

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, February 22, 1993 at 7:00 p.m. in the Board of Supervisors meeting room of the County Administration Building, 143 Third Street, NW, in the Town of Pulaski the following members were present: Jerry D. White, Chairman; Joseph L. Sheffey, Vice-Chairman; Ira S. "Pete" Crawford, Dr. Bruce L. Fariss. Absent: Mason A. Vaughan, Sr.

1. Invocation

The invocation was given by Reverend Steve Weston, Rector of Christ Episcopal Church

2. Public Hearings:

Prior to the public hearings, the Chairman read the following statement into the record:

The Board of Supervisors will hold three public hearings tonight on requests for amendments to Pulaski County's zoning map. This Board, collectively or individually, will not consider discriminatory remarks made against any person or group at any time in making its decision on matters before it this evening.

- a. An amendment to the zoning map being considered by the Pulaski County Planning Commission from Residential (R1) to Residential (R2) for Meadowview Heights Subdivision identified on Pulaski County tax records as parcel 047-29-1-20 located on the west side of Route 100, Cleburne Boulevard, just north of Route 636, Black Hollow Road, intersection in the Massie Magisterial District

The county administrator reported the Planning Commission recommended rezoning the entire subdivision to (R-2) Residential due to the area being slated for utility improvements. The Chairman then opened the public hearing for citizen comments. No citizen comments were heard. The Chairman then closed the hearing.

It was moved by Mr. Crawford, seconded by Mr. Sheffey and carried, to approve the amendment to the zoning map per the Pulaski County Planning Commission recommendation.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

- b. An amendment to the zoning map requested by Mr. Roy E. Cook from Residential (R1) to Conditional Commercial (CM1) for a small cabinet shop, sale of furniture, sale of new and used automobiles with a Special Use Permit for a flea market on property identified on Pulaski County tax records as parcel 063-1-35, 35A located off Route 738, Robinson Tract Road, in the Robinson Magisterial District

The county administrator reported the Planning Commission had recommended this request be denied. The Chairman opened the public hearing on this matter. Mr. Roy Cook appeared before the Board and requested the Board to approve the request for rezoning. Mr. Cook advised he had operated a business at this location since 1972. Mr. C.L. Taylor also appeared before the Board and requested this property be rezoned to commercial. Mr. Taylor reported that he presently operated a business close to Mr. Cook's property. Mr. Rudy Rash, a resident of the Robinson Tract area, appeared before the Board and expressed opposition to the rezoning request. There being no further comments, the public hearing was closed.

It was moved by Mr. Sheffey, seconded by Dr. Fariss and carried, that the Board deny the request from Mr. Roy E. Cook for an amendment to the zoning map on the above property.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

- c. An amendment to the zoning map requested by Virginia Mountain Housing from Residential (R1) to allow multi-family housing on property identified on Pulaski County tax records as parcel 039-6 BK 1-15-25, 43-52 located near the intersection of Route 600, Belspring Road, and Route 11, Lee Highway in the Cloyd Magisterial District

The county administrator reported the county Planning Commission had recommended that this request be denied. The Chairman then opened the public hearing on this matter. Ms. Toby Caldwell, a resident of the area, presented the Board with a citizens petition opposing the rezoning request. Mr. Janaka Casper with Virginia Mountain Housing appeared to answer any questions the Board of Supervisors might have regarding the proposed handicapped adult home which Virginia Mountain Housing wanted to place in the area. Mr. Larry Hayes spoke in opposition. There being no further comments, the Chairman closed the hearing.

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that this request by Virginia Mountain Housing be denied.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

- d. State Park Water Project Loan Resolutions

The county administrator reported as part of the Farmer's Home Administration financing for the state park water system that the Board of Supervisors is required to hold the public hearing regarding the financing for the project and adopt two resolutions. The first of the resolutions authorizes the issuance of the revenue bonds and the second regards a number of administrative agreements. The Chairman at this time opened the public hearing for comments. No public comments were heard, therefore the hearing was closed.

It was moved by Mr. Sheffey, seconded by Mr. Crawford and carried, that the Board of Supervisors adopt the following resolutions regarding the state park water system:

WHEREAS, by a resolution adopted August 27, 1990 (the "Initial Resolution"), the Board of Supervisors of Pulaski County (the "Board of Supervisors") authorized the construction of extensions and improvements to the County's sewer system, and the issuance and sale of a \$212,600 Sewer Revenue Bond, Series of 1990 (the "Initial Bond"); and

WHEREAS, the County is not in default in payment of principal of or interest on the Initial Bond or in the performance of any of the covenants, conditions, agreements and provisions contained in the Initial Bond or Initial Resolution; and

WHEREAS, within the limitations of and in compliance with Section 15 of the Initial Resolution, the County is authorized to issue additional bonds secured on a parity with the Initial Bond to finance the cost of the acquisition or construction of

improvements, extensions, additions and replacements to the County's sewer system; and

WHEREAS, the County has determined to acquire, construct and equip water facilities to provide water service to the Route 660, Claytor Lake State Park and Pond Lick Hollow areas in the County and has determined that it is necessary to issue its revenue bond in the principal amount of Four Hundred Two Thousand Five Hundred and No/100 Dollars (\$402,500) (the "1993 Additional Bond"), the proceeds of which, together with other available funds, are estimated to be sufficient to pay the cost of such facilities; and

WHEREAS, the United States of America, acting through the Farmers Home Administration, has offered to purchase the 1993 Additional Bond upon certain terms and conditions as set forth in its letter dated January 11, 1993, to the County (the "Government Letter"), which letter is on file with records of the County, and the County, after mature consideration of the conditions of the municipal bond market, has determined to satisfy such terms and conditions and award the 1993 Additional Bond to the United States of America, Farmers Home

acting through the Farmers Home Administration, United States Department of Agriculture, its successors and assigns.

"Initial Bond" shall mean the County's sewer revenue bond in the aggregate principal amount of \$212,600, issued pursuant to the Initial Resolution.

"Initial Resolution" shall mean the resolution entitled "A Resolution Authorizing the Issuance, Sale, Detail and Payment of a \$212,600 Sewer Revenue Bond, Series of 1990 of Pulaski County, Virginia," adopted by the Board of Supervisors on August 27, 1990.

"Projects" shall mean the Water Project and the "Project" as defined in the Initial Resolution.

"System" shall mean the County's water and sewer system, including the Projects, all additions, extensions and enlargements thereto and any water or sewer project or projects, or combination thereof, that may be duly authorized by the Board of Supervisors and made a part of the System.

"Water Project" shall mean the "Water Project" as defined in Section 1.3 of this resolution.

Section 1.2. Establishment of System. All the sewer facilities and water facilities now or hereafter owned by the County are hereby combined to form, and shall constitute, one water and sewer system (the "System").

Section 1.3. The Water Project. In order to provide water service to the Route 660, Claytor Lake State Park and Pond Lick Hollow areas in the County, the Board of Supervisors hereby authorizes the acquisition, construction and equipment of water facilities in accordance with plans entitled "Claytor Lake Water Line Extension" dated May, 1992, prepared by the County's engineer, as such may be appropriately amended from time to time (the "Water Project").

Section 1.4. Cost of Water Project; Part of System. The cost of the Water Project authorized herein is estimated to be \$569,100, \$402,500 of which is to be financed through the issuance of the 1993 Additional Bond, \$41,600 of which is to be paid from available funds of the County, and \$125,000 of which is to be paid by a grant from Claytor Lake State Park. The Board of Supervisors hereby finds and orders that the Water Project shall be a part of the System.

## ARTICLE II

### AUTHORIZATION, FORM, EXECUTION, DELIVERY AND REGISTRATION OF ADDITIONAL BOND

Section 2.1. Authorization of 1993 Additional Bond. Pursuant to Article VII, Section 10(a)(3) of the Constitution of Virginia and the Public Finance Act of 1991 (Chapter 5.1, Title 15.1, Code of Virginia of 1950, as amended) (the "Act"), there is hereby authorized to be issued a water and sewer revenue bond of the County in the principal amount of Four Hundred Two Thousand Five Hundred and No/100 Dollars (\$402,500) to provide funds to finance a part of the cost of the Water

Project. The 1993 Additional Bond shall be designated "Water and Sewer Revenue Bond, Series of 1993."

Section 2.2. Sale and Details of 1993 Additional Bond. The 1993 Additional Bond shall be issued as a single fully registered bond without coupons, shall be dated as of the date the 1993 Additional Bond is delivered to the Government (the "Closing Date"), shall be in the denomination of \$402,500, shall be numbered R-1, and shall bear interest at the rate of the lower of (a) 5.625% per year, or (b) the rate quoted by the Government as the closing rate effective on the Closing Date. The 1993 Additional Bond shall provide for payment of interest only on the first and second anniversaries of the Closing Date. Equal monthly installments of combined principal and interest on the 1993 Additional Bond shall be payable beginning the twenty-fifth full month following the Closing Date and continuing on the same date of each month thereafter until the principal of the 1993 Additional Bond is paid in full. Such installments shall be in an amount sufficient to amortize fully the principal of the 1993 Additional Bond over 456 months at the rate of interest on the 1993 Additional Bond. If not sooner paid, the final installment shall be due and payable forty (40) years from the Closing Date. The payment of every installment shall be applied first to interest accrued to the payment date and then to principal. In the event the closing occurs on the 29th, 30th or 31st day of a month, the installment payment date shall be the 28th day of the month.

Section 2.3. Form and Execution of 1993 Additional Bond. The 1993 Additional Bond shall be in substantially the form authorized by the Initial Resolution, with such insertions, omissions and variations as may be necessary to conform to the provisions hereof and shall be signed by the Chairman of the Board of Supervisors and the County's seal shall be affixed thereto and attested by the Clerk of the Board of Supervisors.

Section 2.4. Delivery of 1993 Additional Bond. The Chairman and the Clerk are hereby authorized and directed to have the 1993 Additional Bond prepared and executed in accordance with its terms and to deliver it to the Government, as purchaser thereof upon payment of the purchase price therefor.

Section 2.5. Use of Proceeds of 1993 Additional Bond. The proceeds from the sale of the 1993 Additional Bond shall be applied to the cost of the Water Project and the cost of issuing such bond.

Section 2.6. Registrar. The Administrator of the County is hereby appointed Registrar for the 1993 Additional Bond. Transfer of the 1993 Additional Bond may be registered upon books maintained for that purpose at the office of the Registrar. Prior to the due presentment for registration of transfer the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

### ARTICLE III

#### REDEMPTION OF ADDITIONAL BOND

Section 3.1. Redemption of 1993 Additional Bond. The 1993

Additional Bond may be prepaid at the option of the County at any time as a whole or in part from time to time (but if in part, in inverse chronological order of installments), without premium. Prepayments shall not affect the obligation of the County to pay the remaining installments payable as provided in Section 2.2 above.

#### ARTICLE IV

##### SUPPLEMENTAL RESOLUTION

Section 4.1. Supplement to Initial Resolution. This resolution is adopted and the 1993 Additional Bond is authorized herein pursuant to, within the limitations of and in compliance with the Initial Resolution as amended by this resolution. With the consent of the Government as evidenced by its acceptance of the 1993 Additional Bond, the terms, provisions and covenants contained in this resolution shall control to the extent that they are contrary to or different than the terms, provisions and covenants contained in the Initial Resolution.

All terms, covenants and provisions of the Initial Resolution as amended and supplemented by this resolution shall apply with full force and effect to the Initial Bond and the 1993 Additional Bond and to the holders thereof. A certified copy of the Initial Resolution is on file at the office of the County, Pulaski, Virginia.

#### ARTICLE V

##### ADDITIONAL BONDS

Section 5.1. Issuance of Additional Bonds. The County may issue additional bonds secured on a parity with the Bonds then outstanding by a pledge of the revenues derived from the ownership or operation of the System (the "Additional Bonds") to finance the cost of completing the Projects or the acquisition or construction of improvements, extensions, additions and replacements to the System or to refund any Bonds. Additional Bonds shall be in substantially the form of the Initial Bond, shall be dated such date, shall mature in such installments of principal and interest, shall bear interest at such rate or rates, shall be in such denomination or denominations and may contain such provisions for prepayment prior to their respective maturities, all as provided by the Board of Supervisors by resolution adopted prior to their issuance. Additional Bonds shall contain an appropriate series designation.

Section 5.2. Conditions of Issuance. The County shall not issue any Additional Bonds unless there shall have been filed with the County and, if the Government is the owner of either the Initial Bond, the 1993 Additional Bond or any Additional Bonds, with the Government, the following:

(a) a certified copy of a resolution of the Board of Supervisors in form complying with the foregoing provisions specifying all the terms of the Additional Bonds and stating the cost of the acquisition or construction of any improvements, extensions, additions and replacements to the System to be acquired or constructed and finding and ordering

that such improvements, extensions, additions and replacements shall be a part of the System;

(b) a certified copy of a resolution of the Board of Supervisors awarding the Additional Bonds, specifying the interest rate or rates and directing the delivery of such Additional Bonds to the purchaser named therein upon payment of the purchase price set forth therein;

(c) if the Additional Bonds are to be issued to complete the Projects, a certificate of the Consulting Engineer to that effect; and

(d) if the Additional Bonds are to be issued for any purpose other than the refunding of Bonds or the completion of the Projects, either (i) a certificate of an independent certified public accountant stating that for the fiscal year preceding the year in which the Additional Bonds are to be issued, the net income derived from the ownership or operation of the System was not less than one hundred twenty percent (120%) of the average of the annual principal and interest requirements for the Bonds then outstanding and the Additional Bonds to be issued, or (ii) the written consent of the holders of three-fourths in aggregate principal amount of the Bonds outstanding.

## ARTICLE VI

### REVENUES AND FUNDS

Section 6.1. Special Covenants. It is hereby covenanted and agreed with the holders of the Bonds that so long as any of the installments of principal or interest on the Bonds are outstanding and unpaid that the County will:

(a) charge rates or fees to users of the System and fix and maintain such rates or fees at such level as will produce sufficient revenues in each fiscal year to equal an amount required to pay (i) the reasonable and necessary current expenses of operation, administration, maintenance and repair of the System (not including any allowance for depreciation or any deposits or transfers to the Debt Service Fund or the Reserve Fund established in Section 6.2 or expenditures for capital improvements and extensions to the System) (collectively, "Operating Expenses"), which shall accrue or become payable during the then current fiscal year and (ii) the amounts required by Section 6.2 to be paid during the then current fiscal year into the Debt Service Fund and Reserve Fund established in Section 6.2;

(b) apply the revenues derived from the operation of the System as provided in Section 6.2;

(c) segregate and keep segregated from all other County funds all revenues derived from the operation of the System and keep proper records and accounts therefor, separate and apart from all other municipal records and accounts;

(d) acquire and maintain such insurance coverage as may be required by the Government, including without limitation:

(i) public liability insurance with limits

acceptable to the Government;

(ii) workers' compensation insurance on all employees of the Authority in accordance with the laws of the Commonwealth of Virginia;

(iii) fidelity bonds on all officers and employees of the Authority entrusted with the receipt or disbursement of funds of the System in an amount not less than the maximum amount of annual debt service on the Bonds and any other debt of the Authority to the Government, with the Authority naming the Government as a co-obligee;

(iv) flood insurance covering all structures forming a part of th

Debt Service Fund: Each month the County shall transfer from the Revenue Fund to the Debt Service Fund an amount equal to the installments of interest or principal and interest, as the case may be, coming due on the Bonds that month. If there should be insufficient moneys in the Revenue Fund and the Reserve Fund for this purpose, the deficit shall be added to the required payment for the month or months next ensuing until such deficit is eliminated. When the balances in the Debt Service Fund and the Reserve Fund shall equal the principal of and interest on the Bonds then outstanding to their respective maturities, no further transfers to the Debt Service Fund shall be required. The County shall pay installments of principal and interest on the Bonds from the Debt Service Fund as the same become due.

Operating Fund: Each month, after making the transfer to the Debt Service Fund required above, the County shall transfer from the Revenue Fund to the Operating Fund such amount, if any, needed to increase the balance in the Operating Fund to the sum of (a) the amount of the Operating Expenses for the current month and (b) the aggregate amount of all checks outstanding and unpaid drawn upon the Operating Fund. Each month the County shall pay from the Operating Fund all Operating Expenses for the then current month.

Reserve Fund: Each month, after making the transfers to the Debt Service Fund and the Operating fund required above, the Authority shall transfer an amount equal to 10% of monthly installments of principal and interest on the Bonds from the Revenue Fund to the Reserve Fund until there has been accumulated and maintained therein an amount equal to twelve (12) such installments, after which no further deposits shall be required except to eliminate any deficiency in the Reserve Fund. The Reserve Fund shall be used, with the prior written approval of the Government, to make transfers to the Debt Service Fund to the extent necessary (a) to pay the principal of and interest on the Bonds as the same become due in the event the balance on the Debt Service Fund is insufficient therefor, (b) to pay the cost of repairing or replacing any damage to the System, or (c) to pay the cost of extensions or improvements to the System,.

Any balance remaining in the Revenue Fund each month, after the transfers to the Debt Service Fund, the Operating Fund, and the Reserve Fund are made as required herein, may be used by the County, with the Government's consent, for any lawful purpose. All moneys deposited in the Revenue Fund that are not transferred as required above within twelve (12) months of deposit shall be used in the next succeeding month to make prepayments on the Bonds or for any other lawful purpose of the County as may be approved by the Government.

(b) The Revenue Fund, the Debt Service Fund, the Operating Fund and the Reserve Fund established under the Initial Resolution are hereby transferred into and combined with the Revenue Fund, the Debt Service Fund, the Operating Fund and the Reserve Fund, respectively, established under this resolution.

Section 6.3. Pledge of Funds. All revenues derived by the County from the use of and services furnished by the System and all moneys in the Revenue Fund, the Operating Fund, the

Debt Service Fund and the Reserve Fund shall be trust funds and are hereby pledged to the payment of the principal of and interest on the Bonds, subject only to the right to make application thereof to other purposes as provided herein. Both principal and interest on the Bonds are payable solely from the revenues pledged hereby, and nothing in this resolution or in the Bonds shall be deemed to create or constitute an indebtedness of or a pledge of the faith and credit of the Commonwealth of Virginia or any county, city, town or other political subdivision of the Commonwealth.

## ARTICLE VII

### SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS

Section 7.1. Security for Deposits. All moneys on deposit with any bank or trust company shall be secured for the benefit of the County and the holders of the Bonds in the manner required by the Virginia Security for Public Deposits Act (Chapter 23, Title 2.1, Code of Virginia of 1950, as amended) or any successor provision of laws.

Section 7.2. Investment of Funds. All moneys in the Revenue Fund, the Operating Fund, the Debt Service Fund and the Reserve Fund not immediately necessary for the purposes thereof may be invested by the County in securities and deposits which are authorized by the laws of the Commonwealth of Virginia for public funds, all of which shall mature or be subject to redemption or withdrawal by the holder or depositor for the purposes of the aforesaid funds. Any such investments shall be considered a part of such funds and the accounts therein and income therefrom and any profit or loss on the sale thereof shall be credited to or charged against such funds and accounts.

## ARTICLE VIII

### MISCELLANEOUS

Section 8.1. Contract with Bondholders. The provisions of this resolution and the Initial Resolution shall constitute a contract between the County and the bondholders for so long as any of the Bonds and interest thereon are outstanding. To the extent that the provisions of this resolution are in conflict with the provisions of the Initial Resolution, the provisions of this resolution shall control.

Section 8.2. Authority of Officers and Agents. The officers and agents of the County shall do all acts and things required of them by this resolution and the Initial Resolution and the 1993 Additional Bond for the complete and punctual performance of all the terms, covenants and agreements contained therein.

Section 8.3 Immunity of Officers. No recourse shall be had for the payment of principal of or interest on the Bonds or for any claim based thereon, on this resolution, or the Initial Resolution against any member or other officer of the County or the Commonwealth of Virginia.

Section 8.4. Headings. Any headings in this resolution

are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 8.5. Conditions Precedent. Upon the issuance of the 1993 Additional Bond all acts, conditions, and things required by the Constitution and statutes of the Commonwealth of Virginia, or this resolution to happen, exist and be performed precedent to or in the issuance of such bond shall have happened, exist and have been preformed.

Section 8.6. Severability. The provisions of this resolution are hereby declared to be severable. If any court of competent jurisdiction shall hold any provision of this

the gross income for Federal income tax purposes of the registered owners thereof under existing law.

(b) The County hereby covenants that it will not permit the proceeds of the 1993 Additional Bond to be used in any manner that would result in (a) 5% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit as provided in Section 141 (b) of the Code, (b) 5% or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water) within the meaning of Section 141 (b) (4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit as provided in Section 141 (c) of the Code; provided, however, that if the County receives as opinion of nationally recognized bond counsel that compliance with any such covenant is not required to prevent the interest on the 1993 Additional Bond from being includable in gross income for Federal income tax purposes of the registered owner thereof under existing law, the County need not comply with such covenant.

(c) The County hereby represents and covenants as follows:

(1) The County, all its "subordinate entities," within the meaning of Section 148 (f) (4) (iii) of the Code, and all entities which issue tax-exempt obligations theretofore issued by the County and such other entities in the year in which the 1993 Additional Bond is expected to be issued, result in the County and such other entities having issued a total of more than \$5,000,000 of tax-exempt obligations in such year (not including private activity bonds), including the 1993 Additional Bond;

(2) Barring circumstances unforeseen as of the date of delivery of the 1993 Additional Bond, the County will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the County and such other entities in the year in which the 1993 Additional Bond is expected to be issued, result in the County and such other entities having issued a total of more than \$5,000,000 of tax-exempt obligations in such year (not including private activity bonds, including the 1993 Additional Bond);

(3) The County has no reason to believe that the County and such other entities will issue tax-exempt obligations in the year in which the 1993 Additional Bond is expected to be issued in an aggregate amount that will exceed such \$5,000,000 limit; and

(4) At least 95% of the proceeds of the 1993 Additional Bond shall be used for "local government activities" of the County within the meaning of Section 148 (f) (4) (ii) of the Code;

provided, however, that if the County receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (2) or (4) above will not prevent the County from having to rebate to the United States any part of

the earnings derived from the investment of the gross proceeds of the 1993 Additional Bond, the County need not comply with such restriction.

Section 8.10. Effective Date. This resolution shall take effect immediately.

Section 8.11. Filing of Resolution. The Clerk of the Board of Supervisors is hereby authorized and directed to file certified copies of this resolution (i) in the office of the County, (ii) in the office of the United States of America, Farmers Home Administration, as owner of the Initial Bond, and (iii) in accordance with Section 15.1-227.9 of the Act, in the Circuit Court of Pulaski County, Virginia.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

### 3. Highway Matters:

Assistant Resident Engineer John Thompson met with the Board on the following highway matters:

#### a. Follow-up from January 25 supervisors meeting:

##### 1. Brookmont Road, Rt. 640, Formal Speed Study

Mr. Thompson reported that this request has been forwarded to the Salem office. The results should take approximately two to three weeks.

##### 2. Request for Hazard Sign at Big Reed Island Bridge

Mr. Thompson reported that he thought a sign had been erected to eliminate this problem. He stated that he would check to be sure.

##### 3. National Highway System

Addition of Rt. 177, Tyler Avenue through Radford City and across New River to Rt. 114, Pepper's Ferry Blvd.

It was moved by Mr. Sheffey, seconded by Mr. Crawford and carried, that the Board include the addition of Rt. 177, Tyler Avenue, through Radford City and across New River to Rt. 114, Pepper's Ferry Blvd., in the comments to be made on the National Highway System.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

#### b. Stigger Hill, Falling Branch Road, Rt. 798, Informal Speed Study

On the motion of Mr. Sheffey, seconded by Mr. Crawford and carried, the Board of Supervisors requested a formal speed study for Stigger Hill, Falling Branch Road, Rt. 798.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

#### c. Request for Speed Study on Rt. 612, Creek Road, Near Parrott

On the motion of Mr. Sheffey, seconded by Mr. Crawford and carried, the Board of Supervisors requested a formal speed study for Rt. 612, Creek Road, near Parrott.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

d. March 16 Pre-allocation Hearing

On the motion of Mr. Sheffey, seconded by Mr. Crawford and carried, the Board of Supervisors approved the county being represented at the Pre-allocation Hearing on March 16 with the emphasis on Rt. 100 over Cloyd's Mountain and Rt. 11 between Dublin and Morgan's Cut.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

e. Rt. 605, Little River Dam Road, warning signs for Burma Road Entrance

Mr. Thompson reported he would review this and post as regulations would allow.

f. Truck Traffic Signage at Intersection of Rt. 693, Julia Simpkins & Lead Mines Roads, and Rt. 672, Lowman's Ferry Road

Mr. Thompson agreed to review this area and report back to the Board at the March regular meeting.

g. Transportation Enhancement Program

The county administrator reported that this was a new program which gives localities an opportunity to participate in projects to enhance programs for items such as landscaping, scenic preservation, bicycle and hiking trails, historic preservation, etc. All require a twenty-percent match.

On the motion of Dr. Fariss, seconded by Mr. Sheffey and carried, the Board suggested safety improvements, possibly an overpass as a potential project, at intersections of Rt. 693, Julia Simpkins Road, and New River Trail State Park at Hiwassee and Allisonia. In addition, the Board suggested additional drainage improvements in the Fairlawn area and to include any other projects suggested by the Supervisors for consideration at the May Board of Supervisors meeting.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

h. Fairlawn Mowing Liaison

The county administrator inquired as to who at the Virginia Department of Highways and Transportation could coordinate with the county the mowing of the Fairlawn area. Mr. Thompson suggested that Keith Light be contacted to coordinate with the county staff the mowing efforts in the Fairlawn area.

i. Lakewood Estates Rural Addition off Rt. 660, State Park Road

The county administrator advised that the Lakewood Estates rural

addition off Rt. 660, State Park Road, had been left off of the rural addition list. He suggested viewing the road now to determine if the road is eligible for rural addition funding.

On the motion of Mr. Crawford, seconded by Mr. Sheffey and carried, the Board of Supervisors appointed Supervisor Fariss, County Engineer Ron Coake, and Housing Officer Melody Taylor as road viewers to view the Lakewood Estates rural addition off Rt. 660, by March 15, if possible.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

#### 4. Citizen Comments

Mr. Bob King, a resident of the Town of Pulaski, appeared before the Board. Mr. King stated he had no complaints and reported this was the first meeting he had been able to attend of the Board of Supervisors. He thanked the Board for the privilege of appearing and advised that he was planning on participating more in local government. He also thanked the Board of Supervisors for the many hours they spend regarding local government issues.

#### 5. Treasurer's Report

Treasurer Rose Marie Tickle met with the Board and presented the monthly trial balance report. The Treasurer reported it was time again to advertise the delinquent real estate tax listing for the year 1989. Dr. Fariss requested the Treasurer present at the March meeting a brief outline on the procedures of collecting past due taxes.

#### 6. Request to Use Theatre Building for Teen Center

Jack Leahy appeared before the Board of Supervisors and presented information regarding the Pulaski County Straight Street Teen Center. Mr. Leahy stated there was a need in the county for a place for teenagers to go. He asked the Board to consider leasing the theatre building for the teen center at a nominal fee, with the teen center paying for routine repairs and utilities. The Supervisors asked a number of questions including liability, costs to renovate, adequate parking, ages of teenagers, supervision, etc. Ms. Theresa Cox appeared before the Board and requested the Board support the teen center at the theatre. Also, an anonymous citizen stated he was a carpenter by trade and would be happy to volunteer in assisting with the renovations of the theatre for a teen center.

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that the Board requested a teen center representative and county staff to meet and propose details for a possible lease of the theatre building for a teen center.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

#### 7. Report from New River-Highlands Resource Conservation and Development Area Council

Mr. Gary Boring, Executive Director of the New River-Highland Resource Conservation and Development Area, appeared before the Board and presented the annual report for the New River Highlands Resource Conservation and Development Area Council. A copy of said report is filed with the records of this meeting at the County Administrator's Office.

#### 8. Reports from County Administrator and Staff

a. Appointments

1. Community Services Board

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that Debbie Palmer be appointed to serve on the New River Community Services Board. The Board also requested Jack Gill be invited to serve, if eligible, or Sam Campbell, to fill the other vacancy.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that staff be requested to prepare an appropriate resolution to commend the services of Mr. Jim Wallis and Reverend David Shumate on the New River Community Services Board.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

2. New River Resource Authority

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that the Board appoint Mr. Rob Lyons to the New River Resource Authority to fill the unexpired term of Mr. Don Holycross ending June 30, 1996.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

3. 1993 Pending Appointments

The Board requested this matter be placed on the March agenda by agency for the Board to review.

b. FY 94 Budget Calendar

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, to accept the FY 94 budget calendar with the exception of meeting on Monday, March 29, instead of Tuesday, March 30.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.  
Voting no: none.  
Absent: Mr. Vaughan.

1. Presentation of General Fund Revenues

The county administrator presented to the Board of Supervisors the general fund revenue estimates for FY 94. A one percent overall increase in revenues is anticipated, or an additional \$187,000.

c. NRRA Zoning Compliance for Groundwater and Property Protection for Proposed Matson Site Landfill

The Board deferred action on this matter until the March regular meeting.

d. Board of Supervisors Major Goals

The county administrator reviewed with the Board of Supervisors a listing of major goals accomplished by the county. Board members were requested to review and give any comments to the county administrator. In addition the goals were requested to be distributed for public information.

e. Bloodborne Pathogens Exposure Control Plan

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, to adopt the bloodborne pathogen control plan as prepared by staff and to request the Health Department to reimburse the county for e1Dr. Fa 2(r)4(o)-strir volreee ro scu Also 0 h(o)-ouldDr. Fa

TOTAL \$ 6,946.38

EXPENDITURES

7301-1003	Library - Part-time salaries	\$ 2,685.76
7301-5401	Library - Office Supplies	121.61
7301-5501	Library - Mileage	99.82
7301-5804	Library - Other Misc.	57.41
7301-7001	Library - Mach. & Equipment	1,995.00
7301-5604	Library - RIF	250.00
7301-5411	Library - Books	1,736.78

TOTAL \$ 6,946.38

SCHOOL RESOLUTION #7

REVENUES

3033010800	Mini-Grant-PRESCHOOL	\$ 448.00
3033010900	Chapter I	32,906.00
3033011000	Chapter II	-764.00
3033011100	Title VI-B Flow Thru	4,503.00
3033011300	Drug Free School Act	712.00
3033012300	Project YES	74,504.00
3033012400	Pre-School Handicapped-Parent Resource Center	4,000.00

TOTAL \$116,309.00

EXPENDITURES

6936	Mini-Grant Current	\$ 448.00
6989	Chapter I	32,906.00
6910	Chapter II	10,028.00
6978	Flow Thru Current	56,029.00
6940	Drug Grant Current	12,898.00
6912	Parent Resource Center	4,000.00

TOTAL \$116,309.00

d. Contracts and Change Orders

The following change orders were approved: Change order number 1, an increase of \$565.00 for a total contract price of \$1,813.00 with Consolidated Industrial Roofing, Inc. for the roof replacement at the Pulaski County Jail.

Contract change order number 10, for courthouse renovation for an additional \$2,620.74.

e. Personnel Changes

Personnel changes were reviewed as presented by the Director of Management Services, a copy of which is filed with the records of this meeting.

f. Scheduling Public Hearing to fill School Board Vacancy in Ingles District

Per item 8g on the agenda of this meeting, the Board scheduled the public hearing for the School Board vacancy in the Ingles District for April 26, 1993.

g. Request from School Board for Underground Storage Tank Insurance Coverage

The Board approved the request from the School Board for self insuring the School Board's underground storage tanks, as well as other county underground storage tanks. Supervisor Fariss requested staff to study possible central fueling of schools and county operations to determine if one central fueling location would be more efficient than two.

h. Resolution Advancing \$100,000 for Construction of Stigger Hill

The Board approved the following resolution regarding the advancement of funds in the amount of \$100,000 for the construction of the Stigger Hill sewer facility.

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF PULASKI, VIRGINIA  
DECLARING ITS INTENTION TO REIMBURSE  
ITSELF FROM THE PROCEEDS FROM A TAX-EXEMPT  
FINANCING FOR CERTAIN EXPENDITURES TO BE MADE  
IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION  
AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, the County of Pulaski, Virginia (the "County"), will make expenditures on and after the date hereof (the "Expenditures") in connection with the acquisition, construction and equipping of extensions to the County's sewer facilities in the Stigger Hill area of the County (the "Project"); and

WHEREAS, the Board of Supervisors of the County (the "Board of Supervisors") has determined that the funds advanced and to be advanced to pay Expenditures are or will be available for only a temporary period and it will be necessary to reimburse the County for Expenditures made on and after the date hereof with respect to the Project from the proceeds of one or more issues of tax-exempt bonds (the "Bonds"); and

WHEREAS, as of the date hereof, there are no funds of the County or of any other entity that is part of the controlled group of entities of which the County is deemed a part under Treasury Regulation Sections 1.103-18 and 1.150-1 (f) (the "Controlled Group"), that are, or are reasonably expected to be, allocated on a long term basis, reserved or otherwise available

5. This resolution shall take effect immediately upon its adoption.
  6. Beginning no later than 30 days after the adoption of this resolution and ending on the date on which the Bonds are issued, a copy of this resolution will be reasonably and continuously available for inspection by the general public, on each business day and during normal business hours, at the office of the County Administrator in the County Administration Building in Pulaski, Virginia.
- i. Public Hearing on Pepper's Ferry Regional Wastewater Treatment Authority Documents and Authorizing Ordinance Changes

The Board agreed to schedule this public hearing for the next convenient supervisors meeting.

- j. Defense Conversion Resolution

The following resolution was adopted:

WHEREAS the Radford Army Ammunition plant (RAAP) has dismissed 1100 employees since 1990 and has laid off another 730 in January 1993;

WHEREAS these layoffs will put the unemployment in the region above its already high rate of ten percent; and

WHEREAS there exists a regional Steering Committee for Defense Conversion and Economic Adjustment that is staffed by the New River Valley Planning District Commission;

BE IT RESOLVED that the local governments of the New River Valley Planning District designate and support the New River Valley Planning District Commission serving as lead applicant, contact, and administrative agency for the organization and planning of initiatives for Defense Conversion and Economic Adjustment within the New River Valley Planning District;

FURTHER, BE IT RESOLVED that RAAP, through the officers of the U.S. Army (COL Forrester) and the contractor Hercules, Inc. (Eldon "Skip" Hurley, Plant Manager), be requested and invited to serve as liaison resources to the initiatives of the New River Valley Planning District Commission.

- k. Acceptance of FY 92 Audit Report and Approval of publication of Statement of Treasurer's Accountability to the County

The Board of Supervisors reviewed the FY 92 audit report and accepted the report as presented. The Board authorized staff to print the Treasurer's accountability statement in the newspaper as soon as possible.

- l. Sheriff's Radio Equipment Upgrade Grant

The Board approved staff applying for a 50% matching grant to the state for the purchase of radio communications equipment for the Sheriff's office.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

## 10. Citizen Comments

Ms. Zola Lancaster noted the public address system was not working during the meeting. She stated those sitting in the back could not hear the person speaking at the podium.

Ms. Nancy Pugh also spoke to the Board and encouraged the Board to conduct background investigations for volunteers associated with youth programs such as the proposed teen center at the theatre.

#### 11. Other Matters from Supervisors

Supervisor Fariss requested the county attorney brief the Board of the details of discontinuing an at-large School Board position and scheduling of the School Board elections. Supervisor Fariss requested a cost analysis of maintaining an eternal flame at the stone courthouse for the proposed war memorial. Dr. Fariss also requested clarification regarding the Director of Social Services Jim Wallis serving on the free clinic board of directors.

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that Mr. Wallis serve only as a liaison on the clinic board of directors and not as a Board of Supervisors representative.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

Dr. Fariss also expressed the need to improve the image of the county at county entrances, specifically in the Fairlawn area.

On the motion of Dr. Fariss, seconded by Mr. Sheffey and carried, the Board requested staff prepare a proposal for a county entrance sign utilizing the courthouse arches theme by the March regular Board of Supervisors meeting.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

It was moved by Mr. Sheffey, seconded by Dr. Fariss and carried, that staff present plans for celebrating National County Government Week during the week of April 17 through April 24 at the March regular meeting of the Board of Supervisors.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

#### 12. Executive Session - 2.1-344(A)

It was moved by Mr. Crawford, seconded by Dr. Fariss and carried, that the Board enter into executive session pursuant to Section 2.1-344(A) of the 1950 Code of Virginia, as amended, for the purpose of discussing personnel matters, legal matters, land acquisition and/or disposition and prospective industry.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

#### Return to Regular Session

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that the Board return to regular session.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

RE: Certification of Conformance with Virginia Freedom of Information Act

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that the following resolution be adopted certifying conformance with the Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Pulaski County, Virginia, hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that the Board approve all necessary acts by the staff and county attorney for purchasing the Evans property for the Airport Industrial Park.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

13. Adjournment

On the motion of Dr. Fariss, seconded by Mr. Crawford and carried, the Board of Supervisors meeting was adjourned to reconvene on Monday, March 1, 1993, at 7:00 p.m. at the County Administration Building, 143 Third Street, NW in the Town of Pulaski.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Absent: Mr. Vaughan.

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Jerry D. White, Chairman

ATTEST:

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Joseph N. Morgan, Clerk