

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 28, 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; William E. "Eddie" Hale; and Frank R. Conner. Supervisor Charles E. Cook was unable to attend the meeting. 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.

### 1. Invocation

The invocation was delivered by Reverend David Hoover, Pulaski Christian Church.

### 2. Additions to Agenda

There were no additional agenda items.

### 3. Presentation of Resolution to Ron Shelburne

The Board presented a resolution of appreciation to Ron Shelburne, which was adopted at the March 24, 2003 Board meeting.

### 4. Theme Park Presentation

Mr. Joe Baker presented detailed information regarding a proposed \$500 million theme park for Pulaski County. He advised the cost for road improvements and water and sewer would be at the expense of the developer and no funds would be requested from the county. He further advised the request to the county would include any necessary rezoning of the property being proposed for the theme park, as well as a request for tax breaks.

Mr. Gabe Quesenberry of Anderson and Associates explained the feasibility study prepared by Anderson and Associates.

Mr. Bill Coan of I-Tech Entertainment presented information regarding his experience in the development of theme parks and attractions.

The Board of Supervisors accepted the proposed concept of the proposed theme park.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

5. Public Hearings

- a. A rezoning request by **Richard P. Price** from Residential (R1) to Commercial (CM1) on property formerly known as **Dick Price Ford**, identified as tax map no. 038-003-0000-0008, 9-13, 28, 29 and tax map no. 038-003-0000-0014, 15, 16, (5.6530 total acres) located at 6832 Lee Hwy. (Rt. 11), Cloyd District.

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

Chairman Sheffey opened the public hearing on this matter.

Mr. Richard Price requested the Board approve the proposed rezoning.

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

It was moved by Mr. Conner, and seconded by Dr. Fariss and carried, that the Board approve the proposed rezoning from Residential (R1) to Commercial (CM1), as recommended by the Planning Commission.

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

Voting no: none.

Not present: Mr. Cook.

- b. An initiative by the **County of Pulaski** to amend the Pulaski County Zoning Ordinance **Article 15, "Sign Regulations"**.

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

Chairman Sheffey opened the public hearing on this matter.

There being no comments, the public hearing as closed.

It was moved by Dr. Fariss, seconded by Mr. Hale and carried, that the Board approve the amendment to the Zoning Ordinance with a change in the size of political signage to maximum of 4' x 8', a copy of which changes are filed with the records of this meeting.

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

Voting no: none.

Not present: Mr. Cook.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

6. Highway Matters:

The Board met with Virginia Department of Transportation (VDOT) Assistant Resident Engineer Dale Stancill regarding the following highway matters:

a. Follow-up from Previous Board Meeting:

1. Sayers Road – Rustic Road Program

Mr. Stancill advised VDOT had reviewed the matter and did not recommend this road be considered as part of the Rustic Road Program.

2. Request for Improvements – Dallas Freeman Road

Mr. Stancill recommended moving the request to the six year plan the first mile of which would be eligible for inclusion under Rustic Road Program. He further advised the road is currently on the six year plan waiting list.

3. Little Creek Road Bridge

Mr. Stancill advised VDOT would be replacing and enlarging pipes under a low-water bridge after July, 2003. He further advised completion is expected to occur in the Fall of 2003.

4. Kent Farm Road, Route 628

Mr. Stancill advised flood debris has been removed.

5. Falling Branch Road Bridge Debris

Mr. Stancill advised debris had been removed from the bridge.

6. Dunkard Road

Ms. Joyce Turner, Ms. Winnie Patrone, Mr. Jack Gelter, Ms. Sandy Fogus and several other unidentified individuals expressed various concerns regarding the existing drainage problems.

Mr. Stancill advised the estimated cost for the drainage improvements would be approximately \$125,000; however, if the property owners could determine the ownership of a direct easement to Claytor Lake, costs could be substantially reduced.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

The Board requested VDOT provide options for correcting the drainage problems and provide recommendations on choice of options at the May 19 Board meeting.

b. Subdivision Street Requirements

The Board approved sending a letter to VDOT requesting relief from the required assumption of responsibility by the county for any runoff from VDOT roads entering into sinkholes.

c. State Park Road, Rt. 660, Request for Speed Reduction

The Board requested VDOT conduct an informal speed study and provide an update at the May 19 Board meeting.

d. Rich Hill Lane Resolution

On a motion by Dr. Fariss, seconded by Mr. Hale and carried, the Board adopted the following resolution accepting road as part of secondary system:

The Board of Supervisors of Pulaski County, Virginia, in a meeting held on the 28<sup>th</sup> day of April, 2003, adopted the following:

Whereas, the street described below was established prior to July 1, 1949 and,

Whereas, this street is now deemed to provide sufficient public service to warrant its addition as a part of the secondary system of state highways,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to section 33.1-229, code of Virginia and the Rural Addition Policy of the Virginia Department of Transportation:

Name of Street:	Rich Hill Lane	Length:	<u>0.45 Mi.</u>
From:	<u>Route 806</u>	To:	A Turn-Around

Guaranteed Right of Way Width : 40'

Recorded: Instrument #030001998 Dated: 03/28/03  
Instrument #030001997 Dated: 03/28/03

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right of way, as described, and any necessary easements for cuts, fills, and drainage, and

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

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

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

Voting no: none.

Not present: Mr. Cook.

County staff advised the turn arounds are being studied to expedite construction of as much of the road as possible as funds become available.

b. Rural Addition Status Report

The Board reviewed an updated rural addition status report.

c. Request for Paving of Rt. 708, Bethel Church Road

Ms. Roxanne Greener presented a petition from residents along Rt. 708, Bethel Church Road, requesting the Board place the road on the current six year plan or waiting list for improvements.

On a motion by Dr. Fariss, seconded by Mr. Conner and carried, the Board approved placing Rt. 708 on the waiting list.

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

Voting no: none.

Not present: Mr. Cook.

d. Board of Supervisors Concerns

Supervisor Conner requested VDOT review Rt. 815, Whitt Southern Road, and provide an update at the May 19 Board meeting.

Supervisor Conner requested an update regarding Black Hollow Lane. Mr. Stancill advised an update could be provided at the May 19 Board meeting.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

On a motion by Mr. Hale, seconded by Dr. Fariss and carried, the Board approved conducting an informal speed study on Falling Branch Road and provide an update the May 19 Board meeting.

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

Voting no: none.

Not present: Mr. Cook.

e. Citizen Concerns

There were no citizen comments regarding highway matters.

7. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly report.

8. Citizens' Comments

Mr. Ed Hoggatt advised the mobile home on the Gravely property in Parrott had never been properly set up. County staff were requested to review the matter.

Mr. Hoggatt expressed appreciation to VDOT for the recent double yellow striping work on Rt. 606.

a. FY 02 Audit Review

Ms. Deanna Cox of Robinson, Farmer, Cox Associates, met with the Board regarding the FY 02 audit. Ms. Cox advised that the county's finances reflected reserves were well maintained and there were no management comments. She advised there was a minor comment for the Public Service Authority, however; this had since been corrected.

Ms. Cox further advised the county finances were solid and commended the Board and county staff for its management practices.

Mr. Huber expressed appreciation to Ms. Burchett for her efforts with the county's finances.

b. Southern Appalachian Forest Coalition

Mr. Joel Burchett introduced Mr. Mark Miller, Field Organizer with Southern Appalachian Forest Coalition. Mr. Miller explained to the Board details of a proposal for Wilderness designation in the Cox Hollow area. A copy of the proposal is filed with the records of this meeting.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

c. U. S. Forest Service Presentation

Mr. Jessie Overcash provided the Board with an update regarding U. S. Forest Service efforts in the county. He described forest management practices in various areas of the county and noted the Forest Service did not see the need for the Wilderness designation proposed by Mr. Miller.

9. Reports from the County Administrator & Staff:

a. FY 03 Audit Review

A presentation was made earlier in the meeting.

b. Agency/Department Presentations

1. New River Valley Community Services Board

Ms. Joan Knode presented a summary of existing services to the county and requested the Board grant the total amount of funds requested by the Community Services Board.

Mr. Lynn Chenault, Executive Director of the Community Services Board, provided an update on funding from other localities.

2. Social Services

Mr. Jim Wallis requested the Board fund the initial Social Services request of \$744,182 noting that the additional funding would be used to hire up to four additional social work staff needed to meet state performance standards and minimize turnover due to staff stress.

3. Camp Virginia Jaycees

Mr. Huber presented a request from Camp Virginia Jaycees to fund the requested \$1,500 based on having served 3 handicapped children from Pulaski County. The Board declined to provide funding for this request.

4. REMSI

Mr. John Casey advised of plans to amend the original funding request and transfer \$5,000 from funding for an ambulance purchase to radio equipment needs. The Board approved this request.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

5. Clerk of Circuit Court & Commonwealth Attorney's Offices

Mr. Huber presented information advising of the need for an additional \$25,000 in order to retain a functioning office for the Clerk's Office. The Board directed county staff to request the Circuit Court Clerk to provide written documentation agreeing to change the Clerk's office hours to a 40 hour work week, as well as the ability to share staff between constitutional officers and other departments if needed.

Dr. Fariss recommended asking the School Board to absorb the \$154,000 expenditure reduction needed to balance the budget. This request was based on increased debt service costs of the new elementary school. Staff was requested to invite the School Superintendent to attend the May 5 budget work session to discuss this option.

b. Key Activity Timetable (KAT)

The Key Activity Timetable was reviewed by the Board.

b. Appointments

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

10. Items of Consent:

On a motion by Mr. Hale, seconded by Dr. Fariss and carried, the Board approved all items of consent as recommended by staff, except for item "j – Randolph Park Memorial Markers", which

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

Voting no: none.

Not present: Mr. Cook

a. Approval of Minutes of March 24, 2003

The Board approved the minutes of the Board of Supervisors March 24, 2003 meeting.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 3925 through 4476, subject to audit.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

c. Appropriations and Interoffice Transfers

The Board approved appropriations as follows, as well as interoffice transfer #10 totaling \$49,681.34.

School Fund # 11

Total \$18,146.29

Expenditures:

62220-3120 Accounting \$18,146.29

Total \$18,146.29

School Fund #12

Total \$ 12,775.06

Expenditures

62220-3120 Accounting Services \$ 12,775.06

General Fund #13

014010-0100 Speeding/Traffic Fund \$10,000.00

Total \$10,000.00

Expenditures

35100-1247 Part-Time Salaries-Wages \$ 1,000.00

6011 Uniform Wearing Apparel \$ 3,000.00

6010 Police Supplies \$ 6,000.00

Total 10,000.00

General Fund #14

016130-0400 Office on Youth After School Program \$ 4,819.00

018030-1300 Refund/Overpayment \$ 87.70

Total \$ 4,906.70

Expenditures

022100-6012 Commonwealth Attorney Books and Subscriptions \$ 87.70

053500-1310 Office on Youth Wages After \$ 4,819.00

Total \$4,906.70

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

<u>VPA #2</u>		
201200000800	ADC/FC Matching	\$50,000.00
201300000900	ADC/FC Matching	\$50,000.00
Total		\$100,000.00

<u>Expenditures</u>		
201532105706	AFDC	\$100,000.00

d. Ratification:

The Board ratified approval of the following:

1. Resolution – Senator George Allen

WHEREAS, Senator George Allen has served the citizens of Pulaski County with Excellence as Governor of Virginia from 1994 to 1998 and as State Senator from 2000 to the present; and

WHEREAS, Senator Allen's Vision for the provision of jobs resulted in his direct involvement in working with the New River Valley Truck Assembly Plant to encourage the continuing expansion of the plant, which is now the major strength of the Pulaski County economy; and

WHEREAS, Senator Allen most recently played a significant role in obtaining approximately \$500,000 in drought disaster assistance for Pulaski County farmers through the Livestock Compensation Program; and

WHEREAS, Senator Allen continues to support the Appalachian Regional Commission through which the New River Valley Airport Terminal building, Pulaski County Technology Park and New River Valley Competitiveness Center were funded; and

WHEREAS, Senator Allen's leadership in addressing educational issues including the Child Education Tax Credit and improving pupil/teacher ratio will benefit the future of our community; and

WHEREAS, Senator Allen has been a strong supporter of Radford University and Virginia Tech (despite his UVA roots); and

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

NOW THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors takes Pride in commending and recognizing the dedicated service of George Allen to the citizens of Pulaski County as our U.S. Senator and former Governor; and

BE IT FURTHER RESOLVED, that the Pulaski County Board of Supervisors does hereby extend its appreciation George Allen for his visit to Pulaski County and welcomes his return to enjoy the many recreational opportunities offered by the County; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the April 28, 2003 meeting in permanent testimony of its appreciation of the service provided by Senator Allen.

2. Water Treatment Contract - Water Services Inc.

The Board approved a contract between the county and Water Services, Inc. for services to the Pulaski County stone and brick courthouses in the amount of \$1,500 per year.

e. Personnel Changes

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

f. Resolutions of Appreciation:

The Board approved the following resolutions and requested staff invite Ms. Bowman and Mr. Maus to attend an upcoming Board meeting for presentation of the resolutions:

1. Nancy Bowman

WHEREAS, Nancy Bowman has served Pulaski County as Executive Director of the Pulaski County Chamber of Commerce for 18 years; and

WHEREAS, Nancy Bowman has demonstrated a high degree of professionalism in dealing with the citizens of Pulaski County; and

WHEREAS, Nancy Bowman was actively involved in supporting existing businesses, as well as prospective business involvement; and

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

WHEREAS, Nancy Bowman was instrumental in developing and promoting tourism in Pulaski County through her efforts in supporting the building of Randolph Park and the Visitor Center; and

WHEREAS, Nancy Bowman's enthusiasm, integrity and longstanding assistance is deeply appreciated; and

WHEREAS, the service provided by Nancy Bowman has benefited not only present and past citizens of Pulaski County, but will enhance the quality of life of its future citizens.

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its sincere appreciation for the service of Nancy Bowman to the county and its citizens; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors this 28<sup>th</sup> day of April, 2003, in permanent testimony of its appreciation to the service of Nancy Bowman

2. Charles Maus

WHEREAS, Charles W. Maus served as Executive Director of the New River Resource Authority from 1987 to March 31, 2003; and

WHEREAS, Charles W. Maus serves as Executive Director of the Pepper's Ferry Regional Wastewater Treatment Authority beginning in 1987 and will retire from those duties on June 30, 2003; and

WHEREAS, Charles W. Maus worked with the Pulaski County Board of Supervisors and its staff on numerous items of mutual concern; and

WHEREAS, Charles W. Maus, through his service to the citizens of Pulaski County, demonstrated a high degree of professionalism in dealing with the government and citizens of Pulaski County; and

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its sincere appreciation for the service of Charles W. Maus; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors this 28th day of April, 2003 in permanent testimony of its appreciation to the service of Charles W. Maus.

g. Request for Easement – NRV Fairgrounds Property

The Board approved granting an easement for completion of needed improvements to the Town of Dublin water system at the New River Valley Fairgrounds.

h. New River/Mount Rogers Workforce Investment Area Fiscal Agent Service Agreement Extension

The Board approved a one-year extension of the agreement granting fiscal agent duties to the New River Valley Planning District Commission for implementation of Workforce Investment Board activities.

i. Moral Obligation Agreement with IDA

The Board approved the following Moral Obligation Agreement with the Industrial Development Authority, along with supporting documents, as necessary to refinance the debt on the Bob White Building:

**THIS MORAL OBLIGATION AGREEMENT** is made as of May 1, 2003, by and among the **BOARD OF SUPERVISORS OF PULASKI COUNTY, VIRGINIA** (the "Board"), acting as the governing body of the County of Pulaski, Virginia (the "County"), the **INDUSTRIAL DEVELOPMENT AUTHORITY OF PULASKI COUNTY** (the "Authority"), and **FIRST NATIONAL BANK**, as holder of the Bond defined below (the "Lender").

**RECITALS:**

The Authority was created by the Board of Supervisors pursuant to the Virginia Industrial Development and Revenue Bond Act (Chapter 49, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), and promotes industry and develops trade in the County.

**WHEREAS**, the Authority owns a manufacturing facility (the "Facility") on Bob White Boulevard in the County and has determined that it is in its best interest to issue and sell a revenue bond in an original aggregate principal of \$3,882,000 (the "Bond") to the Lender in order to finance the Facility; and

**WHEREAS**, the Board has authorized the execution of an agreement providing for a non-binding obligation of the Board to consider certain appropriations in support of the Bond and the Facility.

**AGREEMENT**

**NOW, THEREFORE**, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. No later than May 15 of each year, beginning May 15, 2003, the Authority shall notify the Board of the amount (the "Annual Deficiency Amount") by which the Authority reasonably expects the revenues derived by the Authority from the Facility (the "Revenues") to be insufficient to pay the debt service obligations under the Bond in full as and when due during the County's fiscal year beginning the following July 1.
2. The County Administrator of the County (the "County Administrator") shall include the Annual Deficiency Amount in his budget submitted to the Board for the following fiscal year as an amount to be appropriated to or on behalf of the Authority. The County Administrator shall deliver to the Lender within ten days after the adoption of the County's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated to or on behalf of the Authority an amount equal to the Annual Deficiency Amount.
3. If at any time Revenues shall be insufficient to make any of the payments referred to in paragraph 1 hereof, the Authority shall notify the County Administrator of the amount of such insufficiency and the County Administrator shall request a supplemental appropriation from the Board in the amount necessary to make such payment.
4. The County Administrator shall present each request for appropriation pursuant to paragraph 3 above to the Board, and the Board shall consider such request, at the Board's next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

Administrator shall notify the Authority and the Lender as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the County Administrator shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County by the County Administrator for the County's next fiscal year.

5. The Board hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time pursuant to paragraphs 2 and 3 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise.

6. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Authority or to any holder of the Bond or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described herein.

7. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed:

(i) if to the County, at: Suite 1  
143 Third Street, NW  
Pulaski, VA 24301  
Attention: County Administrator,

(ii) if to the Authority, at: Suite 1  
143 Third Street, NW  
Pulaski, VA 24301, and

(iii) if to the Lender, at: 105 Arbor Drive,  
Christiansburg, Virginia 24073  
Attention: Loan Operations.

Any party may designate any other address for notices or requests by giving notice.

8. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

9. This Agreement shall remain in full force and effect until the Local Bond and all other amounts payable by the Authority under the Financing Agreement have been paid in full.

**IN WITNESS WHEREOF**, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

j. Randolph Park Memorial Markers

The Board requested staff seek assistance of the Randolph Park Steering Committee in designating an area for the placement of granite markers, with a special request by the Board to place the markers in an area in the front of the park, to avoid long walking distance to view the markers.

Supervisor Conner advised he is not in favor of using brick shavings around the markers.

k. Appalachian Regional Commission Resolution

The Board approved the following resolution and requested staff send the resolution to Governor Warner, Senators Warner & Allen and Congressman Boucher:

WHEREAS the Appalachian Regional Commission was created by the U.S. Congress in 1965, and is a unique partnership between federal government and the governors of the 13 Appalachian States designed to improve economic, health and educational opportunities throughout the region; and

WHEREAS the Congress reauthorized the Commission in 2002 providing a defined program and associated budget authorizations; and

WHEREAS ARC has supported a variety of innovative projects and initiatives, in helping Appalachian States meet community needs in the five goals areas: educations and workforce training, physical infrastructure, civic capacity and leadership, business development and health care; and

WHEREAS each year throughout the Region, ARC programs created thousands of new jobs, increased school readiness, improved local water and sewer systems, expanded access to health care, assisted local communities with strategic planning, and provided technical, managerial, and marketing assistance to emerging new businesses; and

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

WHEREAS Governor Mark Warner, ARC State's Co-Chair, states "The proposal to cut over 50 percent from the ARC's 2004 budget for non-highway programs would have a detrimental effect on Appalachia's distressed counties and their citizens".

NOW BE IT RESOLVED, that the Pulaski County Board of Supervisors encourages you to work hard to assure that the budget language for the Appalachian Regional Commission Program remains a bottom up partnership among local, state and the federal government as congressionally defined.

BE IT FURTHER RESOLVED, that the Pulaski County Board of Supervisors does request you to encourage the members of the house and senate appropriation committees to provide the \$88 million, which Congress has authorized as being appropriate for the Appalachian Region Commission.

BE IT FURTHER RESOLVED, that this resolution be sent to Governor Warner, Senator Warner, Senator Allen and Congressman Boucher.

Adopted this 28<sup>th</sup> day of April, 2003.

I. Building Usage Application – Greater Pulaski Alliance

The Board approved a request of the Greater Pulaski Alliance for use of the courthouse lawn on May 3 for a lawn and garden festival.

9. Citizen Comments

There were no citizen comments at this time.

10. Other Matters from Supervisors

There were no other matters from supervisors.

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

It was moved by Mr. Conner, seconded by Dr. Fariss 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:

- Pulaski County Technology Park

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

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

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.

- None

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:

- Use of Tax Exempt Bond Capacity
- Claytor Lake Regulations
- Property Maintenance Code
- Intergovernmental Cooperation on Building Inspections
- Easement

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

Voting no: none.

Not present: Mr. Cook.

### Return to Regular Session

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

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

Voting no: none.

Not present: Mr. Cook.

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

On a motion by Mr. Conner, 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 APRIL 28, 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. Sheffey, Mr. Hale, Mr. Conner.

Voting no: none.

Not present: Mr. Cook.

### Appointments

1. Clean Community Council

The Board appointed Judy King and Sally Bush to the committee and noted no additional appointees are needed at this time.

2. Telecommunications Committee

The Board appointed Mike Harless to the committee for a term ending December 31, 2006.

3. Public Service Authority Board of Directors

The Board requested staff contact Dr. Doug Warren to determine his interest in serving on the PSA Board of Directors.

### Property Maintenance Code

By consensus, the Board adopted, on an emergency basis, an "Ordinance to Require Removal, Repair, Etc. of Buildings & Other Structures" and requested staff advertise for a public hearing for permanent adoption at the May 19 Board meeting. The Board clarified intent to limit inoperable vehicles to two per lot. Staff was requested to review the junk car ordinance to use zoning as a basis for different standards:

**PULASKI COUNTY ORDINANCE TO REQUIRE  
REMOVAL, REPAIR, ETC. OF BUILDINGS AND OTHER  
STRUCTURES**

**BE IT ORDAINED** by the Board of Supervisors of Pulaski County Virginia, that the owners of property in Pulaski County shall at such time or times as the Board of Supervisors of Pulaski County, Virginia, may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of Pulaski County, Virginia.

The Board of Supervisors of Pulaski County, Virginia, through its own agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of Pulaski County, Virginia, if the owner and lien holder of such property after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure the building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the locality. No action shall be taken by the Board of Supervisors of Pulaski County, Virginia, to remove, repair or secure any building, wall or other structure for at least thirty days following the later of the return of the receipt or newspaper publication.

In the event the Board of Supervisors of Pulaski County, Virginia, through its own agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this Ordinance, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Board of Supervisors of Pulaski County, Virginia, as taxes are collected.

Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (Section 48.1-3940, et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2003

Voting yes: Dr. Fariss, Mr. Sheffey, Mr. Hale, Mr. Conner.  
Voting no: none.  
Not present: Mr. Cook.

12. Adjournment

On a motion by Dr. Fariss, seconded by Mr. Hale and carried, the Board of Supervisors voted to reconvene on Monday, May 5, 2003 at 7:00 p.m. for a budget work session in the County Administration Building, 143 Third Street, N. W., in the Town of Pulaski.

Voting yes: Dr. Fariss, Mr. Hale, Mr. Sheffey, Mr. Conner.  
Voting no: none.  
Not present: Mr. Cook.

---

Joseph L. Sheffey, Chairman

---

Peter M. Huber, County Administrator