

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 October 16, 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
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: None

INVOCATION

Dane Poe 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 5:10 p.m.

DEPARTMENTAL REPORTS

BUILDING INSPECTOR

David Fee, Building Code Official reported his department had issued a total of 96 Building Permits and made a total of 171 construction site visits for this quarter.

E-911

Alan Bailey, E-911 Director, reported that he is working out technical issues concerning getting data spill for upcoming 911 call mapping.

Mr. Crabtree asked Mr. Bailey if the Spillman system is working properly, because dispatchers are still using written log books.

Mr. Bailey said they are printing data for their own records, but the Spillman database is holding information.

Mr. Poe added that maybe there is not full trust in the system yet due to earlier issues. As they gain more confidence in the system, that issue may fall to the side.

Mr. Bailey continued his report adding that GeoComm is continuing to make contact with residents and businesses for verification purposes. The Department is currently working with Comcast and other service providers to make sure that Emergency calls are routed correctly and displayed properly in dispatch. He is working with the contractor to schedule the installation of needed road signs.

Mr. Crabtree asked Mr. Bailey about the status on the missing and damaged signs.

Mr. Bailey said some of those are being replaced with the list of plates that were just finished, and some plates are still being created.

Mr. Poe told the Board he had received confirmation from the State today, by email, that the proposed contract with GEOComm for GIS Data Maintenance has been approved for State payment. The State will cover the full cost of \$1,000.00 a month up to and including June of 2013 if it is required.

GEOCOMM DATA MAINTENANCE AGREEMENT

It was moved by Mr. Crabtree, seconded by Mr. Slemp, to approve the GeoComm contract for updating the mapping software. Upon the question being put the vote was as follows.

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

Mr. Mosley asked Mr. Bailey how far we have come on the Verizon verification in the last three months.

Mr. Bailey said progress has been slow.

VIRGINIA COOPERATIVE EXTENSION

Jeannie Mullins, Virginia Cooperative Extension Unit Director, provided a report on the activities and programs of the Extension Office for July to September.

Mr. Crabtree asked Ms. Mullins to explain the funding of the different programs.

Ms. Mullins stated that there are three different programs, which are Federal funded, with no State or County money required.

Mr. Crabtree then asked Mr. Poe if they are still in negotiations regarding office space.

Mr. Poe stated it was still in negotiation and requested the matter be discussed in closed session.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

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

Revenues	\$ 4,063,789.11
Expenditures	\$ 4,696,621.31
General Fund	\$ 7,603,728.14
Total Assets and Liabilities	\$13,871,713.37

PUBLIC EXPRESSION

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

Mr. Larry Gullion, Kookee Alumni Association, addressed the Board regarding the Kookee Gym. Mr. Gullion said that the Kookee Gym was added to the National Historic Register in 2007. The gym is one of six historic sites in Lee County. He asked for consideration from the Board that when the School System turns the property over to the Board of Supervisors it be donated to the Alumni Association. He added that the 1938 Deed states that when the School System ceases to use the facility, the coal company be given the opportunity to buy it back.

Ms. Rowe stated the Board would have the County Attorney look at the deed and get back with him.

Mr. Mosley asked which Coal Company he was referring to.

Mr. Callahan said it is the Virginia Coal and Iron Company, and there is a provision that they have first right to purchase. Mr. Callahan went on to explain that this would not automatically go to the County. It is currently school property and if the School Board no longer desires the property, they have to declare it as surplus property and then it goes back to the County.

Ms. Rowe stated that the County is waiting for the School Board to declare it as surplus property.

Mr. Slemph asked Mr. Gullion what ideas there are for the use of the gym.

Mr. Gullion stated it could be used as a community center, possible food pantry, meetings, youth activities, shelter for abused women, a nursing home, or an assisted living facility.

Ms. Rowe suggested that Mr. Gullion write up a plan and submit it to the Board so they can be prepared to take action when the School Board does declare it a surplus property.

Jim Fulks, Jonesville, addressed the Board about the Keokee Gym. Mr. Fulks said the Gym is a building that could be used for just about anything. He added that he also belongs to the Keokee Alumni Association and would like to see the School Board give the property to the Alumni Association and allow them take care of it.

Bob Bost addressed the Board regarding the proposed GreenUSA project. He is concerned about the Tobacco Commission Grant funding and whether due diligence was done prior to submission of the grant application. The Performance Agreement requires signatures from the County and he would like to know which County Official signed the agreement.

Jeff Rowlett addressed the Board regarding the proposed GreenUSA project. His concern was the Non-Disclosure Agreement. Mr. Rowlett also encouraged the Board to remove pyrolysis as an allowed use in the M-2 zone.

Beth Davies addressed the Board regarding the Town Hall Meeting for the GreenUSA project. Ms. Davies said she has spoken with many citizens and they are upset and offended by the way the meeting was handled and some things that were said. She added that the citizens are feeling left out and that things are being done in secrecy.

There was no further public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the minutes of the September 18, 2012 Recessed Meeting, the September 18, 2012 Regular Meeting and the September 27, 2012 Recessed Meeting with a correction to the September 18, 2012 Regular Meeting minutes as noted prior to the motion. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve the request for refund for Donnie Blair in the amount of \$336.57. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve the disbursements for the month of September in the amount of \$494,252.61. Upon the question being put the vote was as follows.

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

DELEGATIONS

None

FINANCE

MONTHLY AND QUARTERLY APPROPRIATIONS

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

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

MONTHLY APPROPRIATIONS 12-028

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 November 30, 2012;

VIRGINIA PUBLIC ASSISTANCE

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

LEE COUNTY PUBLIC SCHOOLS

Categorical Appropriation:

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

Source of Revenue:

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

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

SUPPLEMENTAL APPROPRIATION

SHERIFF DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental re-appropriation in the amount of \$8,826.04 to Fund 001, Sheriff Department, Line Item 4-001-031200-5560 for Mental Health Transports. 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 approve a supplemental appropriation in the amount of \$12,239.00 to Fund 001, Little 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 approve a supplemental appropriation in the amount of \$11,799.04 to Fund 001, Retiree/BC-BS Payments, 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

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 \$11,008.97 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 IMPROVEMENTS

It was moved by Mr. Mosley, seconded by Mr. Bailey, to approve a supplemental appropriation in the amount of \$8.96 to Fund 027, Coal Road Improvements, 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

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Slemp, seconded by Mr. Crabtree to re-appoint Aaron Fee to a one-year term on the Lonesome Pine Office on Youth. Mr. Fee's term will expire on September 30, 2013. Upon the question being put the vote was as follows.

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

LONESOME PINE OFFICE ON YOUTH

It was moved by Ms. Rowe, seconded by Mr. Crabtree to appoint Lance Fannon to a one-year term on the Lonesome Pine Office on Youth. Mr. Fannon's term will expire on September 30, 2013. Upon the question being put the vote was as follows.

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

RURAL RUSTIC ROAD DESIGNATION FOR ROUTE 683 CONSTRUCTION

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

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

**RESOLUTION
12-029**

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vehicles per day; and

WHEREAS, the Board of Supervisors of Lee County, Virginia (“Board”) desires to consider whether Route 683 (Raymond Carter Road), From: 0.80 mi. S. Route 676 To: Route 676 should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby designates this road a Rural Rustic Road, and requests that the Local Manager for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

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

ECONOMIC DEVELOPMENT ACCESS ROAD FUNDING

It was moved by Mr. Bailey, seconded by Mr. Mosley, to approve Resolution 12-030 Economic Development Access Road Funding Resolution. Upon the question being put the vote was as follows

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

**RESOLUTION
12-030**

WHEREAS, the Industrial Development Authority of Lee County, Virginia desires to develop property for the purpose of economic development located off US Highway 58 in the County of Lee, Virginia within the Constitutional Oaks Industrial Park; and

WHEREAS, GreenUSA Recycling Corp. has contracted to purchase property located in the Constitutional Oaks Industrial Park in the County of Lee and will soon enter into a firm contract to construct its facilities on that property for the purposes of establishing a materials recovery facility (NAIC Code 56292); and

WHEREAS, this new facility is expected to involve new private capital investment in land, building and equipment of approximately \$30,000,000 and GreenUSA Recycling Corp. is expected to employ 150 persons at this facility; and

WHEREAS, operations are expected to begin at this new facility on or about March 1, 2014; and

WHEREAS, the existing public road network does not provide for adequate access to this property and access road improvement project is necessary; and

WHEREAS, the County of Lee hereby guarantees that the necessary environmental analysis, mitigation, fee simple right of way and utility relocations or adjustments, if necessary, for this project will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and

WHEREAS, the county of Lee acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to appropriate notification from the Department of Transportation; and

WHEREAS, the County of Lee hereby guarantees that all ineligible project costs and all costs not justified by eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby requests that the Commonwealth of Virginia Transportation Board provide Economic Development Access Program funding to provide an adequate road to this property.

BE IT FURTHER RESOLVED, the Lee County Board of Supervisors hereby agrees that the improvements so constructed will be added to and become a part of the secondary system of state highways.

Prior to the vote, Mr. Crabtree asked if any local funds would have to be used for this project.

Mr. Poe said there will be no local funds, this is funds through the State.

Mr. James said that the first \$500,000 of the project would be a one hundred percent grant; anything over \$500,000 will be a fifty-fifty split. The bid for the project came in at \$510,000, so the IDA will be using \$5,000.00.

Mr. Slempp asked Mr. James if the \$5,000 would be IDA funds.

Mr. James said yes.

Ms. Rowe asked if there was a deadline on this, or if they could apply at any time.

Mr. James said there is no deadline.

LETTER OF SUPPORT FOR SOUTHWEST VA EMERGENCY MEDICAL SERVICES COUNCIL, INC.

Greg Woods with Southwest Virginia Emergency Medical Services Council gave the Board an overview of all the services they provide. Mr. Woods said the EMS rules and regulations require that entities wishing to serve as a regional EMS council be designated, and that process does reoccur every three years.

AUTHORIZE LETTER OF SUPPORT

It was moved by Mr. Crabtree, seconded by Mr. Slempp to authorize the letter of support for the Southwest Virginia Emergency Medical Services Council in renewing its designation. Upon the question being put the vote was as follows.

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

MEOC EMERGENCY FUEL FUND REQUEST

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to give \$1,000.00 to the MEOC Emergency Fuel Fund. Upon the question being put the vote was as follows.

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

Prior to the motion, Ms. Rowe stated the Board increased support in the budget for MEOC, and asked if there was another budget amount for this.

Mr. Poe said this is an annual request outside of the budget.

Mr. Slemph asked what was done in the past.

Mr. Poe said we have provided additional money one time.

Mr. Mosley asked who all the letter went out to.

Mr. Poe said it went to a wide range of agencies.

Mr. Crabtree said there are a lot of citizens in Lee County that use this assistance.

SIDEWALK AND HANDRAIL REPLACEMENT BIDS

Mr. Poe advised the County had received two bids for removal and replacement of the front walk pavers and handrails, as well as a couple of select areas of other sidewalk replacements. Glass Machinery came in as the apparent low bidder at \$33,664.90, with the other bidder being Elk Knob, Inc. with a bid of \$72,200.00. Mr. Poe recommended awarding the bid to Glass Machinery.

Mr. Crabtree asked if future pressure washing or acid washing of the Courthouse would damage any new concrete.

Mr. Poe said it should not have any impact.

SIDEWALK AND HANDRAIL REPLACEMENT BID AWARD

It was moved by Mr. Crabtree, seconded by Mr. Slemph, to award the bid for Sidewalk and Handrail Replacements to Glass Machinery for the amount of \$33,664.90. The award includes the Base Bid, Bid Additive 1 and Bid Additive 2. Upon the question being put the vote was as follows.

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

E-911 DISPATCHER INTERVIEWS

Mr. Poe advised the Board that the deadline for receipt of applications for the E-911 Dispatcher position was September 28, 2012. Interviews will need to be scheduled in the near future, with the earliest proposed starting date for this position being November 1, 2012 due to budget funding.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

FORMATION OF NEW AIRPORT AUTHORITY

Mr. Callahan recommended passing a new ordinance for the Airport Authority. He will get additional information for the next Board packet

Mr. Crabtree stated there are a lot of people interested in seeing the Airport more accessible and open during the day.

Mr. Poe said if we have a good draft document by next month, we should be able to hold a public hearing on the ordinance to form the Authority at the December meeting.

Mr. Crabtree asked if the new Authority appointees would be the same as the current committee.

Mr. Poe stated the current appointments are to an advisory panel and it will cease to exist with the appointment of the Commission or Authority.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

RURAL DEVELOPMENT LOAN

Mr. Poe said he would be working with Rural Development to get this process moving again. They may want to issue a new letter of conditions because of the time lapse.

Mr. Mosley asked the Board to reconsider the acceptance of this loan. He stated the loan would cost the taxpayers over \$1.7 million, and there is not a project to apply it to.

Ms. Rowe stated that the strategic planning process would identify a project list. She stated the Board needed to be proactive and use this opportunity to make some improvements in the county. She stated that if no projects are identified the loan can be repaid since there was no early payoff penalty.

Mr. Poe confirmed that there is no penalty for early prepayment of the loan.

Mr. Crabtree asked about the Social Services building debt and stated that taxpayers would see a savings if the Rural Development loan proceeds were used to pay off that existing note.

Mr. Poe said the Social Services building was a bond issue and the earliest date it can be prepaid is 2016.

Mr. Mosley stated the County would be paying interest on this loan whether it is used it or not.

Mr. Poe said it could take up to six months to get through the Rural Development review process.

Mr. Bailey said \$35,000 - \$40,000 a year interest is a lot of taxpayers money that we don't have a project and he hated to see us spend that kind of money for something of no current benefit. He would like to see the Board take another look at this and rescind the previous motion. He stated that the County was running a small surplus every year, and we should use that money for any projects instead of creating debt for the County.

Ms. Rowe asked Mr. Poe how long it took to go through this process the first time.

Mr. Poe said approximately three to six months, depending on what is in the letter of conditions.

Ms. Rowe stated that if we have a good project two years from now, we may not get the money and the interest rate may not be this low.

Mr. Slemp said he is satisfied with the Board's original action.

Mr. Mosley said he believes we have enough money in reserves to completed any projects that are needed.

Mr. Crabtree stated that if he could get consensus of the Board that they would approve spending the an equal amount of reserve funds for Capital Improvements he would drop his support for the Rural Development loan.

Mr. Bailey said he has no problem with any project that is going to benefit the citizens, but we have to watch their money too.

Mr. Slemp said he is satisfied with the Board's original action, and if we don't come up with a project in the next six months we can stop the process.

TRAILS PROJECT UPDATE

Mr. Poe stated he has received eight additional easements for Phase I of the Trail project. Due to the time lag from the previous easements, he requested the Board authorize the acceptance of the new ones. He further advised that the Trails Committee was working to identify properties needed for Phase II of the trail. He stated that coal companies were currently facing other issues and the trail system was not a priority for them at this time which was hindering discussions regarding use of their property. He also advised the County would need to hire a firm for trail design services and it may be possible to use the Regional Authority's procurement to hire Lane Engineering for this task. If not, the County will need to bid these services which will take about sixty days.

Mr. Slemp asked if Pennington Gap has a project they are doing now.

Ms. Rowe said the County is partnering with the Town of Pennington on this project. We now have all of the easements for Phase I, which will construct ten miles of trail. Phase II is needed to add additional miles of trail in order to stimulate economic development.

Mr. Slemp asked if this project would connect to other Counties in the Trail System.

Mr. Rowe said that is the goal of the Spear Head Trail System. If they have one permit for Spear Head Trails that goes from Lee County to Tazewell County, they wouldn't have to pay additional fees.

Mr. Poe said one possible way of speeding that up would be if the Board would want to use Authority's agreement or if we cannot use cooperative procurement, prepare a request for proposals and put it out to bid.

Ms. Rowe asked Mr. Poe if he had reviewed Tazewell County's agreement.

Mr. Poe said Tazewell County's agreement with the Authority is for design services by the We Make Things Happen Consulting Group.

Ms. Rowe said she thought they were subcontracted through the Lane Group

Mr. Poe stated he would get clarification from The Lane Group on their agreement with We Make Things Happen.

ACCEPTANCE OF TRAIL EASEMENTS

It was moved by Ms. Rowe, seconded by Mr. Slemp, to accept the eight easements for the Trail System. Upon the question being put the vote was as follows.

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

PROPOSALS FOR TRAIL DESIGN SERVICES

It was moved by Ms. Rowe, seconded by Mr. Slemp, to advertise for request for proposals if cooperative procurement cannot be accomplished through the Regional Authority. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE BOARD

Mr. Mosley asked Mr. Poe to contact VDOT about the overlay patchwork that was done this summer, and find out if they are going to repaint the white lines on the road.

Ms. Rowe issued a correction on her previous statement regarding Kelly Black-White, being convicted of fraud. She stated she should have said she had been indicted which if different, and issued an apology.

CLOSED SESSION

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

REQUEST FOR PLANNING COMMISSION TO CONSIDER ZONING TEXT AMENDMENT

It was moved by Mr. Crabtree , seconded by Mr. Bailey, to request the Planning Commission to consider a Zoning Text Amendment to remove pyrolysis as an allowed use for M-2 Zoning. 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. Crabtree to recess until November 8, 2012 at 5:00 p.m. in the Third Floor Conference Room. Upon the question being put the vote was as follows.

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