

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 January 17, 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

INVOCATION

Tim Cradic, Pastor of Pennington Gap Church of God of Prophecy, led the Invocation.

PLEDGE TO THE FLAG

Tina Rowe led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:04 p.m.

RULES OF PROCEDURE

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

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

RULES OF PROCEDURE

LEE COUNTY BOARD OF SUPERVISORS

Section I – Meeting

Section 1-1: When and where regular meetings held

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

Section 1-2: Special Meetings

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

Section 1-3: Annual/semi-annual meetings

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

Section 1-4: Quorum and method of voting

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

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

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

Section 1-6: Board to sit with open doors

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

Section II – Officers

Section 2-1: Chair and Vice-Chair

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

Section 2-2: Chair may administer oaths

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

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

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

Section 2-4: Preservation of order

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

Section III – Conduct of Business

Section 3-1: Order of business

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

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

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

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

- (A) When any person, including Board Members, speaks to the Board, that person shall address the Chair and shall speak directly to the question before the Board.
- (B) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any Motion, Resolution or Ordinance preliminary to a vote on the same except at the discretion of the Chair.
- (C) No Board Member shall engage in discussion or ask questions of those addressing the Board without first being recognized by the Chair.

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

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

Section 3-4: Priority in speaking to Board

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

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

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

Section 3-6: Form of petitions, etc.

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

Section 3-7: Motions

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

Section 3-8: Decisions on points of order

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

Section 3-9: Same, appeal to Board

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

Section 3-10: Motion to adjourn

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

Section 3-11: Voting on appointments to office

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

Section 3-12: Suspending rules

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

Section 3-13: Roberts Rules of Order

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

Section IV – Public Hearings

Section 4-1: Speakers

At every public hearing, speakers wishing to address the Board shall clearly state their name and address and shall be subject to such time limitation as the Board, in its' discretion, may impose. Each speaker shall be limited to one appearance at each public hearing.

Section 4-2: Members' participation

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

Section 4-3: Close of hearing

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

Section V – Agenda

Section 5-1(A): Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except where emergency circumstances require otherwise, every item to be placed on the Agenda shall

be received in the Office of the County Administrator by 10:00 a.m. on the Tuesday prior to any regular meeting of the Board.

Section 5-1(B): Notification

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

Section 5-2: Delivery

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

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

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

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

NOTES

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

PUBLIC HEARING

**PROPOSED ORDINANCE TO IMPOSE LAW LIBRARY FEE
ON ALL CIVIL ACTIONS FILED**

The Lee County Board of Supervisors held a Public Hearing on January 17, 2012 at 5:00 p.m. in the General District Courtroom of the Lee County Courthouse located in Jonesville, Virginia. The purpose of the Public Hearing is to receive public comment on a proposed ordinance to establish a law library and to impose a filing fee of \$4.00 on all civil actions filed in Lee County Circuit and District Courts for the operation and maintenance of the law library.

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor for public comment.

Mr. Crabtree requested information on the number of civil cases filed per year and the annual operating costs for a law library.

TABLE ACTION ON LAW LIBRARY FEE

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to table action on imposing a Law Library fee until additional information is obtained. 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 December, 2011 was submitted as follows:

Revenues	\$ 7,351,511.00
Expenditures	\$ 4,982,881.48
General Fund	\$10,939,611.14
Total Assets and Liabilities	\$16,096,230.73

**REQUEST TO AMEND ELDERLY AND DISABLED
TAX EXEMPTION GUIDELINES**

Chris Jones, Commissioner of the Revenue, requested the Board consider amending the earnings and net worth guidelines for qualification for the Elderly and Disabled Tax Exemption program.

It was the consensus of the Board to have Mr. Jones provide an estimate of the expected loss of tax revenue that would result from a change in the guidelines.

PUBLIC EXPRESSION

The Chairman opened the floor for public comment.

There was no public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve the minutes of the December 20, 2011 Regular Meeting and the January 3, 2012 Organizational 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. Slemp, to approve the following refunds. Upon the question being put the vote was as follows.

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

Joseph Tomes	\$ 136.68
Glenn Ray Bartley	\$ 381.96
George A Carrelli	\$ 821.56

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Bailey, seconded by Ms. Rowe, to approve the disbursements for the month of January in the amount of \$580,640.39. Upon the question being put the vote was as follows.

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

DELEGATIONS

**LEEMAN FIELD BETERANS PARK
TOM PHILLIPS, VICE-COMMANDER
VFW POST 10298**

Mr. Phillips was not present.

FINANCE

MONTHLY APPROPRIATIONS

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

**MONTHLY APPROPRIATIONS
12-001**

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 February 29, 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.

SUPPLEMENTAL APPROPRIATIONS

DELINQUENT TAX COLLECTION

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$9,480.00 to Fund 001, Delinquent Tax Collection, Line Item 4-001-12230-3150. Upon the question being put the vote was as follows.

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

DELINQUENT TAX COLLECTION

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$14,985.00 to Fund 001, Delinquent Tax Collection, Line Item 4-001-12230-3160. Upon the question being put the vote was as follows.

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

CIRCUIT COURT CLERK

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$7,143.00 to Fund 001, Circuit Court Clerk, Line Item 4-001-21600-5866. Upon the question being put the vote was as follows.

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

SHERIFF DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$8,607.87 to Fund 001, Sheriff Department, to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-001-31200-1145	\$7,996.17
Line Item 4-001-31200-2110	\$ 611.70

E-911 IMPLEMENTATION

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$43,922.00 to Fund 001, E-911 Implementation, Line Item 4-001-31400-3180. Upon the question being put the vote was as follows.

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

LITTER CONTROL

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$8,820.00 to Fund 001, Litter Control, Line Item 4-001-35600-5890. Upon the question being put the vote was as follows.

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

RETIREE HEALTH INSURANCE

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$17,149.20 to Fund 001, Retiree Health Insurance, Line Item 4-001-91200-2390. Upon the question being put the vote was as follows.

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

GENERAL EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$14,393.50 to Fund 001, General Expenses, Line Item 4-001-91500-5840. Upon the question being put the vote was as follows.

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

MISCELLANEOUS EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$274.26 to Fund 001, Miscellaneous Expenses, to the following line items. Upon the question being put the vote was as follows.

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

Line Item 4-001-92100-5870	\$ 154.26
Line Item 4-001-92100-5880	\$ 120.00

FINES AND FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$10,263.00 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. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

IMAGINATION LIBRARY

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$5,000.00 to Fund 025, Imagination Library, Line Item 4-025-61322-6020. Upon the question being put the vote was as follows.

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

COAL ROAD EXPENDITURES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$33,507.34 to Fund 027, Coal Road Expenditures, Line Item 4-027-91500-5860. Upon the question being put the vote was as follows.

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

COAL ROAD IMPROVEMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$833.33 to Fund 027, Coal Road Improvement, Line Item 4-027-95100-5860. Upon the question being put the vote was as follows.

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

OLD BUSINESS

None

NEW BUSINESS

BOARD APPOINTMENTS

APPALACHIAN COMMUNITY ACTION & DEVELOPMENT AGENCY

It was moved by Ms. Rowe, seconded by Mr. Bailey, to appoint Jason Crabtree to a four-year term on the Appalachian Community Action & Development Agency. Mr. Crabtree'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

It was the consensus of the Board to table the remaining appointment to the Appalachian Community Action & Development Agency.

COAL HAUL ROAD COMMITTEE

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to appoint Tina Rowe to a four-year term on the Coal Haul Road Committee. Ms. Rowe'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. Slemp, seconded by Mr. Mosley, to appoint Jason Crabtree to a four-year term on the Community Policy and Management Team.

Mr. Crabtree requested this appointment be tabled until such time as he can determine if this will present a conflict of interest due to his employment.

Mr. Slemp withdrew his motion.

EMERGENCY MANAGEMENT DIRECTOR

It was moved by Mr. Bailey, seconded by Mr. Mosley, to appoint Jason Crabtree to a four-year term as Emergency Management Director. Mr. Crabtree'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

LEE COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

It was moved by Mr. Bailey, seconded by Mr. Mosley, to appoint Susan Cope to an unexpired term on the Lee County Redevelopment and Housing Authority. Ms. Cope'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

LENOWISCO PLANNING DISTRICT COMMISSION

It was moved by Mr. Mosley to appoint Carl Bailey to a four-year term on the LENOWISCO Planning District Commission.

There was no second to motion.

LENOWISCO PLANNING DISTRICT COMMISSION

It was moved by Mr. Crabtree, seconded by Mr. Slemp, to appoint Tina Rowe to a four-year term on the LENOWISCO Planning District Commission. Ms. Rowe'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

LENOWISCO PLANNING DISTRICT COMMISSION

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to appoint Larry Mosley to a four-year term on the LENOWISCO Planning District Commission. Mr. Mosley'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

LONESOME PINE OFFICE ON YOUTH

It was the consensus of the Board to table this appointment.

LEE COUNTY PUBLIC SERVICE AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Bailey, to re-appoint Robert Horton to a four-year term on the Lee County Public Service Authority. Mr. Horton's term will expire on January 31, 2016. Upon the question being put the vote was as follows.

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

ROAD VIEWERS

It was moved by Mr. Crabtree, seconded by Mr. Slempp, to appoint Ralph Bush to a four-year term on the Road Viewers committee. Mr. Bush'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. Slempp

ROAD VIEWERS

It was moved by Mr. Slempp, seconded by Mr. Mosley, to appoint Robert Moore, Jerry Burgan, Charles Chadwell, and Tim Dye to four-year terms on the Road Viewers committee. Their terms 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. Slempp

SOCIAL SERVICES

It was moved by Mr. Slempp, seconded by Mr. Crabtree, to appoint Wanda Parsons to a four-year term on the Social Services Board. Ms. Parson'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. Slempp

SOUTHWEST VIRGINIA COMMUNITY CORRECTIONS

It was moved by Mr. Slempp, seconded by Ms. Rowe, to appoint Mary Wires to an unexpired term on the Southwest Virginia Community Corrections. Ms. Wires' term will expire on August 31, 2013. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA HEALTH AUTHORITY

It was moved by Mr. Mosley, 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

SOUTHWEST VIRGINIA REGIONAL JAIL AUTHORITY

It was moved by Mr. Mosley, seconded by Mr. Bailey, to appoint Jason Crabtree and Dane Poe to the Southwest Virginia Regional Jail Authority. The appointee's serve at the pleasure of the Board. Upon the question being put the vote was as follows.

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

SOUTHWEST VIRGINIA REGIONAL JAIL AUTHORITY

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to appoint Larry Mosley as Alternate representative to the Southwest Regional Jail Authority. Upon the question being put the vote was as follows.

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

SOUTHWEST VA WORKFORCE INVESTMENT CHIEF LOCAL ELECTED OFFICIAL BOARD

It was moved by Ms. Rowe, seconded by Mr. Bailey, to appoint Larry Mosley as the designee to the Southwest VA Workforce Investment Chief Local Elected Official Board. Upon the question being put the vote was as follows.

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

ROOF REPLACEMENT PAY REQUEST NO. 4

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve AAR of North Carolina's Pay Request No. 4 in the amount of \$5,536.64 upon approval by the architect. Upon the question being put the vote was as follows.

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

DOMESTIC VIOLENCE OFFICER GRANT AWARD

It was moved by Mr. Mosley, seconded by Ms. Rowe, to accept the Domestic Violence Officer grant award in the amount of \$36,056.00 with a non-cash in-kind match of \$12,019.00. Upon the question being put the vote was as follows.

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

PROPOSAL FOR SOUNDPROOFING INTERROGATION ROOMS

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to table this matter and instruct the County Administrator to obtain additional information on the costs and alternative methods to obtain the desired results. Upon the question being put the vote was as follows.

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

Mr. Crabtree advised that he was told that one of the witness rooms beside the Circuit Courtroom was reported to have had soundproofing material installed at some point in the past. Mr. Crabtree stated he supported the project but wanted to obtain the best solution and cost.

CIRCUIT COURTROOM HVAC REPAIRS

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to authorize the County Administrator to obtain architectural/engineering services to develop bid specifications for a new HVAC system for the Circuit Courtroom with an alternate bid for a unit to serve the entire third floor of the old building. Upon the question being put the vote was as follows.

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

REPLACEMENT OF RECYCLING COLLECTION BUILDING

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve the purchase of a 10' x 20' recycling collection building with changes as recommended by the Transfer Station Superintendent and County Administrator. Upon the question being put the vote was as follows.

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

SHERIFF'S OFFICE WRECKED VEHICLE

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve expenditure of up to \$4,500.00 for purchase of a used police vehicle to replace the wrecked unit. Upon the question being put the vote was as follows.

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

RURAL DEVELOPMENT 911 FURNITURE GRANT RESOLUTIONS

It was moved by Mr. Bailey, seconded by Mr. Crabtree, to adopt the following Resolutions in conjunction with a Rural Development grant for the purchase of 911 console furniture. Upon the question being put the vote was as follows.

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

CODE OF CONDUCT 12-002

No employee, officer or agent of the owner shall participate in the selection, award, or administration of a contract supported by Rural Development funds if a conflict of interest, real or apparent, would be involved.

**RESOLUTION OF GOVERNING BODY OF
LEE COUNTY
12-003**

The governing body of Lee County consisting of five members, in a duly called meeting held on the 17th day of January, 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) to purchase furnishings for the Sheriff's Department and E-911 Call Center, 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.

QUARTERLY DEPARTMENTAL REPORTS

Quarterly Departmental reports were included in the Board packet or distributed during the meeting.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

**REQUEST FOR CLOSED MEETING
PERSONNEL AND INVESTING OF PUBLIC FUNDS**

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

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 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. Slemph

Mr. Bailey requested that Reports and Recommendations of the Board be addressed prior to entering Closed Session.

Mr. Mosley withdrew his motion to enter Closed Session.

REPORTS AND RECOMMENDATIONS OF THE BOARD

TREES OVERHANGING ROUTE 352

Mr. Mosley requested that VDOT be contacted regarding trees overhanging the road in several areas on Route 352 between Stone Creek and St. Charles.

LITTER PROBLEM ON ROUTE 58A

Ms. Rowe requested information on litter cleanup along the highways. She advised of a severe litter problem on Route 58A just west of Pennington Gap.

CELL TOWER FOR ST. CHARLES/STONE CREEK/KEOKEE AREAS

Ms. Rowe advised that she had met with representatives of LENOWISCO regarding cell phone, cable and broadband internet service for many areas of the county. She stated that issues related to broadband service could be resolved in the near future.

Mr. Poe reviewed previous efforts to expand cable service territory in the County.

PAGING SYSTEM PROBLEMS FOR FIRE DEPARTMENTS

Mr. Crabtree advised of problems experienced by some of the fire departments receiving their pages.

Mr. Poe advised that he was not aware of the issue but would check to see if it has been corrected.

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 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. Mosley, seconded by Mr. Bailey, 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.

POLICE CRUISER BID AWARD

It was moved by Mr. Mosley, seconded by Mr. Slemp, to award the Police Cruiser bid to BJ Motor Company at a total cost of \$65,853.00 for three new 2012 Chevrolet Impalas contingent on review and approval of the award by Rural Development. 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 adjourn the meeting. 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