

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 26, 2004 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; Frank R. Conner, Vice Chairman; Ranny L. Akers; William E. "Eddie" Hale; and Dean K. Pratt. Staff members present included: Thomas J. McCarthy, Jr., County Attorney; Peter M. Huber, County Administrator; Nancy M. Burchett, Assistant County Administrator; David Tickner, Community Development Director; and Gena T. Hanks, Clerk.

### 1. Invocation

The invocation was delivered by Reverend Terry Woodard, Fairlawn Presbyterian Church.

### 2. Additions to Agenda

Mr. Sheffey recognized Pulaski County High School government class students in attendance at the meeting, Shawn Utt of the Planning District Commission for his work leading to the recent sewer funding announcement, and Jack Gill for his recent participation in the Boston Marathon.

### 3. Presentation of Resolution to Michael Gay

Mr. Sheffey presented to Michael Gay a formal resolution, which was adopted by the Board at its March meeting, recognized his work with the Claytor Lake festivities. Mr. Gay provided an update regarding upcoming Claytor Lake festivities.

### 4. Public Hearings:

- a. A request by Ernest C. & Elizabeth D. Smoake for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for, per Section 17-5, to allow a windmill as either a use by-right, or Special Use Permit (SUP) in the Residential District (R1).

Mr. Tickner explained the request and advised the Planning Commission had been presented with several options from which to choose in addressing the issue of windmills. Further, Mr. Tickner advised the Planning Commission recommended approval of option 4, allowing windmills by Special Use Permit, in the Residential (R1) Zoning District.

Chairman Sheffey opened the public hearing on this matter.

There being no comments, the public hearing was closed.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

It was moved by Mr. Conner, seconded by Mr. Akers and carried, that the Board approve option 4 amending the Zoning Ordinance, as recommended by the Planning Commission, which allows amending the ordinance to allow windmills (or other structures), by themselves, in excess of the maximum height requirement of the zoning district by Special Use Permit only. A complete copy of the options is filed with the records of this meeting.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: none.

- b. A request by **Steven G. Cole, ET AL** for a Special Use Permit (SUP) to allow construction of more than one dock on a lot per Article 8-8, on property owned by **American Electric Power**, adjacent to property identified as tax map no. 066-029-0000-0005, zoned Residential (R1), (6.610 acres), located at 4800 Lake Cliff Dr., Draper District.

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

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

It was moved by Mr. Conner, seconded by Mr. Hale and carried, that the Board approve the special use permit, as described above and as recommended by the Planning Commission. A complete copy of all documents is filed with the records of this meeting.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: none.

- c. Request for Waiver of Noise Ordinance

Mr. Huber reported Mr. Mike Bulman is requesting an undue hardship waiver from the Pulaski County Noise Ordinance to allow his band to continue practicing in the Fairlawn Storage facility after 10:00 p.m. Further, Mr. Huber advised the Sheriff reports there have been no citizen complaints regarding this matter; however, one of his officers heard the music from Rt. 11 and located the band in practice.

Chairman Sheffey opened the public hearing on this matter.

Mr. Ross Costenza, band member, answered questions posed by the Board advising the band had been practicing approximately three weeks, usually on weekends, and seldom past midnight.

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

Mr. Terry Sutphin, resident, advised he had no opposition to the band playing; however, he would like the Board to pose certain restrictions on the band playing which addresses the time of day the band can play, etc.

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

On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board approved the request for a waiver for a three month period to allow for the band to practice up to midnight, conditioned on the Sheriff's Department not receiving any complaints from the public, the band agreeing to stop practicing after 10:00 p.m. if such complaints are received, and no practicing by the band on Wednesday or Sunday nights

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: none.

### 5. Highway Matters:

The Board discussed the following highway matters with Virginia Department of Transportation (VDOT) Resident Engineer David Clarke:

#### a. Follow-up from Previous Board Meeting:

##### 1. Allisonia Bridge Repairs/Replacement

Mr. Clarke reported VDOT is still working on the design and the weight limit will be reviewed following an upcoming inspection.

##### 2. Update on Alum Spring Road Speed Limit

Mr. Clarke reported the speed study is still under review by VDOT.

##### 3. Request for Speed Limit Increase at Dunkard's Bottom

Mr. Clarke reported the speed study is still under review by VDOT.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

4. At-Grade Railroad Crossings between Rt. 11 & Rt. 747

On a motion by Mr. Hale, seconded by Mr. Akers and carried, the Board approved dropping the project based on the railroad's decision to only close one crossing.

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

Voting no: none.

5. Hazel Hollow Road & Young Road Signage

Mr. Clarke reported the signs have been installed.

6. Black Hollow Lane & Horseshoe Loop Speed Limit Signs

Mr. Clarke advised VDOT had approved posting the speed limit at 35 mph, pending determination of statutory 25 mph limit.

7. Request to Add Scott Road into the State System

Mr. Clarke reported VDOT has determined the road does not have the required width to qualify and only has one resident on the road.

8. Update re: Charles Drive & Howery Road

Mr. Clarke advised nothing can be done to prevent "through traffic" on this road.

9. Update on Erosion Near Max Creek Bridge

Mr. Clarke reported VDOT roadside is stable, but will continue to monitored.

10. Rt. 643 Turning Lane at PCHS

Mr. Clarke reported that VDOT plans to apply for safety funds or add this project to the six year plan. VDOT was requested to provide an estimate of improvement costs.

11. Little Creek Bridge

Mr. Clarke reported VDOT plans to place this bridge in next year's budget.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

12. Parrott Mountain Road Deterioration

Mr. Clarke reported some patching has been done.

b. Rural Addition Status Report

The Board reviewed the status report. Supervisor Akers reported a response from the church was expected in July regarding Lindsey Lane. Staff was requested to place an update on an upcoming Board agenda should there be an earlier update from church.

c. Rt. 711, Mines Road

By consensus, the Board approved advertising for a public hearing at the May 24 Board meeting to consider the abandonment of 0.2 miles on Rt. 711, Mines Road.

d. Citizen Concerns

Ms. Joyce Thorne questioned VDOT on how plans were progressing for drainage work to be done on Dunkard's Road. Mr. Clarke confirmed the project is scheduled for the summer of 2004. Ms. Thorne requested VDOT fill potholes at this intersection with gravel. Mr. Clarke agreed to review the matter.

e. Board of Supervisors Concerns

Supervisor Conner requested tar and gravel on the road between Hatcher Road and Fairview Home.

Supervisor Akers inquired regarding guardrail installation in the county. Mr. Clarke advised of a change in contractors for guardrail installation due to there being little progress having been made in the entire region.

Supervisor Akers inquired regarding funding for the Rt. 114 bridge. Mr. Clarke advised funding would be provided in the next five years.

Supervisor Pratt advised of a hole in the culvert in the blacktopped area on Delton Road. Mr. Clarke agreed to check on this matter and provide an update at the May Board meeting.

Supervisor Sheffey requested "Watch for Children" signage on Rt. 606. On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved requesting placement of "Children at Play" signs on Rt. 606.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: none.

Supervisor Sheffey advised of a hole on the left side of the intersection of Routes 798 & 624. Mr. Clarke agreed to review and provide an update at the May Board meeting.

Supervisor Sheffey inquired regarding the funding impact on VDOT projects, should the state not adopt a budget in a timely manner. Mr. Clarke advised construction on the Memorial Bridge would be halted and further that VDOT will have to make a decision by mid May of action to be taken.

6. Treasurer's Report

Treasurer Rose Marie Tickle presented a monthly report.

7. Presentations:

• Virginia Association of Counties

Mr. Dean Lynch of the Virginia Association of Counties provided an update regarding extensive services offered by VACO and encouraged participation by Board members in VACO activities.

8. Citizens' Comments

There were no citizen comments at this time.

9. Reports from the County Administrator & Staff:

a. Key Activity Timetable (KAT)

The Board reviewed the Key Activity Timetable in detail.

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board approved requesting "Watch for Children" signage at Randolph Park.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: none.

Further, the Board made the following changes to the Key Activity timetable as it relates to target "begin" and "end" dates: set a target "end" date for Facility Design for Rolling Hills and Orchard Hills sewer design, changed target "end" date for Construction Management of the County Administration Building renovation on the Central Gym to May 04, changed

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

the target "end" date for Construction Management of elevator to July 04, and under Recreation, changed the seating of the proposed picnic shelters at Randolph Park from 20-30 persons to 50 persons)

Supervisor Akers requested the Board ask VDOT to consider posting 10-15 mph speed postings at Randolph Park. VDOT was requested to provide an update at the May Board meeting.

b. Budget Presentation

Mr. Huber presented in detailed a proposed budget for FY 05 and pledged full support of staff in the Board's evaluation of budget options, etc.

c. Appointments

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

9. Items of Consent:

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

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: none.

a. Approval of Minutes March 22, 2004

The Board approved the minutes of the Board of Supervisors meeting of March 22, 2004.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 9857 through 10344, subject to audit.

c. Appropriations and Interoffice Transfers

The Board approved Interoffice Transfer #10 totaling \$54,994.97 and appropriations as follows:

**GENERAL FUND #13**

**REVENUES**

0014010-0100	Court Fines	\$ 90.00
0019020-4000	Recovered Costs Hazardous Spills	\$ 1,161.25
0016130-4000	Office on Youth After School Program	\$12,449.00

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

**Expenditures**

011010-2850	Board of Supervisors Employee Recog.	\$ 2,500.00
011010-6002	Board of Supervisors Food Supplies	\$ 1,000.00
012110-8101	County Administrator Machinery & Equipment	\$ 1,645.00
012110-4602	County Administrator Vehicle Parts	\$ 1,500.00
031200-6030	Sheriff's Office Police Supplies	\$ 90.00
031200-5850	Sheriff's Office Other Misc.	\$ 558.00
032270-2870	Volunteer Fire & Rescue Payment in lieu of Decals	\$ 6,225.00
035500-8101	Emergency Management Machinery & Equipment	\$ 1,161.25
043200-5302	General Properties Property Insurance	\$ 4,720.00
053500-1310	Office on Youth Part Time Salaries & Wages	\$11,449.00
053500-2100	Office on Youth FICA	\$ 1,000.00
071110-1394	Recreation Part Time Salaries & Wages	\$34,000.00
071110-2001	Recreation FICA	\$ 1,000.00
092110-5836	Revenue Refunds Grant FY 03 Comm. Corrections	\$30,063.00

**TOTAL** **\$96,911.25**

**GENERAL FUND #2**

**Expenditures:**

021200-8101	General District Court Machinery & Equipment	\$+4,200.00
091100-5850	Non-departmental charge back prior year checks	\$+ 802.50
091400-9301	Contingency	\$-5,002.50

**TOTAL** **\$-0-**

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

**SCHOOL FUND #17**

**REVENUES**

3-205-15020-0100	Rental of Property	\$ - 350.00
3-205-16120-1100	Sub Teacher Fees	\$-6,351.56
3-205-18030-0300	Refund/Overpayment	\$-10,083.00
3-205-180330-0310	Comp.Serv. Reimbursement	\$ -7,578.16
3-205-18030-0320	School Nurse Services	\$-3,698.64

**TOTAL** **-\$28,061.36**

**EXPENDITURES**

4-205-062230-3120-900	Psychologist-Other Professional Svc.	\$28,061.36
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**TOTAL** **\$28,061.36**

**SCHOOL FUND #18**

**REVENUES**

3-205-18030-0300	Refund/Overpayment	\$ -160.00
3-205-18030-0310	Comp. Serv. Reimbursement	\$ -8,461.99
3-205-18030-0320	School Nurse Services	\$-14,721.84

**TOTAL** **-\$-23,343.83**

**EXPENDITURES**

4-205-062230-3120-0900	Psychologists-Other Prof. Services	\$23,343.83
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**TOTAL** **\$23,343.83**

**SCHOOL FUND #19**

**REVENUES**

3-205-033020-1900	Flow Thru Carry Over/2	\$-109,588.84
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**TOTAL**

**EXPENDITURES**

4-205-061100-1121-200-979	Salaries & Wages/Teachers	\$109,588.84
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**TOTAL** **\$109,588.84**

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

**BUDGET ADJUSTMENT SCHOOLS #19**

**REVENUES**

3-205-033020-4100 TITLE V \$18,005.48

**EXPENDITURES**

4-205-061100-1121-200-100-954 Salaries/Teachers \$ -8,824.00

4-205-061100-2100-200-100-954 FICA \$ -664.48

4-205-061100-8201-200-100-954 Additions & Equipment \$ -8,517.00

**TOTAL \$-0-**

**BUDGET ADJUSTMENT #20**

**REVENUES**

3-205-033020-2700 Title IID \$15,313.85

**TOTAL**

**EXPENDITURES**

4-205-062190-3160-950-100-920 In-Service \$ -3,828.46

4-205-062190-8201-950-100-920 Additions Mach. & Equip. \$ -11,485.39

**TOTAL \$-0-**

**VPA #3**

**REVENUES**

3-201-33050-0210 AFDC Foster Care \$90,000.00

3-201-24010-1300 Special Needs Adoption \$22,000.00

3-201-33050-0800 Subsidized Adoption \$ 2,000.00

**TOTAL \$114,000.00**

**EXPENDITURES**

4-201-53180-5706 AFDC Foster Care \$90,000.00

4-201-53180-5729 Special Needs Adoption \$22,000.00

4-201-53180-5730 Subsidized Adoption \$ 2,000.00

**TOTAL \$114,000.00**

d. Ratification

There were no items submitted for ratification to the Board.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

e. Contracts, Change Orders & Agreements:

1. Operational Agreement Between Board of Supervisors & PSA

The Board approved the following agreement, subject to bond counsel and county attorney review and approval:

WHEREAS, the Pulaski County Public Service Authority was formed as a political subdivision to exercise public and essential governmental functions to provide for the public health and welfare of the citizens of Pulaski County; and

WHEREAS, it has operated and maintained water systems, sewer systems and refuse and disposal systems within Pulaski County; and

WHEREAS, for the mutual benefit of the Authority and the County, the parties wish to enter into an Operating Agreement to further define their roles and relationships;

NOW, THEREFORE, THIS OPERATING AGREEMENT made and entered into this 26th day of April, 2004, by and between the PULASKI COUNTY PUBLIC SERVICE AUTHORITY, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "Authority", and the BOARD OF SUPERVISORS OF PULASKI COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County".

WITNESSETH:

THAT FOR and in consideration of the mutual terms and conditions set forth herein, the parties agree as follows:

1. This agreement shall be governed by the standards set forth in the Virginia Water and Sewer Authorities Act.
2. Specific projects which will be operating by the Authority include: Brookmont Water System, Schrader Hill Water System, Pond Lick Hollow/Route 660 Water System, New River Sewer System, State Park Sewer System (when completed), Cloyd's Mountain Sewer System (when completed), and any additional systems which may be financed by the Board in the future.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

3. The Authority shall be responsible for the following:
  - a. The operation of the County's water treatment plant and the sale and distribution of potable water throughout the County;
  - b. The collection of sewerage in Pulaski County and transmission of waste water and sewerage to Pepper's Ferry Wastewater Treatment Authority. The purchase of sewerage treatment services from Pepper's Ferry Wastewater Treatment Authority. The collection of solid waste and the transportation of the same to the facilities of the New River Resource Authority;
  - c. Participation as a member in both the Pepper's Ferry Wastewater Treatment Authority and the New River Resource Authority;
  - d. Operation and maintenance of utility lines;
  - e. Payment of all bills and collection of all revenue generated by the respective water, sewer and garbage systems;
  - f. Establishment of fees commensurate with expenses related to the respective systems;
  - g. Setting aside of debt reserve amounts as may be required by the lending institutions, financing Authority projects;
  - h. Any other operational responsibilities which may be required for the maintenance and operation of the respective systems; and
  - i. Such other governmental functions authorized by the Code of Virginia.
4. The County shall remain responsible for any financial shortfall which may occur from time to time.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

2. Pretreatment Agreement Between Pepper's Ferry Regional Wastewater Treatment Authority & the County of Pulaski, Virginia

The Board approved the Pretreatment Agreement Between Pepper's Ferry Regional Wastewater Treatment Authority and the County of Pulaski, Virginia, a copy of which is filed with the records of this meeting and in the office of the County Administrator.

f. Personnel Changes

The Board reviewed recent personnel changes submitted by Assistant County Administrator Nancy Burchett.

g. Refinancing

The Board approved the following resolution and all other acts necessary to accomplish refinancing:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF PULASKI COUNTY, VIRGINIA AUTHORIZING THE TRANSFER OF WATER AND SEWER FACILITIES TO THE PULASKI COUNTY PUBLIC SERVICE AUTHORITY AND THE EXECUTION OF A SUPPORT AGREEMENT PROVIDING FOR PULASKI COUNTY'S MORAL OBLIGATION TO MAKE CERTAIN APPROPRIATIONS WITH RESPECT TO A REVENUE BOND OF THE AUTHORITY**

The Pulaski County Public Service Authority (the "Authority") proposes to issue its revenue bond in a principal amount not to exceed \$4,600,000 (the "Bond") to the Virginia Resources Authority (the "VRA"), to finance the acquisition of water or sewer facilities (the "Facilities") from the Board of Supervisors of Pulaski County, Virginia (the "Board of Supervisors") and to refund outstanding bonds of the Authority.

The Board of Supervisors desires to provide for the transfer of the Facilities to the Authority and to facilitate the issuance and sale of the Bond by providing for the County's moral obligation to make certain appropriations to the Authority with respect to the Bond.

The following documents set forth terms and provisions relating to the Bond:

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

- a. Financing Agreement (the "Financing Agreement") between the Authority and the VRA; and
- b. Support Agreement (the "Support Agreement"), between the Authority, the Board of Supervisors and the VRA,

the forms which documents have been presented to the Board of Supervisors at this meeting.

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

1. The transfer of all or part of the following "Facilities," as hereafter defined, by the Board of Supervisors to the Authority is hereby authorized. For purposes of this resolution, "Facilities" shall mean the water and sewer facilities owned by the County that were financed by the issuance of the County's \$212,600 Water and Sewer Revenue Bond, Series of 1992 and \$98,860 Water and Sewer Revenue Bond, Series of 1994 (the "County Bonds"). The Chairman or Vice Chairman of the Board of Supervisors is authorized to determine what, if any, Facilities will be transferred to the Authority and to determine the purchase price to be paid for them, so long as such price, together with other available funds, is sufficient to pay in full the principal of and interest on the County Bonds that financed the Facilities to be transferred. Any one of the Chairman or Vice-Chairman of the Board of Supervisors is hereby authorized and directed to execute and deliver any and all deeds, bills of sale and other instruments or documents necessary or appropriate for the transfer of Facilities to the Authority in accordance with this resolution.
2. The Board of Supervisors agrees to pay to the Authority amounts sufficient to pay the debt service under the Bond, the operation and maintenance expense of the System (as defined in the Financing Agreement), and additional payments for costs and expenses related to any amendment, waiver, consent, or collection or enforcement proceedings under the Financing Agreement, 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 to the Authority pursuant to this resolution 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 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.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

3. Any one of the Chairman or Vice-Chairman of the Board of Supervisors is hereby authorized and directed to execute and deliver the Support Agreement on behalf of the County, the form of which is hereby approved. The Support Agreement shall be in substantially the form as presented to this meeting, with such changes, insertions and deletions as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such changes, insertions or deletions; provided, however, that the terms of the Bond are substantially as stated in this resolution. 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

4. This resolution shall take effect immediately upon its adoption.

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 adopted at a meeting of the Board of Supervisors held on April 26, 2004. 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		
Frank R. Conner		
William E. Hale		
Ranny L. Akers		
Dean K. Pratt		

**WITNESS MY HAND** and the seal of the Board of Supervisors of Pulaski County, Virginia, this 26<sup>th</sup> day of April, 2004.

h. Polyester Park Water & Sewer Plans

Mr. Huber reported approval by Rural Development for the county to proceed with the installation of utility lines in Polyester Park, prior to completion of preliminary issues for other parks. The Board approved the required letter and all other acts necessary to expedite the start of construction on this project, with a copy of said letter being filed with the records of this meeting.

i. Community Broadband Service

The Board was provided with a strategy for implementation of community broadband service. The Board endorsed the following plan:

1. Partner with the private sector to ensure County-wide access to affordable broadband internet access. Several existing services, such as the county mapping capacity and billing through the PSA will be made available for these efforts. If a partner cannot be found by January 2005, begin the process to set up an Internet provider service agency as an essential economic development resource for implementation in 2005 and 2006.
2. Establish a fiber loop by January 2006 to provide service to the schools, County and town governments, and all libraries – using existing local government or private sector fiber. Connect fiber optic lines already in place and seek funds to build where connecting lines are missing. As noted in items 1, selling internet access services to businesses may help get lines extended to serve each industrial park in the County as well as all governmental and educational facilities.
3. Design an overall plan for this system by January 2005 seeking the needed resources within the County first. Larger needs will be addressed by looking for organizations that accept proposals to fund internet access needs. The design of a system is the most crucial issue at this time.
4. Coordinate with NRCC by maintaining communications with Jack Lewis from an administrative standpoint and John Van Hemert from an operational standpoint. Specifically keeping them apprised of what we are going to do, what we are doing, what we have finished, and what we need from NRCC with the understanding that we a similar communications will be there from NRCC.

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

5. Seek sources of Internet capacity to sell to business by July 2006. We do not care who provides or who sells; our goal is "affordable broadband for Pulaski."
6. Use broadband access as a way to become an expansion site for the VT CRC. Encourage VT to consider the availability of land, internet access, NRCC and the New River Valley Airport as regional assets in the growth of the University.
7. Organize how to use existing staff to do the tasks required to bring this system together. As the system begins to operate, identifiable savings and earned income can fund more work.
8. Determine where public fiber exists.
9. Immediately put together a design for expansion of a fiber loop Downtown through completion of conceptual plans, costing of options, and review by experts.

Plan Implementation - The County and Towns have limited ability to design the systems, develop plans or install and operate the network system. We plan to supplement staff expertise with available assistance from Virginia Tech, the Virginia Department of Information Technology, private sector assistance and hiring of consultants from time to time as may be necessary for specific tasks.

### Specific Tasks

1. Obtain commitment from Virginia Tech to design fiber loops and equipment needed for broadband development to include voice over IP phone capability with connection to Pulaski County High School.
2. Negotiate agreement with Pulaski School System to manage IT and phones for local governments.
3. Meet with Bristol Utilities to learn how to determine their interest in extending service as well as setting up a business/governmental broadband system.

### j. Subdivision Sewer Service Resolution

The Board approved the following Resolution of the Governing Body:

#### RESOLUTION OF GOVERNING BODY OF Pulaski County Board of Supervisors

The governing body of the County of Pulaski, consisting of 5 members, in a duly called meeting held on the 26th day of April 2004 at which a quorum was present RESOLVED as follows:

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

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 Service, an agency of the United States Department of Agriculture, (the Government) in the development of a sewer collection system 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.

BE IT FURTHER RESOLVED that the County Administrator of the County of Pulaski, Virginia be authorized to execute on behalf of the 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.

In addition, the Board approved a Loan Resolution, Management and Operation Agreement, Code of Conduct, Environmental Mitigation Resolution, Engineering Agreements with Draper Aden and Anderson and Associates, and the Legal Services Agreement with Tom McCarthy, copies of which are filed with the records of this meeting and in the Office of the County Administrator.

k. Ordinance to License and Regulate Pawnbrokers in Pulaski County

Staff reported the county attorney had advised that the "Ordinance to License and Regulate Pawnbrokers in Pulaski County" that was adopted on April 22, 1996, needed to be changed to confirm to a revision in the State Code (54.1-4003) to require a \$50,000 bond, rather than the \$5,000 in the current county ordinance.

The Board approved the change to the ordinance, the full text of which is as follows:

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

**AN ORDINANCE TO LICENSE AND REGULATE  
PAWNBROKERS IN PULASKI COUNTY**

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

**Section One. Title.**

This Ordinance shall be known and may be cited as the "Ordinance to License and Regulate Pawnbrokers."

**Section Two. Definition.**

The word "pawnbroker" means any person who shall, in any manner, lend or advance money or other things for profit on the pledge and possession of personal property or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

**Section Three. License Required.**

No person shall engage in or carry on the business of a pawnbroker in Pulaski County without having first been issued a license by the Commissioner of the Revenue for Pulaski County. Prior to the issuance of a license to engage in or carry on the business of a pawnbroker, the applicant for such license shall submit to the Commissioner of the Revenue information as follows: his/her full legal name, date of birth, sex, color of hair and eyes, height, weight, current residential address and telephone number, residential address(es) for immediate past three years preceding application, name and address of current employer or most recent employer, address or location of building where pawnbroker business is to be conducted, state of license and license number of any motor vehicle operator's license issued to applicant, and names and addresses of three local references at least one of whom must be a business reference. If the license is for a corporation, this information must be submitted by the President. In addition, if the applicant is a partnership or corporation, the full legal names, current residential addresses, and dates of birth of each partner of the partnership or directors and officers of the corporation.

The applicant shall further authorize the Sheriff of Pulaski County to obtain information in order to conduct a background investigation in connection with the application, which investigation may include but not be limited to information as to credit, criminal record checks, Division of Motor Vehicle records, personal references, business and professional references and current and previous employers.

A processing fee of \$25.00 must be paid to Pulaski County upon submission of the completed application.

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

### **Section Four. Investigation of License Application by Sheriff.**

Upon receipt of the application for a pawnbroker's license with the information described in Section Three of this Ordinance, the Commissioner of the Revenue shall refer said application to the Sheriff of Pulaski County who shall investigate as to the information thus submitted to determine if the applicant shows satisfactory evidence of his/her good character.

### **Section Five. Court to Authorize Issuance of License by Commissioner of Revenue.**

The Sheriff, after investigation of the applicant as provided in Section Four of this Ordinance, shall return said application to the Commissioner of the Revenue with the Sheriff's written determination as to whether the applicant has produced satisfactory evidence of his/her good character to engage in the business of pawnbroker. Upon return of the application from the Sheriff and receipt of the Sheriff's determination that the applicant has shown evidence of such good character, the Commissioner shall submit the application and the Sheriff's determination to the Judge of the Circuit Court of Pulaski County for the Court's authorization pursuant to Virginia Code Section 54.1-4001 to the Commissioner of the Revenue for Pulaski County to issue a pawnbroker's license to said applicant to conduct the business of a pawnbroker solely in the building designated in the license application.

### **Section Six. Pawnbroker's Bond.**

Prior to the issuance of the pawnbroker's license by the Commissioner of Revenue as provided above, the applicant shall enter a bond with a corporate surety licensed to act as such in the Commonwealth of Virginia, said bond to be payable to Pulaski County in the penal sum of Fifty Thousand Dollars (\$50,000.00) and conditioned upon due observance of the terms of this Ordinance and the provisions of Virginia Code Title 54.1, Chapter 40 "Pawnbrokers".

### **Section Seven. Private Action on Bond Authorized.**

If any person shall be aggrieved by the misconduct of any such licensed pawnbroker, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or part, of any execution issued upon such judgment, maintain action in his own name upon the bond of the pawnbroker in any court having jurisdiction of the amount claimed; provided, such court shall, upon application made for the purpose, grant such leave to prosecute.

### **Section Eight. Penalty.**

No person shall exercise or carry on the business of a pawnbroker without being duly licensed pursuant to this Ordinance under penalty of Fifty Dollars (\$50.00) for each day he shall exercise or carry on such business without such license.

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

### **Section Nine. Provisions and Penalties of Virginia Code Title 54.1, Chapter 40, "Pawnbrokers" Applicable.**

All persons upon being licensed as pawnbrokers under this Ordinance are subject to and are to comply with all provisions of Virginia Code Title 54.1, Chapter 40 "Pawnbrokers" in the conduct of their business as pawnbrokers, and as to violation of any such provisions, shall be subject to criminal prosecution under authority of and by said State statutes and upon conviction thereof are subject to those penalties as provided in The Code of Virginia, 1950, as amended.

### **Section Ten. Employees - Additional License Requirements.**

Any person, corporation, or partnership qualifying for a license under this Ordinance shall as a continuing requirement under such license, furnish to the Commissioner of the Revenue for Pulaski County information on each employee, prior to the person's employment by the licensee as follows: the employee's legal name, date of birth, sex, color of hair and eyes, height, weight, current residential address and telephone number, residential address(es) for immediate past three years preceding application, name and address of current employer or most recent employer, state of license and license number of any motor vehicle operator's license issued to applicant, and names and addresses of three local references at least one of whom must be a business reference.

Upon receipt of the pawnbroker's prospective employee's information described in Section Ten of this Ordinance, the Commissioner of the Revenue shall refer said information to the Sheriff of Pulaski County who shall investigate as to the information thus submitted to determine if the employee shows satisfactory evidence of his/her good character.

The employee of the licensee shall authorize the Sheriff of Pulaski County to conduct a background investigation on the employee, which may include, but not be limited to, information as to credit, criminal record checks, Division of Motor Vehicle records, personal references, business and professional references and current and previous employers.

A processing fee of \$50.00 must be paid to Pulaski County upon submission of the completed information.

### **Section Eleven. Review by Circuit Judge.**

If, after investigation of the licensee's prospective employee as provided in Section Ten of this Ordinance, the Sheriff shall make a written determination that the prospective employee or the licensee has not produced satisfactory evidence of the prospective employee's good character to be employed by the licensed pawnbroker, the Commissioner shall submit the Sheriff's determination to the Judge of the Circuit Court of Pulaski County and request the Court to revoke the applicant's license, should the prospective employee be hired by the licensed pawnbroker.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

**PAWNBROKER'S BOND**

Surety bond given by \_\_\_\_\_ as Principal, and \_\_\_\_\_ a corporation organized under the laws of the State of \_\_\_\_\_ and duly licensed to transact a surety business in the Commonwealth of Virginia, as Surety, to Pulaski County, Virginia, as Obligee, in the sum of Fifty Thousand Dollars (\$50,000.00), to be paid to Obligee or its legal representatives, successors, or assigns, for which payment we bind ourselves and our legal representatives and successors, jointly and severally.

The condition of this obligation is that Principal is a pawnbroker and is required by the Pulaski County Ordinance to License and Regulate Pawnbrokers to enter into a recognizance to Pulaski County, Virginia, in the penal sum of Five Thousand Dollars (\$5,000.00) to insure his compliance with the provisions of said Ordinance and Title 54.1, Chapter 40 "Pawnbrokers" of the Code of Virginia.

If Principal shall comply with the provisions of the Pulaski County Ordinance to Regulate and License Pawnbrokers and Title 54.1, Chapter 40 "Pawnbrokers" of the Code of Virginia, then this obligation shall be null and void; otherwise it shall remain in full force and effect, subject to the following conditions and provisions:

1. No liability shall attach to Surety unless, in the event of any default on the part of the Principal in the performance of any of the aforementioned requirements, Obligee delivers to Surety written notice thereof.
2. It is understood by and between the parties hereto that this bond may be canceled at the instance of either Principal or Surety, after thirty (30) days notice in writing, given to the other party and to the County Attorney for Pulaski County, P. O. Box 878, Pulaski, Virginia, 24301; such notice shall not affect this agreement in respect to any obligation which may have arisen prior to the effective date of cancellation.
3. It is understood and agreed to by the parties hereto that if any person shall be aggrieved by the misconduct of the Principal and shall recover against him therefor, such person, after the return unsatisfied, either in whole or in part, of any execution upon such judgment, may maintain action in his own name upon this bond in any court having jurisdiction of the amount claimed, and such person shall as to such actions be considered an Obligee under this bond provided such court shall, upon application made for this purpose, grant such leave to proceed.

WITNESS our signatures and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Principal

By \_\_\_\_\_  
(Name) (Title)

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

ATTEST:

By \_\_\_\_\_  
(Name) (Title)

**NOTE: THE POWER OF ATTORNEY FROM THE CORPORATE SURETY TO THE VIRGINIA RESIDENT AGENT TO EXECUTE THIS BOND ON BEHALF OF THE CORPORATE SURETY MUST ACCOMPANY THIS BOND.**

\_\_\_\_\_  
Surety  
By \_\_\_\_\_  
(Name) (Title)

ATTEST:  
By \_\_\_\_\_  
(Name) (Title)

**PRINCIPAL'S ACKNOWLEDGEMENT**

STATE OF VIRGINIA  
AT LARGE, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_, \_\_\_\_\_(Title) and \_\_\_\_\_(Title), respectively of \_\_\_\_\_, whose names as such are signed to the foregoing writing, bearing date on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_.

**SURETY'S ACKNOWLEDGEMENT**

STATE OF VIRGINIA  
AT LARGE, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_, \_\_\_\_\_(Title) and \_\_\_\_\_(Title), respectively of \_\_\_\_\_, whose names as such are signed to the foregoing

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

writing, bearing date on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_.

**APPLICATION FOR A  
PAWNBROKER'S LICENSE IN  
PULASKI COUNTY, VIRGINIA**

\*APPLICANT'S NAME: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ SEX: \_\_\_\_\_ COLOR OF HAIR: \_\_\_\_\_

COLOR OF EYES: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_

HOME ADDRESS AND TELEPHONE NUMBER:

\_\_\_\_\_  
\_\_\_\_\_

HOME ADDRESS(ES) FOR IMMEDIATE PAST THREE YEARS PRECEDING THIS APPLICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME AND ADDRESS OF CURRENT OR MOST RECENT EMPLOYER:

\_\_\_\_\_  
\_\_\_\_\_

LOCATION OF BUILDING WHERE PROPOSED PAWNBROKER BUSINESS IS TO BE CONDUCTED:

\_\_\_\_\_

IF LICENSED TO OPERATE ANY MOTOR VEHICLE, GIVE STATE OF OPERATOR'S LICENSE AND OPERATOR'S LICENSE NUMBER: \_\_\_\_\_

NAME AND ADDRESSES OF THREE LOCAL REFERENCES, AT LEAST ONE MUST BE A BUSINESS REFERENCE:

Name \_\_\_\_\_ Name \_\_\_\_\_ Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_ Address \_\_\_\_\_

**\*IF THIS LICENSE IS FOR A CORPORATION, THE PRESIDENT MUST FILL THIS PORTION OUT. IF A PARTNERSHIP OR CORPORATION, LIST NAMES, CURRENT RESIDENTIAL ADDRESSES, AND DATES OF BIRTH OF EACH PARTNER OR DIRECTOR AND OFFICER OF THE CORPORATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

DATE OF APPLICATION: \_\_\_\_\_  
NAME PRINTED OR TYPED OF APPLICANT: \_\_\_\_\_  
SIGNATURE OF APPLICANT: \_\_\_\_\_

**ALL APPLICANTS MUST SIGN AND DATE THE FORM "AUTHORIZATION TO OBTAIN INFORMATION" BEFORE A NOTARY PUBLIC.**

**PULASKI COUNTY  
SHERIFF'S DEPARTMENT  
AUTHORIZATION TO OBTAIN INFORMATION**

I authorize the Pulaski County Sheriff's Department to perform a background investigation in connection with my application for a pawnbroker's license in Pulaski County, Virginia.

This investigation may include information as to my credit, convictions, Division of Motor Vehicle records, personal references, professional references, previous employers, and other appropriate sources.

I authorize the release of any information that the Pulaski county Sheriff's Department may request from the above sources.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

State of Virginia,  
City/County of \_\_\_\_\_, to-wit:

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
\_\_\_\_\_, whose name is signed to the foregoing instrument,

personally appeared before me, acknowledged the foregoing signature to be his, and having been duly sworn by me, made oath that the statements made in the said instrument are true.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:  
\_\_\_\_\_

I. Animal Shelter Fundraising

The Board was presented with a draft plan for naming of rooms, as well as the animal shelter building itself, based on donations to the construction of the shelter. The Board approved the concept as submitted for naming of rooms at the Animal Shelter.

10. Citizen Comments

There were no citizen comments at this time.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

11. Other Matters from Supervisors

Supervisor Akers requested staff provide a report on approvals, right-of-way requirements and all related resolutions concerning recent Board action on Rich Hill Lane and provide an update at May Board meeting or via the weekly update.

Staff was requested to confirm with VACO attendance by Supervisor Akers at VACO Telecommunications Steering Committee meeting on May 7.

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

It was moved by Mr. Conner, seconded by Mr. Akers 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:

- ◆ American Electric Power Building
- ◆ Commerce Park Property
- ◆ River Pointe
- ◆ Bell Property

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.

- ◆ Shell Building Rental
- ◆ Air Quality Permit Application

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:

- ◆ Fairview Home Legal Liability
- ◆ REMSI Contract and Legal Liability
- ◆ Legal Advice in the Formation of a Regional Water Authority

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: none.

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

### Return to Regular Session

It was moved by Mr. Hale, seconded by Mr. Pratt and carried, that the Board return to regular session.

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

Voting no: none.

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

It was moved by Mr. Conner, seconded by Mr. Hale and carried, that the Board of Supervisors adopt 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: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,  
Mr. Pratt.

Voting no: none.

### Action Items

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

#### 1. NRRA Recycling Committee

The Board requested Jean Anderson be contacted to consider serving and place an update on the May regular meeting agenda.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

2. Board of Zoning Appeals

The Board approved submitting to the Circuit Court the nomination of Tony Nicolo and Melvin Reece for additional terms when said terms expire on June 30, 2004.

The Board directed to staff to contact Richard Jones to determine his interest in serving on the BZA Board and place the nomination on the May Board agenda.

3. NR Highlands Resource Conservation Council

The Board requested staff contact Mike Cox to determine his interest in serving on the Council and place an update on the May regular Board meeting agenda.

4. PEP Appointments

The Board reappointed Phillip Baker, Ron Chaffin, Steve Crawford, Richard Guthrie, Tom Douthat, Betsy Mabry, Tom McCarthy, Hi Nicely, James Roberts, Mark Tanis, Mason Vaughan, Sr., and Jerry White when terms expire on June 30, 2004. The Board directed staff to request Mary Tabor of First National Bank consider serving to replace Jeff Irby.

5. Planning Commission

The Board reappointed Richard Guthrie for an additional four year term ending June 30, 2008.

6. Jamestown 2007 Committee

The Board appointed Ms. Carolyn Mathews to the Jamestown 2007 Committee.

7. Commerce Park Land Use Committee

The Board appointed Supervisor Eddie Hale to the Commerce Park Land Use Committee.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 26, 2004

8. Building Usage Planning Ad-Hoc Committee

The Board directed staff to contact Ken Bowling, Maynard Sayers, H. W. Huff, Jr., Charles DeHart, Mark Hamric, Lewis Pratt, Eddie Crewes, Richard Jones and a School Board representative and request they consider serving on this committee.

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

Voting no: none.

Fairview Home Expenditure

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board approved the expenditure of \$5,293.17 to Fairview District Home for capital expenses.

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

Voting no: none.

13. Adjournment

It was moved by Mr. Conner, seconded by Mr. Pratt and carried, the Board of Supervisors adjourned to reconvene for a budget work session on Monday, May 3, 2004 at 6:00 p.m. in the Board Room of the County Administration Building, 143 Third Street, N. W., in the Town of Pulaski, Virginia.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: None.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator