

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2003

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, March 24, 2003 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, NW, in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Bruce L. Fariss, Vice Chairman; Charles E. Cook; William E. "Eddie" Hale; and Frank R. Conner. Staff members present included: Peter M. Huber, County Administrator; Nancy M. Burchett, Assistant County Administrator; David Tickner, Community Development Director; Thomas J. McCarthy, Jr., County Attorney; and Gena T. Hanks, Executive Secretary.

Chairman Sheffey acknowledged the recent death of J. Mack Baker and expressed sympathy on behalf of the Board for the great loss to Pulaski County. Mr. Sheffey requested a moment of silence in remembrance of Mr. Baker, as well as to remember the men and women serving in the war.

1. Invocation

The invocation was delivered by Reverend Randy Winn, First Christian Church.

2. Additions to Agenda

J. Mack Baker – Memorial Resolution

It was moved by Mr. Cook, seconded by Mr. Conner and carried, that the Board adopt the following memorial resolution honoring J. Mack Baker:

WHEREAS, J. Mack Baker served Pulaski County as a civic, business, church and community leader; and

WHEREAS, that service included over 30 years of faithful membership on the Pulaski County Public Service Authority diligently representing the interests of the residents of Draper, while at the same time working for improved utility services county-wide; and

WHEREAS, J. Mack Baker served as the Chief Forest Warden through the Virginia Division of Forestry for over 30 years; and

WHEREAS, J. Mack Baker was instrumental in organizing the Snowville, Twin Community, Fairlawn, Draper, Newbern, and the Hiwassee fire departments; and

WHEREAS, J. Mack Baker was fire chief of the Draper Fire Department and Chairman of the Pulaski County Fire Protection Committee; and

WHEREAS, J. Mack Baker was a peacemaker, always striving for cooperation and harmony; and

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NOW THEREFORE, BE IT RESOLVED that the Pulaski County Board of Supervisors hereby extends its sympathy to the family of J. Mack Baker over his passing; and

BE IT FURTHER RESOLVED that the text of this resolution be spread upon the minutes of the Pulaski County Board of Supervisors this 24th day of March, 2003 in permanent testimony to the service of J. Mack Baker to Pulaski County.

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

Voting no: none.

Theme Park Presentation

Mr. Huber advised staff had received a telephone call from Mr. Joe Baker advising he would be unable to attend the Board meeting for a scheduled presentation on the proposed theme park; however, he would be in attendance at the April 28, 2003 Board meeting.

Closed Meeting Additional Item

Mr. Huber advised of an item to be added under the "Closed Meeting" session of the agenda under Personnel Matters entitled "Elected Official".

3. Public Hearings

- a. A rezoning request from Residential (R1) to Agricultural (A1) by the following individuals, referenced by tax map number and acreage for properties located on the north side of Thornspring Rd. (Rt. 643), approximately 0.2 miles west of the intersection of Lee Hwy, (Rt. 11), Massie District: Jean D. & Donald E. Anderson, tax map no. 055-001-0000-0014, 15, 5.5360 acres; Jones Development LLC, tax map no. 055-019-0000-0010, 32.661 acres; and Michael Eugene & Ruth Underwood Smith, tax map no. 055-019-0000-0003, 4, 5.893 acres

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

Chairman Sheffey opened the public hearing on this matter.

Mr. Michael Jones, Jones Development, explained the request further and requested the Board approval the rezoning.

Ms. Jean Anderson spoke in favor of the request.

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

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A motion was made by Mr. Conner, and seconded by Mr. Hale to accept the Planning Commission recommendation. Before calling for a vote, an additional motion was made by Mr. Cook to amend the original motion, with a second by Dr. Fariss, to allow the fronts of the lots to remain R1, rather than rezoning to Agricultural (A1). Ms. Jean Anderson advised there were no intentions by the developer to place anything on the property except for cattle. Mr. Sheffey called for a vote on the amended motion by Mr. Cook, which was seconded by Dr. Fariss.

Voting yes: Dr. Fariss, Mr. Cook.

Voting no: Mr. Sheffey, Mr. Hale, Mr. Conner.

Chairman Sheffey called for a vote on the original motion by Mr. Conner, and seconded by Mr. Hale, to rezone the properties noted above from Residential (R1) to Agricultural (A1), and as recommended by the Planning Commission.

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

Voting no: Dr. Fariss, Mr. Cook.

- b. A request by James Cox for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for, per Section 17-5, to allow Contractors Equipment Storage Yard, Small Scale" as either a use by-right, or by Special Use Permit (SUP) in the Agricultural District (A1); and

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

Chairman Sheffey opened the public hearing on this matter.

Mr. James Cox, Cox Paving, requested the Board approve the zoning amendment for a use by-right, rather than special use permit.

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

It was moved by Mr. Cook, and seconded by Mr. Conner, that the Board approve the requested zoning amendment by special use permit, as recommended by the Planning Commission.

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

Voting no: Mr. Conner, Mr. Cook.

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A request by **James Cox** for consideration of a Special Use Permit (SUP) to allow "Contractor's Equipment Storage Yard, Small Scale" on property owned by **Isabel B. Akers** identified as tax map no. 045-001-0000-0047, zoned Agricultural (A1), (4.890 acres), located on the west side of Thornspring Rd. (Rt. 643), approximately 0.5 miles north of the intersection of Thornspring Church Rd. (Rt. 639), Robinson District

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

Chairman Sheffey opened the public hearing on this matter.

Mr. James Cox advised he was available to answer any questions posed by the Board.

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 special use permit, as recommended by the Planning Commission.

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

Voting no: none.

- c. An initiative by the County of Pulaski for consideration of an amendment to allow public safety communications towers as a use allowed by right in all zoning districts

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

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

Mr. Sheffey asked why staff had selected 150 feet as a maximum tower height in the proposed amendment. Mr. Tickner explained that the FAA typically does not require a tower less than 200 feet in height to be lighted, and that if a tower is required to have lighting, staff would recommend that it be reviewed by the Planning Commission and Board by Special Use Permit.

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board approve the request by Special Use Permit to allow for towers 199' and below.

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

Voting no: none.

- d. A Resolution Authorizing the Issuance and Sale of An \$865,900 Water and Sewer Revenue Bond of Pulaski County, Virginia, As An Additional Bond Pursuant to An Initial Resolution Adopted on August 27, 1990, by the Board of Supervisors, as Previously Amended and Authorizing the Execution of a Support Agreement In Connection Therewith

Mr. Huber explained the hearing is required by Rural Development for the adoption of the above resolution.

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

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

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE
OF AN \$865,900 WATER AND SEWER REVENUE BOND
OF PULASKI COUNTY, VIRGINIA,
AS AN ADDITIONAL BOND PURSUANT TO
AN INITIAL RESOLUTION ADOPTED ON AUGUST 27, 1990,
BY THE BOARD OF SUPERVISORS, AS PREVIOUSLY AMENDED,
AND AUTHORIZING THE EXECUTION OF A SUPPORT AGREEMENT
IN CONNECTION THEREWITH**

Pursuant to a resolution adopted August 27, 1990 (the "Initial Resolution"), the Board of Supervisors of Pulaski County (the "Board of Supervisors") authorized the construction of extensions and improvements to the County's sewer system, and issued a \$212,600 Sewer Revenue Bond, Series of 1992 (the "Initial Bond").

Pursuant to a resolution adopted February 28, 1994 (the "First Supplemental Resolution"), the Board of Supervisors issued a \$98,860 Water and Sewer Revenue Bond, Series of 1994 (the "1994 Bond").

Pursuant to a resolution adopted December 19, 1994 (the "Second Supplemental Resolution"), the Board of Supervisors has combined all the sewer facilities and water facilities owned by the County into one water and sewer system and issued a \$901,000 Water and Sewer Revenue Bonds, Series of 1995 (the "1995 Bonds").

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Pursuant to a resolution adopted April 22, 1996 (the "Third Supplemental Resolution"), the Board of Supervisors issued a \$2,439,700 Water and Sewer Revenue Bond, Series of 1996 (the "1996 Bond").

The County is not in default in payment of principal of or interest on the Initial Bond, the 1994 Bond, the 1995 Bonds or the 1996 Bond or in the performance of any of the covenants, conditions, agreements and provisions contained in the Initial Bond, the 1994 Bond, the 1995 Bonds or the 1996 Bond or the Initial Resolution, the First Supplemental Resolution, the Second Supplemental Resolution, or the Third Supplemental Resolution.

Within the limitations of and in compliance with the Initial Resolution, the First Supplemental Resolution, the Second Supplemental Resolution and the Third Supplemental Resolution, the County is authorized to issue additional bonds secured on a parity with the Initial Bond, the 1994 Bond, the 1995 Bonds, and the 1996 Bond to finance the cost of the acquisition or construction of improvements, extensions, additions and replacements to the County's water and sewer system.

The Board of Supervisors has determined to construct improvements to the water and sewer system of the County and has determined that it is necessary to issue its revenue bond in the aggregate principal amount of Eight Hundred Sixty-Five Thousand Nine Hundred and No/100 Dollars (\$865,900) (the "2003 Bond"), the proceeds of which, together with other available funds, are estimated to be sufficient to pay the cost of such improvements.

The United States of America has offered to purchase the 2003 Bond upon certain terms and conditions as set forth in its letter dated August 19, 2002, to the County (the "Government Letter"), which letter is on file with records of the County, and the County, after mature consideration of the conditions of the municipal bond market, has determined to satisfy such terms and conditions and award the 2003 Bond to the United States of America (the "Government").

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PULASKI COUNTY:

ARTICLE I

DEFINITIONS; AUTHORIZATION OF CENTRAL PROJECT

Section 1.1. Definitions. Capitalized terms used in this resolution and not otherwise defined shall have the meanings given them in the Third Supplemental Resolution. Whenever used in this resolution, unless a different meaning clearly appears from the context:

"Central Project" shall mean the "Central Project" as defined in Section 1.1 of this resolution.

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"Third Supplemental Resolution" shall mean the resolution adopted April 22, 1996, by the Board of Supervisors and entitled "A Resolution Authorizing the Issuance and Sale of a \$2,439,700 Water and Sewer Revenue Bond of Pulaski County, Virginia, as an Additional Bond Pursuant to an Initial Resolution Adopted on August 27, 1990, by the Board of Supervisors, Amending and Supplementing such Initial Resolution and Amending Certain Supplemental Resolutions."

"2003 Bond" shall mean the water and sewer revenue bond in the aggregate principal amount of \$865,900, issued pursuant to this resolution

Section 1.2. The Central Project. In order to provide improvements to the water and sewer system of the County, the Board of Supervisors hereby authorizes the acquisition, construction and equipment of improvements in accordance with plans prepared by Altizer, Hodges & Varney, Inc. and plans prepared by Draper Aden Associates providing for water and sewer service to residences and other facilities in Hidden Valley Camping Club, Eagle View Mobile Home Park (water only), Tiny Town Mobile Home Park, Lee Highway Mobile Home Park, Mabry Court Mobile Home Park (water only) and Polyester Mobile Home Park, as such plans may be appropriately amended from time to time (the "Central Project").

Section 1.3. Cost of Central Project; Part of System. The cost of the Central Project authorized herein is estimated to be \$2,552,900, \$865,900 of which is to be financed through the issuance of the 2003 Bond and the balance of which is to be paid from other available funds. The Board of Supervisors hereby finds and orders that the Central Project shall be a part of the System.

ARTICLE II

AUTHORIZATION, FORM, EXECUTION, DELIVERY AND REGISTRATION OF 2003 BOND

Section 2.1. Authorization of 2003 Bond. Pursuant to Article VII, Section 10(a)(3) of the Constitution of Virginia and the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), there is hereby authorized to be issued a water and sewer revenue bond of the County in the aggregate principal amount of Eight Hundred Sixty-Five Thousand Nine Hundred and No/100 Dollars (\$865,900) to provide funds to finance the cost of the Central Project. The 2003 Bond shall be designated "Water and Sewer Revenue Bond, Series of 2003."

Section 2.2. Sale and Details of 2003 Bond. The 2003 Bond shall be issued as a fully registered bond without coupons, shall be dated as of the date the 2003 Bond is delivered to the Government (the "Closing Date"), shall be in the denomination of \$865,900, shall be numbered R-1, and shall bear interest at the rate of the lower of (a) 4.50% per year, or (b) the rate quoted by the Government as the closing rate effective on the Closing Date. The 2003 Bond shall provide for payment of interest only on the first and second anniversaries of the Closing Date. Equal monthly installments of combined principal and interest on the 2003

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Bond shall be payable beginning the twenty-fifth full month following the Closing Date and continuing on the same date of each month thereafter until the principal of the 2003 Bond is paid in full. Such installments shall be in an amount sufficient to amortize fully the principal of the 2003 Bond over 456 months at the rate of interest on the 2003 Bond. If not sooner paid, the final installment shall be due and payable forty (40) years from the Closing Date. The payment of every installment shall be applied first to interest accrued to the payment date and then to principal. In the event the closing occurs on the 29th, 30th or 31st day of a month, the installment payment date shall be the 28th day of the month.

Section 2.3. Form of 2003 Bond. The 2003 Bond shall be in substantially the following form:

No. R-_____ \$_____

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

COUNTY OF PULASKI

Water and Sewer Revenue Bond, Series of 2003

The County of Pulaski (the "County"), for value received, hereby acknowledges itself indebted and promises to pay, solely from the revenues described and pledged in the Bond Resolution, as hereafter defined, to the payment hereof, to the United States of America, or registered assigns, the principal sum [equal to the aggregate amount of principal advances shown on the attached Certificate of Principal Advances, but not to exceed the sum¹] of

_____ AND 00/100 DOLLARS
(\$_____)

and to pay, solely from such source, to the registered owner hereof interest on the unpaid principal from the date [hereof] [of each principal advance shown on the attached Certificate of Principal Advances] until payment of the entire principal sum at the rate of _____ percent (___%) per year. Interest only is payable on _____, 2004 and on _____, 2005. Installments of combined principal and interest of \$_____ are payable beginning _____, 2005, and continuing on the same day of each month thereafter until the principal of this bond is paid in full. Any payment on this bond shall be applied first to interest accrued to such payment date and then to principal. If not sooner paid, the final installment shall be due and payable 40 years from the date hereof. Such installments shall be payable in lawful money of the United States of America by check or draft mailed to the registered owner at its address as it appears on the registration books kept for that purpose at the office of the County Administrator who has been appointed Registrar, except that the final

¹Alternative language to be used if the Government requests provision for principal advances.

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installment shall be payable upon presentation and surrender hereof at the office of the Registrar.

This bond has been authorized by a resolution duly adopted by the Board of Supervisors of the County (the "Board of Supervisors") on _____, 2003, supplementing certain prior resolutions as stated therein (collectively, the "Bond Resolution"), and is issued pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), to provide funds, together with other available funds, to finance the cost of improvements to the water and sewer system of the County. Reference is hereby made to the Bond Resolution and any amendments thereto for the provisions, among others, describing the pledge and covenants securing this bond, the nature and extent of the security, the terms and conditions upon which this bond is issued, the rights and obligations of the County and the rights of the bondholder.

Both principal of and interest on this bond are payable solely from the revenues pledged thereto in the Bond Resolution, and nothing herein or in the Bond Resolution shall be deemed to create or constitute a general obligation of or a pledge of the faith and credit of the Commonwealth of Virginia or any county, city, town or other political subdivision of the Commonwealth. The lien of such pledge is on parity with the similar pledge of such revenues securing the following bonds of the County:

\$212,600 Sewer Revenue Bond, Series of 1992;

\$98,860 Water and Sewer Revenue Bond, Series of 1994;

\$901,000 Water and Sewer Revenue Bonds, Series of 1995; and

\$2,439,700 Water and Sewer Revenue Bond, Series of 1996.

Additional bonds secured equally and ratably with this bond may be issued from time to time under the conditions, limitations and restrictions set forth in the Bond Resolution.

This bond is fully registered as to both principal and interest in the name of United States of America. Transfer of this bond may be registered upon the registration books of the Registrar. Prior to due presentment for registration of transfer the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

Installments of principal due on this bond may be prepaid at the option of the County at any time as a whole or in part from time to time (but if in part, in inverse order of their maturities), without premium. Prepayments of installments of principal shall not affect the obligation of the County to pay the remaining installments payable as provided above.

All acts, conditions and things required by the Constitution and statutes 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.

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IN WITNESS WHEREOF, the County has caused this bond to be signed by the Chairman of the Board of Supervisors, its seal to be affixed hereto and attested by the Clerk of the Board of Supervisors, and this bond to be dated _____, 2003.

ATTEST:

[NOT FOR SIGNATURE]

[NOT FOR SIGNATURE]

_____(Seal)
Clerk, Board of Supervisors
of Pulaski County

Chairman, Board of Supervisors
of Pulaski County

TRANSFER OF BOND

The transfer of this bond may be registered by the registered owner or its duly authorized attorney upon presentation hereof to the Registrar who shall make note of such transfer in books kept by the Registrar for that purpose and in the registration blank below.

<u>Date of Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of Registrar</u>
_____	_____	_____
_____	-	-
_____	_____	_____
_____	-	-
_____	_____	_____
_____	-	-

CERTIFICATE OF PRINCIPAL ADVANCES²

The amount and date of principal advances not to exceed the face amount hereof shall be entered hereon by an authorized officer of the United States of America, when the proceeds of each such principal advance are delivered to the County.

²Certificate of Principal Advances to be used if the Government requests provision for principal advances.

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<u>Amount</u>	<u>Date</u>	<u>Authorized Signature</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Section 2.4. Execution of 2003 Bond. The 2003 Bond shall be signed by the Chairman or Vice Chairman of the Board of Supervisors and the County's seal shall be affixed thereto and attested by the Clerk of the Board of Supervisors. The 2003 Bond may be delivered in a form providing for principal advances to be made from time to time by the Government in an aggregate maximum amount of \$865,900, with interest accruing on each advance from the date of such advance.

Section 2.5. Delivery of 2003 Bond. The Chairman or Vice Chairman and the Clerk are hereby authorized and directed to have the 2003 Bond prepared and executed in accordance with its terms and to deliver it to the Government, as purchaser thereof upon (a) payment of the purchase price therefor or (b) if the 2003 Bond is delivered in the alternative form providing for advances of principal, receipt of the Government's agreement to make such advances from time to time.

Section 2.6. Use of Proceeds of 2003 Bond. The proceeds from the sale of the 2003 Bond shall be applied to the cost of the Central Project and the cost of issuing such bond.

Section 2.7. Registrar. The Administrator of the County is hereby appointed Registrar for the 2003 Bond. Transfer of the 2003 Bond may be registered upon books maintained for that purpose at the office of the Registrar. Prior to the due presentment for registration of transfer the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

ARTICLE III

REDEMPTION OF 2003 BOND

Section 3.1. Redemption of 2003 Bond. The 2003 Bond may be prepaid at the option of the County at any time as a whole or in part from time to time (but if in part, in inverse chronological order of installments), without premium. Prepayments shall not affect the obligation of the County to pay the remaining installments payable as provided in Section 2.2 above.

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ARTICLE IV

SUPPLEMENTAL RESOLUTION

Section 4.1. Supplement to Prior Resolutions. This resolution is adopted and the 2003 Bond is authorized herein pursuant to, within the limitations of and in compliance with the Initial Resolution, the First Supplemental Resolution, the Second Supplemental Resolution, and the Third Supplemental Resolution (collectively, the "Prior Resolution") as supplemented by this resolution. All terms, covenants and provisions of the Prior Resolution shall apply with full force and effect to the 2003 Bond and to the holder thereof.

Section 4.2. Transfers to Reserve Fund. In addition to any transfers from the Revenue Fund to the Reserve Fund required by the Prior Resolution, the County shall transfer an amount equal to ten percent (10%) of the monthly installments of principal and interest on the 2003 Bond from the Revenue Fund to the Reserve Fund until there has been accumulated and maintained therein, as a result of such transfers pursuant to this Section, an amount equal to twelve (12) such installments, after which no further deposit shall be required except to eliminate any deficiency in the Reserve Fund.

ARTICLE V

Moral Obligation and Support Agreement

Section 5.1. Conditions of the Government. The Government has requested the Board of Supervisors to facilitate the issuance and sale of the 2003 Bond by providing for the County's moral obligation to make certain appropriations with respect to the 2003 Bond and the System. In furtherance of that request, the Government has conditioned its purchase of the 2003 Bond on the execution and delivery of a Support Agreement (the "Support Agreement"), between the Board of Supervisors of the County and the Government, the form of which has been presented to the Board of Supervisors at this meeting.

Section 5.2. Moral Obligation. The Board of Supervisors agrees to pay amounts sufficient to pay the debt service under the 2003 Bond and the operation and maintenance expense of the System, subject to annual appropriation by the Board of Supervisors, all on the terms and conditions to be provided in the Support Agreement. The County's obligations to make payments pursuant to this Article V shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the 2003 Bond or the Support Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

Section 5.3. Support Agreement. Any one of the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be substantially in the form presented to this meeting, with such changes, insertions, additions and deletions as may be approved by the officer executing it, his execution to constitute conclusive evidence that

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such changes, insertions, additions and deletions are authorized hereunder. The County Administrator is hereby authorized and directed to take such actions and give such notices as may be required of him under the Support Agreement.

ARTICLE VI

MISCELLANEOUS

Section 6.1. Contract with Bondholders. The provisions of this resolution and the Prior Resolution shall constitute a contract between the County and the bondholders for so long as any of the Bonds and interest thereon are outstanding. To the extent that the provisions of this resolution are in conflict with the provisions of the Prior Resolution, the provisions of this resolution shall control.

Section 6.2. Authority of Officers and Agents. The officers and agents of the County shall do all acts and things required of them by this resolution and the Initial Resolution and the 2003 Bond for the complete and punctual performance of all the terms, covenants and agreements contained therein.

Section 6.3. Immunity of Officers. No recourse shall be had for the payment of principal of or interest on the Bonds or for any claim based thereon, on this resolution, or the Prior Resolutions against any member of the Board of Supervisors or other officer, agent or employees of the County or the Commonwealth of Virginia.

Section 6.4. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 6.5. Conditions Precedent. Upon the issuance of the 2003 Bond all acts, conditions, and things required by the Constitution and statutes of the Commonwealth of Virginia, or this resolution to happen, exist and be performed precedent to or in the issuance of such bond shall have happened, exist and have been performed.

Section 6.6. Severability. The provisions of this resolution are hereby declared to be severable. If any court of competent jurisdiction shall hold any provision of this resolution to be invalid and unenforceable, such holding shall not affect any other provision hereof.

Section 6.7. Series Designation. In the event the 2003 Bond is not issued during calendar year 2003, the Chairman and Clerk of the Board of Supervisors are hereby authorized and directed to change the series designation to such other year as may be appropriate at the time of its issuance.

Section 6.9. Effective Date. This resolution shall take effect immediately.

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Section 6.10. Filing of Resolution. The Clerk of the Board of Supervisors is hereby authorized and directed to file certified copies of this resolution (i) in the office of the County and (ii) in accordance with Section 15.2-2607 of the Act, in the Circuit Court of Pulaski County, Virginia.

* * *

The undersigned Clerk of the Board of Supervisors of Pulaski County, Virginia (the "Board of Supervisors"), hereby certifies that the foregoing constitutes a true and correct copy of a resolution duly adopted at a meeting of the Board of Supervisors held on March 24, 2003. 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. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing resolution as follows:

<u>Members</u>	<u>Attendance</u>	<u>Vote</u>
Joseph L. Sheffey, Chairman	<u> x </u>	yes
Bruce L. Fariss	<u> x </u>	yes
Frank R. Conner	<u> x </u>	yes
Charles E. Cook	<u> x </u>	yes
Eddie Hale	<u> x </u>	yes

WITNESS MY HAND and the seal of the Board of Supervisors of Pulaski County, Virginia, this 24th day of March, 2003.

(SEAL)

/signed by Peter M. Huber
Clerk, Board of Supervisors
of Pulaski County, Virginia

4. Highway Matters:

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

a. Follow-up from Previous Board Meeting:

- Follow-up from Previous Board meeting - Rustic Road Program Update & Designation of Rt. 711 as a Rural Rustic Road

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board adopt the following resolution:

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WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the code of Virginia, to allow for the improvement and hardsurfacing of certain roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, VDOT has expressed a willingness to adopt this concept on a pilot basis until the program is fully implemented to assist in developing and defining the guidelines to be used for the program; and be evaluated by VDOT with regard to safety, resident concerns, and environmental issues; and.

WHEREAS, such roads must be located in a low-density development area, and have no more than 500 vehicles per day; and

WHEREAS, there is no know pending development that will affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have indicated their support of this road being paved with minimal improvements; and

WHEREAS, a road that traverses an area known for its scenic vistas or a historic and relaxed ambiance is one that should be considered for designation as a Rural Rustic Road; and

WHEREAS, this Board believes Route 711 should be designated a Rural Rustic Road, From: 1.4 mile North of Route 738 To: 2.3 mile North of Route 738 owing to its qualifying characteristics; and

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests the Department's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, this Board pledges to discourage more development on this road.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

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

Voting no: none.

b. Rural Addition Status Report

Mr. Huber provided a copy of an update on the rural addition status by Mr. Larry Day of VDOT. County staff was requested to correct the Rural Additions report to show the accurate cost for Rich Hill Lane based on the portion approved.

Mr. Sheffey inquired regarding the possibility of Deerwood Drive being considered as a rural addition. Mr. Brugh advised that in order for the road to be considered a rural addition, the county would need to accept responsibility for the road. Staff was requested to arrange a meeting with the property owners regarding the responsibility for use of the sinkhole.

Supervisor Cook inquired as to whether Sayers Road would qualify for the Rustic Road Program. Mr. Brugh agreed to review the matter and advise the Board at the April 28 Board meeting.

c. Request for Improvements – Dallas Freeman Road

Mr. Brugh was requested to review Dallas Freeman Road for the potential of moving the road back onto the six-year plan and provide an update to Board as convenient.

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d. Board of Supervisors Concerns

Supervisor Conner inquired regarding the status of Little Creek Road Bridge. Mr. Brugh agreed to review the matter and provide an update to the Board at its April 28 Board meeting.

Supervisor Conner advised of significant damage on Rt. 628, Kent Farm Road. Mr. Brugh agreed to review the matter and provide an update to the Board at its April 28 Board meeting.

Supervisor Hale requested Mr. Brugh provide the Board with a list of roads scheduled for paving in the summer of 2003.

Supervisor Cook advised of deteriorating railing on Peak Creek on the Rt. 11 bridge.

Supervisor Cook inquired regarding the status of the landfill road. Mr. Brugh advised a 60-day contract had been awarded for improvements to this road.

Supervisor Fariss complimented the installation of Visitor Center signage on Interstate 81.

Supervisor Fariss inquired as to whether local governments and/or citizens would be allowed input regarding the I-81 interchange. Mr. Brugh advised he expects VDOT to solicit input within the next 60 days and further expects to look for comments by localities, specifically Board comments. Mr. Brugh agreed to provide the Board with the initial VDOT study and Fluor and Star proposals for the I-81 interchange.

Supervisor Sheffey inquired regarding the status of the Rt. 114 bridge repairs. Mr. Brugh advised there was no change at this time; however, the preallocation hearing scheduled for March 25, 2003 in Salem would be an appropriate time for Pulaski County to address the concerns.

Supervisor Sheffey advised of debris around the Falling Branch Road bridge due to flooding. Mr. Brugh agreed to review the matter and provide an update at the April 28 Board meeting.

e. Citizen Concerns

Joyce Thorn explained in detail concerns regarding the Dunkard Road drainage problems, specifically where water stands after snow and rain. She also expressed concern regarding health hazards posed by the stagnant water and the potential for spreading of the West Nile Virus. Mr. Brugh advised the

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matter had previously been on the six-year plan, but was removed from plan. Mr. Brugh agreed to review the existing issue and advise the Board of VDOT's findings.

Ranny Akers expressed concern regarding the Dunkard Road drainage and specifically the deterioration of Barton Drive.

Candace Phillips, Benny Moses, Harold Duncan and Kimberly Morrill requested VDOT improve Dallas Freeman Road. Mr. Brugh advised the road was previously on the six-year plan and later removed. Chairman Sheffey advised the road may qualify for the new Rustic Road Program.

Mr. Brugh explained the budgeting process for VDOT and how it affected road improvements in the county.

5. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly report.

6. Citizens' Comments

a. New River Highlands Resource Conservation & Development Area

Mr. Gary Boring, Executive Director of New River Highlands Resource Conservation and Development Area Council, presented a detail report and encouraged localities to look at the county's stormwater management program and update and/or improve the program as needed. Mr. Boring also presented the stormwater management handbook.

b. Jefferson National Forest Presentation

There was no representation from the Jefferson National Forest; however, the Board had previously been provided a copy of the Draft Environmental Impact Statement and Proposed Revised Land and Resource Management Plan.

c. Theme Park Presentation

The Board was reminded that Mr. Joe Baker would not be in making a presentation at this time, but had postponed his presentation to the April 28 Board meeting.

Staff was requested to provide the Board with information received to date regarding the proposed theme park.

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d. Other Citizen Comments

There were no citizen comments at this time.

7. Reports from the County Administrator & Staff:

a. Key Activity Timetable (KAT)

The Key Activity Timetable was reviewed by the Board.

Supervisor Fariss inquired as to the status of the Rt. 100 streetlights and trees. Mr. Huber advised VDOT is reviewing what is allowed, that the design had been passed to American Electric Power (AEP) and the county engineer is preparing a design for the specific footings. Staff further advised the work will need to be contracted out.

Supervisor Fariss inquired as to the process for the direct debt payment. Ms. Burchett advised the process included filling out the appropriate form and submitting it to the PSA office.

Supervisor Fariss inquired as to the status of plans for the Health Department office location. Staff advised of continuing efforts to look at the various building options, with plans to look at more than one facility for including in plans.

Supervisor Sheffey requested adding to the KAT the "Dublin Rescue Squad Building".

Supervisor Sheffey requested clarification on the services provided at the customer service center in Fairlawn. Supervisor Fariss suggested talking with the representatives of the Saint Albans facility and look at possible use of some of that property for a customer service center.

Supervisor Cook inquired regarding the status of a new Fairlawn Post Office. Staff advised the matter is currently a federal decision and no location had been selected. The Board requested staff change the date for this activity from "July" to "Ongoing".

b. Animal Shelter Construction

Mr. Glenn Reynolds, Architect, presented a revised plan for the proposed animal shelter. Mr. Reynolds suggested the Board bid the paving, along with curbs and gutters. He advised a timeframe was expected of six to seven months for construction and that specialty items might cause a delay in this timeframe.

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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. Conner, seconded by Dr. Fariss and carried, the Board approved all items of consent noted as follows, except for item "i – Refinancing of Bob White Boulevard Debt", which was voted on as a separate item and to include an amendment to the minutes as noted in item "a".

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

a. Approval of Minutes of February 24, 2003

The Board approved the minutes of the Board of Supervisors February 24, 2003, meeting, with a correction to wording in the minutes under "An initiative by the **County of Pulaski** to amend the Pulaski County Zoning Ordinance to redefine "**Public Garage**", and allow a Public Garage as a use by-right in the Industrial (I1) Zoning District"

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 3223 through 3896, subject to audit.

c. Appropriations and Interoffice Transfers

The Board approved appropriations as follows, as well as interoffice transfer #8 totaling \$\$54,820.92:

School Fund # 8

015020-0100	Rent	\$ 150.00
016120-1100	Substitute Teacher Fees	8,839.42
018030-0300	Refund Overpayment	1,257.23
Total		\$10,246.65

Expenditures:

061120-1521	Wages & Salaries (Substitute Teachers)	\$10,246.65
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School Fund #9

020420-3000 School Construction \$ 16,360.00

Total \$ 16,360.00

Expenditures

066600-3310 Facilities-Repair Maintenance \$16,360.00

School Fund #10

018030-0300 Refund/Overpayment \$350.00

016120-1100 Substitute Teacher Fees \$2,075.00

018990-3201 E-Rate \$133,218.44

018030-0310 Comprehensive Services \$6,865.17

018030-0320 School Nurse Services \$ 42.14

Total \$142,551.65

Expenditures

061120-1121 Wages & Salaries-Teachers \$3,425.90

062220-3110 Health Services-Med,Dental,Hosp \$6,907.31

062120-5800 Superintendent – Misc. \$133,218.44

Total \$142,551.65

VPA #1

32010330504520 Regional Revenue \$19,655.00
(Maximization)

Expenditures

42010531771114 Salaries \$10,560.00

42010531772100 FICA \$ 810.00

42010531772210 VRS \$ 640.00

42010531772300 Medical/Health Ins. \$ 1,500.00

42010531772400 Group Ins. \$ 45.00

42010531772600 Unemployment Ins. \$ 45.00

42010531772710 Workman's Comp \$ 45.00

42010531772830 Flexible Benefits Fee \$ 10.00

42010531775210 Postal Services \$ 200.00

42010531775230 Telecommunications \$ 500.00

42010531775420 Lease/Rent \$ 300.00

42010531775510 Travel \$ 500.00

42010531775530 Travel \$ 200.00

42010531776001 Office Supplies \$ 300.00

42010531778101 Machinery & Equipment \$ 3,000.00

42010531778102 Furniture & Fixtures \$ 1,000.00

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d. Ratification - Enhanced 911 Address System Completion

The Board ratified a contract award to MSAG Data Consultants for \$43,242.23 for confirmation of the remaining unconfirmed address locations and mapping of the emergency response zones.

e. Virginia Base Mapping Program Digital Orthophotography Data Release Licensing Agreement

The Board adopted the licensing agreement as presented by staff, a copy of which is filed with the records of this meeting. Mr. Huber was requested to have staff to confirm the availability of photographs for county citizens.

f. Contract Between New Enterprises & Pulaski County

The Board approved the contract as presented by staff, a copy of which is filed with the records of this meeting.

g. Resolution of Appreciation – Ron Shelburne

The Board adopted the following resolution of appreciation for former Board of Zoning Appeals member Ron Shelburne:

**RESOLUTION OF APPRECIATION
Ronald T. "Ron" Shelburne**

WHEREAS, Ronald T. "Ron" Shelburne served on the Pulaski County Board of Zoning Appeals from July of 1994 to January of 2003; and

WHEREAS, during that time of service to the County, Mr. Shelburne did perform his duties as a member of the Board of Zoning Appeals in a fair and judicious manner in accordance with State Code; and

WHEREAS, Mr. Shelburne did consistently consider the rights of the individual as well as the rights of the general citizenry of Pulaski County; and

WHEREAS, Mr. Shelburne exemplified the behavior of a model public servant by researching the issues, gathering additional facts, and considering all viewpoints when making his decisions; and

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WHEREAS, Mr. Shelburne, during his time of service, developed positive working relationships with his fellow Board members and County staff; and

WHEREAS, the respect Mr. Shelburne gave to people during his service was equally returned by fellow Board members, staff and citizens; and

WHEREAS, Mr. Shelburne and his decisions made with fellow Board members have had an affirmative impact on the community,

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its sincere appreciation for the service of Ronald T. "Ron" Shelburne; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors this 24th day of March, 2003, in permanent testimony of its appreciation to the service of Mr. Shelburne.

Staff was requested to invite Mr. Shelburne to attend the April 28 Board meeting to accept the resolution.

h. National County Government Week Proclamation

The Board adopted the following proclamation declaring April 6 through 12, 2003 as National County Government Week:

Counties Care for Kids is the theme for this year's National County Government Week.

Counties provide critical services to the children and families that live in our great country.

Counties provide medical services, public safety, and educational development. Counties provide immunization to keep kids healthy, planning to keep parks safe places to play, clean environments and livable communities in which to grow. Counties provide needed elderly services for grandmothers and grandfathers and healthcare to the disabled and the needy. When natural or man-made disaster strikes, county emergency services keep children and their families' safety and informed until order can be restored.

Counties provide many services that make America's communities stronger, safer places to live and raise families.

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County officials and employees use their role as local leaders to encourage better children's health, increase early childhood development and promote safe and effective parenting strategies.

Counties have a long history of caring and providing for the nation's children. County governments are the citizen's local government voice, providing solutions that bring communities together.

In recognition of the leadership, innovation and valuable service provided by our nation's counties the Pulaski County Board of Supervisors hereby designated the week of April 6-12, 2003 as National County Government Week.

i. Refinancing of Bob White Building Debt

Chairman Sheffey requested this matter be pulled from the overall "Items of Consent" and voted on as a separate item. He further noted his desire to abstaining from any voting on this matter.

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board approve continuing the existing moral obligation agreements committing to the repayment of the debt on the Bob White Building. Staff was requested to clarify any payment due the Town of Pulaski and provide an update to the Board.

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

j. Fireworks Permit – NRV Fairgrounds (July 4th Activities)

The Board approved issuance of a fireworks permit for the fireworks to be held at the New River Valley Fairgrounds on July 4, 2003.

k. Contract with Breakall for Administration Building Elevator

The Board approved a contract with Breakall for \$166,400 (excluding soils and water issues), pending final review by Architect Glenn Reynolds. A copy of said contract is filed with the records of this meeting.

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I. Memorial Resolution – J. Mack Baker

Action on this matter was taken previously by the Board.

m. Application for Federal Assistance – Va. Dept. of Emergency Management

The Board approved submitting a grant application for eligible items previously purchased by the county and/or upgrading the dispatch and communications equipment. The Board further designated Emergency Management Coordinator Stan Crigger as the "Designated Agent" for the program.

9. Citizen Comments

There were no citizen comments at this time.

10. Other Matters from Supervisors

Supervisor Conner requested the Board honor Mack Baker with a memorial plaque at Randolph Park.

Supervisor Fariss requested a separate section be designated in Randolph Park by the Board of Supervisors, specifically for memorial plaques authorized by the Board of Supervisors.

Mr. Huber suggested designating a part of the trail as a "memorial walk". Staff was requested to provide the Board with a suggested plan at its April 28 Board meeting.

Supervisor Sheffey commended county staff for the ribbons placed on the front of the County Administration Building.

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

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:

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:

- Industrial Park Property Purchase

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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
- Code Official
- Elected Official

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.

- Shell Building Purchase Options

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:

- Claytor Lake Regulations

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

Return to Regular Session

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

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

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:

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2003

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.

Appointments

1. NR/Mount Rogers Workforce Investment Board (WIB)
Nomination

It was moved by Dr. Fariss, seconded by Mr. Hale and carried, that the Board nominate Bill Harris to serve on the Workforce Investment Board.

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

Voting no: none.

2. Voting Machine Selection Committee

The Board took no action on this appointment to this committee.

3. Coal & Gas Road Improvement Advisory Committee

Staff was requested to contact Dave Hoover, Hugh Huff and Tom McCarthy and determine their interest in serving on such a committee.

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12. Adjournment

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board of Supervisors adjourned its regular meeting to reconvene on Monday, April 14, 2003 at 7:00 p.m. in 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.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator