

VIRGINIA: County of Lee, to-wit:

At the Organizational Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on January 7, 2020 at 5:45 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman
Larry Mosley, Vice Chairman
Sidney Kolb
Charles Slemph, Jr.
Robert Smith

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Jeny Hughes, Administrative Assistant
Stacy Munsey, County Attorney

OTHERS ABSENT: None

MEETING CALLED TO ORDER

The meeting was called to order at 5:45 p.m.

ELECTION OF CHAIRMAN

It was moved by Mr. Smith, seconded by Mr. Kolb, to elect D.D. Leonard as Chairman for 2020. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

ELECTION OF VICE-CHAIRMAN

It was moved by Mr. Kolb, seconded by Mr. Slemph, to elect Larry Mosley as Vice-Chairman for 2020. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

ESTABLISH TIME, DATE AND PLACE OF REGULAR MEETING

It was moved by Mr. Mosley, seconded by Mr. Smith, to establish regular monthly meetings on the third Tuesday of each month at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse.

Mr. Kolb stated he had talked with Judge McClung and he indicated he would move court proceedings to another location if the Board wished to meet earlier.

Mr. Mosley offered an amended motion.

It was moved by Mr. Mosley, seconded by Mr. Smith, to establish regular monthly meetings on the third Tuesday of each month at 4:30 p.m. in the General District Courtroom of the Lee County Courthouse. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

RULES OF PROCEDURE

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

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

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) Departmental Reports
- (C) Public hearings
- (D) Reports, requests, and recommendations of other departments
- (E) Citizens expression
- (F) Submission and approval of the minutes of the preceding meeting
- (G) Approval of Refunds
- (H) Approval of Warrant List
- (I) Delegations
- (J) Finance
- (K) Unfinished business
- (L) New business
- (M) Reports, requests and recommendations of the County Attorney
- (N) Reports, requests and recommendations of the County Administrator
- (O) 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 a time limitation of three (3) minutes per individual or five (5) minutes for an individual representing a group, or such other 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 will 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

REZONING REQUEST

The Lee County Board of Supervisors and Lee County Planning Commission held a joint public hearing on Tuesday, January 7, 2020 at 6:00 p.m. in the General District Court Room of the Lee County Courthouse in Jonesville, Virginia. The purpose of the hearing is to solicit input on the following request: Old Virginia Hand Hewn Log Homes has requested to rezone property from A-1 (Agricultural District) to M-1 (Limited Industrial District) for the purpose of expanding manufacturing operations. Property is located in the Dot Community and consists of approximately 1.22 acres of land. (Parcel # 58F-(A)-2,3). Property is located approximately .5 mile west of the Intersection of U.S. Highway 58 and U.S. Highway 421, located at the property of Old Virginia Hand Hewn Log Homes.

Aaron Fee, Community Development Director, reported that it was discovered that this property is zoned A-1, and that the tracts have been used for years for business purposes. There has been no opposition for this request.

The Chairman opened the floor for public comment.

Bryan Hogan, Old Virginia Log Homes, reported that this property has been in use for 25 years, he is just requesting the property be rezoned to M-1.

There was no further public comment.

The Chairman closed the floor.

The Planning Commission members moved to the Conference Room to consider the rezoning request.

REPORTS AND RECOMMENDATIONS OF THE BOARD

FURNITURE

Mr. Kolb asked about the office furniture sitting in one of the hallways of the Courthouse.

Mr. Poe stated that is part of the renovation project and the furniture had to be moved into the hallway, it will be moved as soon as the project is completed.

LEGISLATIVE RECEPTION

Mr. Mosley asked about the Legislative Reception.

Mr. Poe stated that it will be January 22 in Richmond, and everyone will be leaving between 9:00 and 9:30 a.m.

REZONING REQUEST

Mr. Fee reported that the Planning Commission voted to recommend approval of this request.

It was moved by Mr. Leonard, seconded by Mr. Smith, to approve the rezoning request for Old Virginia Log Homes. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

CONVENIENCE CENTERS

Mr. Mosley reported that there had been three dumpsters pushed over the bank and a boat left at the Hurricane Bridge site.

Mr. Poe stated that an advertisement has been placed in the paper and there will be a public meeting on the recommended changes to the Solids Waste and Recycling programs on January 30, 2020 at 6:00 p.m.

Mr. Mosley asked about the possibility of acquiring property for the Hunter's Gap site.

Mr. Poe stated that the spokesperson for that family has passed away.

Mr. Mosley stated it could be worthwhile to contact the family again.

Mr. Poe stated that he has received two complaints about the site in Seminary, but feels like those concerns could be addressed by adding natural barriers around the site, and that he and Mr. Collingsworth would be meeting the adjacent property owners at the proposed site to address those concerns.

LITTER COORDINATOR

Mr. Kolb stated that he would like the Litter Coordinator to attend the next meeting.

Mr. Mosley stated that litter on the roads in the County is ridiculous.

Mr. Poe stated that cleanups on the main highways are typically done through the Sheriff's Office through a contract with VDOT, but officers are not volunteering for the additional work.

There was discussion about the litter Countywide.

Mr. Poe advised that the Litter Coordinator had been off work due to a non-work related injury.

Mr. Poe requested the Board members to send him a list of their littering complaint locations and he would forward them to the Litter Coordinator.

It was moved by Mr. Leonard, seconded by Mr. Mosley, to adjourn. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Kolb, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD