

## BOARD OF SUPERVISORS MINUTES OF MAY 1, 2000

At a reconvened meeting of the Pulaski County Board of Supervisors held on Monday, May 1, 2000 at 7:00 p.m. at the County Administration Building, Conference Room, 143 Third Street, NW, in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Dr. Bruce L. Fariss, Vice-Chairman; Charles E. Cook; W. Edgar Hale; and Frank R. Conner. Staff members present included County Administrator, Joseph N. Morgan; and Management Services Director, Nancy M. Burchett.

### 1. Agency/Department Presentations

Chairman Sheffey noted that no agency/department presentations had been requested regarding the proposed FY 01 county budget.

### 2. Additional Information

#### a. Request to Support New Circuit Court Judge's Secretary's Expense

The Board reviewed a request from Circuit Court Judge Colin Gibb, requesting the Board of Supervisors to share in support staff expense for the newly appointed 27<sup>th</sup> Circuit Judge's secretary in the amount of approximately \$12,000. Said amount representing about one-third of the total cost of the position.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors denied the above request.

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

#### b. Commonwealth Attorney's Furniture Request

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the

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c. Mill Mountain Theatre – FY 01 Request for \$1,500

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors declined to support a request of \$1,500 for FY 01 from the Mill Mountain Theatre.

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

d. Animal Control Department – FY 01 Additional Amount

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors approved an additional \$9,000 for FY 01 for a part-time support staff position for the Animal Control Department. Further, the Board authorized staff to include the recent salary supplements for Sheriff James A. Davis and Mike Alderman in the FY 01 budget.

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

3. Approval of Budget Advertisement

The Board of Supervisors discussed the need to keep future expenditures in line with projected revenue growth. The Board also reviewed additional tax revenues as proposed by the County Administrator for FY 01.

On the motion of Mr. Conner, seconded by Mr. Cook and carried, the Board of Supervisors approved staff recommendation to study a Business Professional License Tax instead of the merchant's capital tax next year.

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

On the motion of Mr. Cook, seconded by Mr. Conner and carried the Board of Supervisors accepted the proposed tax changes for the budget advertisement as outlined in the proposed FY 01 budget by the County Administrator.

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

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On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved for advertising purposes an additional \$700,000 of local funds to the schools for FY 01.

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

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors authorized staff to prepare the budget advertisement for FY 01 with a draft of said advertisement to be placed in the weekly update of May 12 for the Board review prior to advertising on May 21, 2000.

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

The Board of Supervisors requested staff to obtain from the School Board a listing by employee name of current school board employees and salaries.

Supervisor Hale requested a copy of the school's detailed line item budget for FY 01.

#### 4. Other Matters

##### a. IDA Modification Agreement

The Board reviewed a copy of the Pulaski County Industrial Development Authority modification agreement regarding the debt on the Renfro property on Bob White Boulevard.

On the motion of Mr. Cook, seconded by Mr. Hale, the Board approved the above noted modification agreement whereas the IDA will be permitted to pay a lower monthly payment on the Renfro Building. A copy of said agreement shall be filed with the records of this meeting.

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

##### b. Internet Sales Taxation Resolution

It was moved by Dr. Fariss to not adopt a resolution on the Internet Sales Taxation as requested by the National Association of Counties. The motion did not receive a second. Dr. Fariss called for a vote on the motion. The following vote was recorded:

Voting yes: Dr. Fariss.  
Voting no: Mr. Cook, Mr. Sheffey, Mr. Hale and Mr. Conner.

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On the motion of Mr. Cook, seconded by Mr. Hale and carried, the Board of Supervisors adopted the following resolution regarding Internet Sales Taxation:

### RESOLUTION ON DELAYING CONGRESSIONAL ACTION ON INTERNET TAX MORATORIUM

WHEREAS, out-of-state remote sellers who conduct sales via the Internet, mail order, and phone are not required by law to collect existing sales and use taxes imposed by state and local governments; and

WHEREAS, the primary barrier to collecting taxes on remote sales is the Supreme court's ruling in *Quill v. North Dakota* which defers to Congress to authorize states to require remote sellers to collect taxes in a manner that does not unduly burden Interstate commerce; and

WHEREAS, state and local governments are working together to implement a streamlined sales tax system that would simplify definitions, tax rates and tax bases and use 21<sup>st</sup> Century technology in the collection process; and

WHEREAS, current laws create a competitive disadvantage and great inequities between merchants who sell from traditional "brick-and-mortar" establishments and those who sell from electronic stores; and

WHEREAS, increasing sales on the Internet, and the resulting erosion of sales and use tax revenues, will limit the ability of states and governments and school districts to finance essential public services such as police, fire, emergency medical service, education, social services, infrastructure development, and healthcare; and

WHEREAS, a recent University of Tennessee study estimates the state sales tax revenue losses in 2003 will exceed \$10 billion; and

WHEREAS, the Advisory Commission on Electronic Commerce failed to reach a legally required consensus on fair and equitable treatment of both remote sellers and "Main Street" retailers and also proposed that Congress preempt state and local sovereignty guaranteed by the U. S. Constitution;

THEREFORE BE IT RESOLVED that Pulaski County supports simplification of state and local sales taxes, and urges states to move expeditiously to develop and approve model simplification legislation; and

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BE IT FURTHER RESOLVED that Congress should not extend or expand the current moratorium until its expiration in October 2001, and

BE IT FURTHER RESOLVED that if state and local governments choose to negotiate a brief extension of the existing moratorium as part of a broader bill, such an extension:

- ◆ Should only be effective for a short period of time (no more than two years); and
- ◆ Must be linked to states' successfully implementing sales tax simplification, which would trigger Congressional authorization of expanded duty to collect use taxes on remote sales.

Voting yes: Mr. Cook, Mr. Sheffey, Mr. Hale and Mr. Conner.

Voting no: Dr. Fariss.

### 5. Closed Meeting – 2.1-344.A.1.3.5.7

It was moved by Dr. Fariss, seconded by Mr. Conner and carried, that the Board of Supervisors enter closed session for discussion of the following:

Legal Matters – Pursuant to Virginia Code Section 2.1-344(A)7 consultation with legal counsels and briefing by staff for discussion of specific legal matters and matters subject to probable litigation regarding:

- ◆ Fairview Home

Property Disposition or Acquisition – Pursuant to Virginia Code Section 2.1-344(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- ◆ New River Trail Access
- ◆ Loving Field Site for School Use

Prospective Industry – Pursuant to Virginia Code Section 2.1-344(A)5 discussion concerning a prospective business or industry, or the expansion of an existing business or industry, where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

- ◆ Manufacturing.

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

Voting no: none.

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### Return to Regular Session

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

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

Voting no: none.

### Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Mr. Hale, seconded by Mr. Conner 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 a closed 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 closed 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 closed meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in this motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors.

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

Voting no: none.

### Legal Matters:

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved the expenditure of up to \$2,000 for the cost of an interim audit for Fairview Home per the recommendation of staff.

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

Voting no: none.

### Property Disposition or Acquisition:

The Board directed staff to discontinue payment to Don Holt for rental of property at the New River Trail access.

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6. Adjournment

It was moved by Mr. Hale, seconded by Mr. Conner and carried that the meeting be adjourned. The next regularly scheduled meeting of the Board of Supervisors is set for May 22, 2000, 7:00 p.m. at the County Administration Building, 143 3<sup>rd</sup> Street, NW, Pulaski, Virginia.

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

Voting no: none.

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Joseph L. Sheffey, Chairman

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Joseph N. Morgan, Clerk