

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

At the Annual Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on January 17, 2017 at 6:00 p.m. thereof.

MEMBERS PRESENT: D. D. Leonard, Chairman  
Nathan Cope  
Larry Mosley  
Charles Slemp, Jr.  
Robert Smith

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

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**INVOCATION**

Fred Cagle, Pastor of Friendship Baptist Church, led in the Invocation.

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**PLEDGE TO THE FLAG**

D.D. Leonard led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 6:04 p.m.

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**ELECTION OF CHAIRMAN**

It was moved by Mr. Cope, seconded by Mr. Smith, to elect D. D. Leonard as Chairman for 2017. Upon the question being put the vote was as follows.

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

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## **ELECTION OF VICE-CHAIRMAN**

It was moved by Mr. Cope, seconded by Mr. Leonard, to elect Robert Smith as Vice-Chairman for 2017. Upon the question being put the vote was as follows.

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

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## **ESTABLISH TIME, DATE AND PLACE OF REGULAR MEETING**

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

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

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## **RULES OF PROCEDURE**

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

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

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## **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.

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## **DEPARTMENTAL REPORTS**

### **BUILDING INSPECTOR**

Keith Herring, Building Code Official, reported the Building Department issued 79 building permits for the last quarter, collected \$6,291.75 in permit fees, and \$416.00 in contractor's tax. He added that there were 231 site visits made during the quarter with 5 violations.

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### **E-911**

Alan Bailey, E-911 Director, reported that dispatch received 4,116 calls in December with 529 being 911 calls, and 393 of those calls being wireless 911 calls. The upgrading of the current call handling equipment is on track and West has completed a site survey, made contact with all telephone companies for the circuits to be put into place and is on schedule to place the new equipment orders by the end of February. He stated that he was notified that Lee County was awarded a grant through the Office of Emergency Medical Services to replace the aged radio equipment in dispatch, the awarded grant was for a 80/20 match totaling \$109,410.91. The County's portion was not a budgeted expense, so he is asking to Board to approve the 20% local match to fund the project. There is a new contract with Code Red that will also need to be approved. Mr. Bailey stated he has been working with the sign vendor for the 911 road signs and hopes to resume work, weather and scheduling permitting.

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Mr. Mosley asked about the mapping grant.

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Mr. Bailey stated that it is a VITA grant for \$150,000 to replace the 911 servers.

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Mr. Poe asked about the price difference in the amount of the OEMS Grant award and the amount asked for.

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Mr. Bailey stated that he asked for \$150,000 in case the price increased from the time of the quote until now.

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Mr. Poe stated that since that will be bundled with another proposed purchase the County is working on, he is going to recommend approval of the \$27,352.74 and if it exceeds that, the Board can always supplement.

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Mr. Cope stated that it is very good time to be awarded this grant since the County is trying to upgrade radio equipment.

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Mr. Poe asked if the Code Red agreement would be covered by grant funds.

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Mr. Bailey stated that the only thing the grant will not cover is the overage on minutes used. However, this is a system that is only used during an emergency situation.

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Mr. Cope asked if the County would come close to the number of minutes being allowed.

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Mr. Bailey stated that the system has not had to be used so far.

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Mr. Poe stated that this system would be used for more localized emergencies such as flash flooding or strong winds in one area of the County.

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### **EXTENSION OFFICE**

Jeannie Mullins, Extension Agent, reported that the Agriculture Agent held Farm and Family Day on October 15, 2016 with 600 people in attendance and held an Agriculture Awareness Day with all Fourth grade classes in the County participating. The Family and Consumer Science Agent held a Senior Citizens Emergency Preparedness class and a Small Business Saturday event at the Community Center in Pennington Gap. The 4-H Agent held the Dramatic Reading competition in November, the Share the Fun competition in December and will be finishing that up in January. The Program Assistant in Family Nutrition Program taught 29 lessons in October, 44 lessons in November and 16 lessons in December. Ms. Mullins stated that she and Sheila Belcher will be retiring at the end of January and that Amy Fannon will be taking over as Unit Coordinator.

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### **CONSTITUTIONAL OFFICERS**

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

The Treasurer's Report for the month of December 2016 was submitted as follows:

Revenues	\$ 7,722,686.51
Expenditures	\$ 8,180,282.74
General Fund	\$ 7,828,531.89
Total Assets and Liabilities	\$13,728,734.97

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### **PUBLIC EXPRESSION**

The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and 5 minute time period for a group.

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There was no public comment.

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The Chairman closed the floor for public comment.

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### **APPROVAL OF MINUTES**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the minutes of the December 20, 2016 Regular Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

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### **PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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### **APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Slempp, seconded by Mr. Smith, to approve the disbursements for the month of January in the amount of \$748,314.37. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

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### **NEW BUSINESS**

#### **BOARD APPOINTMENTS**

##### **LONESOME PINE OFFICE ON YOUTH**

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

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

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##### **DOMESTIC VIOLENCE OFFICER GRANT**

Mr. Poe reported he has been notified of award of the renewal grant for the Domestic Violence Officer position in the total amount of \$48,075 for the period January 1, 2017 to December 31, 2017. The grant requires a 25% local cash match of \$12,019. The match for the first six months of the grant period is included in the current fiscal year budget. A motion to accept the grant is in order.

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It was moved by Mr. Mosley, seconded by Mr. Cope, to approve the Domestic Violence Officer Grant in the amount of \$48,075 with the local match of \$12,019. Upon the question being put the vote was as follows.

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

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**OFFICE OF EMERGENCY MEDICAL SERVICES GRANT**

Mr. Poe reported that the County recently applied to the Office of Emergency Medical Services for a grant in the amount of \$136,763.65 to purchase new communication consoles for the E-911 Dispatch Center. The current console equipment is nearly ten years old and is no longer supported by the manufacturer for repairs or parts. The County had requested a 100% grant but has received a notice of pending award of the grant on an 80/20 match basis. This will require a \$27,253.74 match from the County.

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It was moved by Mr. Cope, seconded by Mr. Smith, to approve the Office of Emergency Services Grant in the amount of \$136,763.65 with a local match of \$27,352.74, and to approve a supplemental appropriation as follows. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-41050-0099	Budget Transfer From Reserve	\$27,352.74
Expenditure Source:		
4-009-31400-5895	EMS Equipment Grant	\$27,352.74

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

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**ADVANCE LOGIC INDUSTRIES SUPPORT SERVICES AGREEMENT AND  
TASK ORDER**

Mr. Poe reported that the County has an E-911 Services Board grant in the amount of \$150,000 for replacement of the 911-server network as well as all workstation computers and an office laptop. The servers currently handle all 911 data as well as County data and website traffic. In order to obtain optimum bidding participation, there will need to be an assessment of the current equipment and recommendation for upgrade. Some vendors have indicated they cannot bid the project without this information being provided to them. The state grant will pay for the cost of the assessment.

Advanced Logic Industries will provide the assessment for an estimated cost of \$3,245, which is stated in the Task Order. In order to obtain their best pricing proposal for this service, we also need to enter into a Support Services Agreement with ALI. The agreement can be canceled at any time with no penalty.

Additionally, the Board should be aware that ALI will be a potential bidder for the system replacement; however, the assessment and recommendation will be generic and can be used by all potential bidders to prepare and submit a bid.

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It was moved by Mr. Mosley, seconded by Mr. Cope, to accept the Support Services Agreement and Task order as presented. Upon the question being put the vote was as follows.

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

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**CODE RED AGREEMENT**

Mr. Poe reported that the Code Red Agreement would need to be adopted tonight.

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It was moved by Mr. Cope, seconded by Mr. Leonard, to accept the Code Red agreement. Upon the question being put the vote was as follows.

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

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### **CRUISER BIDS**

Mr. Poe reported that the bids for cruisers would be advertised on Wednesday January 18, 2017. The budget included four cruisers but the bid would be for five cruisers. There was one totaled, the insurance payout was approximately \$13,750 and this money would be used for the down payment.

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Mr. Leonard stated that he had been looking over the fleet and it seems to be short on 4WD vehicles.

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Mr. Poe stated that the bid specs that are getting ready to go out will be for FWD or AWD vehicles. Bids are due on February 9, the bidder could include a financing package and but the County would also be looking to local banks for financing.

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### **COMMUNITY DEVELOPMENT DIRECTOR**

Mr. Poe reported that the ad for Community Development Director would be advertised beginning on Wednesday January 18, 2017 and applications are due on February 15, 2017.

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

None.

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### **CLOSED SESSION**

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

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

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It was moved by Mr. Cope, seconded by Mr. Leonard, to exit Closed Session. Upon the question being put the vote was as follows. Upon the question being put the vote was as follows.

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

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**CERTIFICATE OF CLOSED SESSION**

It was unanimously agreed as follows.

**WHEREAS**, the Lee County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3711 of the Code of Virginia requires a Certification by this Lee County Board of Supervisors that such Closed Meeting was conducted within Virginia law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Lee County Board of Supervisors hereby certified that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from Closed Meeting in which this Certification Resolution applies and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed or considered by the Lee County Board of Supervisors.

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**ANIMAL CONTROL TRAILER AND STRUCTURE**

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following supplemental appropriation to be used by Animal Control to purchase a horse trailer and housing for larger farm animals on the property. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-41050-0099	Budget Transfer from Reserve	\$6,400.00

Expenditure Source:  
4-001-35100-8102                      Capital Outlay                      \$6,400.00

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

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**INTERNSHIP FOR EXTENSION OFFICE**

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve an Internship for the Extension Office for the summer. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

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

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD