Transportation Fiscal Year 2014-15 Revenue Sharing Program; and,

**WHEREAS**, \$35,000.00 of these funds are requested to fund a Rural Rustic Road project on Route 723 from Route 639 to .78 Miles South of Route 639 to a dead end and \$390,000 of these funds are requested for Pavement Strengthening of various routes in and around Keokee including Route 606, Route 624, Route 954, Route 1001, Route 1002, Route 1003, Route 1004, Route 1005, Route 1006, and Route 1007 for a total length of 6.16 miles;

**NOW, THEREFORE, BE IT RESOLVED**, that the Lee County Board of Supervisors hereby supports this application for an allocation of \$425,000.00 through the Virginia Department of Transportation Revenue Sharing Program.

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**VIRGINIA RETIREMENT SYSTEM HYBRID PLAN RESOLUTION**

Mr. Poe reported that the Board approved the staff's recommendation to opt out of the Virginia Retirement System's Local Disability Program for the new Hybrid Retirement Plan that will cover all new hires after January 1, 2014. He added that the Board will need to adopt a formal Resolution notifying VRS of the decision to opt-out of their coverage.

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It was moved by Ms. Rowe, seconded by Mr. Mosley, 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  
IRREVOCABLE ELECTION NOT TO PARTICIPATE IN VIRGINIA LOCAL  
DISABILITY PROGRAM  
13-041**

**WHEREAS**, by enacting Chapter 11.1 of Title 51.1 of the Code of Virginia, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and,

**WHEREAS**, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP election date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia, with the exception of long term care coverage, by January 1, 2014; and

**WHEREAS**, it is the intent of Lee County, 55152, to make this irrevocable election to request that its eligible employees not participate in VLDP;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that Lee County irrevocable elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

**RESOLVED** that, as an integral part of making this irrevocable election, Lee County certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

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**WATER AND STORMWATER EASEMENTS WITH ADJACENT PROPERTY OWNERS**

Mr. Poe reported that the First Baptist Church of Jonesville is requesting an easement across County Property at the Social Services Building and parking lot to tap on to the Jonesville water system. Mr. Poe added that in 2006 the County requested a similar easement across the Church property for a stormwater discharge line, which the church granted at no cost.

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It was moved by Mr. Bailey, seconded by Ms. Rowe, to approve the requested easement for the First Baptist Church of Jonesville. 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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**PLUMBING AND GENERAL REPAIR SERVICES BIDS**

Mr. Poe reported that bids for the Plumbing and General Repair Services were due on November 18, 2013. The County only received one bid from Harless Plumbing. The bid included a \$250 per month fee for retainer, which waives a service call charge, \$65 per hour for mechanic and \$25 per hour for a helper. The bid did not include anything for general repairs. Mr. Poe requested that this matter be discussed in closed session.

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**HEALTH DEPARTMENT SEPTIC SYSTEM RECORDS**

Mr. Poe reported that a representative of the Health Department recently contacted him regarding the possible conversion of paper sewage system records to an electronic format. This would eliminate several boxes of stored files that must be manually searched in order to retrieve records from several years ago. The cost of converting the existing files would be approximately \$5,700. He added that the County will soon receive a year end settlement from the Health Department of \$31,917.78 in savings from the prior year's operations. This revenue is not budgeted and will become surplus funds. Mr. Poe is requesting that the Board allow a portion of these funds be used to complete the electronic conversion of the on-site sewage files.

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It was moved by Mr. Bailey, seconded by Ms. Rowe, to approve the conversion of paper sewage files to electronic format. Upon the question being put the vote was as follows.

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

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**HOLIDAY SCHEDULE**

Mr. Poe reported the holiday closing schedule for County offices for Thanksgiving, Christmas and New Year's.

<u>Thanksgiving</u>		
Wednesday	November 27	Close at Noon
Thursday	November 28	Closed
Friday	November 29	Closed



<u>Christmas</u>		
Tuesday	December 24	Closed
Wednesday	December 25	Closed
 <u>New Year's</u>		
Wednesday	January 1	Closed

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**STORMWATER MANAGEMENT UPDATE**

Mr. Poe reported that he has been talking with the Soil and Water District trying to get the preliminary packet to the state, which was originally due December 15 but has been extended to January 15. There have been some changes to this program, and it takes a few months for the General Assembly to get feedback from the localities. The County is currently slated to be ready to implement June 2014. A draft Ordinance has been formulated and changes will need to be made to get it more friendly for the locality. Daniel Boone Soil and Water Conservation is to oversee the program as well as the Erosion and Sediment Program. Mr. Poe added that at the VACO conference, there were changes proposed to try to get the program changed. The State does not set the local fee, but they recommend a fee and get 28% of that amount regardless of what fee the locality establishes. Several counties feel that is excessive, so there will be an effort to see that the amount going back to the state is reduced. VACO may also lobby for delaying the program for another year.

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**TRAILS UPDATE**

Mr. Poe reported that the County requested a two-year extension on the Tobacco Commission grant for the ATV trails, a one-year extension has been granted, and if the County is not able to complete the project by October 2014, it can go back to the committee and make a request for an additional one year extension. The Town of Pennington Gap is moving forward and hopes to be able to go on with construction again building more trails.

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**WILDERNESS ROAD STATE PARK RESOLUTION**

Mr. Poe reported that Beaches to Bluegrass is a statewide initiative that is proposed to promote the trails and tie them together from Cumberland Gap to Virginia Beach.

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It was moved by Mr. Bailey, seconded by Mr. Mosley, 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 OF SUPPORT FOR THE  
BEACHES TO BLUEGRASS TRAIL IN LEE COUNTY  
13-042**

**WHEREAS**, the Beaches to Bluegrass Trail is a proposed, statewide, shared-use trail that will connect the Cumberland Gap to the Atlantic Ocean through southern and southwestern Virginia; and

**WHEREAS**, trails, bicycle routes and lanes, pedestrian walkways, and greenways encourage walking, running, bicycling and horseback riding, which lead to healthier lifestyles for our citizens, as well as energy independence and reduced carbon emissions; and

**WHEREAS**, trails, bikeways, paths, and greenways foster economic development, create jobs, attract visitors to our county and encourage a better, more healthy and enjoyable quality of life for our workers and citizens; and

**WHEREAS**, time spent in nature helps renew the mind, body and spirit and trails, bikeways, paths, and greenways contribute to safer, more livable, family-friendly communities; and

**WHEREAS**, Lee County, Virginia is blessed with an agreeable climate, varying levels of topography and unsurpassed natural beauty; and

**WHEREAS**, Lee County has the good fortune to already be a destination for trail users who enjoy our hospitable environment and citizens; and

**WHEREAS**, Lee County has been the host to colonial militia and Civil War re-enactments, festivals, fairs and cultural events;

**NOW, THEREFORE, BE IT RESOLVED** that the Lee County Board of Supervisors strongly supports the development of the Beaches to Bluegrass Trail;

**BE IT FURTHER RESOLVED** that Lee County is committed to working with other localities to connect these trails, bikeways, paths, and greenways;

**BE IT STILL FURTHER RESOLVED** that Lee County is committed to working with our state and congressional representatives to support legislation promoting active, human-powered transportation facilities for the betterment of our county, region, state, and country.

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**SHERIFF DEPARTMENT GRANT**

Mr. Poe reported the Sheriff's Office applied for a grant from the State Attorney General's Office, included in the grant was the purchase of two sport utility vehicles. The Sheriff received an email from the State Attorney General's Office stating they had been awarded \$141,612.34. The Sheriff's Office does not have the money in hand, but the Attorney General's Office said it hopes to have that come down within the next couple of weeks, and within 21 days of receiving notice the funds will be released to the County. Sheehy Ford of Richmond currently holds the state contract for Ford Explorers, and there are two units on the lot right now. Since almost every county in the state is going to receive this grant, the dealer expects to receive several requests for these vehicles and would not have enough vehicles to fill the demand. It could take three to four months to get the vehicles if they have to be ordered. The Sheriff's Office is asking if the Board would consider fronting them the \$49,024.00 to purchase these vehicles and be reimbursed when they receive the grant funds.

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It was moved by Mr. Bailey, seconded by Mr. Mosley, to provide temporary funding in the amount of \$49,024 to purchase two vehicles for the Sheriff's Office until grant funds become available in 30 days. 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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### **VACO CONFERENCE**

Mr. Poe reported that he and Mr. Mosley attended the VACO Conference on November 10 - 12, and Mr. Mosley is now the Region 13 representative on the VACO Board of Directors for the next two years.

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### **REPORTS AND RECOMMENDATIONS OF THE BOARD**

#### **ANTIQUÉ VEHICLE REGISTRATION FEES**

Mr. Mosley stated that he has been contacted about eliminating the decal fee for antique vehicles.

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Mr. Poe added that antique vehicle owners can either get a tag issued through DMV, or they can use an original plate that has the vehicle year on it for 1974 or later. If the vehicles have antique plates they cannot be driven every day, and could only be driven to car shows, taken to shop for routine repairs or a onetime 250-mile trip per month. He added that there is a onetime \$50.00 registration fee at DMV, and no renewal fees.

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Mr. Bailey stated that anything below a 1989 would qualify and that could run into a lot of revenue.

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Mr. Poe stated that the Commissioner's Office might be able to query that and get that information. He added that it would be only the vehicles that have the antique plates.

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### **HEALTH FORUM**

Ms. Rowe stated that at the Health Forum held at Lee Theater on November 16, Dr. Cantrell mentioned the County needs to work on getting a stronger EMS, bring resources to the County, improve the equipment and improve response time. She added that Jeannie Mullins with the Extension Office would like to help with holding classes. She asked if the County could explore doing something like this.

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Mr. Poe stated that he had discussed this with Dr. Cantrell; he would also like to get Alan Bailey involved and get him to talk to the rescue organizations in the County to see how many of them are willing to take advanced training. He added that they are looking at two different types of training, advanced training for current EMS volunteers, and basic training for those just going into the EMS field and the general public.

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Mr. Crabtree stated that Ms. Mullins and the Extension Office has been working on this for a while and may have additional information. He added that he thought they had set a date to hold classes.

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**DCR GRANTS**

Ms. Rowe asked if there was any additional information on the DCR grants.

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Mr. Poe stated that he has not had a chance to look into that, but the deadline is usually in March.

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**CLOSED SESSION**

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

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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. Crabtree, seconded by Ms. Rowe, to approve the lease for Hunters Gap tower site at \$100.00 per month. Upon the question being put the vote was as follows.

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

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Ms. Rowe stated that the County was attempting to schedule a meeting with representatives of the Wellmont Health Systems Board of Directors.

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

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