

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, August 24, 1998 at 7:00 p.m. at the Pulaski County Administration Building, Board Room, 143 Third Street, N.W., in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Jerry D. White, Vice-Chairman; Dr. Bruce L. Fariss; Charles E. Cook; and Frank R. Conner. Staff members present included: County Administrator, Joseph N. Morgan; County Attorney, Thomas J. McCarthy, Jr.; Management Services Director, Nancy M. Burchett; and Executive Secretary, Gena T. Hanks.

1. Invocation

Reverend Terri Sternbern of the Trinity Lutheran Church gave the invocation.

2. Public Hearings

- a. A request by Loretta and Julie Mitchell for rezoning from Commercial (CM1) to Residential (R1) of property owned by George Allen Mitchell (Deceased), identified as tax map parcel 082-001-0000-0042, 3.9 acres, located on the east side of McAdam Crossing Dr. (Rt. 769), Draper District.

County Administrator, Joseph N. Morgan, advised the Planning Commission had recommended approval of the above rezoning request. Said request would allow the location of a manufactured home in a location off of Route 99 and adjacent to the New River Trail State Park.

Chairman Sheffey opened the public hearing on this matter.

No public comments were heard, therefore, the Chairman closed the public hearing.

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors approved the above rezoning request per the Planning Commission recommendation.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

3. Additions to Agenda

Additional agenda items were noted and considered at the appropriate times on the agenda.

4. Highway Matters:

Virginia Department of Transportation (VDOT) Resident Engineer, Dan Brugh, met with the Board regarding the following:

a. Follow-up from Previous Board Meetings:

1. Waiting List Update

The Board reviewed a waiting list of six year plan projects as prepared by staff. Mr. Morgan suggested the Board schedule a work session to determine priorities on the waiting list.

Mr. Brugh advised the public hearing on the six year plan would be scheduled for the October meeting of the Board.

The Board of Supervisors directed staff to do the following regarding the waiting list update:

1. Schedule a work session of the Board for either September 15 or September 17 to prioritize list;
2. Send a copy of the waiting list to School Board and request prioritization relating to school bus routes;
3. Develop criteria for prioritization of the waiting list to include traffic count, school bus access, accident history, road width, payment status, road geometrics, pavement status, etc., and
4. Invite VDOT resident engineer to attend the Board's work session on waiting list.

2. Rt. 626, Hazel Hollow Road, Replacement of Rumble Strips

Mr. Brugh advised this request had been completed by VDOT.

3. Rt. 1131, Mountain View Drive No Parking Signs and Patching

Mr. Brugh advised this request had been completed by VDOT.

4. Rt. 658, Delton Road, Installation of Delineators

Mr. Brugh advised this request had been completed by VDOT.

5. Rt. 693, Fariss Mines Road, Flooding Along Reed Island Creek

Mr. Brugh reported this request had also been completed by VDOT.

6. Draper Mountain Overlook Signs

Mr. Brugh advised the signs have been ordered by VDOT for the Draper Mountain Overlook.

7. New River Industrial Park Access Road

Mr. Brugh reported the road construction for the New River Industrial Park access road had been approved. He advised that right of way and easement issues still need to be resolved with the County Engineer. However, once these issues were cleared, VDOT plans are to pave the road next year.

8. Lakeland Subdivision Entrance Improvements at State Park Entrance

Mr. Brugh advised this road is a private road, and therefore, VDOT cannot make any improvements.

Mr. Bill Cunningham, a resident on the private road, expressed safety concerns at the entrance of Lakeland Subdivision and Route 660 at the State Park entrance. Mr. Cunningham suggested the matter be referred to State Park Superintendent, Richard Johnson, for possible donation of right of way by the State Park.

Mr. Brugh advised he would review this matter with Mr. Johnson and work with residents on appropriate course of action. However, the expense of the entrance improvements may have to be borne by the residents on the private road.

9. Request for Speed Limit Signs and Notice of Deaf Resident Signs Rt. 600, Dry Branch Road

Mr. Brugh advised VDOT does not allow speed limiting posting signs on unpaved roads due to varying conditions. He further advised the residents requesting the deaf signs needs to contact Mr. John Jones of VDOT for a deaf sign; however, VDOT only considers the placement of deaf signs for deaf children under a certain age and not for deaf adults.

10. Response to I-81 Plans

Mr. Brugh reported the I-81 plans are ongoing. He suggested the Planning Commission review the I-81 plans with the Comprehensive Plan updating and then send comments to VDOT.

11. Rt. 600 Bridge Replacement – Fire Department Truck Weights

Mr. Brugh advised this project was scheduled for construction advertisement in the fall of 2000.

12. Rt. 643, Cougar Trail Road, between Rt. 11, Lee Highway, and Rt. 611, Newbern Road, Additional Turning Lanes Study

Mr. Brugh reported the above improvement could be considered by the county with the updating of the six year plan. He also advised he would review this area to determine if it might possibly be a safety issue and will advise the Board at a future meeting.

13. Paving Schedules

The Board reviewed the paving schedule as provided by VDOT. Mr. Brugh advised VDOT should finish the paving for this year by November.

b. Request for Speed Limit Posting – Rt. 1051, Aldrin Street

On the motion of Dr. Fariss, seconded by Mr. White and carried, the Board of Supervisors approved posting Rt. 1051, Aldrin Street, at 25 mph.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

c. Request for School Bus Stop Sign – Rt. 682, Newbern Road

Mr. Brugh advised school bus signs are only erected by VDOT at the request of the school administration and VDOT concurrence, if no visible stop site is feasible.

The Board directed staff to refer the above request to the school system administration.

d. Request for Improvements to Route 704, Greenhouse Road, Due to Poor Visibility

Mr. Bobby Grubb presented pictures of the above road and a citizen petition regarding improvements to include installation of a guardrail on Route 665, Simpkinstown Road, at the steep hill. In addition, numerous ditch areas were requested to be cleaned out along this route.

The Board requested VDOT to review this request and provide a cost estimate to the Board regarding said improvements. In addition, staff was requested to provide VDOT with a copy of the citizen's petition.

e. Request for Route 693, Max Creek Bridge Replacement

The Board reviewed a letter from Hoover Color requesting road improvements and replacement of the Max Creek Bridge on Route 693.

Supervisors Fariss and Sheffey agreed to view this area along with the planned Max Creek road tour with County Attorney, Thomas J. McCarthy, Jr.

f. Board of Supervisors Concerns

Supervisor Conner informed VDOT of rocks on Route 807, Hatcher Road, due to recent washout.

Supervisor Conner inquired about

Mr. Brugh advised the culverts are located on private property and VDOT cannot assist with this request.

Supervisor Fariss noted washboarding repairs needed on the majority of dirt roads in the county.

Supervisor Sheffey requested VDOT do some brush cutting and ditch work on Route 755, Depot Road, and on Route 600, Parrott River Road. Mr. Brugh advised VDOT is trying to work on these road maintenance needs at the present time.

g. Citizen Concerns

Ms. Angie Gillespie requested VDOT to consider a speed limit reduction and posting on Route 640, Brookmont Road, due to safety concerns.

Mr. Brugh reported this road does not qualify for 25 mph speed limit because it is not a residential area.

The Board of Supervisors requested an informal speed study be performed by VDOT on Route 640, Brookmont Road, where a special use permit is being requested.

Mr. Ed Hoggatt made comments regarding the State of Route 600, Belspring Road, temporary bridge and ford over Back Creek. Mr. Hoggatt noted the bridge can be by-passed by heavy loads.

Mr. Don Williams presented the Board of Supervisors and staff documentation on the history of Route 655, Max Creek Road, for the Board's review and information.

5. Treasurer's Report

The Board reviewed the monthly trial balance report, sales tax distribution report, and certificates of deposit as prepared by County Treasurer, Rose Marie Tickle. The Board accepted the reports as presented.

6. Citizens' Comments

Ms. Jessie Mitchell expressed opposition to public water service and apartments near Route 769, McAdam Crossing Drive.

Staff advised there were no plans to extend water service to this area. In addition, a rezoning would have to occur to allow apartments in this particular area of the county.

6A. Crockett Trailer Court Water Extension

Mr. Hoite Sullivan appeared before the Board of Supervisors to request approval from the Board of Supervisors for a waterline extension at Crockett Trailer Court. Said property is located within Pulaski County, but water extension service is to be provided by the Town of Pulaski. Mr. Sullivan advised the waterline would serve 10 mobile homes and one house. In addition, Mr. Sullivan reported he would be paying the expense of the waterline extension.

County Administrator, Joseph N. Morgan, advised that state law requires the party requesting the extension of a waterline to appear before the Board and request permission for the extension since the line is on the Town of Pulaski's water system.

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved the above waterline extension request to allow individual metering of the mobile homes on the Town of Pulaski's water system.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none.

7. Magistrate's Furnishings

Ms. Linda Sutherland, Magistrate, appeared before the Board of Supervisors to request additional budget items for the Magistrate's Office including a chair, fax machine and a paper shredder.

The Board advised Ms. Sutherland's concerns had been previously addressed via correspondence from the County Administrator dated August 17, 1998 and suggested she pursue those items noted in said correspondence.

Supervisor Conner noted the Magistrate's Office would be moving to the Regional Jail before next spring and suggested the Magistrates contact the Regional Jail Superintendent regarding office needs.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable:

The Board reviewed the Key Activity Timetable (KAT) as presented by staff.

Supervisor Fariss requested staff to prepare a map showing the recent worked proposed on the Allisonia New River Trail access. Staff reported the offer to donate a site had been withdrawn and therefore, the map would be irrelevant.

Supervisor Cook requested an update on the county entrance signs status. County Administrator, Joseph Morgan, advised staff was currently focusing on the I-81 entrance from Wythe County, before getting to Route 100, as a site for the entrance signs.

b. Appointments

1. Agency on Aging

On the motion of Mr. White, seconded by Mr. Cook and carried, the Board of Supervisors reappointed Elaine Powell to the New River Valley Agency on Aging and Joseph N. Morgan as alternate, for a term ending September 30, 1999.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

9. Items of Consent:

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved the following items of consent, unless otherwise noted.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

a. Minutes of July 27, 1998

The Board approved the minutes of July 27, 1998, as presented.

b. Accounts Payable

The Board approved the accounts payable listing for checks numbered 20385 through 20648.

c. Appropriations & Transfers

The Board approved the following additional appropriations and transfers as follows:

1. Interoffice Transfers #2 - \$46,148.80

The Board approved Internal Service Fund Transfer #1 in the amount of \$46,148.80, as presented and filed with the records of the Director of Management Services.

2. General Fund Appropriation #2 – \$3,098.00; #3 - \$24,860.85; and #4- \$3,300.00

Expenditures:

1302-7001 Registrar – Mach. & Equip \$ 3,098.00

Revenues:

2404-09 Library State Aid	\$ 9,558.00
1615-07 RIF Program	<u>379.00</u>
Total	\$ 9,937.00

Expenditures:

3212-7001 Snowville Fire Dept.	\$ 6,180.00
7206-5604 Historical Preservation	440.00
7208-5804 Co. History Book	50.00
7301-1003 Library Wages	59.00
7301-3002 Library Prof. Serv.	540.00
7301-5411 Library Books	1,092.55
7301-5604 Library RIF Program	379.00
7301-5205 Library Internet Access	5,440.00
7301-7001 Library Mach. & Equip.	2,076.45
7301-7002 Library Furniture & Fixtures	350.00
8305-5501 Extension Office Mileage	2,000.00
9104-5804 Erroneous Assessments	631.00
9310-582301 State Fee Bldg. Permits	186.00
3213-7001 Twin Comm. Fire	<u>5,436.85</u>
Total	\$24,860.85

Expenditures:

1213-7001 Treasurer Mach. & Equip.	\$ 2,500.00
1213-8001 Treasurer Lease/Rent Equip.	<u>800.00</u>
Total	\$ 3,300.00

3. VPA Appropriation #1 - \$71,102 & #2 - \$60,000

Revenues:

2401-22 Child Day Care	45,000
3302-36 Family Preservation	23,492
1899-28 Local Donations	2,610
Transfer from General Fund	<u>60,000</u>
Total	\$131,102

Expenditures:	
5344-5720 Day Care Enhancement	\$45,000
5358-5711 Family Preservation	26,102
5312-3010 Other Contracted Services	<u>60,000</u>
Total	\$145,807

2. Ratification:

1. Contracts

No contracts were presented for ratification at this meeting.

2. Change Order:

*Rt. 660 Water Line Project Change Order #8 - \$1,924.08

The Board approved Change Order #8 in the amount of \$1,924.08 for the Rt. 660 water line project with H. T. Bowling, Inc.

3. Agreements:

*Delinquent Prevention & Youth Development Act

The Board ratified an agreement with the Department of Juvenile Justice under the Delinquent Prevention & Youth Development Act for the Office on Youth funds in the amount of \$40,736 state funds and local funds of \$14,771.

4. Other:

a. Grant Application for NRV Criminal Justice Services Board and Regional Task Force on Juvenile Detention

The Board of Supervisors approved a grant application for the NRV Criminal Justice Services Board and the Regional Task Force on Juvenile Detention with the Department of Criminal Justice Services in the amount of \$35,273.70 (includes local match).

b. Addition to Fleet – Impounded Vehicle

The Board of Supervisors approved a request from Sheriff James Davis to authorize the titling of an impounded vehicle to the county to be used in undercover operations of the Sheriff's Office.

e. Personnel Changes

The Board of Supervisors reviewed recent personnel changes as reported by Nancy Burchett, Management Services Director.

f. Purchasing Policy Amendments

The Board of Supervisors approved the following Purchasing Policy to include amendments as recommended by staff:

**COUNTY OF PULASKI
PURCHASING REGULATIONS**
October 15, 1983 (Adopted)
September 1, 1984 (Revised)
April 27, 1987 (Revised)
March 27, 1989 (Revised Administratively for Clarity)
September 18, 1989 (Revised)
March 23, 1992 (Revised)
March 23, 1998 (Revised)

Effective September 1, 1984, all departments of the County of Pulaski shall adhere to the following purchasing regulations. These regulations are established in accordance with the Board of Supervisors resolution of October 4, 1983, which set forth the general procurement policy of the county.

I. SOURCE OF AUTHORITY

The General Assembly of Virginia enacted into law a set of regulations which govern all purchases by political subdivisions. These regulations are contained in Chapter 7 of Title 11 of the Code of Virginia. The Board of Supervisors is held accountable for seeing that all expenditures of public funds under its control are spent in compliance with this law. The Board of Supervisors established the general procurement policy of the County of Pulaski on October 4,

1983, with stipulation that detailed procedures would be established by the county administrator. The county administrator promulgated rules and regulations taking effect October 15, 1983. These rules and regulations have been revised effective September 1, 1984, April 27, 1987, March 27, 1989, and September 18, 1989.

II. LINE OF RESPONSIBILITY

The Board of Supervisors is responsible to the Commonwealth of Virginia for Compliance with the provisions of Chapter 7 of Title 11 of the Code of Virginia. The Board will hold the county administrator responsible for management of procurement policies and adherence to purchasing laws. The county administrator will hold department heads responsible for compliance with these regulations. The county is implementing an automated purchase order system. That system will allow reporting to the Board of Supervisors weekly of all purchases. This weekly reporting will allow any questionable purchases to be delayed until any Board of Supervisors member has an opportunity to review the appropriateness of the purchase.

III. PURCHASES UNDER FIVE HUNDRED DOLLARS (\$500)

Purchases of a routine nature which are incidental to the daily operation of Pulaski County departments may be made by certain designated individuals without the prior approval of the county administrator, provided the amounts of such purchases do not exceed five hundred

dollars (\$500). Individuals authorized to make purchases under five hundred dollars are:

Administrative Assistant for Operations

Assistant County Administrator

Assistant Library Director

Building Official

Chief Water Plant Operator

County Engineer

Data Processing Manager

Director of Fleet Maintenance & operations

Director of Management Services

Director of Office on Youth

Emergency Services Coordinator

Executive Secretary

Garage Supervisor

General Properties Supervisor

Housing Administrator

Librarian

PSA Bookkeeper

REMSI Executive Director

Refuse Collection Supervisor

Registrar

Water Maintenance Supervisor

Water Treatment Plant Superintendent

Zoning Administrator

Any purchase made pursuant to the above authorization shall be evidenced by a purchase order. The purchase order, which consists of five parts, shall be completed and distributed as follows:

White Copy - Sent to vendor

Green Copy - Retained by department making purchase. When invoice is received, place green copy with invoice and send to accounts payable clerk.

Yellow Copy - Sent to accounts payable

Pink Copy - Sent to county administrator

Gold Copy - Retained by department making purchase

Purchase orders entered through the automated purchase order system will be filed by that system.

Competitive bidding of purchases under five hundred dollars (\$500) is not required. Employees authorizing such purchases should exercise reasonable care to insure that a fair market price is paid for items purchased.

The county administrator and account payable copies of purchase orders should be forwarded to each office on a daily basis.

IV. PURCHASES OVER FIVE HUNDRED DOLLARS BUT LESS THAN SEVENTY FIVE HUNDRED DOLLARS

Any purchase greater than five hundred dollars (\$500) must have the approval of the county administrator. The administrator's approval

must be evidenced on the purchase order. Purchases greater than five hundred dollars (\$500) will be handled in one of three ways. First, if a purchase is from a sole source provider such as a subscription to a periodical, membership dues, special piece of equipment, etc., a purchase order form should be completed and sent to the county administrator's office along with an envelope addressed to the vendor. If the purchase order is approved, it will be mailed by the administrator's office and the gold and green copies will be returned to the requesting department. Purchase orders entered through the automated purchase order system will be filed by that system. All sole source purchases shall be posted in a designated public area by the County Administrator's Office.

Second, for a purchase greater than five hundred dollars (\$500) where the same commodity is offered by several vendors, the county administrator will require evidence of competitive pricing. Such evidence, if required, should be from at least three vendors.

Evidence of competitive pricing should contain a listing of vendors and the prices for which they will supply a needed item. All prices should be based on delivery of the item to its needed location. Telephone inquiries will suffice if a careful record is maintained of the person from whom the price is obtained and the date and time the quotation was received. Documentation of competitive pricing should be submitted with a properly completed purchase order to the county

administrator's office in accordance with the instruction previously outlined. One copy of the documentation should be maintained in the department making the purchase.

Third, the purchase of an item costing more than five hundred (\$500), but anticipated to be less than seventy-five hundred dollars (\$7,500.00) may, at the discretion of the county administrator, be submitted to sealed bidding. The requesting department should contact the county administrator's office to ascertain if bidding will be required. Competitive pricing will be handled in accordance with the procedures outlined above either by the department requesting the purchase or the county administrator's office.

Bidding will be handled by the county administrator's office unless otherwise directed by the county administrator. Bidding shall be conducted in accordance with the Board of Supervisors resolution of October 4, 1983, September 18, 1989, and Chapter 7 of Title II of the Code of Virginia, as amended.

V. PURCHASES OVER SEVENTY-FIVE HUNDRED DOLLARS (\$7,500.00)

All purchases anticipated to be over seventy-five hundred dollars (\$7,500.00) shall be submitted to competitive sealed bidding in accordance with the Board of Supervisors resolution of October 4, 1983, September 18, 1989, and Chapter 7 of Title II of the Code of Virginia, as amended. The county administrator or his designee shall

conduct the bidding process. Purchases of less than \$15,000 may be made without additional competitive procurement where an item on state contract may be purchased from another vendor at a price equal to or less than state contract prices.

VI. EMERGENCY PROCUREMENT

The Board of Supervisors has authorized the county administrator to expend up to fifteen thousand dollars (\$15,000.00) for goods or services without competitive bidding when the county administrator determines an emergency to exist requiring Immediate procurement of a needed item. A department head requesting the county administrator to authorize an emergency purchase should be able to demonstrate one or more of the following:

1. Delay in purchasing a given good or service would result in danger health and safety.
2. Delay in purchasing a given good or service would result in the county incurring substantial cost or serious exposure to potential litigation.
3. Delay in purchasing a given good or service would result in undue danger or hardship on county employees in the performance of their duties.
4. Delay in purchasing a given good or service would prevent the county from the performance of any of its normal daily operations and service.

An emergency purchase shall be made only after direct authorization from the county administrator.

VII. BLANKET PURCHASE ORDERS

The county may determine that it is in the best interest to bid on open contract frequently purchased items such as office supplies and auto parts. When this procedure is used, frequently purchased items shall be submitted to competitive bid and a price set for the items for a given period of time. All county departments would then be required to purchase the items from the bidder awarded the contract. This process would permit departments to purchase items from a five hundred dollar (\$500) without having such purc

2. Availability of replacement parts and service.
3. Availability of auxiliary or back-up service and support.
4. Past relationships with the vendor or contractor.
5. Delivery date of the commodity or completion date of service.

When a contract is awarded to a vendor or contractor other than the lowest bidder, a written explanation shall be given detailing the reasons for this action. Such action must be approved by the county administrator.

X. VIOLATIONS OF PURCHASING REGULATIONS

A violation of these regulations by an employee of Pulaski County will result in one or more of the following:

1. Voiding of the purchase which was made in violation of the regulations.
2. Employee who violates the regulations being required to pay for the purchase made in violation of the regulations.
3. Suspension of the employee committing the violation without pay.
4. Dismissal of the employee committing the violation without pay.
5. Prosecution of the employee committing the violation.

The county administrator shall judge any violation of these policies and be the sole determinate of any punitive action taken against an employee for violation of the regulations. The County of Pulaski will

not defend an employee against litigation arising out of a purchase made in violation of the regulations.

XI. AMENDMENTS

From time to time, the county may need to amend or modify these regulations. When such amendments or modifications take effect, the county administrator shall notify each department head of the changes in writing.

XII. ADHERENCE TO PROVISIONS OF VIRGINIA PUBLIC PROCUREMENT ACT

It is recognized that the requirements for public procurement contained in the Virginia Public Procurement Act may change from time to time. The requirements of Pulaski County Purchasing Regulations shall be automatically amended to embrace the amended standards of the Virginia Public Procurement Act when such alterations occur. The county administrator shall notify all department heads in writing of such changes.

XIII. EMERGENCY PURCHASES WHEN COUNTY ADMINISTRATOR IS UNAVAILABLE TO AUTHORIZE A NEEDED EXPENDITURE

When the county administrator is not available and cannot be reached to authorize an emergency purchase or other vitally needed expenditure, the following rules shall apply:

1. Purchases for Garage and Refuse Collection - Such purchase shall be authorized by the director of fleet maintenance and operations or assistant county administrator.
2. Purchases for water treatment water distribution and landfill - Such purchases shall be authorized by the county engineer or assistant county administrator.
3. Purchases for all other departments - Such purchases shall be authorized by the director of management services or assistant county administrator.

XIV. LOCAL BUYING

It is the desire of the County to purchase from Pulaski County vendors whenever possible. Where the projected purchase price will be less than \$15,000 the contract may be awarded to the lowest responsive and responsible bidder from Pulaski County so long as that bidder's bid price is not more than one percent (1%) greater than the bid price of the lowest responsive and responsible bidder from outside Pulaski County.

- g. Approval of Transfer and Assignment of Franchise to InterLink Communications Partners from Scott Cable Co.

The Board of Supervisors approved the following resolution regarding the approval of transfer and assignment of cable TV franchise to InterLink Communications Partners from Scott Cable Company:

RESOLUTION CONSENTING TO AND APPROVING
ASSIGNMENT AND TRANSFER OF CATV FRANCHISE

WHEREAS, Scott Cable Communications, Inc., a Texas Corporation (“SCCI”) doing business as American Cable Entertainment, owns and operates a cable television system (the “Cable System”) within the County of Pulaski (the “County”) in the State of Virginia pursuant to that certain cable television franchise set forth in County Ordinance dated April 25, 1978 (as amended and supplemented by Resolution dated January 28, 1985, Agreement dated August 13, 1987, Resolution adopted November 25, 1996 and Ordinance adopted June 2, 1997, the “Franchise”);

WHEREAS, SCCI desires to sell and transfer the Cable System, and to assign and transfer the Franchise, to InterLink Communications Partners, LLLP, a Colorado registered limited liability limited partnership (“InterLink”), the effective date of such sale and assignment being the “Closing Date”, and

WHEREAS, the County is willing to consent to the transactions referred to in the preceding paragraph;

NOW, THEREFORE, BE IT RESOLVED as follows: (1) the County hereby confirms that SCCI is in substantial compliance with all of its obligations under the Franchise and that the Franchise was validly issued and is in full force and effect; (2) the County hereby consents to the sale and transfer of the Cable System, and the assignment and transfer of the Franchise, by SCCI to InterLink on the Closing Date; and (3) the County hereby consents to InterLink’s pledge, and grant of a security interest, to InterLink’s lenders, their successors and assigns, of, in and to the assets of InterLink, including the Franchise and all right of InterLink related thereto, to secure any indebtedness of InterLink, and to the exercise by each of the secured parties of its rights as a secured party in the event of a default by InterLink in the payment or the performance of any of its indebtedness or obligations secured thereby; provided, however, that nothing herein shall constitute a waiver of any right of the County to approve any other sale or transfer of the Cable System and any other assignment or transfer of this Franchise.

ADOPTED AND APPROVED this 24th day of August 1998.

h. Crockett Trailer Court Water Extension

This matter was addressed by the Board under item 6A of the agenda for this meeting.

i. Fairview Home Finances

The Board of Supervisors directed county staff to pursue a feasibility study regarding the privatization of Fairview Home and to invite other localities to participate in said feasibility study.

j. Randolph Park Design

The Board authorized staff to proceed with the comprehensive design and bidding of the Randolph Park per staff recommendation.

k. Inspections Staffing

The Board of Supervisors approved a revised job description for the Codes Inspector position and approved filling the job vacancy of the Codes Inspector at a maximum salary range of \$29,000 per the recommendation of staff.

l. Tool Allowance for Mechanics

The Board deferred action on this request and requested the Director of Fleet Maintenance provide a report on what private business practices are currently in place for mechanic tool allowances. In addition, staff was requested to provide a summary of tools purchased over the past year by the mechanics.

10. Citizen Comments

Mr. Ed Hoggatt expressed concerns regarding the current delay being experienced by citizens requesting a special refuse pickup from the PSA. He advised the Board of refuse being on Rt. 830, High Road, and Rt. 606, Parrott Mountain Road, for the last three months.

11. Other Matters from Supervisors

Supervisor White expressed concerns regarding the dumps along county roadsides not being collected in a timely manner. He requested staff review this problem and make a recommendation on how to eliminate the long wait for a special pickup by the PSA staff.

Supervisor Sheffey noted frequent lack of pickup of large items and the need to enforce with a one-week minimum pickup by the PSA.

Supervisor Cook expressed concerns regarding American Electric Power's (AEP) denial to refund the amount for the Claytor Lake water withdrawal.

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors requested the County Attorney to contact AEP to seek reconsideration of the above noted denial, as well as determine if AEP charges a water withdrawal fee for Smith Mountain Lake.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none.

Supervisor White expressed his concerns regarding the poor wording on the phone bill charge for public rights of way for local governments charge when this charge was initiated by state action and not local action. The County Attorney was requested to contact the phone company and request an explanation regarding this matter.

Chairman Sheffey commended Executive Secretary, Gena Hanks, for the leadership and assistance she provided to the Chamber of Commerce recent annual auction. Said event raised a record number of dollars for the Chamber.

12. Executive Session – 2.1-344(A)

It was moved by Mr. White, seconded by Mr. Cook and carried, to enter executive session in accordance with Section 2.1-344(A) of the Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition and prospective industry.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none.

Return to Regular Session

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors returned to regular session.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none.

Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Dr. Fariss, seconded by Mr. White and carried, that the Board of Supervisors adopt the following resolution certifying conformance with the Virginia Freedom of Information Act:

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

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 to the best of each members' 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 this motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none.

*Personnel

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors authorized increasing the Building Official's compensation by \$3,000 per year to allow orientation and training of a new inspections staff. The Board further requested staff to amend the Building Official's job description to reflect additional duties, specific to incumbent.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none.

14. Adjournment

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors adjourned to reconvene on September 15 , 1998 for a work session on the road construction waiting list. The next regularly scheduled meeting of the Board of Supervisors is set for Monday, September 28, 1998 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, N.W. in the Town of Pulaski, Virginia.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none

Joseph L. Sheffey, Chairman

Joseph N. Morgan, Clerk