

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, July 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; Dari Jenkins, Zoning Administrator; and Gena T. Hanks, Clerk.

1. Invocation

The invocation was delivered by Thomas J. McCarthy, Jr., County Attorney.

2. Presentation of Resolutions

a. Richard White

Chairman Sheffey read aloud and presented a resolution honoring Richard White, with said resolution having been adopted by the Board at its June 28, 2004 meeting.

Mr. White expressed his appreciation to the Board and county staff for past and present support.

b. Richard Johnson

Chairman Sheffey read aloud a resolution honoring Richard Johnson. Mr. Johnson was unable to attend the meeting and staff was directed to invite Mr. Johnson to attend the August 23 Board meeting.

c. Pulaski Wolves 10 and Under AAU Girls Basketball

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board adopted and presented the following resolution:

**PULASKI WOLVES
10 & UNDER
GIRLS BASKETBALL TEAM**

WHEREAS, the Pulaski County Board of Supervisors recognizes the Pulaski Wolves 10 and Under AAU Girls Basketball Team members as follows: Shammra Arnold, Shaniqua Banks, Jordan Chrisley, Cara Covey, Kelli Duncan, Lauren Foster, Hunter Matusevich, Marlena Morrison, Autumn Myers, Raiven Patterson, Nikki Shay, Tamar Smith, and Chelsea Sutphin; Head Coach Scott Ratcliff and

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

Assistant Coach Don Ratcliff; and bench personnel Dale Matusевич and Mark Brown; and

WHEREAS, the Pulaski County Board of Supervisors recognizes the Pulaski Wolves 10 and Under AAU Girls Basketball Team for a 2004 winning season with an overall record of 35 wins and 7 losses; and

WHEREAS, the Pulaski Wolves 10 and Under Girls Basketball Team achieved outstanding recognition by becoming the 2004 AAU Virginia State Champions, 2004 AAU Division II East National Champions with a record of 8 wins and 0 losses, and 2004 Virginia Commonwealth Games Champions; and

WHEREAS, the Pulaski Wolves 10 and Under Girls Basketball Team were the only undefeated team in the tournament held in Orlando, Florida; and

WHEREAS, the Pulaski Wolves 10 and Under Girls Basketball Team are commended for being the first Pulaski County AAU Girls Basketball Team to advance to the National level; and

WHEREAS, the Pulaski County Board of Supervisors does commend the Pulaski Wolves 10 and Under Girls Basketball Team, its coaches, parents and families for representing Pulaski County and the State of Virginia with its consistent demonstration of integrity and sportsmanship.

NOW THEREFORE BE IT RESOLVED that the Pulaski County Board of Supervisors honors the Pulaski Wolves 10 and Under Girls Basketball Team, its coaches, parents and families and wishes them every success in the future.

BE IT FURTHER RESOLVED that the text of this resolution be spread on the minutes of the Board of Supervisors of Pulaski County in permanent testimony of its appreciation to the outstanding accomplishments of the Pulaski Wolves 10 and Under Girls Basketball Team.

Adopted this 26th day of July, 2004.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

Chairman Sheffey and other Board members presented county lapel pins and Randolph Park pool passes to the team members and coaches.

Coach Scott Ratcliff invited Board members to a cookout honoring the basketball team and their families to be held on Saturday, August 7 from 5:00 to 7:00 p.m. at the UAW Union Hall in Dublin.

3. Additions to Agenda

Mr. Huber noted receipt of a court "Petition for Writ" from Mr. C R. Dalton regarding his rezoning request and advised this matter would be discussed in the Closed Session portion of the Board meeting.

4. Public Hearings:

- a. A rezoning request by **Elga M. and Bonnie S. Henley** from Residential (R1) to Agricultural (A1) on property identified as tax map no. 066-001-0000-0047, 1.28 acres, located at 6376 Cardinal Dr., Ingles District.

Ms. Jenkins described the request and advised the Planning Commission recommended approval. Chairman Sheffey opened the public hearing on this matter. Ms. Bonnie Henley spoke in favor of the request. There being no further comments, the public hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved the request, 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.

- b. A request by **Findlay Industries** for a Special Use Permit (SUP) to allow light manufacturing per Section 4-3 of the Commercial District (CM1) on property owned by **Dublin Fairacres Limited Partnership** identified as tax map no. 056-002-0002-0030, zoned Commercial (CM1), 5.1300 acres, located at 4697 Cleburne Blvd., Draper District.

Ms. Jenkins described the request and advised the Planning Commission recommended that the Board and Commission review possible text amendments to the Zoning Ordinance to allow for temporary use of space by an industry.

County Attorney Tom McCarthy recommended tabling action on this matter to the Board's August 23 meeting to allow the Planning Commission the opportunity to prepare text amendments for presentation to the Board at its August 23 meeting.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

Chairman Sheffey opened the public hearing on this matter. Mr. Roy Farmer advised he did not have concerns with the requested special use permit, as long as Findlay follows its proposal for remediation on their existing site. There being no further comments, the public hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board tabled action on this matter to its August 23 meeting.

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

Voting no: none.

- c. A request by **New River Retreat LLC c/o Deborah P. Gardner** for a Special Use Permit (SUP) to allow a camper per Article 5B-3, on property identified as tax map no. 122-003-0000-0001 (.63 acres) & 122-003-0000-0002 (.61 acres), zoned Residential (R1), located immediately east of 4046 Clark Ferry Rd., Draper District.

Ms. Jenkins described the request and advised the Planning Commission recommended approval.

Chairman Sheffey opened the public hearing on this matter. Ms. Debbie Gardner, representing New River Retreat, spoke in favor of the request and described the intentions was for use of the camper by her father until such time as she can pursue construction of a cabin on the property which is expected within the next few years. There being no further comments, the public hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board approved the request, as recommended by the Planning Commission.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

d. Budget Amendment

Staff advised that state law mandates that a public hearing be held on additional appropriations that are \$500,000 or more, or equal to 10% of the total budget and that a public hearing had been scheduled to consider amending the FY 05 budget by \$2,342,105.38.

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board approved amending the FY 05 budget by \$2,342,105.38 as follows:

REVENUES:

GENERAL FUND:

Revenue from Local Sources:

Carry Over Balance FY 04	\$ 354,079.45
TOTAL GENERAL FUND	\$ 354,079.45

SCHOOL FUND:

Revenue from Federal Grants:

Federal Grant Carryover	\$ 278,058.35
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Revenue from Local Sources:

General Fund Transfer	500,000.00
TOTAL SCHOOL FUND	\$ 778,058.35

GOVERNOR'S SCHOOL FUND:

Revenues from Local Sources:

Local School Board Share	\$ 287,133.00
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Revenues from Commonwealth:

State Funding Governor's School	341,249.00
TOTAL GOVERNOR'S SCHOOL FUND	\$ 628,382.00

CAPITAL IMPROVEMENTS FUND:

Revenue from Local Sources:

GF Transfer (carry-over)	\$ 581,585.58
TOTAL CIP FUND	\$ 581,585.58

GRAND TOTAL ALL FUNDS	\$2,342,105.38
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BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

EXPENDITURES:

GENERAL FUND:

Law Enforcement & Public Safety	\$ 176,321.90
Fire & Rescue Services	29,209.87
Other Protection	146,658.68
Welfare & Social Services Programs	<u>1,889.00</u>
TOTAL GENERAL FUND	\$ 354,079.45

SCHOOL FUND:

Federal Grant Programs	\$ 278,058.35
Instruction – Textbooks & Related Materials	<u>500,000.00</u>
TOTAL SCHOOL FUND	\$ 778,058.35

GOVERNOR'S SCHOOL FUND:

Regional Governor's School	<u>\$ 628,382.00</u>
TOTAL GOVERNOR'S SCHOOL FUND	\$ 628,382.00

CAPITAL IMPROVEMENTS FUND:

Capital Projects	<u>\$ 581,585.58</u>
TOTAL CIP FUND	\$ 581,585.58

GRAND TOTAL ALL FUNDS \$2,342,105.38

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 work is ongoing with an advertising date for the project expected in late 2005.

2. Update on Alum Spring Road Speed Limit

Mr. Clarke reported results indicated posting would remain at 40 mph.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

3. Update on Rt. 785, Booker Branch Road, and Rt. 732 Young Road, Rural Rustic Request

Mr. Clarke advised Rt. 785 would qualify for rural rustic status; however, Rt. 732 did not qualify due to the traffic count being under 50 vehicles per day. The Board requested VDOT review the traffic count on Rt. 732.

Mr. Clarke advised Rt. 785 would need to be placed on the six year plan to qualify for rural rustic status and this could be considered at the six year plan hearing in the fall.

4. Viscoe Road Speed Limit Results

Mr. Clarke reported the informal speed study indicated 40 mph posting would likely remain. The Board directed staff to advise Benny Keister of these results.

5. Request to Cut Back Bank on Old Rt. 11

Mr. Clarke reported VDOT was continuing to review this request and would provide an update at the August Board meeting.

6. Maintenance of Private Roads Serving Town Homes Across from Riverlawn Elementary School

Mr. Huber advised that utilities currently located under the roadway would need to be relocated before VDOT could accept the road. In addition, homeowners will need to record a drainage easement and right-of-way as well as install a turn lane, curbing and guttering.

The Board directed staff to arrange a meeting with homeowners at Riverlawn Elementary School.

7. Delton Road Culvert Status

Mr. Clarke agreed to review the culvert status at 2742 Delton Road and provide an update at the August Board meeting.

8. Charles Drive Potholes

Mr. Clarke agreed to take a look at the road and patch as appropriate.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

9. Whitt Southern Road Striping

Supervisor Conner advised striping is needed. Mr. Clarke advised he would review the road and provide an update at the August Board meeting.

10. Little Creek Low Water Bridge

Supervisor Conner advised he continued to receive complaints from citizens regarding repairs and patching needed on the bridge. Mr. Clarke agreed to review the matter and provide an update at the August Board meeting.

b. Rural Addition Status Report

The Board reviewed an update to the rural addition report. Supervisor Akers reported he was unable to make contact with the church regarding Lindsay Lane. The Board directed staff to leave the road on the list, but to change the target date to December.

c. Citizen Concerns

Ms. Joyce Thorne expressed concern regarding a change in the scheduling of Dunkard's Bottom drainage improvements by VDOT, specifically a change in the initial construction date reported by VDOT for the summer of 2004 with a new schedule of improvements consisting of an advertisement date in 2005.

Ms. Thorne advised previous Board that the minutes noted the improvements were to be made in the summer of 2004. Further, Ms. Thorne questioned VDOT's accountability to the Board and Pulaski County residents and advised it was her understanding that it was the local board's responsibility to see that VDOT followed through with projects.

Mr. Clarke stated he was aware that the repairs were put on the six year plan, but that the project was too large in scope to be done as maintenance. Mr. Clarke apologized for the misunderstanding regarding the scheduled improvements.

Mr. Clarke requested, and the Board concurred, that a six-year plan hearing to be scheduled for October 2004, with a decision on the plan to be made at the November 2004 Board meeting.

Mr. Clarke advised the overall state budget for road improvements had been drastically reduced.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

d. Board of Supervisors Concerns

Supervisor Conner expressed concern that Hatcher Road tar and graveling had not been done. Mr. Clarke agreed to review the matter and provide an update at the August Board meeting.

Supervisor Conner requested VDOT review the speed limit on Black Hollow Lane and expressed concern that state law authorizes a 25 mph posting. Mr. Clarke agreed to review the matter and provide an update at the August Board meeting.

Supervisor Akers expressed concern that VDOT had advised Dunkard's Road drainage would be addressed this year and then rescheduled for next year, as well as rescheduling of other road projects.

Supervisor Akers requested VDOT review Rt. 605, Shelburne Road, specifically the shifting of asphalt due to the traffic making the turn. Mr. Clarke agreed to review the matter and provide an update at the August Board meeting.

Supervisor Pratt requested VDOT look at recent paving around, rather than removal of, a rock on Old Baltimore Road between Delton and Barrett Ridge Road. Mr. Clarke agreed to review the matter and provide an update at the August Board meeting.

Supervisor Sheffey requested updates on the Rt. 114 and Memorial bridges. Mr. Clarke reported the Rt. 114 bridge is projected for 2009, with the Memorial Bridge completion projected for the fall of 2004.

6. Treasurer's Report

Treasurer Rose Marie Tickle provided the Board with a copy of the Treasurer's monthly report.

Mrs. Tickle and staff demonstrated the Internet based credit card payment option and noted the Public Service Authority also plans to allow for payment of utilities on line with a credit card. The Board noted concern with the reference to "fees" on the county's web site and recommended web site changes clarifying that additional fees are not being charged by the county or Treasurer, but rather by Official Payments Corporation.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

7. Citizens' Comments

Ms. Rhonda Albert, representing the Pulaski County High School Drama Department, presented information regarding funding needs to send 40 drama students to a national competition in Scotland in 2005. Ms. Albert requested funding assistance from the Board. The Board advised Ms. Albert of the committee overseeing special funding requests and that her request would be presented to this committee with a recommendation to be provided to the Board at its September Board meeting.

The Board suggested Ms. Albert contact state legislators for support, apply for grants available, as well as contact the School Board to apply for funds from the New River Valley Community Foundation and C. E. Richardson Foundation.

8. Presentation of FY 03 Audit

Ms. Burchett advised that Auditor Deanna Cox was unable to attend the meeting. The Board requested staff invite Ms. Cox to attend the August 23 Board meeting for a presentation.

9. Reports from the County Administrator & Staff:

a. Historic Designation

In response to a request by the Board at its July Board meeting, specifically related to a request by Kenneth Drummond for historical designation of Rockwood Farms, the following recommendations were presented by Community Development Director David Tickner:

1. Request the Planning Commission to propose an historic overlay zoning district, to be applied to Mr. Drummond's and other properties in the county, using the Town of Pulaski's ordinance as a model for development of the overlay.
2. Recommend to Mr. Drummond that he start the process of having the property placed on the State and National Historic Register. The Town Code Official has used this in the absence of the overlay district on particular properties, to qualify historic structures.
3. Consider becoming a certified local government in order to qualify for possible grant funding.

By consensus, the Board concurred with Mr. Tickner's recommendations, specifically: proposing historic overlay zoning district; advise applicant(s) to start process of having property placed on the State &

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

National Historic Register and initiate action to become certified local government in order to qualify for possible granting fund.

Supervisor Conner expressed concern regarding safety issues on historic structures. The Board directed inspection staff to check for safety and structural code compliance of historical designated structures.

b. Scheduling of Administrator's Evaluation

The Board scheduled the county administrator's evaluation for Monday, August 30 at 6:00 p.m. at the residence of County Attorney Tom McCarthy, with the second choice for a date being September 20.

c. Key Activity Timetable (KAT)

The Board reviewed the Key Activity Timetable in detail.

The Board directed staff to initiate the following changes to the Key Activity Timetable: change dates of construction of elevator to "Completed", Central Gym improvements to "Sept. 04", and Elevator foyer to "Oct. 04"; and change date under Intergovernmental Relations – School Building Program – Claremont/Northwood Schools to "Oct. 04".

Mr. Huber advised that staff is applying for a grant for a mitigation program, specifically to be used for construction of a new Sheriff's Office due to potential flooding along Peak Creek, with grant funding to be \$1.2 million.

Supervisor Akers requested staff add "Harry DeHaven Park improvements" to the KAT, specifically the addition of dusk to dawn lights, trimming of trees, seawall installation and general improvements.

d. Appointments

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

e. Personal Property Tax Collections

Staff advised of procedures planned by the state in the administration of the Personal Property Tax Relief Act which will affect the due date for payment of personal property taxes.

On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board approved scheduling a public hearing for its August 23 meeting to change the due date for taxes to October 15, 2005, prorating the decal cost to \$16.50, conducting an extensive public information campaign, requesting

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

help from the Sheriff's Department in enforcing decal purchases and requesting the towns of Dublin and Pulaski adopt a similar deadline.

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

Voting no: none.

10. Items of Consent:

On a motion by Mr. Hale, seconded by Mr. Pratt 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 of June 28, 2004

The Board approved the minutes of the Board of Supervisors meeting of June 28, 2004.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 11455 through 11725, subject to audit.

c. Appropriations and Interoffice Transfers

The Board approved Interoffice Transfer #1 totaling \$49,350.01 and appropriations as follows:

GENERAL FUND #17

REVENUES

019010-1500	Recovered Costs Deputy Security	\$79,835.00
019010-5800	July 4 th Celebration Recovered Costs	5,000.00
016030-1100	Seized Assets Sheriff's Office	4,987.50

TOTAL

\$84,872.50

Expenditures

012110-4700	County Admin. Central Copying	491.00
012110-5230	County Admin. Telecommunications	611.00
012110-8102	County Admin. Furniture & Fixtures	830.00
012120-1110	Assistant Administrator Salaries	1,000.00
012240-3120	Independent Auditor Auditing Services	3,800.00
012260-4100	Management Svcs. Data Processing	1,851.00
012410-4100	Treasurer's Ofc. Data Processing	11,037.00
021500-3320	Juvenile & Domestic Relations Main. Contract	35.00
021800-6012	Law Library Books & Subscriptions	282.00

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

031200-1139	Sheriff's Office Salaries & Wages	100,300.00
031200-6017	Sheriff's Office Seized Assets Equipment	4,987.50
032200-4601	Draper Vol. Fire Dept. Garage Labor	17.00
053500-6020	Office on Youth Recreation Supplies	90.00
071110-1394	Recreation Salaries & Wages	2,550.00
071110-2300	Recreation Hospital Medical Fringe Benefit	9,400.00
071320-1394	Randolph Park Salaries & Wages	
	14,622.00	
071320-5110	Randolph Park Electrical Services	5,789.00
071320-5120	Randolph Park Heating	2,388.00
071320-5699	Randolph Park Operating Expenses	1,150.00
071380-3170	July 4 th Celebration	5,000.00
083500-2830	Extension Office Fringe Benefits	7,751.00

TOTAL 173,981.50

SCHOOL FUND #28

REVENUES:

3-205-16120-1100 Sub Teacher Fees - 91,147.00

TOTAL -91,147.00

Expenditures:

4-205-066600-8102-900 Replacement Furniture 35,000.00

4-205-064200-5230-900 Telephone 56,147.00

TOTAL \$91,147.00

INTERNAL SERVICE FUND#2

REVENUES

041050-1000 Transfer from General Fund \$59,092.00

TOTAL \$59,092.00

EXPENDITURES

012510-1150 Information Technology Salaries & Wages \$ 4,450.00

012510-3320 Information Technology Maint. Svc. Contracts 2,450.00

012560-6008 Co. Garage Vehicle & Powered Equip. Supplies 32,488.00

012570-5230 Communications-Telecommunications 19,704.00

TOTAL \$59,092.00

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

CAPITAL IMPROVEMENT FUND #3

REVENUES

041050-1000 Transfer from General Fund 8,263.00

TOTAL \$8,263.00

EXPENDITURES

012330-3160 Reassessment \$ 21.00

012331-1111 Equalization Board Salaries 7,600.00

012331-2100 Equalization Board FICA 414.00

071320-6014 Randolph Park Recreation Supplies 228.00

TOTAL \$ 8,263.00

GOVERNOR'S SCHOOL FUND #2

REVENUES

016120-1200 Local School Board Share Governor's School \$13,552.00

TOTAL \$13,552.00

EXPENDITURES

6110-1121-300-400 Governor's School Classroom Inst. Salaries \$1,997.00

62100-1156-900-400 Governor's School Wages Support Staff 11,555.00

TOTAL \$13,552.00

GENERAL FUND #4

EXPENDITURES

012110-5540 County Administrator \$+1,330.00

012110-6012 County Administrator Books & Subscriptions +189.00

043200-1170 General Properties Salaries & Wages +6,034.00

043200-1391 General Properties Salaries & Wages, Part-Time +2,442.00

043200-6005 General Properties Janitorial Supplies +2,800.00

053600-7001 Institutional Care of the Poor +13,932.00

091400-9301 Contingency -26,727.00

TOTAL -0-

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

d. Ratification - Elevation Equipment Inspection Service, LLC Agreement

The Board ratified an agreement with Elevator Equipment Inspection Service to ensure proper inspections of elevators in the County Administration Building and two courthouses.

e. Contracts, Change Orders & Agreements - InterAct Mapping/CAB Project Agreement

1. Phone System Purchase Agreement – Animal Shelter

The Board approved acceptance of the low bid from Affordable Telephone Services of \$4,675.00 for the provision and installation of a telephone system at the Animal Shelter, subject to review and approval of all documents by the County Attorney.

2. Agreement with Verizon for Transfer of 911 Information

The Board approved an agreement with Verizon which provides for the daily transfer of customer information into the county 911 system, subject to review by the County Attorney.

f. Personnel Changes

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

g. 2005 Legislative Items

The Board approved submitting to legislators the following legislative items of concern: Comprehensive Services Act funding, Transportation funding, Educational funding, Enabling Utilization of an Admission Tax, Developing a Partnership with Local Governments, and Protecting Competitive Edge in the cost of electricity.

h. Highland Park Sewer Resolution(s)

The Board adopted the following documents in the acceptance of Rural Development funding and operation of the proposed system:

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

1. Management and Operation Agreement for Highland Park Sewer Project

THIS MANAGEMENT AND OPERATION AGREEMENT dated this 26th day of July, 2004, and entered into by and between the COUNTY OF PULASKI, VIRGINIA, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as "the County" and the PULASKI COUNTY PUBLIC SERVICE AUTHORITY, a public body politic and corporate created by the County, pursuant to the Virginia Water and Waste Authorities Act (§§ 15.2-5200 to 15.2-5158, inclusive, Code of Virginia, 1950, as amended), hereinafter referred to as "the Authority."

W I T N E S S E T H

WHEREAS, the Authority currently operates the County-owned water treatment plant and the sale and distribution of potable water throughout the County; and

WHEREAS, the Authority currently owns and operates transmission and distribution system, including piping, pumping, and water storage, and wastewater transmission system, including piping and pumping operations within the County of Pulaski, Virginia; and

WHEREAS, the County is in the process of designing and constructing an expansion to the System consisting of approximately 25,115 linear feet of new gravity sewer lines; and,

WHEREAS, the County has requested and the Authority has agreed to operate and maintain the Improvements as an extension to and part of the System owned, operated, maintained and managed by the Authority pursuant to the terms of this agreement; and,

WHEREAS, the Board of Supervisors of the County has determined that the public health, safety, and welfare of the residents of Pulaski County can be best protected by entering into this agreement to provide for the operation, maintenance, and management of the Improvements as part of the Authority's System;

NOW THEREFORE, in consideration of the mutual covenants, conditions, and terms contained herein, the parties hereto, agree as follows:

ARTICLE I. AGREEMENT

Section 1.1. Operation, maintenance and management of system.

On and after the commencement date, the County and the Authority, in combination with each other in the manner herein described, shall operate, maintain and manage the Improvements on the terms and conditions set forth in this agreement.

ARTICLE II. TERM.

Section 2.1

The commencement date shall be the date the Improvements have been tested, and accepted for operation by the Board of Supervisors of Pulaski County and the Pulaski County Public Service Authority.

Section 2.2. Term

The term of this Agreement shall commence on the commencement date and shall expire on the fortieth anniversary date of the commencement date, subject to such extension as is contemplated in this Article II.

Section 2.3. Extension.

In the absence of an agreement to extend this agreement for a definite term beyond the original term or any extension thereof, upon the end of the Term this Agreement shall continue on the same terms and conditions on a month-to-month basis.

ARTICLE III, OPERATION, MAINTENANCE AND MANAGEMENT

Section 3.1. General

The Authority shall do the following with respect to the Improvements:

A. The Authority shall manage, operate, maintain, repair and improve the Improvements as part of the System at all times on behalf of the County in compliance with all federal, state, and local laws, regulations and permits, and in accordance with this agreement.

B. The Authority, at all times shall keep the improvements in good repair and working order and shall manage, operate, maintain, repair and improve the Improvements in an efficient and economical manner, all in accordance with this Agreement, the standard

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

operating and employment procedures of the Authority, and prudent industry and utility practice.

Section 3.2. Compliance with laws, regulations and permits

Upon completion and acceptance of the Improvements, the Authority shall operate the Improvements as part of the System in compliance with the Safe Drinking Water Act ("SDWA"), the Resource and Conservation Recovery Act, as amended ("RCRA"), the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), the Occupational Safety and Health Act ("OSHA"), and any and all other applicable local, state, and federal laws, codes, ordinances, and regulations as they pertain to the Improvements.

Section 3.3. Federal financial assistance

The Authority shall comply will all requirements related to the federal financial assistance granted the County to acquire and construct the Improvements.

ARTICLE IV. FINANCIAL TERMS

Section 4.1. Establishment and collection of rates, fees and charges.

The Authority shall, subject to the approval by the County, fix, charge and collect rates, fees and charges for the use of or for the services furnished by the System, including the Improvements. Such rates, fees, and charges shall be charged to and collected from any person contracting for the services or the lessee or tenant who uses or occupies any real estate which is serviced by or benefits from the System or Improvements.

Section 4.2. Payment of expenses.

The Authority shall provide all related insurance and bond coverage as provided in Article V, labor, materials, machinery, vehicles, equipment (including office equipment), fuel, power, chemicals, supplies, spare parts, testing and laboratory analysis, and all else necessary for or incidental to the management, operation, maintenance, repair and improvement of the Improvements in accordance with this Agreement and in accordance with applicable laws, ordinances, and regulations. These items mentioned and all other costs and expenses related to the Improvements and the System incurred by the Authority to operate and maintain such Improvement and System, shall be paid monthly by the Authority. The

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

Authority will reimburse the County on a monthly basis, the monthly debt service amount, in order for the County to make the debt service payment to U.S. Department of Agriculture's Rural Utility Service in a timely manner.

Section 4.3. Accounting.

The Authority will provide the County an annual (on the fiscal year) detailed accounting of expenses incurred and fees collected. Fees, rates and charges collected from customers will as nearly as possible be sufficient to meet all expenses of operation and maintenance, of the Improvements and the System.

Section 4.4. Surplus funds.

The Authority will forward surplus funds, when available, to the County to be placed in a reserve fund for future operation and maintenance needs of the System and the Improvements.

Section 4.5. Operational shortfall of funds.

When operational, if the maintenance expenses (as described in Section 4.2) including insurance and related expenses exceed the available funds received from fees, rates, and charges, the County will make available funds from the reserve fund to pay for the Authority's actual expenses in excess of such collections as evidenced by the annual detailed accounting report. Should the Authority still have unpaid expenses once the surplus has been used then the County and Authority, together, shall adjust its fees, rates and charges to cover its actual expenses.

ARTICLE V. INSURANCE.

Section 5.1. Insurance required.

The Authority shall not commence the performance of the services under this Agreement until it has provided insurance of the types and in such amounts as set forth herein and such insurance has been approved by the County. The Authority shall maintain such insurance in full force and effect for the duration of this Agreement.

Section 5.2. County as additional insured.

The insurance policies maintained by the Authority and more particularly described hereafter shall specifically designate the County as an additional insured.

Section 5.3. Worker's Compensation.

The Authority shall maintain during the term of this Agreement worker's compensation and employer's liability insurance in accordance with the requirements of the general laws of the Commonwealth of Virginia and all other applicable laws and regulations.

Section 5.4. Public liability insurance.

The Authority shall maintain during the term of this Agreement such public liability insurance as shall protect it against claims for damages resulting from (a) bodily injury, including wrongful death, and (b) property damages, which may arise from the performance of services hereunder regardless of by whom performed (including any subcontractors). The minimum acceptable limits of liability to be provided by such public liability insurance shall be \$5,000,000 for each occurrence/annual aggregate by the Authority (or \$1,000,000 each occurrence/annual aggregate by each subcontractor).

Section 5.5. Motor vehicle liability and property damage insurance

The Authority shall maintain, or cause any subcontractor to maintain, during the term of this Agreement such motor vehicle liability insurance as shall protect it against claims for damages resulting from bodily injury, wrongful death, and property damage, which may arise from the operations of any owned, hired or non-owned motor vehicles used by or for it (or subcontractors) in connection with the performance of services hereinafter. The minimum acceptable limits of liability to be provided by such motor vehicle liability insurance shall be \$5,000,000 for each occurrence/annual aggregate by the Authority (or \$1,000,000 each occurrence/annual aggregate by each subcontractor).

Section 5.6. Fidelity Bond Coverage.

The Authority shall maintain during the terms of this Agreement blanket fidelity bond coverage protecting the Authority from all losses through any act of fraud, larceny, forgery, theft, embezzlement, wrongful abstraction, willful misapplication or willful misappropriation, or other fraudulent or dishonest acts committed by its officers or employees. The minimum acceptable limits shall be \$100,000 each occurrence/annual aggregate.

Section 5.7. Property Insurance.

The Authority shall maintain during the term of this Agreement such hazard insurance policy covering the fair market value of all insurable interests of the County and Authority in and to the real estate and personal property constituting elements of the System and Improvements.

ARTICLE VI. ENFORCEMENT

Section 6.1. Dispute resolution.

Any disputes arising under this Agreement shall be referred to the County Administrator and the Executive Director of the Authority for resolution. If the dispute cannot be resolved between them to the satisfaction of both the County and the Authority, either party shall be entitled to institute such proceedings at law or in equity may be necessary or desirable in its sole discretion.

Section 6.2. Binding effect.

This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto, and except as to such successors and assigns, it is not intended to and shall not confer upon any other person, firm or corporation, public or private, other than the holder or holders from time to time of any revenue bonds of the Board, any rights hereunder.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed in duplicate on its behalf by its proper official hereunto duly authorized the day and year first above written.

2. Loan Resolution

Position 5

RUS BULLETIN 1780-27

APPROVED
OMB. No. 0575-0015

(Automated 8-97)

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Board of Supervisors

OF THE Pulaski County, Virginia

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Wastewater collection
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

WHEREAS, it is necessary for the Pulaski County Board of Supervisors
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One Million, One Hundred Eighty-Seven Thousand, Six Hundred (\$1,187,600)

pursuant to the provisions of wastewater collection;
and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the _____

hereby certify that the _____ of such Association is composed of _____

_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and _____

held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting

by the vote shown above, I further certify that as of _____ , the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____

Title _____

3. Environmental Mitigation Agreement

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, the County has been awarded funding from the USDA Rural Development Agency for the construction of the *Highland Park Sewer Project* that includes the extension of sewer collection facilities throughout the Highland park subdivision;

NOW BE IT RESOLVED, the Pulaski County Board of Supervisors and the Pulaski County Public Service Authority have agreed to abide by the following environmental mitigation criteria in regards to the construction of the above-mentioned project.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

- a) While none are anticipated, should the proposal require unavoidable crossings of streams and/or wetlands, the following practices will be used:
 - 1. Operation of machinery and construction vehicles outside the stream-beds or wetlands;
 - 2. Use of directional drilling from upland locations for the installation of utilities;
 - 3. The preservation and redistribution of the top twelve inches of trench material removed from a wetland for use as a wetland seed bank and root stock in the excavated area; and
 - 4. The use of synthetic mats when in-stream work is unavoidable.
- b) Construction impacts will be minimized through adequate and thorough construction planning and employment of the best management practices.
- c) The contractor will strictly adhere to the requirements outlined in the regulations for the Control and Abatement of Air Pollution as noted in Virginia Administrative Code (VAC) 9 VAC 5-50-80 and 9 VAC 5-50-90, governing abatement of visible emission and fugitive dust emissions; 9 VAC 5-40-5620 and 9 VAC 5-40-5630, which address open burning, and will use sound construction practices during construction.
- d) Should it be deemed necessary, tracer testing will be accomplished to identify groundwater flow paths to streams and springs to ensure more efficient emergency responses to chemical spills.
- e) Strict adherence to an approved Erosion and Sediment Control Plan is required.
- f) Vegetation disturbance and mechanical disturbance of the soil, maintaining suitable vegetation on erodible surfaces, with the least possible change in slope, is required.
- g) Drainage patterns and stream channel sizes in the right-of-way will be kept as natural as possible during construction activities.
- h) Use of design and construction practices proven safe for karst must be applied during the construction period.
- i) Should the extent of the project locations change, the County must contact USDA Rural Development for further information and coordination.
- j) Construction activities in the project corridor must have the following accomplished:
 - 1. Be evaluated for the presence of other karst features prior to the start of construction activities.
 - 2. Crossing of sinkholes will be avoided.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

3. Blasting will be avoided as will construction of any hydrologic modifications in the project area. If blasting cannot be avoided, contact will be made with the Department of Mines, Minerals, and Energy for coordination prior to the activities taking place.
4. The filling of sinkholes will be minimized but, when necessary, will be carefully planned to avoid blocking the natural recharge and flow patterns of karst aquifers. If it is necessary to fill a sinkhole or an area that has subsided during construction, graded rock will be used rather than soil fill or grout. Prior to filling sinkholes, the Virginia Cave Board will be contacted to obtain compliance with the Cave Protection Act (which prohibits the destruction or alteration of cave surfaces and cave biota).
5. The project will not have a permanent impact on the patterns of any stormwater channels.

WITNESS the following signatures and seals to the parties hereto the day and year first above written.

Signed copies of all of the above documents may be found in the Office of the County Administrator.

i. New River Valley Citizens Corp & Community Emergency Response Team Participation

The Board approved participation in regional efforts, with no local funding required at this time, other than use of staff time in organizational efforts.

j. Memorandum of Understanding – Amateur Radio Relay League

The Board approved a Memorandum of Understanding with the Amateur Radio Relay League to provide communications in the event of a disaster or loss of communications compatibilities at the Sheriff's Office, subject to review by the County Attorney and to agreement being "non exclusive.

k. Emergency Operations Plan – Mental Health Annex

Staff advised it had been working with the New River Valley Community Services Board in the development of the Mental Health Annex to the Emergency Operations Plan and that while regional in nature, approval of the plan and its annexes rests with each elected board.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

The Board approved the Emergency Operations Plan, subject to review by the County Attorney.

I. Utilization of PDC Staff to Apply for Technology Grants

The Board approved contracting with the New River Valley Planning District Commission for the administration of technology related grant applications.

A copy of all referenced agreements, contracts and resolutions are filed with the records of this meeting.

11. Citizen Comments

There were no citizen comments at this time.

12. Other Matters from Supervisors

Supervisor Akers expressed concern regarding the lack of follow-up action on Special Use Permit expiration dates. The Board directed staff to establish follow-up procedures and provide the Board with a copy of procedures when developed.

The Board directed staff to discuss with VDOT Resident Engineer David Clarke the overall Board and VDOT communications and also request VDOT provide an organizational chart.

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

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

A closed meeting is requested pursuant to Section 2.2-3711.A.1.3.5.7 of the 1950 Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition, and prospective industry matters:

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:

- ◆ Joint Conservation Easement
- ◆ Property Acquisitions

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

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
- ◆ Animal Shelter Staffing
- ◆ Legal Services Contract
- ◆ Joint Services Staffing

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.

- ◆ NRV Truck Plant Suppliers

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:

- ◆ Intergovernmental Agreements

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

Voting no: none.

Return to Regular Session

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

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

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.

Personnel Matters:

County Attorney Contract

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board approved a legal services contract with Mr. McCarthy while changes include an increase in hourly fees from \$90 to \$125 per hour.

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

Voting no: none.

Salary Adjustments

The Board approved salary adjustments related to the administration of joint services to be coordinated with the School Board.

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

Voting no: none.

Appointments

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

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

1. NRRA Recycling Committee

The Board directed to staff to request the Clean Community Council suggest an individual to serve on the committee and provide an update at the Board's August meeting.

2. NR Highlands Resource Conservation Council

Staff was directed to confirm Malcolm Boothe's interest in serving, and if Mr. Boothe is unable to serve, to provide the Board of Supervisors with additional information on the functions of Council to assist in their efforts to find a suitable individual to fill the vacancy.

3. New River/Mount Rogers Workforce Investment Board Youth Nomination

The Board directed county staff to request a nomination from Social Services and place an update on the Board's August agenda.

4. Social Services Board

The Board directed staff to place on the August agenda the appointment of Jeanne Whitman, after confirmation by staff of Ms. Whitman's acceptance of the invitation to serve.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 26, 2004

13. Adjournment

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board of Supervisors adjourn to its next regular meeting scheduled for Monday, August 23, 2004 at 7:00 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.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator