

BOARD OF SUPERVISORS MEETING MINUTES OF SEPTEMBER 23, 2002

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, September 23, 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: County Administrator, Peter M. Huber; Assistant County Administrator, Nancy M. Burchett; David Tickner, Community Development Director; and Gena T. Hanks, Executive Secretary.

1. Invocation

The invocation was delivered by Dr. Carolyn Hill.

2. Additions to Agenda

Mr. Huber reported additional items for consideration on the agenda include a request from Frances Lawson for a sixty day deferral; withdrawal of the Clyde Burris rezoning request; an update on the West Nile virus; and the addition of an item to the "Closed Session" portion of the agenda regarding an Election Litigation matter.

3. Public Hearings

- a. A rezoning request by Frances R. & Haven G. Lawson from Agricultural (A1) to Planned Unit Development (PUD) for property identified as tax map no. 028-001-0000-0031, 32, 029-002-0000-0011A, 12A, 13A, 14A, (17.0000 acres), located on the northeast corner of the intersection of Belspring Rd. (Rt. 600) and Gate 10 Rd. (Rt. 623), Cloyd District.

Mr. Sheffey advised the applicant intends to request a sixty day deferral on the matter by the Board.

Mr. Tickner explained the request and advised the Planning Commission recommended denial.

Mr. David Warburton, Attorney for the applicant, formally requested deferral of the request for sixty days, citing the desire by the applicant to hold a community informational meeting and to clarify with VDOT related highway issues.

After consultation with the Mr. McCarthy, Mr. Huber explained the Board has the option of deferring action on the matter for sixty days as requested by the applicant, or the applicant may withdraw the request.

Mr. McCarthy advised it was his opinion that action by the Board to table the matter would not be in order; however, the Board could table the matter if it so desired.

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It was moved by Mr. Cook, seconded by Mr. Conner and carried, that the Board not table the matter, but move forward to take action on the request.

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

Voting no: Dr. Fariss, Mr. Hale.

Mr. Warburton withdrew the request on behalf of the applicants, Frances R. and Haven G. Lawson.

- b. A rezoning request by Clyde R. Burriss, Jr. from Commercial (CM1) to Residential (R1) for property identified as tax map no. 091-001-0000-0072, (1.0000 acres), located at 3082 Greenbriar Rd., (Rt. 685), Draper District.

Mr. Sheffey advised the request had been withdrawn.

- c. A rezoning request by Anthony C. & Bertha N. Minter from Industrial (I1) to Residential (R1) for property identified as tax map no. 038-001-0000-0242, (2.6499 acres), located on the south side of Lee Hwy. (Rt. 11), 150 ft. east of Hubbard Way (Rt. 1212) cul-de-sac and north of the Norfolk & Southern Railway, Draper District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval. He further advised there was no opposition voiced at the Planning Commission's September 10 meeting.

Chairman Sheffey opened the public hearing on the matter.

Ms. Carla Minter spoke on behalf of her brother Anthony Minter, and requested the Board approve the rezoning request.

Mr. Paul Hendricks spoke in favor of the request.

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

It was moved by Mr. Conner, seconded by Mr. Cook and carried, that the Board approve the rezoning request from Industrial (I1) to Residential (R1), as recommended by the Planning Commission.

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

Voting no: none.

Staff was requested to investigate the connection to the main sewer line.

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- d. A rezoning request by George Ray & Jane Russell Draper from Residential (R1) to Agricultural (A1) for property identified as tax map no. 083-001-0000-0038, (40.4789 acres), located at 4141 Chestnut Ridge Rd., (Rt. 671), Draper District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval. He further advised there was no opposition voiced at the Planning Commission's September 10 meeting.

Chairman Sheffey opened the public hearing on the matter. There being no comments, the public hearing was closed.

It was moved by Mr. Cook, seconded by Dr. Fariss and carried, that the Board approve the rezoning request from Residential (R1) to Agricultural (A1), as recommended by the Planning Commission.

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

Voting no: none.

- e. A rezoning request by Franklin Real Estate Co. from Residential (R1) to Conditional Agricultural (A1) for property identified as tax map no. 075-001-0000-0019, 21 (90.252 acres), located on the north side of Owens Road (Rt. 663) approximately 1.4 miles west of Spooky Hollow Ln., Ingles District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval. He further advised there was no opposition voiced at the Planning Commission's September 10 meeting.

Chairman Sheffey opened the public hearing on the matter.

Mr. Bruce Tuten, Scout Executive with the Boy Scouts of America, requested the Board approve the rezoning request. Mr. Tuten confirmed any group that meets the standards of the Boy Scouts of America would be allowed to use the facility.

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

It was moved by Dr. Fariss, seconded by Mr. Hale and carried, that the Board approve the rezoning request from Residential (R1) to Conditional Agricultural (A1) with the proffers as voluntarily submitted by the applicant as recommended by the Planning Commission.

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

Voting no: none.

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- f. A rezoning request by Crawfco L L C from Transitional Industrial District (TID) to Planned Unit Development (PUD) for property identified as tax map no. 040-002-0000-0004, (0.259 acres), located at 6910 Doral Drive, (Rt. 1150), Cloyd District.

Mr. Tickner advised the Planning Commission had tabled this matter to allow county staff an opportunity to talk with the property owners.

Mr. McCarthy advised the public hearing could be held; however, a public hearing would also be required at a later date due to action by the Planning Commission to table the request.

Chairman Sheffey opened the public hearing. There were no comments.

- g. A request by E. Stuart Covey, Jr. for a Special Use Permit (SUP) to allow an above ground private tank on property identified as tax map no. 066-001-0000-0038, zoned Residential (R1), (7.4600 acres), located on the west side of State Park Road (Rt. 660) adjacent to the northern boundary of Claytor Lake State Park, Ingles District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval. He further advised there was no opposition voiced at the Planning Commission's September 10 meeting.

Chairman Sheffey opened the public hearing on the matter.

Staff explained the Department of Environmental Quality (DEQ) has not responded to staff's inquiry.

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

It was moved by Mr. Cook, seconded by Dr. Fariss and carried, that the Board approve the request for a Special Use Permit, as recommended by the Planning Commission.

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

Voting no: none.

- h. A request by Elmon Stanley (Life Estate) ET UX for a Special Use Permit (SUP) to allow a 3-unit campground on property identified as tax map no.116-001-0000-060A, zoned Agricultural (A1), (.9580 acres), located at 1899 Julia Simpkins Rd. (Rt. 693), Ingles District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval. He further advised there was no opposition voiced at the Planning Commission's September 10 meeting.

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Chairman Sheffey opened the public hearing on the matter. There being no comments, the public hearing was closed.

It was moved by Mr. Conner, seconded by Mr. Hale and carried, that the Board approve the request for a Special Use Permit, as recommended by the Planning Commission.

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

Voting no: none.

- i. Citizen comments regarding cable services and performance by Adelphia Cable Communications under the current franchise & to identify future cable-related needs and interests of Pulaski County citizens as part of the process for proposed renewal of Adelphia's cable franchise.

Mr. Huber explained the purpose of the hearing was to seek input on overall service as part of the franchise renewal, which is due in February 2005, as well as to further identify any future cable needs or concerns.

Chairman Sheffey opened the public hearing. There being no comments, the hearing was closed.

Supervisor Fariss requested Adelphia provide high speed internet access to the entire Adelphia service area and further requested staff include as part of a questionnaire to Adelphia Cable customers interested in internet service and the cost of internet service by Adelphia.

- j. Sale of residential properties obtained by the County through HUD foreclosures at 7497 Gate 10 Road, (2.160 acres) and 3901 Finks Farm Road.

Mr. Huber explained the process leading up to the county acquiring the properties by HUD with an offering of \$1 for each of the properties. He further advised conducting a public hearing to divest the county of the properties was a part of that process, with the proceeds of the sale of the properties to be used for housing related purposes.

Chairman Sheffey opened the public hearing. There being no comments, the hearing was closed.

It was moved by Mr. Conner, seconded by Mr. Cook and carried, that the Board authorize the sale of the properties as follows:

*7497 Gate 10 Road to Robert Hosp

*3901 Finks Farm Road to Billy Friend

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

- k. Issuance of bonds by the County of Pulaski to finance the Replacement of Claremont and Northwood Elementary Schools in a Maximum Amount of \$12,500,000

Mr. Huber explained the purpose of the public hearing.

Chairman Sheffey opened the public hearing. There being no comments, the public hearing was closed.

It was moved by Mr. Hale, seconded by Mr. Conner and carried that the Board adopt the following resolution authorizing the issuance of not to exceed \$11,850,000 General Obligation School Bonds of the County of Pulaski, Virginia, Series 2002, to be sold to the Virginia Public School Authority and providing for the form and details thereof:

WHEREAS, the Board of Supervisors (the "Board") of the County of Pulaski, Virginia (the "County"), has determined that it is necessary and expedient to borrow not to exceed \$11,850,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the Board held a public hearing, duly noticed, on September 23, 2002, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$11,350,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

WHEREAS, the VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the amortization schedule the County has requested for the Bonds relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of the VPSA's bonds; and

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the bonds set forth in section 1 below does not exceed the amount of the discount the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PULASKI, VIRGINIA:

1. **Authorization of Bonds and Use of Proceeds.**

(a) The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$11,850,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes as described in Exhibit B. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

(b) To the extent permitted by Section 15.2-2601 of the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), the Board elects to issue the Bonds under the provisions of the Act without regard to the requirements, restrictions or other provisions contained in any charter or local or special act.

2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, or either of them that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 98% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal to the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them, and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 1, 2002, with the VPSA providing for the sale

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of the Bonds to the VPSA. The agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. **Details of the Bonds.** The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2002"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2003 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.
4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed five and sixty one-hundredths percent (5.60 %) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.
3. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.
4. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:
 - (a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and

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interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) SunTrust Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

5. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2012, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2012, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2012, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2012, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2012, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2012 through July 14, 2013	101%
July 15, 2013 through July 14, 2014	100½
July 15, 2014 and thereafter	100

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

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8. **Execution of the Bonds.** The Chairman or Vice Chairman of the Board are authorized and directed to execute the Bonds, the Clerk or Deputy Clerk of the Board are authorized and directed to affix the seal of the County to the Bonds and to attest the same by his manual signature, and any such officer is authorized and directed to deliver the Bonds in accordance with the Bond Sale Agreement.
9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.
10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.
11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such

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officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).
6. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.
74. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.
8. **Effective Date.** This Resolution shall take effect immediately.

EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TR-1

\$ _____

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF PULASKI
General Obligation School Bond
Series 2002**

The **COUNTY OF PULASKI, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** the principal amount of _____ DOLLARS (\$_____), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2003 and annually on July 15 thereafter to and including July 15, 2022 (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 2003 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, SunTrust Bank, as bond registrar (the "Bond Registrar"), shall make all payments of principal, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same

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shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the Board of County Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2012 and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2012, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2012, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2012, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2012, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2012 through July 14, 2013	101%
July 15, 2013 through July 14, 2014	100½
July 15, 2014 and thereafter	100

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Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Pulaski has caused this Bond to be issued in the name of the County of Pulaski, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated _____, 2002.

COUNTY OF PULASKI, VIRGINIA

(SEAL)

ATTEST:

Clerk, Board of
Supervisors of the County of
Pulaski, Virginia

Chairman, Board of
Supervisors of the County of
Pulaski, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)
PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE:

the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

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Date: _____

Registered Owner

Signature Guaranteed:

(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or change.)

(NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar which requirements will include Membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

EXHIBIT B

Description of Project

The Project consists of the acquisition, construction and improvement of public school facilities in Pulaski County, Virginia.

SCHEDULE I

See the attached "Preliminary Debt Service Estimate"

* * *

The undersigned Clerk of the Board of Supervisors of the County of Pulaski, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 23, 2002, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present.

Members present at the meeting were: Joseph L. Sheffey, Chairman; Bruce L. Fariss, Vice Chairman; Charles E. Cook; Eddie Hale; and Frank R. Conner.

Members absent from the meeting were: none.

Members voting in favor of the foregoing resolution were: Joseph L. Sheffey, Bruce L. Fariss, Eddie Hale, Frank R. Conner.

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Members voting against the foregoing resolution were: Charles E. Cook.

Members abstaining from voting on the foregoing resolution were: none.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Pulaski, Virginia, this 25th day of September, 2002.

Clerk, Board of Supervisors of
the County of Pulaski, Virginia

[SEAL]

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

I. Budget Amendment – Carryover Appropriations

Mr. Huber explained the purpose of the public hearing was to consider approval of a budget amendment providing for the carryover of \$4,132,602 and new appropriation of \$280,851 in new funding for a total amount of \$4,413,453. New funding is requested for the following purposes (\$130,000 Administration Building elevator, \$150,000 Visitor Center, and \$851 Office on Youth educational supplies, offset by a local donation of \$851.)

Chairman Sheffey opened the public hearing. There being no comments, the public hearing was closed.

It was moved by Dr. Fariss, seconded by Mr. Conner and carried, that the Board approve the following budget amendments:

REVENUES:

GENERAL FUND:

Revenue from Local Sources:

Donation Office on Youth	\$	851
Carry over Balance FY 02		<u>19,348</u>
TOTAL GENERAL FUND	\$	20,199

SCHOOL FUND:

Revenue from Federal Grants:

Federal Grant Carryover	\$	761,187
Federal Grant New FY 03		54,081

Revenue from Local Sources:

GF Transfer FY 02 Balance		<u>685,559</u>
TOTAL SCHOOL FUND	\$	1,500,827

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SCHOOL CONSTRUCTION PROJECTS FUND:

Revenue from Local Sources:

GF Transfer (Claremont FY 02 Balance) \$ 614,108
TOTAL SCHOOL CONSTRUCTION FUND \$ 614,108

GOVERNOR'S SCHOOL FUND:

Revenues from Local Sources:

Local School Board Share \$ 258,389

Revenues from Commonwealth:

State Funding Governor's School 260,900

TOTAL GOVERNOR'S SCHOOL FUND \$ 519,289

CAPITAL IMPROVEMENTS FUND:

Revenue from Local Sources:

GF Transfer (carry-over) \$ 1,479,030

GF Transfer (new projects) 280,000

TOTAL CIP FUND \$ 1,759,030

GRAND TOTAL ALL FUNDS \$4,413,453

EXPENDITURES:

GENERAL FUND:

Law Enforcement \$ 11,000

Health & Human Services 851

Community Development 8,348

TOTAL GENERAL FUND \$ 20,199

SCHOOL FUND:

Federal Grant Programs \$ 815,268

School Capital Improvements 685,559

TOTAL SCHOOL FUND \$1,500,827

SCHOOL CONSTRUCTION:

Capital Improvements Schools \$ 614,108

TOTAL SCHOOL CONSTRUCTION \$ 614,108

GOVERNOR'S SCHOOL FUND:

Regional Governor's School \$ 519,289

TOTAL GOVERNOR'S SCHOOL FUND \$ 519,289

CAPITAL IMPROVEMENTS FUND:

Capital Projects \$ 1,759,030

TOTAL CIP FUND \$ 1,759,030

GRAND TOTAL ALL FUNDS \$4,413,453

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A copy of the detailed revenue and expenditure line items for the above noted budget amendments & appropriations are filed with the Assistant County Administrator.

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

4. Highway Matters:

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

1. Request for Speed Study – Clark’s Ferry Road

Mr. Brugh advised an informal speed study was conducted by VDOT, but no posting is recommended. VDOT was requested to confirm adequate signage exists.

2. Improvements to Rt. 607 into Rt. 608, Wythe County Line

Mr. Brugh agreed to review the requested improvements along with the six year plan program.

3. Safety Issues at Crossover from Rt. 11 into Thornspring Country Club

Mr. Brugh was requested to check into available funding for this request.

b. Resolution Expressing Opposition to the Diversion of Funds from the Salem District for Virginia’s Smart Road Project Funding

It was moved by Dr. Fariss, seconded by Mr. Hale and carried, that the Board approve staff sending a letter, similar to that of Bedford County, asking the Commonwealth Board to reverse its decision to the diversion of funds and spread funding over all of the Transportation Districts.

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

c. Rural Addition Status Report

Mr. Huber provided an update regarding the status of rural additions.. He further reported that Rich Hill Lane needed to be viewed.

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It was moved by Mr. Conner, seconded by Mr. Cook and carried, that the Board authorize the county administrator to designate appropriate county staff to serve as the county's road viewers, along with Supervisor Fariss. County staff was requested to arrange a date for viewing.

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

d. Board of Supervisors Concerns

Supervisor Conner expressed appreciation to VDOT for improvements to Southern Whitt Road.

Supervisor Hale noted concerns on behalf of Tim Gravely regarding speeding on Alum Spring Road. VDOT agreed to check for speed limit signs going from the Town of Pulaski to Alum Springs Mountain. Supervisor Hale agreed to contact Sheriff Davis regarding the issue concerning excessive speeding.

Supervisor Cook expressed appreciation to VDOT for the improvements on Rt. 100 over Peak Creek.

Supervisor Cook requested VDOT review the gate across Rt. 697, Clarks Ferry Road, and provide an update at the October Board meeting.

Supervisor Fariss requested VDOT perform an informal speed study on Rt. 100 from NRCC to the Airport at the Giles Avenue intersection and provide an update at the October meeting.

Supervisor Sheffey inquired regarding plans for the old Memorial Bridge. Mr. Brugh advised the contractor will be removing deck off of the old bridge within the next month & steel will be removed from a portion of the bridge and then dropped onto a causeway in the river. Mr. Brugh could not estimate the specific time frame when this will be completed.

e. Citizen Concerns

Mr. Ed Hoggatt advised brush continues to exist across from the Parrott Post Office, as well as the need for signage at Parrott and Belsprings. VDOT agreed to prepare signage and contact county staff to determination the location for placement of the signs.

VDOT reported of plans to proceed with a public hearing notice for the six-year plan, with the public hearing to be held at the Board's October meeting.

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5. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly report.

6. Citizens' Comments

Mr. Ed Hoggatt advised of trash at the intersection of Rt. 606 and Rt. 830; two dwellings on Rt. 606 that are unoccupied and have junk cars on the property; and the need for a full time code enforcement officer.

Mr. E. W. Harless expressed concern regarding the designation of county staff as enforcement officers. Staff provided an explanation for the purpose of this designation.

Mr. Harless expressed concerns regarding the steps needed to connect to the Town of Dublin sewer system. The Board directed county staff to contact the Town of Dublin & offer assistance in this matter.

7. Reports from the County Administrator & Staff:

a. Key Activity Timetable (KAT)

Supervisor Fariss requested renaming "Construction of Rt. 100 Appearance..." to "Development of Appearance Standards".

Supervisor Fariss questioned the status of lighting/sewer/water along Rt. 100. Staff advised VDOT has agreed to pay one-half of the cost through the Revenue Sharing Program, with American Electric Power to install the lights. Staff was authorized to calculate the maximum costs and authorize construction. Mr. Huber advised the trees and lighting were anticipated to be installed in the summer of 2003.

Supervisor Cook inquired regarding the timeframe for the completion of the Randolph Park maintenance building. He further noted the septic system needs to be completed by winter.

b. Interim Report on Changes to R-1 District

Staff was authorized to proceed with establishing a new zone, as well as establishing criteria for eliminating routine special use permits through zoning standards.

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c. Report on Renfro Reuse Plan

Mr. Glenn Reynolds reviewed in detail the Renfro Reuse Plan and was requested to work with county staff in assessing the use of other buildings and the overall needs.

d. Scheduling of Administrator's Evaluation & Claytor Lake Tour

The Board scheduled the administrator's evaluation for Tuesday, October 15 at 6:00 p.m. at Mr. McCarthy's residence in Draper.

The Board scheduled the Claytor Lake Tour for Thursday, September 26 at 3:00 p.m. at Claytor Lake State Park Boat Ramp, with plans to cancel the tour if inclement weather occurs.

Staff was requested to arrange for a public meeting to be held at New River Community College (NRCC), Rooker Hall, for the purpose of discussing the proposed boat dock issues by AEP, with the group to consist of the Board of Supervisors, Planning Commissioners, Friends of Claytor Lake, and American Electric Power representatives.

e. A rezoning request by **John M. Turner** from Conservation (C1) to Residential (R2) on property identified by tax map no. 039-018-0000-0005, (4.7923 acres), located on the south side of Dudley Ferry Rd., (Rt. 622), approximately 0.25 mile south of the Brooklyn Rd. (Rt. 621) intersection, Cloyd District.

Staff explained the Board had tabled action on this matter at its August 26 meeting, pending results from surveyors regarding the road issue.

It was moved by Mr. Conner, seconded by Dr. Fariss and carried, that the Board approve the request for rezoning from Conservation (C1) to Residential (R2).

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

Voting no: none.

Abstaining: Mr. Cook.

f. Appointments

The Board delayed action on appointments until the Closed Meeting session of the Board meeting.

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8. Items of Consent:

On a motion by Mr. Cook, seconded by Mr. Hale and carried, the Board approved all items of consent, except for item "f" - VT Design Assistance Center for Spring Creek Property & Rt. 100 Corridor.

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

Voting no: none.

a. Approval of Minutes of August 26 and September 9, 2002

The Board approved the minutes of the Board of Supervisors August 26 and September 9, 2002, meetings as presented.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 37901 through 38202, subject to audit.

c. Interoffice Transfers

The Board approved interoffice transfer #3 totaling \$48,708.29.

d. Ratification:

1. Sports Lighting Contract

The Board approved contracts with Dublin Electrical Contractors and American Electric Power concerning Randolph Park sports lighting. Staff reported Dublin Electrical will install lighting for \$54,600 and AEP will provide lighting hardware for \$156,100, with work to begin immediately. It is anticipated that completion of this project will occur before entering the winter season. The entire ball field complex will be in full operation early spring, 2003. Ratification of these actions is recommended

2. C. E. Richardson Grant Application – Sheriff's Office

The Board approved the grant application in the amount of \$2,600, with funds to be used to host a D.A.R.E. presentation by Phil Chalmers.

3. Experience Works – Host Agency Agreement

The Board approved an agreement with Experience Works, formerly known as Green Thumb, Inc., with said agreement allowing for staffing of the Visitor's Center on weekends at an annual cost to the county of \$225.00.

e. Personnel Changes

The Board reviewed recent personnel changes as prepared by Ms. Burchett.

f. VT Design Assistance Center for Spring Creek Property & Rt. 100 Corridor

The Board eliminated the study of private property and authorized extending the study to include the area from Rt. 611 to the New River Valley Airport.

g. Bond Referendum Endorsement

The Board adopted the following resolution of endorsement for the bond referendum:

WHEREAS, Virginia's economic growth, prosperity, and quality of life are dependent upon the Commonwealth's ability to provide high-quality educational opportunities for its citizens; and

WHEREAS, Virginia voters will have the opportunity to build a better Virginia by approving a \$900 million general obligation bond (GOB) referendum on November 5, 2002, that will pay for urgently needed upgrades, renovations, modernizations, and new construction on Virginia's public college and university campuses, and necessary improvements at state museums, historic sites, and cultural attractions; and

WHEREAS, more than \$159 million in projects are included that will benefit each of the 23 community colleges located on 40 campuses in every corner of the Commonwealth and strengthen their efforts to provide the essential workforce training and retraining required for high-tech, high-paying jobs in the information-age economy of the 21st Century; and

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WHEREAS, these projects will provide adequate and modern facilities in which Virginia's citizens can continue to have access to life-changing opportunity to better themselves through quality higher education programs that are affordable and close to home; and

WHEREAS, the projects bring new campuses, new classrooms and labs, modern heating and air conditioning systems, renovated buildings and updated handicapped accessibility to Virginia's community college campuses; and

WHEREAS, every public four-year college, university, and community college in every region of Virginia will benefit from the 122 projects paid for by the education bond referendum; and

WHEREAS, passage of this bond package is projected to generate more than \$1.5 billion in near-term economic activity by 2008, and created almost 14,000 new jobs; and

WHEREAS, passage of this referendum will not increase taxes, and will not affect Virginia's coveted "AAA" bond rating because passage will still leave the Commonwealth with ample capacity to repay debt;

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors endorses the \$900 million educational facilities bond issue.

h. Scheduling of Public Hearing – Local Law Enforcement Block Grant Funds

The Board approved scheduling of a public hearing for its October Board meeting on the proposed use of Local Law Enforcement Block Grants in the amount of \$4,378, as well as noted said public hearing is a requirement of this new source of assistance.

i. Stained Glass Chandelier for Visitor Center Entrance

The Board approved an expenditure of up to \$2,000 for materials needed for the construction of a stained glass chandelier depicting local scenes, with all labor needed to construct the fixture to be donated by area artists.

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j. Lease Agreement for NRIP Signage

The Board approved an agreement for placement of sign at the intersection of Rt. 114 and Viscoe Road.

k. Visitor Center Deed

The Board approved proceeding with execution of a deed granting the Visitor Center property to the county. A copy of the deed is filed with the records of this meeting.

l. Fairlawn Bookkeeping Service – Letter of Agreement

The Board approved execution of a letter of agreement with Fairlawn Bookkeeping Service for the operation of the Pulaski County Citizen Service Center. A copy of the letter is filed with the records of this meeting.

m. Implementation of GIS on the Internet

The Board approved acceptance of a proposal submitted by Anderson & Associates for publication of land use information on the internet. A copy of the proposal is filed with the records of this meeting.

10. Citizen Comments

There were no citizen comments at this time.

11. Other Matters from Supervisors

Supervisor Cook requested staff notify the constitutional officers of pending state budget cuts and the lack of funding by the county to fund shortfall.

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

It was moved by Mr. Hale, seconded by Mr. Cook and carried, that the Board of Supervisors enter closed 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:

- River Course VT Purchase
- 22-Acre Parcel Along Rt. 11
- DJOTS/First Works

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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:

- Salary Adjustment
- Appointments

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.

- Automobile Dealerships
- Industry Assistance

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:

- ◆ Water Issues
- ◆ Drug Testing Policies
- ◆ Code Enforcement Procedures
- ◆ Election Matters

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

Return to Regular Session

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board returned 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

On a motion by Mr. Hale, seconded by Mr. Cook and carried, the Board of Supervisors adopted the following resolution certifying conformance with the Virginia Freedom of Information Act.

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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.

*Property Acquisition or Disposition

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board accept the proposal from Mabry and Company for the 22-acre parcel along Rt. 11. A copy of said proposal is filed with the records of this meeting.

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

Voting no: none.

*Personnel

• Appointments

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

1. Social Services Board

The Board appointed Ron Chaffin for a term ending September 30, 2006.

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2. NRV Juvenile Detention Home Board

The Board appointed Chris Stafford for a term ending December 3, 2003.

3. Library Board

The Board authorized staff to advertise the vacancy on the Library Board.

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

Voting no: none.

• Drug Testing Policies

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board approve changing the percentage of CDL licensed drivers being tested for alcohol every year from 10% to 25%.

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

Voting no: none.

13. Adjournment

On a motion by Mr. Conner, seconded by Mr. Cook and carried, the Board of Supervisors adjourned its meeting to reconvene at a special meeting for the purpose of conducting the County Administrator's evaluation, with said meeting to be held at the residence of Thomas J. McCarthy, Jr., County Attorney, in Draper, Virginia on Tuesday, October 15, 2002 at 6:00 p.m.

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

Voting no: none.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator