

## BOARD OF SUPERVISORS MEETING MINUTES OF OCTOBER 28, 2002

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, October 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: 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 Reverend David Hoover of the Pulaski Christian Church.

### 2. Additions to Agenda

There were no additional agenda items presented for consideration.

### 3. Public Hearings

#### a. Six Year Road Plan

Virginia Department of Transportation (VDOT) Resident Engineer Dan Brugh explained the purpose of the six year plan hearing, which is to establish a priority of road improvements. Mr. Brugh advised the process included taking the last approved plan and removing projects from the bottom of the list for which there is no funding. Mr. Brugh noted the exception was Route 764, Rock Creek Road, which was included on the plan to accommodate an unpaved road allocation.

Mr. Cook expressed concern that Route 658, Baltimore Road, had been removed from the list.

The Board requested Mr. Brugh review the previous six year plans back to 1995 to determine the priority for Route 658, Baltimore Road.

Mr. Brugh noted the current allocation for road funding was \$8.3 million allocated over the next six years, which is down from \$11 million previously funded.

Chairman Sheffey questioned the accuracy of previous estimates by VDOT for road improvements. Mr. Brugh advised estimates are fairly accurate and that when there were differences, the actual costs have been less than predicted.

Chairman Sheffey opened the public hearing on the matter.

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Mr. Charles Hoover of Hoover Color Corporation congratulated the Board of Supervisors on the recent opening of the Visitor Center and noted that Hoover Color Corporation was recognized through a display at the Visitor Center. Mr. Hoover requested Route 693, Julia Simpkins Road, be constructed to state standards. He expressed concern over his business being affected by inadequate conditions of the road and offered to donate land at location of the oil truck accident.

Mr. Ranny Akers expressed appreciation for the improvements to Route 114 at Route 11 in Fairlawn.

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

Mr. Brugh requested the Board approve the plan at its November 25 Board meeting.

- b. A request by **Franklin Real Estate Co.** for a Special Use Permit (SUP) to allow campground on 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.

Chairman Sheffey opened the public hearing on the matter.

Mr. Dwayne Maples, representing the Blue Ridge Mountains Council, spoke in favor of the request. Mr. Maples advised 2004 would be the last summer that the Byrd Lodge would be available for use, with the new facilities to be completed by 2005. He noted the new facility would be more of a "convention" type of facility.

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 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.

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- c. 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 explained the request and advised the Planning Commission recommended approval.

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 Mr. Hale and carried, that the Board approve the rezoning request, as recommended by the Planning Commission.

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

- d. A request from **Crawfco LLC**, to relocate a portion of a 25 ft. public common area in order to take in an additional lot into the Planned Unit Development (PUD), on tax map parcel 040-002-0000-0004, located at 6910 Doral Drive (Rte. 1150), Cloyd District

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

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 Mr. Conner and carried, that the Board approve the request, as recommended by the Planning Commission.

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

- e. A request from **James P. Payne Sr.** vacate a portion of a 20 ft. unimproved right-of-way adjoining the eastern boundary of tax map parcel 038-001-0000-0040, zoned Residential (R1), and the western boundary of tax map parcels 039-001-0000-0027 and 039-001-0000-0028, zoned Residential (R2) located south off **Manns Drive** (Rt. 676), in the Cloyd District

Mr. Tickner explained the request and advised a community meeting was held on Wednesday, October 16 at the New River Competitiveness Center to hear comments from the public on the request.

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

It was moved by Dr. Fariss, seconded by Mr. Hale and carried, that the Board approve the requested vacation from Manns Road to the end of the Payne property (unimproved road).

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

Voting no: none.

- f. A request for review of the application for site plan approval by **PEPPERS FERRY REGIONAL WASTEWATER AUTHORITY**, as denied by the Pulaski County Planning Commission, to allow construction of the New River Equalization Facility on property identified as tax map no. 039-001-0000-096, 96A, 97A, 97B (5.6650 total acres), zoned Conservation (C-1), located at 5900 Dudley Ferry Rd., Cloyd District

Mr. Tickner explained the request and advised the Pepper's Ferry Regional Wastewater Treatment Authority had appealed the decision by the Planning Commission.

Chairman Sheffey opened the public hearing.

Ms. Suzanne Aker spoke in opposition to the request. She expressed concern regarding the lack of proper screening of the property. Further, Ms. Aker asked the Board to confirm the holding tank would not become a sewage facility.

Ms. Donna Davis spoke in opposition to the request. She expressed concern over the lack of adequate maintenance of the existing Pepper's Ferry facility, as well as the potential odor and insect infestation of the new facility.

Mr. Bryant Taylor spoke in opposition to the request. He expressed concern over the odor from the current facility, as well as the potential odor from the new facility. Further, he requested Pepper's Ferry consider locating the facility at another site.

Mr. John Rife, representing the Pepper's Ferry Regional Wastewater Treatment Authority, requested the Board grant approval of the site development plan.

Mr. John Turner spoke in opposition to the request.

Mr. Edgar Akers spoke in opposition to the request. He expressed concern about conflicting reports from the Pepper's Ferry staff regarding the number of times the facility would be used.

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Mr. Harry Hubble spoke in opposition to the request. He expressed concern regarding the potential odor from the proposed facility.

Mr. Marvin Akers spoke in opposition to the request. He expressed concern regarding the potential for odor and mosquitos.

Mr. Charles Maus, Executive Director, Pepper's Ferry Regional Wastewater Treatment Authority, spoke in response to several of the concerns expressed, specifically the type of tank proposed and the frequency of use of the tank. He advised the hydrogen sulfide measurement will be adequately controlled and the cost increases were based on moving of the pumps. Mr. Maus requested Board approval of the request.

County Attorney Tom McCarthy sited Code of Virginia Section 2.2-3711A(7) which allows for consultation with counsel in Closed Session, specifically pertaining to the discussion of the legal issues regarding a zoning matter, site plan and possible litigation. He requested Mr. Huber and Mr. Tickner be allowed to attend the meeting.

It was moved by Dr. Fariss, seconded by Mr. Hale and carried, that the Board of Supervisors enter Closed Session for discussion of the following:

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:

- Zoning Matter

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

Abstaining: Mr. Cook.

Voting no: none.

### Return to Regular Session

On a motion by Mr. Conner, seconded by Dr. Fariss 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 Dr. Fariss, seconded by Mr. Hale and carried, the Board of Supervisors adopted 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.

It was moved by Dr. Fariss, seconded by Mr. Conner and carried, that the Board approve the requested site plan with the stipulation if the structure is used in the future for anything other than a retention facility, a request must come back to the Board of Supervisors for re-evaluation.

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

Voting no: none.

Abstaining: Mr. Cook.

The Board requested Pepper's Ferry staff arrange for a community meeting to address concerns of the neighbors, as well as allow an opportunity for viewing of the proposed plans.

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g. Acceptance and proposed utilization of Local Law Enforcement Block Grant Funds

Mr. Huber explained the grant amount is \$3,582 and is matched by \$358 for officers to work DUI details and special traffic enforcement. He further advised the grant application is endorsed by Sheriff Davis.

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

It was moved by Mr. Conner, seconded by Mr. Hale and carried, that the Board accept the funds from the Federal Government.

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 John Thompson regarding the following highway matters:

a. Follow-up from Previous Board Meeting:

1. Rt. 697, Clarks Ferry Road, Gate

Staff was requested to determine ownership of the end of the road.

2. Informal Speed Study, Rt. 100 from NRCC to Airport at Giles Avenue Intersection

Mr. Brugh advised he does not believe a reduction will be recommended; however, a report will be provided to the Board at its November meeting.

b. Local State Agreement – 2002-03 Revenue Sharing

It was moved by Mr. Cook, seconded by Mr. Conner and carried, that the Board grant approval of the agreement, subject to review of the agreement by the county staff and County Attorney McCarthy.

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

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c. Rt. 605 Maintenance Concerns

Mr. Brugh advised no safety issues exist on Rt. 605.

d. Secondary Road System Resolution – Draper Ridge Road

Staff was requested to determine the location of the road and place approval on the November Board agenda.

e. Rural Addition Status Report

Staff provided an update regarding rural addition changes as follows:

1. Rich Hill Lane

Mr. Brugh was requested to provide an estimate by the November Board meeting for improvements to the first part of the road.

2. Banks Street

It was moved by Mr. Cook, seconded by Dr. Fariss and carried, that the Board approve removing Banks Street from the rural additions list.

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

Voting no: none.

Mr. Brugh explained in detail the “rural rustic program” offered by VDOT.

f. Board of Supervisors Concerns

Supervisor Connor inquired as to the speed posting on Miller Lane. Mr. Brugh agreed to review and provide the Board with an update.

Supervisor Fariss expressed concern regarding the Route 693, Big Reed Island Bridge, and the inability of school buses to cross the bridge. Mr. Brugh advised the Board may want to consider relocating funds previously earmarked for the eastern portion of Rt. 693.

Supervisor Sheffey inquired as to the cost and timeframe for repairing the Pepper’s Ferry Bridge. Mr. Brugh advised no cost estimates or timeframe were available at this time.

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Mr. Sheffey advised of contact by Mr. Bob Coalson expressing concern regarding the four-way stop sign at Dudley Ferry Road and Brandon Road. Mr. Brugh advised it would review the matter, but it was not likely, unless there is significant traffic.

It was moved by Dr. Fariss, seconded by Mr. Conner and carried, the Board approved adding Lewis Lane as a rural addition.

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

g. Citizen Concerns

There were no citizen comments at this time.

Mr. Brugh encouraged the Board to make a decision regarding the six-year plan at its November Board meeting. Staff was requested to move to the waiting list those roads that are proposed by VDOT for removal off of the six year plan.

Supervisor Sheffey requested the six year plan include the district in which the road is located.

Mr. Cook inquired as to the timeframe for placement of the Visitor Center sign. Mr. Brugh advised contact by a representative of VDOT should be made with county staff soon.

5. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly report.

6. Citizens' Comments

There were no citizen comments at this time.

7. Reports from the County Administrator & Staff:

a. Key Activity Timetable (KAT)

Supervisor Fariss requested the improvements to the kitchen at the Central Youth Center include improvements to the bathrooms and be noted as such on the KAT.

Supervisor Cook requested an update on the Renfro and shell buildings. Staff advised this matter would be discussed in the Closed Meeting session of the Board meeting.

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Supervisor Fariss questioned the "Deferred" reference on the KAT under the "County Entrance Sign – Giles Rt. 100.

b. Impact of State Budget Cuts

Mr. Huber provided an update regarding the Governor's budget cuts and the affect on Pulaski County's constitutional officers. Staff was requested to provide details in the weekly update regarding a proposal for addressing the situation and official action at the November Board meeting.

c. Appointments

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

8. Items of Consent:

On a motion by Mr. Cook, seconded by Mr. Hale and carried, the Board approved all items of consent, noted as follows:

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

Voting no: none.

a. Approval of Minutes of September 23 & October 15, 2002

The Board approved the minutes of the Board of Supervisors September 23 and October 15, 2002, meetings as presented.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 38203 through 38597, subject to audit.

c. Appropriations and Interoffice Transfers

The Board approved appropriations as follows, as well as interoffice transfer #4 totaling \$33,128.38:

General Fund Resolution #4

Revenues

1613-04	Office on Youth After School Program	\$ 2,296.60
2404-78	Local Law Enforcement Block Grant Funds	<u>3,980.00</u>
	TOTAL	\$ 6,276.00

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Expenditures

3102-1001	Sheriff's Office LLEBG Funds	\$ 4,378.00
5322-1003	Office on Youth Wages After School Program	<u>2,296.00</u>
	TOTAL	\$ 6,674.00

General Fund Resolution #5

Revenues

1401-01	Traffic Fund (13,755.00)	\$ 6,000.00
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Expenditures

505409	Police Supplies	\$ 4,000.00
501003	Part-time Salaries	<u>2,000.00</u>
	TOTAL	\$ 6,000.00

School Fund Resolution #2

Revenues

3016121100	Substitute Teacher Fees	\$ 6,169.56
3018031300	Refund/Overpayment	1,087.40
3019010500	Property Damage	1,231.06
3019012600	Comp. Services Reimbursement	5,820.41
3019012900	School Nurse Services	<u>\$ 52,824.46</u>
	TOTAL	\$ 67,132.89

Expenditures

6229-3120-22	Other Profess. Services – Health	\$ 52,824.46
6113-6013-10	Instructional Supplies	<u>14,308.43</u>
	TOTAL	\$ 67,132.89

VPA Transfer #1

Expenditures

0035317501001	Salaries	\$ 5,000.00
0035317502001	FICA	+1,336.00
0035318508002	Lease/Rent	-6,336.00

VPA Transfer #2

Revenues

0033051020000	Transfer from General Fund	\$ -1,000.00
0033033022700	Day Care	+1,000.00

Expenditures

0035365505717	Equip. Title XXI Child Health – MedView	\$-10,218.00
0035344505720	Day Care Enhancement	+10,218.00
0035344505736	871 VIEW AFDC Working Day Care	+10,000.00
0035367505717	Equipment (TANF Hard-to-Serve)	-10,000.00

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REMSI Transfer #1

Revenues

0093052000000	Reserve funds	\$131,571.06
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Expenditures

0093235507005	Motor Vehicles & Equipment	\$117,000.00
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0093236507001	Machinery & Equipment	<u>14,571.06</u>
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TOTAL		\$131,571.06
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d. Ratification

There were no items submitted for ratification.

e. Personnel Changes

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

f. Local Government Agreement with Va. Dept. of Health

The Board approved the agreement for Fiscal Year 2002-2003 as presented, with a copy of said agreement being filed with the records of this meeting.

g. Central Water & Sewer Project Loan Resolution

The Board approved the following resolution, with said approval including the Resolution of the Governing Body, Loan Resolution and Code of Conduct, copies of which are included with the records of this meeting:

The governing bodies of the Pulaski County Board of Supervisors, consisting of five members, in a duly called meeting held on the 28<sup>th</sup> day of October, 2002, at which a quorum was present, RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Utilities Services, an agency of the United States Department of Agriculture, the County of Pulaski in the development of the Central Water and Sewer Project to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

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BE IT FURTHER RESOLVED that the County Administrator of the County of Pulaski be authorized to execute on behalf of the Pulaski County Board of Supervisors the above referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

h. Resolution Authorizing Rural Water Association Construction Funding of the Central Water & Sewer Project

The Board approved the following resolution which provides a net 2.6% funding during the initial two year construction period which will save the Public Service Authority approximately \$5,000 when compared with Rural Development loan of 4.5%.

RESOLUTION AUTHORIZING PARTICIPATION IN THE VIRGINIA PUBLIC PROJECTS INTERIM FINANCING PROGRAM OFFERED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF TAZEWELL COUNTY, VIRGINIA, AND RATIFYING SUBMISSION OF AN APPLICATION THEREWITH

WHEREAS, the Board of Supervisors of Pulaski County (the "Governmental Unit") has determined that it is in the best interests of the Governmental Unit to undertake the Central Water and Sewer Project (the "Project");

WHEREAS, the Governmental Unit has obtained a commitment from the United States Department of Agriculture, Rural Development ("RD") to provide financing for the Project in return for which the Governmental Unit expects to authorize the issuance and sale to RD of bonds in the estimated principal amount of \$865,900 (the "Permanent Financing");

WHEREAS, the Governmental Unit has applied to the Industrial Development Authority of Tazewell County, Virginia (the "Tazewell Authority"), to obtain interim construction funding for the Project from the Tazewell Authority's Virginia Public Projects Interim Financing Program (the "Program"); and

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WHEREAS, the Tazewell Authority has agreed to consider providing such funding by loaning a portion of the net proceeds of its Revenue Notes (Virginia Public Projects Interim Financing Program), Series 2002A, when and if issued, pursuant to the terms of a loan agreement between the Tazewell Authority and the Governmental Unit:

BE IT RESOLVED BY the Board of Pulaski County:

1. Participation in Program; Filing of Application. The Governmental Unit hereby expresses its intent to obtain a loan from the Program in the aggregate principal amount of \$865,900 to finance the Project in anticipation of the Permanent Financing. The Governmental Unit hereby ratifies the submission of an application with the Tazewell Authority. The final terms of such loan shall be subject to further approval by the Governing Body.
2. Other Actions. All other actions of officials of the Governmental Unit in Conformity with the purposes and intent of this Resolution and in furtherance of the application are ratified, approved and confirmed.
3. Effective Date. This resolution shall take effective immediately upon its adoption.

i. VACO Voting Credentials

The Board designated County Administrator Peter Huber as voting delegate at the VACO Annual meeting.

j. Resolution Declaring the Intention to Reimburse from the Proceeds of Bonds Certain Expenditures to be made in Connection with a Certain School Project

The Board approved the following resolution which is part of the implementation of the Virginia Public School Authority borrowing for the construction of the Claremont/Northwood replacement school:

RESOLUTION DECLARING THE INTENTION TO REIMBURSE FROM THE PROCEEDS OF BONDS CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH A CERTAIN SCHOOL PROJECT

Pulaski County, Virginia (the "County") will make capital expenditures (the "Expenditures") in connection with the acquisition, construction and equipment of a new public elementary school in the County (the "Project").

The Board of Supervisors of the County (the "Board of Supervisors") and the School Board of the County (the "School Board") have determined that the funds to be advanced to pay Expenditures are or will be available for only a temporary period and it will be necessary or advisable to reimburse the County for Expenditures from the proceeds of an issue of obligations (the "Bonds").

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

1. It is hereby found and declared that the County reasonably expects to reimburse itself for Expenditures with respect to the Project with the proceeds of the Bonds.
2. The maximum, aggregate principal amount of the Bonds expected to be issued for the Project is \$11,850,000.
3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the latter of (a) the date on which the Expenditure is paid or (b) the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure is paid. It is recognized that exceptions are available for certain "preliminary expenditures", costs of issuance, certain de minimis amounts, expenditures by "small issuers" and expenditures for construction projects of at least five years.
4. This resolution is intended to constitute the "official intent" of the Board of Supervisors under Section 1.150-2 of the regulations promulgated under the Internal Revenue Code of 1986, as amended.

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The undersigned Clerk of the Board of Supervisors of Pulaski County, Virginia, certifies that the foregoing constitutes a true and correct copy of a resolution adopted at a meeting of the Board of Supervisors held on October 28, 2002. I further certify that the meeting was a duly called and held special meeting, that, during the consideration of the foregoing resolution, a quorum was present, and that the minutes of the meeting show how each member voted on the foregoing resolution.

WITNESS my hand and the seal of the Board of Supervisors of Pulaski County, Virginia, this 28th day of October, 2002.

k. Authorization to Negotiate with Bright & Associates, Inc. and Other Users for the Purchase of Government Financial Management Software Program

The Board approved negotiating a contract with Bright & Associates, Inc. for the purchase of an integrated governmental financial management software package to replace the existing financial software. In addition, the Board approved negotiating with users of the system for sharing of the cost via a fee for usage by towns rather than sharing of initial purchase costs.

l. Fairlawn Volunteer Fire Department Asphalt Repairs

The Board authorized making repairs to the asphalt at the Fairlawn Fire Department and appropriating approximately \$7,000 from unobligated reserve.

m. CDBG Grant Application

The Board approved correspondence to the Virginia Department of Housing and Community Development requesting support under Virginia's CDBG Planning Grant program for planning efforts related to the development of the Community Development Venture Capital Growth Fund. This program will assist the development and growth of small businesses.

n. Vehicle Exchange

The Board approved trading the Social Services Astro van for the Board of Supervisors Lumina.

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o. Purchase of One-Half Page Ad in Chamber of Commerce Business Directory

The Board approved the purchase of a one-half page ad, to be drafted by staff, in the Chamber of Commerce business director at a cost of \$280.

p. River Pointe Signage

The Board approved the renaming the New River Industrial Park to the "Pulaski County Technology Park".

q. Request for Federal Reconsideration of a September 19 Livestock Compensation Program Deadline

The Board approved joint support of other affected Virginia counties requesting federal reconsideration of the deadline.

r. Fairlawn Fire Department Truck Purchase

The Board approved purchase of a unit from Pierce based on a five vs. ten year warranty on the cab, service issues on existing Pierce units and lack of documentation in the bid response, with county funding to be limited to the \$309,000 in the Capital Improvements Program budget and with the remainder being paid by the Fairlawn Fire Department.

s. Designation of Special Police Officers

The Board approved the following policy of "Special Police Officers", with the understanding that if a legal reason exists to issue a warrant, then a special police officer should get a warrant from the Magistrate's Office and have a Sheriff's deputy issue the warrant:

1. Special officers will file complaint forms with the Magistrate's office and will not be issuing summons unless specifically requested by the County Administrator or his designee.
2. Summonses shall be issued only for vehicle decal, zoning ordinance, and litter violations.
3. The power to issue a summons does not determine guilt or innocence. Only a court may determine guilt and impose a fine.

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4. The form of summons is set by statute as the same form as the uniform motor vehicle law summons.
5. By agreement with the Sheriff, no custodial arrests will be made.
  - Our special policemen should ask the person for his/her name and address and any other information required by the uniform motor vehicle law summons form and issue the summons; and
  - if the person refuses to give the information or appears belligerent or combative, the special policeman should immediately leave, go to a magistrate and secure a warrant charging the person with the offense.
6. Before issuing a summons, the special policeman should check with the General District Court to secure an appropriate court date, for which to summons the alleged offender to Court.

In taking this action, the Board instructed staff to utilize the Magistrates Office and Sheriff's Deputies whenever possible to minimize staff exposure.

t. County Administration Building Elevator Plans

The Board reviewed plans for the County Administration Building elevator. The Board requested the plans be modified to include a men and women's restrooms.

u. Industrial Development Authority (IDA) Concurrence with Renaming of New River Industrial Park

The Board was advised staff would be seeking the IDA's concurrence with the renaming of the New River Industrial Park.

9. Citizen Comments

There were no citizen comments at this time.

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10. Other Matters from Supervisors

Supervisor Fariss requested using the pictures at the courthouse depicting scenes from various portions of the county as a basis for the design of the chandelier at the Visitor Center.

11. 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 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
- DJOTS/First Works Participation
- School Building Needs
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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:

- Appointments
- Follow-up to Administrator's Evaluation

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.

- Existing Industry Assistance
- Automotive Dealership
- Existing Industry Expansion
- Prospect Industry

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:

- Drug Testing Policy & Criminal Background Check
- Water & Sewer Needs Report
- Support for the Courts

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

Return to Regular Session

On a motion by Dr. Fariss seconded by Mr. Cook 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. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors adopted 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.

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

## BOARD OF SUPERVISORS MEETING MINUTES OF OCTOBER 28, 2002

### Appointments

#### 1. Library Board

The Board appointed Jill Sandidge to fill the unexpired term of Car Lindstrom, with said term ending December 31, 2003.

#### 2. Recreation Commission

The Board appointed Gary Barker to serve on the Recreation Commission.

### River Course

The Board concurred with IDA action approving the contract agreements.

### DJOTS/First Works Participation

The Board declined participation, unless necessary to preserve the \$600,000 EDA grant.

### Existing Industry Assistance

The Board approved short term use by Volvo of the shell building.

The Board approved sale of 218 feet of additional road frontage in the New River Industrial Park/Pulaski County Technology Center to Metal Processing Incorporated.

### Automotive Dealership

The Board approved an extension of time to the dealership considering a business in Pulaski County based on the following terms:

1. grant for two years if one franchise is located in the County and three years if two franchises locate within the county;
2. a guaranteed minimum inventory of \$1.5 million per dealership;
3. employment of 20 persons per dealership;
4. ability to replace the IDA funding with Enterprise Zone designation;
5. guarantee that the facility will remain open for a minimum of five years;
6. like participation by the Town of Pulaski;

BOARD OF SUPERVISORS MEETING MINUTES OF OCTOBER 28, 2002

7. elimination of the IDA grants with any reduction or elimination of Merchants Capital taxes;
8. establishment of a nationally franchised automobile dealership with 1 year; and
9. agreement that the current break in Merchants Capital Taxes could be eliminated without objection as long as there was a corresponding increase in the 3-year grant.

Drug Testing Policy & Criminal Background Check

The Board approved amending the personnel policy to include post offer/pre-employment drug testing and testing on reasonable suspicion.

Support for Courts

The Board authorized the county attorney drafting a county ordinance on Driving Under the Influence (DUI) and offenses with a minimum \$100 fine; and a resolution requesting state authority to charge minimum local fines for domestic violence.

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

Voting no: none.

12. Adjournment

On a motion by Mr. Cook, seconded by Mr. Hale and carried, the Board of Supervisors adjourned its regular meeting scheduled for Monday, November 25, 2002 at 7:00 p.m. in the Board of Supervisors Meeting Room of the County Administration Building, 143 Third Street, N. W., in the Town of Pulaski.

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

Voting no: none.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator