

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 April 16, 2013 at 5:00 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Dane Poe led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 5:25 p.m.

PUBLIC HEARINGS

ZITA DIVIRGILIA AND CATHRYN CAMP SPECIAL USE PERMIT

The Lee County Board of Supervisors and the Lee County Planning Commission held a Joint Public Hearing on April 16, 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 Special Use Permit request. Zita Divirgilia and Cathryn Camp have applied for a Special Use Permit to allow a combination personal service business (handmade crafts) and retail thrift/consignment shop in a V-C, Village Commercial District. The property is located in Rose Hill on the South side of Dr. Thomas Walker Rd beside of O'Dells Furniture.

Mike James, Community Development Director, stated that his office had not received any opposition on this issue.

The Chairman opened the floor for public comment.

There was no public comment on this matter.

The Chairman closed the floor for public comment.

DEPARTMENTAL REPORTS

BUILDING INSPECTOR

David Fee, Building Code Official, reported that his department has issued 68 permits for a total of \$2,768.81 in permit fees and \$3,320.92 in Contractor's Tax. He also stated that the department had made 151 construction site visits this quarter, which is down from the number compared to last year.

E-911 DEPARTMENT

Alan Bailey, E-911 Director, reported that the verification calls are still ongoing, but have started to slow down, adding that the verification rate is at 91% as of last month, but needs to be 95%. He stated he has been working with Virginia Department of Emergency Management on updating the Emergency Operations Plan. The 911 Department is working on getting the laptops installed in the patrol cruisers, and sign maintenance and installations are still ongoing.

Mr. Crabtree stated that there are a lot of signs down throughout the County.

Mr. Alan Bailey stated that he has a list of signs that need to be replaced and they are working on getting that done.

Mr. Poe suggested that people make notes of the signs that are down or in need of replacement, and notify the E-911 department, or the County Administrator's Office.

EXTENSION OFFICE

Jeannie Mullins, Extension Agent, reported that the Nutrition Program Assistants are continuing their home visits and working in the schools. The Extension Office just kicked off the annual garden program where families can get vouchers to purchase plants and fertilizer with the Slemp Foundation donating \$3,500 for that program. The Agriculture Extension Agent hosted a crop production meeting and she is helping coach the 4-H and FFA cattle working contestants. The Agriculture Agent has also arranged for Lee County to serve as the drop off site for unwanted pesticides. The 4-H agent has been doing a Clover Buds program at Flatwoods Elementary School, and she took 10 teams to Richmond for a 4-H day at the Capitol. 4-H camp registration is underway, the cost is \$175 per child, and there are scholarship applications available for families that may need assistance with that fee. The Family Consumer Science program is conducting a cooking class at the Jonesville United Methodist Church with the Food Volunteers doing cooking education and nutrition education. Ms. Mullins also reported on the Imagination Library, stating that Lee County has been the only County that has remained active in the program

since that start in 2005. The Imagination Library provides a book a month to each child registered in the program from birth to age five.

Mr. Crabtree stated that the Imagination Library is a good program.

Mr. Bailey asked where people could register a child.

Ms. Mullins stated the Head Start Office or the Extension Office could register a child. They will need the child's name, address, date of birth, and the parent's name.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 4,641,662.60
Expenditures	\$ 4,666,820.96
General Fund	\$ 13,094,106.50
Total Assets and Liabilities	\$ 18,493,711.96

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.

Gene Lewis, Hagan, addressed the Board about a trail system on Stone Mountain. Mr. Lewis stated that the trail was started 8 - 10 years ago, and there has been no work done since that time. Mr. Lewis stated that the only place you can go now is from Hagan into Kentucky because the trail has not had any upkeep.

Mr. Crabtree stated that this trail also serves as a firebreak, and asked who had the original contract on that.

Mr. Lewis stated Elk Knob Incorporated did most of the work.

Mr. Poe stated he has spoken to Mr. Sumpter with VDOT about maintenance on Route 797. Right now they are busy with patch work, but they will get down to Route 797 probably within the next month and try to do ditching, grading and get some stone on it.

Mr. Bailey asked how far the access goes.

Mr. Poe stated that on the County map the road at the top belongs to the Forestry Department. He added that if the state has easements for the property it would probably only be for the Forestry Department and only for fire control.

Mr. Crabtree asked if the current easements could be used.

Mr. Poe stated that if we are going to use this as an ATV trail we could not use easements that states it is for a fire road. We would have to go to the land owners and get easements for an ATV trail.

Mr. Bailey asked Mr. Poe to get with the Forestry Department and find out what we can do to make it better for everyone.

Mr. Poe stated he will talk to the Forestry Department and will find out about the easement rights.

Paul Peters, Wallens Creek, addressed the Board about his concerns on the location of the new dumpster site on Wallens Creek.

Mr. Crabtree stated that the County is still in negotiations with the property owners, but nothing has been signed.

There was no further public comment.

The Chairman closed the floor for public comment.

PLANNING COMMISSION REPORT ON PUBLIC HEARINGS

Michael James, Community Development Director, reported that the Planning Commission had voted to recommend approval for the Zita Divirgilia and Cathryn Camp Special Use Permit.

ZITA DIVIRGILIA AND CATHRYN CAMP SPECIAL USE PERMIT

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the Special Use Permit for Zita Divirgilia and Cathryn Camp. Upon the question being put the vote was as follows.

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

APPROVAL OF MINUTES

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the minutes, with corrections as noted, of the March 19, 2013 Regular Meeting, March 20, 2013 Recessed Meeting, and the April 4, 2013 Recessed Meeting. 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 Ms. Rowe, to approve the disbursements for the month of March in the amount of \$421,677.79. Upon the question being put the vote was as follows.

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

DELEGATIONS

**THE NATURE CONSERVANCY
RUSSELL SAWMILL PROJECT
STEVEN LINDEMAN**

Steven Lindeman, The Nature Conservancy, reported that the Conservancy is interested in purchasing this property as an addition to the Cedars State Natural Area Preserve. Mr. Lindeman stated that historically this property had been a sawmill site and prior to that it was an oil refinery, and there have been some issues with contamination with the site in the Thompson Cedar Cave system. Mr. Lindeman stated there have been some conversations with the property owner and he has indicated his interest in selling the property. There would need to be an environmental assessment to see if there is a need for remediation or cleanup work on the site. He stated the Conservancy would use the northern portion of the property to serve as The Cedar Nature Area Preserve, and would donate the lower portion to Lee County, with the goal being that the County site would become a parking area and trailhead that would lead to trails that go onto the Preserve. This property is also right next to the Natural Bridge, and the Daniel Boone Wilderness Trail Association would like to see some public access to that site.

Mr. Mosley asked what the allowed uses would be on the trails.

Mr. Lindeman stated it would mainly be foot traffic.

Mr. John Hartley, Virginia Department of Conservation and Recreation, added that horseback would not be allowed.

Mr. Mosley asked about mountain bikes.

Mr. Hartley stated currently there is only one site in Southwest Virginia that allows mountain bikes, and that is an access road. Typically, mountain bikes are not allowed unless it is a hard enough surface and most of the area in the Cedars would not fit that description.

Mr. Bailey asked if this is something that could be explored since there is only one other in Southwest Virginia.

Mr. Hartley stated that there are three public access sites; Buffalo Mountain in Floyd County, The Channels in Washington County, and The Pinnacle in Russell County, and the Department of Conservation and Recreation would love to add one in Lee County.

Mr. Lindeman added that the Conservancy is excited about the possibility of getting more public access, and connecting this site to Wilderness Road State Park, Cumberland Gap, and the visitor's center that is going in at Duffield.

FINANCE

MONTHLY APPROPRIATIONS

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

13-007

WHEREAS, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2012-13; and

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

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

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds	\$ 6,022,218
Local Funds	<u>1,068,481</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 7,090,699

LEE COUNTY PUBLIC SCHOOLS

Categorical Appropriation:

Instruction	\$ 24,030,343
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Administration, Attendance and Health	2,065,227
Pupil Transportation	2,137,300
Operation and Maintenance	3,350,600
School Food Services	1,688,110
Facilities	547,967
Technology	852,725
Partially Self-Funded Insurance Fund	<u>4,650,000</u>
 TOTAL	 \$ 39,322,272

Source of Revenue:

Federal Funds	\$ 4,675,075
State Funds	24,741,951
Other Funds	81,600
Self Insured Health Fund	4,650,000
Local Funds	4,963,668
Lottery Carryover Funds	<u>209,978</u>
 TOTAL PUBLIC SCHOOLS	 \$ 39,322,272

1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the General Fund to the Public School and Virginia Public Assistance funds and will not exceed the foregoing one month appropriation.

SUPPLEMENTAL APPROPRIATIONS

DELINQUENT TAX COLLECTION

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$4,984.00 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

DEPARTMENT OF SOCIAL SERVICES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$44,342.00 to Fund 002, DSS-VRS Contributions, Line Item 4-001-91100-2210. Upon the question being put the vote was as follows.

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

DEPARTMENT OF SOCIAL SERVICES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$3,102.12 to Fund 002, DSS-SGL Contributions, Line Item 4-001-91100-2400. Upon the question being put the vote was as follows.

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

DISBURSEMENTS OF GENERAL EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$6,585.91 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

BUILDING FUND EXPENSES AND REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$52.80 to Fund 001, Building Fund Expenses and Refunds, Line Item 4-001-92100-5870. Upon the question being put the vote was as follows.

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

IMAGINATION LIBRARY EXPENSES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$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 approve a supplemental appropriation in the amount of \$1,939.49 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 approve a supplemental appropriation in the amount of \$1,276.84 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

SCHOOL BOARD SUPPLEMENTAL APPROPRIATION

The Lee County School Board requested a Supplemental Appropriation in the amount of \$429,923 for the School Operating Cost fund.

Mr. Bailey asked Denise Lambert, School Board Finance Director, if this amount was to fill any obligations.

Ms. Lambert explained that the School Board received \$147,111 in bond refunding savings that is to be used on an Air-conditioning unit at Thomas Walker High School. The bids on the project came in at \$204,000, however the School Board's maintenance department will complete a portion of the project to bring the bid down to \$162,000. Ms. Lambert added that the School Board would need the \$429,000 to be able to complete the air conditioning project, in addition to the \$147,000. The 5-year capital improvement projects list gives an idea of where the School Board is with the age of the buildings. The buildings are in need of more improvements every year, so they are in dire need of every funding source they can get.

Ms. Rowe asked which budget category this is in.

Ms. Lambert stated it is in Operation and Maintenance, but they are not all included in one year.

Ms. Rowe asked if the School Board would be able to spend the money this fiscal year since it is so late in the year.

Ms. Lambert stated at least a portion of it would be spent this year, because of Engineering fees, and the need of a new roof on the cafeteria so the gymnasium heat pump units can be placed there.

Mr. Bailey stated this money was carried over from 2011 - 2012 and asked what the designation was at that time.

Ms. Lambert stated it was supplemental support for operating expenditures, that could have been used for one-time maintenance projects.

Mr. Crabtree stated that according to the Treasurer, all Federal and State monies on a cash basis were taken to a zero balance at the end of last fiscal year, and \$268,962.09 in local money was unspent.

Ms. Lambert stated that there were also text book carry over funds left from last year. She stated that in June she requested those be transferred in and that transfer has not taken place, so there is \$429,000 remaining.

Mr. Poe stated that of the \$429,923 request, \$357,691 will be state funds and \$72,232 will be local.

Mr. Bailey stated that if this was designated for operation and maintenance expenses then some of this work needs to be done.

Ms. Rowe stated that the School Board is requesting an additional \$2.2 million for next fiscal year and asked if the \$429,923 could offset that amount.

Ms. Lambert stated to some extent it could. Ms. Lambert added that on the figures Mr. Crabtree gave, the textbook funds are handled the way the auditor has requested. At the end of the year, when the School Board has spent above what new textbook money came in, she asks the Treasurer to transfer from the textbook fund balance to cover any shortfall.

Ms. Rowe stated she would like to see the purchase of additional textbooks so students are able to bring books home with them.

Ms. Lambert stated there would be an order for reading books before next fall.

Mr. Mosley stated he would like to see a budget that shows what is actually spent in each category throughout the year.

Ms. Lambert stated that she is already working on getting that together.

NEW BUSINESS

BOARD APPOINTMENTS

AIRPORT AUTHORITY

It was moved by Ms. Rowe, seconded by Mr. Crabtree, to appoint Jason Spears to the Lee County Airport Authority. Upon the question being put the vote was as follows.

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

ANNUAL COAL ROAD PLAN

Mr. Poe reported that the Coal Road Advisory Committee met recently and approved \$2,500 for each district for gravel funds. This amount was included in the FY 13 budget but had not been formally approved by the Coal Road Committee which allows the funds to be reimbursed to the General Fund from the Coal Road Fund.

It was moved by Mr. Mosley, 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
APPROVED ANNUAL PLAN FOR THE IMPROVEMENT OF
COAL HAUL ROADS FOR PERIOD ENDING JUNE 30, 2013
13-008**

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;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors distribute \$2,500.00 to each Board of Supervisors Member to be used on public or private roads that are in need of gravel and serve at least three occupied houses;

POOL EMPLOYEE APPLICATIONS

Mr. Poe reported that the applications for summer employees at the Thomas Walker Swimming Pool are due on May 3, 2013. Mr. Poe stated he would like to hire as soon as possible after that date in order to extend the season by a couple of weeks.

It was consensus of the Board to let Mr. Poe and Mr. Bailey hire pool employees.

SCHOOL PROPERTIES DEED ACCEPTANCE

Mr. Poe reported that he has received deeds for the Keokee and Sticklelyville school properties from the School Board. The Keokee property transfer consists of two deeds, one from the School Board and one from Penn Virginia Operating Co., LLC releasing its interest in the property.

It was moved by Mr. Bailey, seconded by Mr. Mosley, to accept the school properties deeds. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Ro we, Mr. Slemp

REPORTS AND RECOMMENDATIONS OF COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF COUNTY ADMINISTRATOR

STORMWATER MANAGEMENT PROGRAM

Mr. Poe reported that he has taken some to time to evaluate Daniel Boone Soil and Water Conservation's proposal that was submitted with their budget request for next year on overseeing this program. They increased their funding request from \$15,200 to \$29,700 and indicated they would retain the local share of the permit fees. Mr. Poe stated

that according to State Law, the locality is entitled to 72% and the State gets 28%. Mr. Poe reported that the number of permits issued in the last three calendar years are as follows: 5 permits in 2010, 3 permits in 2011, and in 2012 there were 6 permits. The fee schedule is based on the acreage. In 2010 the permit fees would have generated \$7,985 in local revenue, in 2011 \$4,097 in local revenue, and in 2012 \$13,633 in local revenue. This revenue would be in addition to the \$14,500 increase in the Daniel Boone Soil and Water Conservation budget. Also, the \$14,500 would only include 10 plans per year, and each additional plan would require a \$1,050 payment by the County. Mr. Poe stated that a request for an extension was submitted with the proposed Ordinance, so we have some time to work on this and look at the numbers as we work through the budget process.

TRAILS UPDATE

Mr. Poe reported that he had received the proposed Master Agreement from the engineer. He stated it would probably be better to do this as a base agreement with no pricing, and then each component of the project would be priced by task order. The first task order would be for obtaining easements. Mr. Poe added he thinks it would be best if the engineer would look at what the other components were going to be and give an estimated price, that way we have some idea up front of what the total cost will be.

EMERGENCY MANAGEMENT GRANT PROGRAM

Mr. Poe reported that the Virginia Department of Emergency Management will have funds available through the Local Emergency Management Grant Program for localities to apply toward their Emergency Management Program. The estimated funding for Lee County is \$7,500, which requires a dollar for dollar match. We can use the Emergency Management budget to meet the \$7,500 match. The Virginia Department of Emergency Management will need a response by May 13, 2013 as to whether the County intends to accept the grant funds..

It was the consensus of the Board to opt in on the grant program.

EMERGENCY SHELTER PLANS

Mr. Crabtree asked Mr. Poe to get with Alan Bailey and the School system and try to bring everyone together to schedule a meeting about setting up some designated Emergency Shelters throughout the County.

Mr. Poe stated that there are requirements that you have to meet when opening the shelters and every shelter that is open has to be staffed.

Mr. Bailey asked if there was a list of regulations.

Mr. Poe stated that if the Shelter is opened as a County shelter, it has to have water, if it is going to be over night it has to have food, which is why we typically use schools because they have a place to prepare the food. Mr. Poe will try to coordinate a meeting with all entities before July.

REAR SIDEWALK HANDRAIL AND RETAINING WALL

Mr. Poe reported that over the past month or so he has noticed that a tack weld has broken on the corner of the old handrail behind the Courthouse. Mr. Poe stated that while he was showing the problem to Gary Collingsworth for repair they discovered that the concrete around the railing pipe had deteriorated badly in several spots and is now loose. The concrete cap along the wall is also loose and breaks with very little pressure. It is the recommendation of Mr. Poe to repair the entire section. Mr. Poe asked Glass Machinery to provide a price for the repairs. The quote provided by Glass Machinery is for \$44,818.51 to replace the retaining wall, concrete cap and the handrail. He suggested the Board members view the site later in the meeting before making a decision.

BOYS AND GIRLS CLUB

Mr. Poe reported that the Boys and Girls Clubs are community led and, while encouraged to work with the local government, it is a grass roots effort. On the website there is a plan on how to organize a local club. Mr. Poe stated that he had spoken to their Boys and Girls Club of Kingsport, and they do not receive any funding from the County or City. It is an independent community driven organization.

REPORTS AND RECOMMENDATIONS OF THE BOARD

CLOSING OF REAR SIDEWALK

Mr. Mosley recommended closing the rear sidewalk.

Mr. Poe stated right now we cannot close that sidewalk because there is no access at the front of the building due to the sidewalk repairs in that area.

LITTER ALONG HIGHWAY 58 EAST OF JONESVILLE

Mr. Mosley reported that the Sheriff's Department just did a clean up on Route 58 last week and it is already covered with trash. He stated that the litter is coming from the trucks that haul the garbage out of the Transfer Station. Mr. Mosley asked if there was some way they could tighten the tarps on the trucks to keep this from occurring

Mr. Poe stated he will contact the contractor and tell they to check the tarps.

HUNTERS GAP COMMUNICATION TOWER

Mr. Crabtree reported that a load bearing study is being done to determine if the County can hang antennas and equipment on the new State Police tower.

CLOSED SESSION

It was moved by Ms. Rowe, seconded by Mr. Crabtree 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 Section 2.2-3711 A. 3., discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. 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 Ms. Rowe, 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.

GRAHAM PROPERTY

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to complete the purchase of the Graham property at a cost of \$25,000 contingent on determination of a clear title by the County Attorney. Upon the question being put the vote was as follows.

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

REPLACEMENT OF REAR SIDEWALK AND HANDRAIL

It was moved by Mr. Mosley, seconded by Mr. Bailey to approve Glass Machinery Change Order Number 1 in the amount of \$59,359.71 for the replacement of the rear sidewalk, handrail, concrete cap, and abutments as determined to be needed. 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 Ms. Rowe, to recess to April 24, 2013 at 10:00 am in the Courthouse Conference Room. Upon the question being put the vote was as follows.

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