

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, January 28, 2002, at 7:00 p.m. at the County Administration Building Board Room, 143 Third Street, NW in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Bruce L. Fariss, Vice-Chairman; Charles E. Cook; William E. "Eddie" Hale; and Frank R. Conner. Staff members present included Peter M. Huber, County Administrator; Nancy M. Burchett, Assistant County Administrator; Gena T. Hanks, Executive Secretary; and David Tickner, Community Development Director. Also present was Thomas J. McCarthy, Jr., County Attorney.

1. Invocation

The invocation was given by Reverend C. R. Conner of the Family Life Center.

2. Presentation of Resolution – Robert Asbury, Jr.

On a motion by Dr. Fariss, seconded by Mr. Conner and carried, the Board adopted the following resolution:

**ROBERT P. ASBURY, JR.
Resolution of Appreciation**

WHEREAS, Robert P. Asbury, Jr. served as City Manager for the City of Radford from January 2, 1979 to February 28, 2002; and

WHEREAS, Robert P. Asbury, Jr. was a founding member of the Peppers Ferry Regional Wastewater Treatment Authority serving on the Authority since its inception in 1979 to the present; and

Whereas, Robert P. Asbury, Jr. served on the Peppers Ferry Regional Wastewater Treatment Authority from 1979 to present; and

WHEREAS, Robert P. Asbury, Jr. initiated cooperative arrangements with Pulaski County for the joint disposal of solid waste leading to the formation of the New River Resource Authority in 1986; and

WHEREAS, Robert P. Asbury, Jr. served on the New River Resource Authority from 1986 to present; and

WHEREAS, Robert P. Asbury's leadership within the City of Radford resulted in the City's participation in, and establishment of, the New River Valley Regional Jail; and

WHEREAS, Robert P. Asbury, Jr. worked with the Pulaski County Board of Supervisors and its staff on numerous items of mutual concern; and

WHEREAS, Robert P. Asbury, Jr. through his service to the citizens of the City of Radford, also demonstrated a high degree of professionalism in dealing with the government and citizens of Pulaski County.

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its sincere appreciation for the service of Robert P. Asbury, Jr.; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors this 28th day of January, 2002 in permanent testimony of its appreciation to the service of Robert P. Asbury, Jr.

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

Voting no: none

3. Additions to Agenda

There were no additional items to add to the agenda.

4. Public Hearings:

- a. A rezoning request by C. R. Dalton from Residential (R1) to Residential (R3) or Agricultural (A1) to allow a two-family detached dwelling on property identified by tax map no. 076-022-0000-0001, (.689 acres), located at 4696 Shelburne Rd., Ingles District.

Community Development Director David Tickner explained the above request and noted the Planning Commission recommends denial of Mr. C. R. Dalton request for rezoning a parcel of land from Residential (R1) to Residential (R3), or Agricultural (A1), for property located on Shelburne Road, Route 690, near Claytor Lake.

Chairman Sheffey opened the public hearing on this matter.

Mr. C. R. Dalton spoke in favor of the request and presented a map detailing the proposed zoning area. He further explained that he felt he had complied with all requirements of the county's Zoning Ordinance.

Mr. Kendall Clay, Attorney, representing Harvey Shelburne, spoke in opposition to the request. Mr. Clay referred the Board to a previous Board of Supervisors meeting whereby Mr. C. R. Dalton agreed to certain proffers detailed by the Board; however, Mr. Dalton subsequently declined to sign the proffers.

Ms. Ruth Lancaster spoke in favor of Mr. Dalton's request.

Mr. Dan Shelburne requested the Board accept the Planning Commission's recommendation to deny the request.

Ms. Colleen Oakley spoke in favor of Mr. Dalton's request. Ms. Oakley further expressed her concerns over a possible conflict of interest with Planning Commissioner Doug Warren's consideration of this matter, due to his residence being located on Shelburne Road.

Ms. Dorothy Hall questioned Mr. Dalton's future plans for the property and requested the Board deny the request.

There being no further comments, the public hearing was closed.

On a motion by Mr. Cook, seconded by Dr. Fariss and carried, the Board accepted the Planning Commission's recommendation to deny the request.

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

Voting no: Mr. Conner

- b. A request by **Findlay Industries** for a Special Use Permit (SUP) to allow light manufacturing per Section 4-3 of the Commercial District (CM1) on property owned by **Dublin Fair Acres Limited Partnership** identified as tax map no. 056-002-0002-0030, zoned Commercial (CM1), 5.1300 acres, located at 4697 Cleburne Blvd., Draper District

Community Development Director David Tickner explained the above request for a Special Use Permit for light manufacturing at the old Lowe's building on Rt. 100 outside of the Dublin Town Limit. Further, the Planning Commission recommends approval of the Special Use Permit, limiting the SUP to a period of two years.

Chairman Sheffey opened the public hearing.

Mr. Gordon Huff, Engineer, Findlay Industries, provided additional information regarding the request and asked that the Board of Supervisors approve the request.

There being no further comments, the public hearing was closed.

On a motion by Mr. Conner, seconded by Dr. Fariss and carried, the Board approved the Special Use Permit, per the Planning Commission recommendation, limiting the SUP for a period of two years.

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

Voting no: none

- c. A request by **Pulaski Country Club, Inc.** to amend the Planned Unit Development (PUD) for property identified as tax map no. 055-01-0000-0024, 24A, and 064-001-0000-008A, 156.0499 acres, located on the east side of Lee Hwy. (Rt. 11) 1.1 miles southwest of Thornspring Rd. (Rt. 643), Massie District.

Community Development Director David Tickner explained the request was for a revision of the PUD to allow for a change in the status of the road and reported that the Planning Commission recommended approval, subject to the following conditions:

1. Homeowners Association document needs to have Thornspring Golf Club included in the organization and responsible for maintenance of open space (golf course).
2. All requirements from the original rezoning to PUD need to be satisfied and are listed below:
 - a. Review of Phases II & III;
 - b. Proof of dedication of 50' right-of-way to the County must be provided;
 - c. Proof of authorization by Thornspring Board of Directors;
3. VDOT needs to give tentative approval of the road;
4. An approved plat must be recorded before sale of the lots begins.

Chairman Sheffey opened the public hearing.

There were no citizen comments; therefore, the Chairman closed the public hearing on this matter.

On a motion by Mr. Cook, seconded by Dr. Fariss and carried, the Board approved the request, per the Planning Commission recommendation, and subject to the conditions outlined above.

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

Voting no: none

- d. A request by **American Electric Power Company** to grant an easement for location of a power line along Bagging Plant Road in the vicinity of the sewer pump station on lot 5A.

County Administrator Peter Huber explained the purpose of the public hearing was to consider allowing American Electric Power Company to connect residential service to the pump station and that the easement is relatively short and parallel to Bagging Plant Road.

Chairman Sheffey opened the public hearing.

There were no citizen comments; therefore, the Chairman closed the public hearing on this matter.

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved granting an easement to American Electric Power Company for location of a power line along Bagging Plant Road in the vicinity of the sewer pump station on lot 5A.

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

Voting no: none

e. Community Development Block Grant Information

County Administrator Peter Huber explained the purpose of the public hearing was to solicit public input regarding any potential projects that could be funded by the Community Development Block Grant. Further, if a specific project should be determined eligible, then an additional public hearing would be required and that no action was required of the Board.

Chairman Sheffey opened the public hearing.

There were no citizen comments; therefore, the Chairman closed the public hearing on this matter.

5. Highway Matters:

The Board met with Assistant Resident Engineer Dale Stancill regarding the following highway matters:

a. Follow-up from Previous Board meeting:

1. Request for Speed Study on Rt. 633, Powell Avenue

Mr. Stancill noted the above study was currently under review by VDOT's Salem Traffic Engineering Department.

2. Request for Speed Limit Posting, Rt. 755, Depot Road

Mr. Stancill noted the above study was currently under review by VDOT's Salem Traffic Engineering Department.

3. Request for Speed Limit Sign (25 mph) on Winding Way Drive

Mr. Stancill noted the above study was currently under review by VDOT's Salem Traffic Engineering Department.

4. Speed Study – Mason Vaughan Blvd.

Supervisor Cook clarified the request to VDOT was for a study to determine the minimum speed limit allowable on this road. VDOT advised it had reviewed the State Code of Virginia and recommended the road be posted at 25 mph; however, the Board could request the Commonwealth Transportation Board reduce the speed limit to 15 mph referencing similarities with that of speed limits in school zones, due to the road through the park being used by children.

On a motion by Dr. Fariss, seconded by Mr. Cook and carried, the Board directed county staff to send a letter to the Commonwealth Transportation Board requesting consideration of a 15 mph speed limit on Mason Vaughan Boulevard, referencing the similarities with that of speed limits in school zones.

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

Voting no: none

5. Informal Speed Study – Alexander Drive

Mr. Stancill noted the above study was currently under review by VDOT's Salem Traffic Engineering Department.

6. Traveler's Way – Possible Rural Addition

VDOT reported the deed for this road shows one owner owns the easement and that if that owner declares this to be a public right-of-way then property owners would share in cost of improvements.

The Board requested VDOT send a letter detailing the requirements to have Traveler's Way considered as a rural addition.

7. Clarification on 15 mph Speed Limit

Action on this matter was taken under item 4 above.

b. Request for Cutting of Trees Along Baskerville Street

Staff was requested to review this matter with Supervisor Cook.

Supervisor Cook confirmed that all requests related to road matters should be sent to Board members via the weekly update before placing the item on the Board's agenda under Highway Matters.

c. Rural Addition Status Report

Staff reviewed in detail the status of the following rural additions, with action noted:

Re: Allisonia Road - Staff reported VDOT is working to obtain the Deed of Easement.

Re: Black Hollow Heights – Staff reported one property owner's refusal to sign easement for drainage necessary for VDOT to take road into the system. Staff was requested to visit the property owner and explain the request.

Re: Deerwood Drive – Staff reported it had met with property owners and determined streets are privately owned and maintained. Staff was directed to place the road on the inactive rural addition list.

Re: Rich Hill Lane – Staff reported no public right of way exists and was requested to contact the property owners and request a deed.

Re: Extension of Collier Street – Staff reported no public right of way exists and was requested to contact the property owners and request a deed.

Re: Beach Drive – Staff reported no progress at this time.

d. Input for 2002-03 Rural Transportation Planning Work Program

The Board requested the Planning District Commission provide an interim report to the Board prior to plans being completed. Supervisor Cook requested a study of the Whitethorn connector.

e. Board of Supervisors Concerns

Supervisor Hale requested confirmation from VDOT that a preliminary speed study had been conducted on Mines Road. VDOT confirmed an informal speed study was conducted and VDOT recommended no change in the posting. Staff was directed to send letter to the resident making the inquiry.

Supervisor Cook expressed concern regarding the road being too narrow going into Mason Vaughan Boulevard. VDOT was requested to review and provide an update at the February Board meeting.

Supervisor Cook requested resurfacing of Peak Creek Bridge over Rt. 100.

Supervisor Fariss inquired if any guardrail is being installed in the county. VDOT advised a contract exists, which will allow installation of guardrail in March.

Supervisor Sheffey advised of potholes on Hazel Hollow Road, as well as the road that leads to the landfill. VDOT advised it would review the roads and repair if appropriate.

Supervisor Sheffey inquired as to the status of the Parrott Bridge. VDOT advised the work is on schedule.

Supervisor Sheffey inquired as to the status of the Memorial Bridge. VDOT advised work is ahead of schedule, with August 1 as the target date for switching the traffic pattern and demolition of the existing bridge.

f. Citizen Concerns

Mr. Wesley Cox of Cox Hollow Road expressed concern over flooding problems on a portion of Cox Hollow Road (approximately .2 miles). VDOT was requested to review the road and provide an update at the February Board meeting.

6. Treasurer's Report

Treasurer Rose Marie Tickle presented the trial balance report.

On a motion by Dr. Fariss, seconded by Mr. Cook and carried, the Board approved advertisement of the 1999 delinquent properties.

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

7. Citizens' Comments

There were no citizen comments.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable (KAT)

The Board reviewed in detail the Key Activity Timetable as presented by county staff.

Supervisor Fariss complimented staff on the appearance of the front of the County Administrator Building.

Supervisor Cook inquired regarding the following items on the Key Activity Timetable: Rt. 100 streetlights; large item drop sites; hiring of cleaning crew; Central Gym renovation; and status of new Fairlawn Post Office.

b. Wireless Microphone Purchase

The Board was presented with a proposal by Music Tech for a wireless microphone system. The Board took no action on this matter.

c. Appointments:

1. Telecommunications Committee
2. PEP Steering Committee
3. Office on Youth
4. Planning Commission
5. Juvenile Detention Home
6. Town of Pulaski Flood Control Project Committee
7. Recreation Commission
8. Fairview Home

The above appointments were deferred until the Closed Meeting session of the meeting.

d. Request by School Board for Appropriation of \$92,938 Remaining Carryover Funds

Dr. Donald Stowers, Superintendent of Schools, explained the request for the appropriation of \$92,938 for the establishment of an alternative education program at the high school.

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the request for a carryover appropriation of \$92,938, for the establishment of an alternative education program at the Pulaski County High School.

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

9. Items of Consent:

It was moved by Mr. Hale, seconded by Dr. Fariss and carried, that the Board approve the following items of consent with the exception of item "i" which was pulled from the overall voting, pending staff report.

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

a. Minutes of December 17, 2001

The Board approved the minutes of December 17, 2001 as presented.

b. Accounts Payable

The Board approved the accounts payable listing as presented on checks numbered 35149 through 35463.

c. Appropriations & Transfers:

1. Interoffice Transfer #7 - \$51,554.36

The Board approved the interoffice transfer #7 in the amount of \$51,554.36.

2. Appropriations & Transfers:

The Board approved the following additional appropriations as presented by staff:

General Fund #10:

Revenues:

1603-04 – Comm. Attorney Share of Seized Assets	\$1,488.77
1899-44 – Donation Sheriff's Office DARE	1,000.00
1899-60 – Office on Youth Donation	1,000.00
2404-58 – State Wireless E911 PSAP Funds	<u>109,860.00</u>
Total	\$113,348.87

Expenditures:

2202-7137 – Comm. Attorney Equip. Seized Assets	\$1,488.77
3102-5427 – Sheriff's Office DARE Supplies	1,000.00
3107-1001 – Wireless E-911 PSAP Salaries	21,000.00
3107-1003 – Wireless E-911 PSAP Part-time Salaries	1,604.00

3107-2001 – Wireless E-911 PSAP FICA	1,729.00
3107-2002 – Wireless E-911 PSAP VRS	1,575.00
3107-2005 – Wireless E-911 PSAP Health Insurance	2,882.00
3107-2006 – Wireless E-911 PSAP Group Life	168.00
3107-2011 – Wireless E-911 PSAP Worker's Comp.	32.00
3107-2012 – Wireless E-911 PSAP Training	1,000.00
3107-2025 – Wireless E-911 PSAP Flex Plan	10.00
3107-5203 – Wireless E-911 PSAP Telecommunications	5,892.00
3107-7005 – Wireless E-911 PSAP Machinery & Equipment	68,810.00
3107-8002 – Wireless E-911 PSAP Rental of Equipment	5,158.00
5322-1003 – Office on Youth Part-time Salaries	1,000.00
8305-5604 – Economic Development Other	500.00
9104-5804 – Erroneous Assessments Refunds	2,000.00
9310-5823 – Revenue Refunds Bldg. Permits	50.00
9310-5824 – Revenue Refunds County Decals	200.00
9310-5838 – Revenue Refunds Returned Checks	<u>34.00</u>
Total	\$116,132.77

General Fund #11:

Revenues:

1401-01 – Traffic Fund (\$12,000.00 +)	<u>\$7,000.00</u>
Total	\$7,000.00

Expenditures:

3102-501003 – Part-time Salaries & Wages	\$5,500.00
3102-505409 – Police Supplies	<u>\$1,500.00</u>
Total	\$7,000.00

Capital Improvement Fund #5:

Revenues:

5102-00 – Transfer from General Fund	<u>\$6,281.00</u>
Total	\$6,281.00

Expenditures:

3216-3009 – Fairlawn Fire Station Road Improvements Govt. Agency	<u>\$6,281.00</u>
Total	\$6,281.00

REMSI Transfer #2:

Revenues:

009-301-899-7000 – Donations/Special Projects	<u>\$2,500.00</u>
Total	<u>\$2,500.00</u>

Expenditures:

009-3235-507001 – Machinery & Equipment	<u>\$2,500.00</u>
Total	<u>\$2,500.00</u>

d. Ratification:

1. Change Orders

There were no change orders presented at this time.

2. Agreements, Grants, & Other:

a. Lease of 911 Enhanced Customer Premise Equipment Software and Services

The Board ratified an agreement for the installation of 911 dispatching of cellular phone calls by the Sheriff's Office.

b. Adjustments to Precinct Lines

Staff reported the Virginia Division of Legislative Services has requested input from jurisdictions wishing to make minor adjustments to precinct lines and that adjustments had been requested to the State House district lines in the Dublin area to eliminate the need for the North Dublin precinct. This precinct was created this year due to a mismatch between state house district and the supervisor's district. Ratification of this support was given.

e. Contract Approvals

Staff reported there were no contracts pending for approval at this time.

f. Personnel Changes

The Board reviewed recent personnel changes as prepared by Assistant County Administrator Nancy M. Burchett.

g. 2002 Board Meeting Calendar

The Board approved an adjustment to the fourth Monday of each month Board meeting dates for the following dates: moving the May 27 meeting to Monday, May 20, due to the May meeting falling on the Memorial Day holiday; and moving the December meeting to Monday, December 16, due to the December meeting falling during the Christmas week.

h. FY03 Budget Calendar

The Board approved the following budget calendar for FY 03:

<u>DATE</u>	<u>ACTIVITY</u>
Friday, January 25 th	Distribution of budget preparation instructions
Monday, February 25th*	Initial local revenue estimates presented to the Board of Supervisors and School Superintendent
Monday, March 11th	Preliminary budget discussions with Board of Supervisors and School Board (if needed)
Tuesday, March 12 th	Planning Commission review of Capital Improvements Plan completed
Monday, March 18 th	Budget requests to be submitted to county administrator
Monday, April 8th	School Board budget presentation (if requested)
Monday, April 8 th	Budget recommendation submitted to Board by County Administrator
Monday, April 15th	Budget work session
Monday, April 22nd*	Additional budget concerns discussed at Board meeting
Monday, April 29th	Other agency/department presentations
Monday, May 6th	Tentative budget work session (if needed)
Monday, May 13th	Last date for tentative approval of budget by Board for public hearing purposes
Sunday, May 19 th	Budget advertised
Monday, June 3rd	Public hearing
Monday, June 24th*	Adoption in conjunction with Board meeting

*DENOTES MONTHLY FOURTH MONDAY SUPERVISORS MEETING ALREADY SCHEDULED
Meetings of Board of Supervisors Highlighted

NOTE: Human Service Agency Budget requests are to be reviewed by the Board of Social Services.

i. Increase in Two-for-Life Program to Four-for-Life

This item was pulled from the overall items of consent voting. The Board requested staff provide a listing of agencies receiving money from the current Two-for-Life Program.

j. Renewal of Financing for 1994 Volvo Expansion Incentive

The Board adopted the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS
OF PULASKI COUNTY, VIRGINIA
AUTHORIZING THE EXECUTION OF AN ADDENDUM
TO A SUPPORT AGREEMENT

Whereas, the Board of Supervisors of Pulaski County, Virginia (the "Board of Supervisors") has previously entered into a Support Agreement dated January 15, 1999 (the "Support Agreement") with regard to the Industrial Development Revenue Bond (Volvo GM Project) dated February 11, 1999 (the "Bond") of the Industrial Development Authority of Pulaski County (the "Authority").

The Authority now desires to amend the Bond, with the agreement of First Union National Bank (the "Bank") as holder of the Bond, and the Board of Supervisors wishes to acknowledge and agree that the Support Agreement will apply to the Bond as amended.

Whereas, there has been presented to the Board of Supervisors at this meeting the form of an Addendum to Support Agreement (the "Addendum"), a copy of which shall be filed with the records of the Board of Supervisors.

BE IT RESOLVED by the Board of Supervisors of Pulaski County, Virginia:

1. Authorization of Amendments. The Board of Supervisors determines it to be desirable that the Bond be amended, effective as of January 15, 2002, so as to bear interest and be payable substantially in accordance with the following:

Interest on the principal of the Bond shall accrue at a per annum rate equal to the "LIBOR Market Index Rate," defined in the Bond, in effect from time to time plus 115 basis points (1.15%), with such per annum rate changing, from time to time, based on changes in the LIBOR Market Index Rate.

The principal of and interest on the Bond shall be payable as follows:

Beginning on March 1, 1999, and on the first day of each calendar quarter thereafter, a principal installment equal to \$68,282.00 and the amount of interest accrued on the Bond shall be due and payable.

If not sooner paid, all principal outstanding and interest accrued but unpaid on the Bond shall be due and payable on June 15, 2006.

2. Execution and Delivery of Addendum. Either of the Chairman or the Vice-Chairman of the Board of Supervisors is hereby authorized and directed to execute the Addendum by his manual signature, and any officer is authorized and directed to deliver the Addendum to the Bank and the Authority.
3. Other Documents. The Chairman or Vice-Chairman and the Clerk or Deputy Clerk, or any one of those officers, as may be appropriate or requested, are authorized and directed to execute any certifications and instruments that are necessary or appropriate to consummate the transactions contemplated in this Resolution and the Addendum.
4. Extent of Authority. Any authorization made hereby to the officers of the Board of Supervisors to execute a document shall include authorization to execute the document, authorization to the Clerk and any Deputy Clerk to affix the seal of the Board of Supervisors to such document and attest such seal and authorization to any officer to provide for the recording of such document where appropriate and to deliver it to the other parties thereto.
5. Changes Approved. The Addendum shall be in substantially the form submitted to this meeting, which is hereby approved with such completions, omissions, insertions and changes as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such omissions, insertions and changes.

6. Ratification. All action previously taken by the Board of Supervisors and by the officers of the Board of Supervisors not inconsistent with this Resolution is hereby ratified, approved and confirmed.
 7. Effective Date. This Resolution shall be in full force and effect on the date of its adoption.
- k. Resolution Endorsing the New River Valley Regional Competitiveness Program

The Board adopted the following resolution:

RESOLUTION ENDORSING THE
NEW RIVER VALLEY REGIONAL COMPETITIVENESS PROGRAM
RE-CERTIFICATION

Whereas, the Regional Competitiveness Act was passed by the 1996 General Assembly; and

Whereas, the purpose of the Act is to both: reward existing regional behavior and stimulate new behavior-planning and acting regionally, and provide incentives for certain joint undertakings by local governments; and

Whereas, the Department of Housing and Community Development and a State Advisory Board have prepared program guidelines for the Regional Competitiveness Program and its Re-certification process; and

Whereas, the General Assembly has provided incentive funds which are available for localities which choose to maintain a Regional Competitiveness Program directed at new levels of regional cooperation; and

Whereas, the Act calls for government, business, education and civic leaders to join in the partnership for improving economic competitiveness of regions; and

Whereas, the Act requires local governments to: designate a regional configuration (any regional configuration other than a Planning District Commission requires prior approval from DHCD); the formation of the Regional Partnership recognize the preparation of a Regional Strategic Economic Development Plan; the formulation of a Plan of Action for a five year period; and agree on a distribution formula for any funds which may be received; and

Whereas, regional cooperation and development is a goal of the local governments in the New River Valley.

Now Therefore Be It Resolved, that Pulaski County does hereby endorse the regional configuration of local governments which includes all of the New River Valley Planning District; and

Be It Further Resolved, that Pulaski County endorses the utilization of *Vision 2020* and its updates as the basic Regional Strategic Plan and the development by the Partnership of a five year action plan to implement portions of the strategy; and

Be It Further Resolved, that Pulaski County endorses the utilization of 100 percent of the funds which may be distributed as a result of the Act to support the partnership and further the implementation of the five year action plan as determined by the Partnership Board; and

Be It Further Resolved, that Pulaski County endorses the new New River Valley Planning District Commission as the organization to form the New River Valley Regional Competitiveness Partnership, to serve as the fiscal agent, and to provide the staffing for the Partnership Board as it seeks to increase economic competitiveness through regional efforts. The Partnership formed by New River Valley Planning District Board of Commissioners will be a Committee of the Commission and consist of the Planning District Commission Board of Commissioners, the Executive Committee of the New River Valley Economic Development Alliance, and other representatives as required by the Act or as are desired by the Partnership.

I. Adoption of Items Related to Administration of the Individual Development Account Block Grant

The Board approved contracting with the Virginia Department of Housing and Community Development and Community Housing Partners, Inc. for the administration of the program and designate execution of grant related documents by the county administrator. Further the Board adopted the Local Business and Employment Plan, Anti-Displacement Plan, Handicapped Accessibility, Non-Discrimination Policy and Grievance Procedure, copies of which are filed with the records of this meeting.

m. Request for Leave Without Pay for Kristi Anderson

In accordance with the county Personnel Policy, the Board approved granting four weeks leave without pay to Kristi Anderson of the Pulaski County Library who is expecting the birth of her child.

The Board also amended the Personnel Policy to exclude Board approval of items related to the Family Medical Leave Act

n. Southwest Times Progress Edition Advertisement

The Board approved purchase of a one-half page section listing the Board of Supervisor's Goals in the Sunday, February 24 Progress Edition at a cost of \$400.

o. Resolution Commending Virginia State Park for being Selected America's Best Managed State Park System

The Board adopted the following resolution recognizing the Virginia State Parks as a National Gold Medal Winner for excellence in park and recreation:

RESOLUTION
COMMENDING VIRGINIA STATE PARKS
FOR BEING SELECTED AMERICA'S BEST MANAGED STATE PARK SYSTEM

Since 1936 Virginia State Parks have conserved the natural and cultural resources of the Commonwealth and provided recreational and outdoor experiences beneficial to the mind, body and spirit of our citizens.

Since 1936 Virginia families have found our state park lakes, streams, beaches, trails, picnic areas, pools, cabins and campgrounds deal settings for the making of lifetime memories.

In 2001, Virginia's 34 state parks totaled over 7 million visitors and generated more than \$144 million in economic impact to the local and state economy.

New River Trail State Park was founded in 1986 as Virginia State Park's first rail trail and through the hard work of volunteers and dedication of park staff, all 57 miles were open to the public in 1999 for hiking, bicycling and horseback riding.

New River Trail State Park is Virginia's longest linear state park traversing 4 counties, 6 towns, 1 city and many localities.

In 1995 the village of Foster Falls became part of New River Trail State Park and the area was opened to the public in 1996 to provide a major trail and river access, as well as, the preservation of several historic structures including a railroad depot, a historic hotel, a mill and an iron furnace.

In 2001, New River Trail had over 1 million visitors, which contributed to more than \$17 million to the local and regional economy.

New River Trail has been recognized as Virginia's Millennium Legacy Trail awarded by former first lady Hillary Rodham Clinton for connecting communities and providing links between people, land, history and culture.

New River Trail was named Best of the Mountains in 1998, as the best biking trail in the Southeast by Blue Ridge Country Magazine.

New River Trail State Park is a great source of pride for Southwest Virginia and is an important generator of tourism and economic activity in our area.

It is recognized that this state park is critical to the quality of life enjoyed by our residents and visitors to our area and we are grateful that this state park is well maintained and continues to improve every year.

We recognize and salute Park Manager Mark Hufeisen for the work and dedication he and his staff provide for New River Trail State Park.

We also recognize and salute Virginia State Parks Director Joe Elton for his leadership and vision, which has contributed greatly to Virginia receiving the National Gold Medal Award for being America's Best Managed State Park System.

We recognize this achievement is all the more significant given that Virginia State Parks are America's most frugally supported, ranking 50th in per capita support and 50th in proportion of the state budget dedicated to parks.

We urge Governor Warner and the Virginia Senate and House of Delegates to appropriately recognize the extraordinary accomplishments, the economic impacts and the mental, physical and spiritual benefits of our Virginia State Parks.

We urge our state leaders to address operational and maintenance needs of Virginia State Parks, as reported in Senate Document No. 4: Report of the Commission on the Future of Virginia's Environment. A rebenchmarking of state park funding is the most appropriate way to thank the dedicated staff and the thousands of volunteers who contribute hundreds of thousands of volunteer hours to making our state parks the best in the nation.

Therefore, be it resolved that the Board hereby resolves to commend staff and volunteers for their role in bringing the National Gold Medal Award to Virginia for 2001-2003 and we request that the Clerk transmit a copy of this resolution to Governor Mark Warner, House Speaker Vance Wilkins, Senate President John Chichester and all the members of the House of Delegates and State Senate.

p. Support for TEA 21 Grant Application by the Town of Pulaski for New River Trail Extensions

The Board approved staff preparing an appropriate letter of support for TEA-21 funding of alternative extensions of the New River Trail into the Town of Pulaski.

q. Aerial Photography

Staff reported a decision was required prior to the Board member and therefore staff declined the expenditure. The Board ratified administrative action.

r. Resolution Authorizing Electric Service Contract Extension

The Board adopted the following resolution authorizing continuation of current electric service arrangements with AEP:

FORM OF RESOLUTION/ORDINANCE
AUTHORIZING ELECTRIC SERVICE
CONTRACT EXTENSION
(Revised 1/28/02)

WHEREAS, the VML/VACo-Appalachian Power Company (APCo) Steering Committee (the "Committee") comprised of representatives of local governments and political subdivisions has for many years negotiated on behalf of such governmental units within the service area of APCo the terms of standard contract forms which have included rates for the purchase of electricity supply and delivery service and for the installation, maintenance and delivery service for street lights by and for said governmental units from APCo as a single source provider; and

WHEREAS, the most recent such contracts for the period beginning July 1, 2000 will terminate on June 30, 2002; and

WHEREAS, on or about February 12, 2001, APCo agreed with the Committee to extend the term of such contracts to December 31, 2003 at rates set forth in the Company's Schedule 17 on file with the Virginia State Corporation Commission (the "Commission") and;

WHEREAS, on or about July 24, 2001, American Electric Power Co. ("AEP"), parent corporation of APCo, filed a proceeding in the Federal Energy Regulation Commission ("FERC") seeking approval of amendment of its intercompany agreement which inter alia affects the supply and computation of the price for electricity furnished to APCo in excess of that produced by APCo, in which proceeding the Steering Committee and the Town of Wytheville appeared and objected; and

WHEREAS, in consideration of the Committee and the Town of Wytheville agreeing to a negotiated settlement of the FERC proceeding which provides substantial protection against potential escalation of the fuel factor which is a component of APCo's total pricing for electricity supplied to its retail customers, including the governmental units, APCo has granted to the governmental units the election to (1) terminate the current contracts on June 30, 2002, or (2) extend the contracts at Schedule 17 rates to December 31, 2003 pursuant to the offer dated February 12, 2001, or (3)(a) to extend the current contracts through June 30, 2007, at rates contained in APCo's unbundled Standard Rate Schedules, or any successor or replacement schedules then on file and approved by the Commission; and (b) to extend street light service at rates as in effect July 1, 2000, but subject to changes in the fuel factor; provided that election (3) is conditioned upon the governmental unit so electing, notifying APCo of its election within 90 days of December 18, 2001, that (i) it has chosen APCo to provide generation service through June 30, 2007, and (ii) that it will not chose a different supplier prior to such date; and (iii) it will not request the Commission to determine rates and provisions for default service different from that provided under its contract, as amended by election (3); and

WHEREAS, the Steering Committee has recommended that the governmental units, including this jurisdiction, exercise election (3) above, that is, the extension of current contracts with APCo for electric service and delivery thereof from July 1, 2002 through June 30, 2007, including street light contracts, at the rates and subject to the conditions all as set forth in the letter dated December 18, 2001 signed on behalf of APCo and AEP and on behalf of the Steering Committee and the Town of Wytheville, all by counsel, which is attached hereto as Exhibit A and incorporating letters dated February 12 and February 15, 2001 attached hereto as Exhibits B1 and B2.

WHEREAS, on consideration whereof, it appearing to the Pulaski County Board of Supervisors of Pulaski County that there is only one source practically available which can and will supply electricity service and delivery thereof for the entire needs of the County of Pulaski at established rates for such bundled service or unbundled generation service for the period from July 1, 2002 through December 31, 2007, as

negotiated and recommended by the Committee; and it further appearing that even if there should develop a truly competitive market in the APCo area for generation service, it is questionable whether the Virginia Electricity Restructuring Act (the "Act") provides for capped rates or default rates for public authorities in the APCo area, and if not could place this jurisdiction at a disadvantage in the event it elects to contract with an alternative supplier or if such alternative supplier should default and be unable to provide the electricity; and it further appearing that notice hereof has been posted or published as specified in Va. Code § 2.2-4303E that competitive sealed bidding and competitive negotiation for such services for such period, are not fiscally advantageous to the public because the procurement process for electric services in a competitive market, even if there should be such a market, must be of such flexibility to provide a rapid response to fluctuating market conditions on a daily, or even hourly, basis; and it further appearing that the contract extensions recommended and agreed to by the Committee will provide this jurisdiction with a safeguard against excessive electricity generation costs both at this date and in the foreseeable future due to a lack of real competition in this area of Virginia; and

WHEREAS, in addition to the fact that no other source is practically available for such electric services for such period, the APCo offer to extend the contracts, being for a limited time, i.e., ninety (90) days from December 18, 2001, is such that an emergency does exist inasmuch as such period is not sufficient for this jurisdiction to correctly assess its entire needs for electric service, whether for the short term or through June 30, 2007, to prepare and receive requests for proposals and to review, consider and act upon any proposals which may possibly be received.

NOW, THEREFORE BE IT RESOLVED that this jurisdiction accepts the offer of APCo to extend its current contract for electric service on a bundled basis, including its street light contract, from July 1, 2002 through June 30, 2007, as set forth in Exhibit A and as agreed and recommended by the Committee.

BE IT RESOLVED further that in accordance with the conditions in APCo's offer this jurisdiction agrees that (i) it has chosen APCo to provide generation service through June 30, 2007, (ii) that it will not choose a different supplier prior to such date, and (iii) that it will not request the State Corporation Commission to determine rates and provisions for default service different from that provided in the contracts, as amended and extended as set forth above.

Be It RESOLVED further that the County Administrator is authorized to execute and deliver on behalf of this jurisdiction all

documents as shall be deemed appropriate to carry out the foregoing action.

The Clerk is directed to notify APCo of the aforesaid election and agreement by transmitting a copy hereof to counsel for the Committee, Howard W. Dobbins, 1021 East Cary Street, P.O. Box 1320, Richmond, VA 23218-1320, who is authorized to deliver the same to APCo.

10. Citizen Comments

There were no citizen comments at this time.

11. Other Matters from Supervisors

There were no additional comments presented by the Board of Supervisors.

12. Closed Meeting –2.2-3711.A.1.3.5.7

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board enter the Closed Meeting session for discussion of the following:

Property Disposition or Acquisition – Pursuant to Virginia Code Section 2.2-3711(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- ◆ School Site Acquisition
- ◆ Competitiveness Center Transfer

Personnel – Pursuant to Virginia Code Section 2.2-3711(A)1 discussion for consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees, regarding:

- ◆ Appointments
- ◆ Disciplinary Policy Amendments
- ◆ Salary Adjustment
- ◆ Recreation Commission

Prospective Industry – Pursuant to Virginia Code Section 2.2-3711(A)5 discussion concerning a prospective business or industry, or the expansion of an existing business and industry, where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

- ◆ Rental of Warehouse Space

Legal Matters – Pursuant to Virginia Code Section 2.2-3711(A)7 consultation with legal counsels and briefing by staff for discussion of specific legal matters and matters subject to probable litigation regarding:

- ◆ None

Return to Regular Session

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

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

Voting no: none.

Certification of Conformance with Virginia Freedom of Information Act

It was moved by Mr. Cook, seconded by Mr. Hale and carried, that the Board of Supervisors adopts 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 2.2-3712(D) 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, Mr. Conner.

Voting no: none.

*Personnel

Appointments:

It was moved by Dr. Fariss, seconded by Mr. Cook and carried, that the Board approve the following appointments:

1. Telecommunications Committee

The Board appointed the following individuals with terms noted beside each: Ed Belcher – 12/31/04; Thomas Lillard – 12/31/05; Paul Phillips – 12/31/05; and John Wenrich – 12/31/05.

2. PEP Steering Committee

The Board appointed Jerry White to fill the unexpired term of Dietmar Stollenwerk, with said term being June 30, 2004.

3. Office on Youth

No action was taken regarding this matter.

4. Planning Commission

The Board reappointed Bill Kegley for a term ending March 1, 2006.

5. Juvenile Detention Home

The Board reappointed Mr. Warner Osborne for a term ending January 31, 2004.

6. Town of Pulaski Flood Control Project Committee

The Board approved participation and designated David Tickner as staff representative for the county. Staff was requested to place appointment of two additional citizen representatives on the February 25, 2002 Board agenda.

7. Recreation Commission

The Board appointed Bobby Hunter, minority representative; and Sheila Brown, Draper Recreation. Further staff was requested to contact Charles DeHart regarding a suggestion for a representative of the Fairlawn Recreation and place any action on the February Board agenda.

8. Fairview Home

The Board appointed Supervisor Eddie Hale as Supervisor Frank Conner's alternate on the Fairview Home Board.

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

Disciplinary Policy Amendment

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the following Disciplinary Policy Amendment:

Due to a recent incident with a PSA employee being charged with several felonies, it is recommended that the county's disciplinary policy be amended as follows:

Section A7. Disciplinary Policy

Reprimands:

Current language:

e. When twelve months shall have elapsed from the date a written reprimand is filed with an employee's personnel records, without a second reprimand having been given, it shall not be considered in any determination of the propriety of future disciplinary actions.

Approved changing to the following:

e. Written reprimands shall be reviewed after five years and may be marked for exclusion in the determination of the propriety of future disciplinary actions.

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

Salary Adjustment

On a motion by Mr. Hale, seconded by Mr. Conner and carried, the Board approved adjusting the salary of Roger Leonard by \$3,000 per year with a further adjustment of \$1,000 to be considered in July 2002 in recognition of his assumption of additional responsibilities with the hiring of a cleaning crew.

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

*Prospective Industry

Rental of Warehouse Space

On a motion by Dr. Fariss, seconded by Mr. Hale and carried, the Board approved lease arrangements with Wholesale Furniture Liquidators for the rental of 20,000 square feet in the Renfro Building at \$2.10 per square foot. The lease is for an initial 90 days and includes a 60-day termination clause.

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

13. Adjournment

It was moved by Mr. Conner, seconded by Mr. Hale and carried, that the Board of Supervisors adjourn to its next regular meeting to be held on Monday, February 25, 2002 at 7:00 p.m. at the County Administration Building, 143 Third Street, N. W., in the Town of Pulaski.

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

Peter M. Huber, County Administrator

Joseph L. Sheffey, Chairman