

BOARD OF SUPERVISORS MEETING, AUGUST 23, 2004

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, August 23, 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; and Melody P. Taylor, Technical Assistant Clerk.

1. Invocation

The invocation was delivered by Rev. C. R. Conner of the Family Life Center.

2. Additions to Agenda

Mr. Huber noted receipt of a grant agreement for the New River Valley Airport Planning and Marketing Grant and advised this matter would be discussed in the Items of Consent portion of the Board meeting.

3. Employee Recognitions

As part of the Board of Supervisors "Featured Employees of the Month" the Board recognized the two following employees for their service to the county; John Croteau of the Sheriff's Department; and Robert R. Runions of the REMSI Department.

Presentation of Resolution - John Casey

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

**RESOLUTION OF APPRECIATION
JOHN CASEY**

WHEREAS, John Casey has served Pulaski County on the Regional Emergency Medical Services, Inc. staff since October 1, 1996 and began service as Training Coordinator in August 1999 through August 2001; serving as Interim Executive Director from July 2001 through December 2001; and Executive Director from December 2001 through July 2004; and

WHEREAS, John Casey established a high quality Emergency Medical Services (EMS) training center that improved the quality of EMS education in Pulaski County, the New River Valley and the Commonwealth of Virginia; and

WHEREAS, John Casey was committed to providing the highest quality of EMS services to the citizens of Pulaski County and demonstrated a high degree of professionalism in dealing with the citizens of Pulaski County; and

WHEREAS, John Casey was instrumental in the founding and continued success of the Western 14 Disaster Response Task Force and represented Pulaski County and its EMS system regionally by serving on the Western Virginia EMS Council Board of Directors; and

WHEREAS, John Casey's enthusiasm, integrity and longstanding assistance is deeply appreciated; and

WHEREAS, John Casey had a major impact in improving the quality and expediency of emergency services for Pulaski County residents.

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

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors this 23rd day of August 2004, in permanent testimony of its appreciation to the service of **John Casey**.

Adopted this 23rd day of August, 2004.

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

Voting no: None

4. Public Hearings:

- a. A rezoning request by **Mebco, LLC** from Industrial (I1) to Planned Unit Development (PUD) on property owned by **Industrial Development Authority Pulaski County** identified as a portion of tax map no. 039-001-0000-0101, (approx. 86 acres), located towards the end of Viscoe Road (Rt. 679), as a proposed extension of Heron's Landing golf course development, Clloyd District.

Mr. Tickner described the request and advised the Planning Commission recommended approval with conditions, which are noted in the packet for this meeting. Chairman Sheffey opened the public hearing on this matter. Mr. David Diesel had concerns as to who would maintain the park, and what facilities will be located there. Mr. Steve Crawford, Mebco LLC, spoke in favor of the request explaining that it is presently a ball field with dual uses, with plans to replace the existing ball park with two dedicated fields, one for soccer and one for baseball and soccer with parking. The park would then be donated to Pulaski County and the Pulaski County Parks and Recreation will maintain the park. He further explained the park will be open to the public. Mr. Tommy Digiulian presented a copy of the updated concept plan to the Board. There being no further comments, Chairman Sheffey closed the public hearing.

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On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the request with staff recommendations, as recommended by the Planning Commission recommendation.

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

- b. A rezoning request by **Jeremiah J. & Mary Ann Bryson** from Residential (R1) to Commercial (CM1) on property identified as tax map no. 099-001-0000-0020, (.5000 acres), located north of Holbert Ave. (Rt. 748), Draper District.

Staff advised this public hearing was withdrawn by the applicant.

- c. A rezoning request by **James H. McGuire** from Agricultural (Cond. A1) to Agricultural (Cond. A1) on property owned by **Ruth B. McGuire** identified as tax map nos. 066-001-0000-0035, 42, 45, 46, and 066-007-0000-0001, 2, (11.4900 total acres), located at 4591 State Park Rd. (Rt. 660), & between Cardinal Dr. (Rt. 801), & Hidden Valley Rd., Ingles District.

Mr. Tickner described the request and advised the Planning Commission recommended approval. Chairman Sheffey opened the public hearing on this matter. There being no comments on this request, Chairman Sheffey closed the public hearing.

On a motion by Mr. Hale, seconded by Mr. Pratt and carried, the Board approved the request, as recommended by the Planning Commission recommendation.

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

- d. A request by **Louise Havens Wilson** for a Special Use Permit (SUP) to allow installation of metal carport prior to construction of the principle dwelling Per Article 5B-3, on property identified as tax map no. 063-003- 0000-026A, indeterminate acreage, zoned Residential(R1), located immediately south of 4481 Veterans Hill Road (Rte. 722), Robinson District.

Mr. Tickner described the request and advised the Planning Commission recommended approval. Supervisor Akers advised the lots appear to be two separate lots. Mr. Hale asked if the owner was proposing to build a house and Mr. Tickner advised the owner did not propose building a house. Chairman Sheffey opened the public hearing. There being no comments, Chairman Sheffey closed the public hearing.

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On a motion by Mr. Hale, 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.

- e. A request by **C. R. Dalton** for a Special Use Permit (SUP) to allow storage of manufactured home, on property identified as tax map no. 076-001-0000-077A, (31.445 acres), zoned Residential (R1), located at 4700 Shelburne Rd., (Rt. 690), Ingles District.

Mr. Tickner described the request and advised the Planning Commission recommended denial. Supervisor Pratt asked Mr. Tickner if there had been any changes since the last request and Mr. Tickner advised there had been no changes. Chairman Sheffey opened the public hearing. Mr. Dalton spoke in favor of the request. Mr. Dalton stated his intention was to use the trailer for utility storage for the existing manufactured home. Mr. Dan Shelburne spoke in opposition to the request and expressed concern over the mobile home being an eyesore to the community. Ms. Dorothy Hall spoke in opposition to the request and asked the Board to deny the request. Mr. Kendall Clay spoke in opposition to the request on behalf of Harvey Shelburne. Discussion followed by county staff and Board of Supervisor members. There being no further comments, Chairman Sheffey closed the public hearing.

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

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

Mr. Tickner informed the Board that the county has filed a petition with the courts and no date has been set at the time of this meeting.

- f. A request by **Findlay Industires** 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.

Mr. Huber advised that this matter had been previously tabled by the Board of Supervisors and requested the Board consider action on this request at this time.

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board removed the request from the table.

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

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

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

- f. A request by **Findlay Industries** for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for, per Section 17-5, to allow temporary manufacturing as either a use by-right, or Special Use Permit (SUP) in the Commercial (CM1) Zoning District.

Mr. Tickner described the request and advised the Planning Commission recommended approval of the amendment. Mr. Tickner read Dr. Bruce Fariss' comments concerning the ordinance change. Chairman Sheffey opened the public hearing. There being no comments, the public hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Hale 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.

- g. A request by **Findlay Industries** for a Special Use Permit (SUP) to allow temporary manufacturing 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.

Mr. Tickner described the request and advised the Planning Commission recommended approval of the Special Use Permit (SUP) to allow temporary manufacturing. Chairman Sheffey opened the public hearing. There being no comments, Chairman Sheffey closed the public hearing. Chairman Sheffey asked the citizens that were present if they were pleased with the proposal. The citizens stated yes.

A motion was made by Mr. Akers and seconded by Mr. Pratt to approve the Special Use Permit with a one year limit. The motion failed on the following roll call vote:

Voting yes: Mr. Akers, Mr. Pratt.
Voting no: Mr. Hale, Mr. Conner, Mr. Sheffey.

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

of two years with the condition that the applicant must reapply at least 90 days prior to the expiration of the Special Use Permit.

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

Voting no: none.

- h. Amendment to the Motor Vehicle License and Trailer Tax Ordinance moving the 2005 decal due date from February 15, 2006 to October 15, 2005, prorating the decal license fees due on October 15, 2005, and establishing the Motor Vehicle License and Trailer Tax due dates as of October 15 for years after 2005.

Mr. Huber briefed the Board of Supervisors on the need for the change in the due date for the above request. Chairman Sheffey opened the public hearing. Ms. Jean Anderson expressed opposition to this ordinance amendment. There being no further comments, Chairman Sheffey closed the public hearing.

On a motion by Mr. Akers, seconded by Mr. Pratt and carried the Board approved changes to the Motor Vehicle License and Trailer Tax Ordinance.

BE IT ORDAINED BY THE PULASKI COUNTY BOARD OF SUPERVISORS, THAT THE FOLLOWING AMENDMENTS ARE MADE TO THE PULASKI COUNTY MOTOR VEHICLE LICENSE AND TRAILER TAX ORDINANCE AS SHOWN BY THE CHANGES IN EACH SECTION IN BOLD ITALIC PRINT:

AN ORDINANCE ESTABLISHING A MOTOR VEHICLE AND TRAILER LICENSE TAX FOR THE COUNTY OF PULASKI, AND ESTABLISHING ADMINISTRATIVE PROCEDURES FOR SAID ORDINANCE. PURSUANT TO THE AUTHORITY CONTAINED IN TITLE 46.2-752 OF THE 1950 CODE OF VIRGINIA, AS AMENDED

BE IT ORDAINED by the Pulaski County Board of Supervisors:

Section I. Intent and Applicability

Every motor vehicle and/or trailer operated on the streets, highways or roads within the County, in business or for the private use or benefit of the owner, shall be subject to a license tax as provided in this ordinance. The provisions of this ordinance, however, shall not be construed to apply to engines, locomotive engines, electric cars running on rails; motor vehicles, trailers or semi-trailers owned by the Commonwealth, by any political subdivision of the Commonwealth or by the United States Government; or to vehicles used exclusively for agricultural or horticultural purposes which do not bear license plates issued by the Commonwealth of Virginia; vehicles held for sale by any manufacturer or dealer, or antique motor vehicles duly licensed as antique motor vehicles and not used for general purposes. Nor shall any provisions of this article apply to motor vehicles or trailers of owners resident in any incorporated town in the county, which town imposes a license tax upon owners and motor vehicles in the town. Nothing in this ordinance shall be construed to require a license

tax on a person or upon any vehicle exempted from same under the provisions of any of the statutes of the Commonwealth, nor any person who does not actually reside in the County or who does not use his automobile in the County. The word "reside" as used herein shall be construed to mean "to have a place of abode in the County," irrespective of the intention of any person to return to some residence outside of the County at some future date.

Section II. Amount of License Tax

- a. ***Automobiles and Trucks. On every automobile and truck to which this ordinance is applicable there shall be a tax of twenty-five dollars per annum.***
- b. ***Motorcycles and trailers licensed by the Commonwealth of Virginia. On motorcycles licensed by the Commonwealth of Virginia, to which this ordinance is applicable there shall be a tax of \$10.00 per annum. On trailers licensed by the Commonwealth of Virginia, and required to have brakes and pass state inspection, there shall be a tax of \$10.00 per annum.***
- c. ***Beginning on October 15, 2005, and each and every October 15 thereafter, the license tax year shall commence on October 15, and expire on October 14 of each year. The annual decal fee for automobiles and trucks shall be prorated to \$16.50 for the period February 15, 2005 to October 15, 2005, only and shall thereafter revert to the \$25.00 annual decal fee. The annual decal fee for motorcycles and trailers shall be prorated to \$6.50 for the period February 15, 2005 to October 15, 2005, only and shall thereafter revert to the \$10.00 annual decal fee.***

Section III. Proration of Tax

Whenever any such license tax becomes assessable in any month after the month in which the tax for the full year is assessable, the license tax shall be prorated on a monthly basis, with the tax due equal to one-twelfth of the tax set out above multiplied by the remaining number of months in the tax year from the date of registration of the vehicle in the applicant's name. Each license issued upon the payment of the license tax thereon shall expire at the end of the license tax year in which such license is issued.

Section IV. Payment of Property Tax Prerequisite to Issuance

No vehicle or trailer taxable under the provisions of this ordinance shall be licensed unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the vehicle to be licensed, which personal property taxes have been assessed or are assessable against such applicant, have been paid.

Section V. Application; issuance generally; display of stickers; loaning, selling, etc., sticker to another prohibited.

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Any person coming under the provisions of this ordinance shall make application for a license upon forms supplied by the Treasurer of the County, at the Office of the Treasurer in the Courthouse at Pulaski, Virginia; and, upon payment of required tax, shall be issued, as evidence, a sticker which shall be attached to the front windshield of the vehicle so licensed so as to be readily recognized. Failure to display a sticker shall be considered a violation even though the license tax has been paid. It shall be unlawful for any person to whom a sticker is issued upon the payment of any license tax prescribed in this ordinance, to transfer such sticker to any other vehicle or trailer, other than the vehicle or trailer for which such sticker was originally issued or to give, loan, rent, sell, assign or transfer such sticker to another or to otherwise permit another to use in any manner such sticker during the license tax year for which the same is issued.

Section VI. Refunds

Any person holding a current registration certificate and license who disposes of the vehicles for which is was issued and does not purchase another vehicle may surrender the license and registration certificate to the Treasurer of the County, with a statement that the vehicle for which the license was issued has been sold, and request a refund for the unused portion of the fee paid. The Treasurer shall refund to the applicant one-half of the total cost of the registration and license if application for such refund is made prior to October 1 of the current license year, but such refund shall be only one-third of such total cost when the application thereof is made subsequent to October 1 of the current license year, but prior to January 1 of the current license year. No refund shall be made when application therefore is made after January 1 of the current license year.

Section VII. Duplicate Tags

In the event any license issued under the provisions of this ordinance shall be lost or mutilated or shall have become illegible and only in such case, the person who is entitled thereto shall make immediate application for an obtain a duplicate or substitute therefore, upon furnishing information of such fact satisfactory to the Treasurer and upon payment of one dollar.

Section VIII. Disposition of Taxes and Fees

The revenue derived from all county license taxes and fees imposed under authority of this ordinance shall be applied to general county purposes.

Section IX. Transfer of Tags

In the event any person desires to transfer any license issued under the provisions of this ordinance to another vehicle, such person shall make application for such transfer to the Treasurer of the County, who shall transfer such license upon the payment of a fee of one dollar.

Section X. Violations, Penalties

Violation of any provisions of this ordinance by any person shall constitute a misdemeanor, the penalty for which shall not exceed that of a Class 4 misdemeanor. Each day of violation shall constitute a separate offense. Trial of all violations of this ordinance shall be enforced by proceedings before the General District Court in the manner and with like right of appeal as is provided in misdemeanor cases; and the Sheriff and all deputies and police officers of the County are hereby authorized to issue summons in writing to violators of this ordinance for their appearance before such court. A violation of this ordinance by owner of a vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. All fines collected from any person for violating any provisions of this ordinance, upon conviction thereof, shall be credited to the general fund of the County and deposited by the County Treasurer in the same manner as that prescribed for County monies.

Section XI. Special Exemptions

Each member of any Volunteer Fire Department or Rescue Squad located within Pulaski County, Virginia, shall not be assessed such license fee for one (1) vehicle used by such member, and that a disabled Veteran, as defined by the Code of Virginia, shall not be required to purchase such license.

Section XII. Severability

Should any section of this ordinance be adjudicated unlawful or unconstitutional by a court of competent jurisdiction, the remaining section shall remain in effect and shall be enforced by officers of the County.

Adopted this 23rd day of August , 2004.

IN ALL OTHER RESPECTS, THE DIVISIONS OF THIS ORDINANCE SHALL BE UNAFFECTED BY THIS AMENDMENT AND SHALL REMAIN IN FULL FORCE AND EFFECT WITHOUT AMENDMENT OR CHANGE, AND THIS ORDINANCE IS REENACTED AS IF SET OUT IN FULL HEREIN.

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

Voting no: none.

- i. Amendment to the Personal Property Tax Ordinance moving the 2005 due date from February 15, 2006 to October 15, 2005, and establishing October 15, as the Personal property tax due date, for years after 2005. This amendment reestablishes single payments, penalties, interest and collection fees for delinquent personal property tax.

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

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On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board approved the following changes to the Personal Property Tax Ordinance with county staff to evaluate a 60-day deferral of penalty date on Personal Property Taxes:

Pursuant to Section 58.1-3916 of the Code of Virginia, 1950, as amended, IT IS HEREBY ORDAINED by the Board of Supervisors of Pulaski County, Virginia, that beginning on October 15, 2005, and each and every October 15 thereafter, personal property taxes as assessed in Pulaski County shall be due and payable in a single installment on that date.

Failure to pay any personal property taxes due on October 15, 2005, or on any October 15 thereafter, shall incur a penalty of ten percent (10%), which shall be added to the amount of taxes or levies due for such taxpayer.

In addition to the penalty set out above, delinquent taxes shall incur interest at the rate of ten percent (10%) per annum and shall be subject to reasonable attorney's or collection agency's fees actually contracted for, which shall not exceed twenty percent (20%) of the delinquent taxes and other charges so collected.

Interest at the rate of ten percent (10%) per annum shall be paid on overpayments of taxes erroneously assessed to the taxpayer with the exceptions as set out in Section 58.1-3916 of the Code of Virginia, 1950, as amended, or in successor statutes.

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 the advertising date of Spring 2005 to be clarified.

2. Update on Little Creek Low Water Bridge Repair

Mr. Clarke stated the patching had been completed.

3. Request to Cut Brush back on Old Rt. 11 at the Bagging Plant Intersection

Mr. Clarke reported work is ongoing.

4. Report on Maintenance of Private Roads Serving Town Homes Across from Riverlawn Elementary School

Mr. Clarke advised these improvements would need to be included as a Rural Addition.

5. Delton Road Culvert Status

Mr. Clarke advised the temporary patching has been completed but would need to be rechecked.

6. Charles Drive Potholes Status

Mr. Clarke reported work is completed.

7. Whitt Southern Road Striping Status

Mr. Clarke advised striping of road still pending with other requests.

8. Rt. 732 Young Road traffic count update to qualify as a Rural Rustic Road

Mr. Clarke reported this road does not qualify as a Rural Rustic Road due to the traffic count being under 50 vehicles per day.

9. Hatcher Road Update re: tar and gravel

Mr. Clarke advised this road is on schedule for tar and gravel.

10. Black Hollow Lane Speed Limit qualification as a residential street

Mr. Clarke advised he would review and provide an update at the September Board meeting.

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11. Rt. 605, Shelburne Road, Update re: shifting asphalt in curve

Mr. Clarke VDOT has reviewed the site and determined at this time there is no potential hazard, but VDOT will continue to monitor.

12. Old Baltimore Road Update re: paving around rock

Mr. Clarke reported the rock has been removed and work completed.

13. Memorial Bridge Update re: Placement of Welcome to Pulaski County sign

Mr. Clarke advised VDOT is considering a different area for the sign and will install the sign following completion of the bridge.

14. Update on Rt. 100 Deceleration Lane onto New Dublin Church Road

Mr. Clarke reported work may be started by October, depending on the need for an environmental review.

b. Rural Addition Status Report

The Board reviewed the rural addition report.

c. Citizen Concerns

Dr. Carolyn Hill and Ms. Joan McClanahan expressed concern regarding the scheduling of Mines Road improvements. Mr. Clarke stated he will provide an update concerning the improvement schedule for Mines Road to Mr. Hale. Mr. Hale advised he would contact the citizens and inform them of the schedule.

Ms. Joyce Thorne expressed concern that Dunkard's Bottom had not been included as a standing item on the agenda each month. Mr. Clarke reported the \$125,000 is included in VDOT's budget for Dunkard's Bottom. Mr. Clarke also stated he would confirm the advertisement date of April 2005.

d. Board of Supervisors Concerns

Supervisor Akers requested staff to place Dunkard's Road on the agenda as a standing item.

Supervisor Akers requested guardrail on Rt. 693 at Hoover Color. Mr. Clarke agreed to place the request on the schedule.

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Supervisor Akers requested VDOT to make a repair to the shoulders along Wilderness Road. Mr. Clarke agreed to review the matter and provide an update at the September Board meeting.

Supervisor Akers requested VDOT to review the State Park Road area of the road that has sunk away from I-81 Bridge. Mr. Clarke agreed to review the matter and provide an update at the September Board meeting.

Supervisor Akers expressed concerns with spreading of tar on existing paved roads.

Supervisor Conner stated the citizens were pleased with the paving on Little Creek and temporary repair to low water bridge.

Supervisor Conner requested VDOT scrap Route 643.

Supervisor Hale advised of roadway which is sunk away from the twin bridges on Robinson Tract. Mr. Clarke agreed to review the matter and provide an update at the September Board meeting.

Supervisor Sheffey requested brush to be cut on Manns Drive. Mr. Clarke will place the request on the schedule.

Supervisor Sheffey expressed concern regarding the markings on Route 114 Bridge. Mr. Clarke stated they will be removing those markers in the near future.

6. Treasurer's Report

In the absence of Treasurer Rose Marie Tickle, Mr. Huber presented the Treasurer's report.

7. Citizens' Comments

Mr. C. R. Dalton expressed concern regarding 911 addressing along Shelburne Road. Mr. Huber reported that John Spangler is aware of the situation. Mr. Huber stated he has a report from Mr. Spangler that he will provide to the Board. Chairman Sheffey suggested the Fire Protection Committee to review the report. Mr. Dalton also requested clarification from the Board on the appeals process for Special Use Permits. Mr. McCarthy stated he would inform the Board in Closed Session in regards to Mr. Dalton's appeal process. Chairman Sheffey assured Mr. Dalton that staff would inform him of his rights to the appeal process.

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7. Presentation of FY 03 Audit

Ms. Deanna Cox, Auditor, Robinson, Farmer, Cox stated they had implemented the GASB 34. Ms. Cox presented the FY 03 audit and reviewed Exhibits 1, 2, and 3 in detail.

9. Reports from the County Administrator & Staff:

a. Key Activity Timetable

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 conduct a building space needs/reuse study to "Jan. 05"; change dates of School Building Plan Review to "July 05"; and Claremont/Northwood Schools to "Dec. 04", add Draper to Claremont/Northwood Schools.

b. Appointments

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

10. Items of Consent:

On a motion by Mr. Conner, seconded Mr. Akers 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 July 26, 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 11750 through 12095, subject to audit.

c. Appropriations & Interoffice Transfers

The Board approved Interoffice Transfer #2 totaling \$67,636.51 and appropriations as follows:

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GENERAL FUND #2

Expenditures

5699	RIF	\$6,929.65
6024	Community Foundation Grant	215.01
6029	Moms, Pops, Tots	1,448.55
6040	Wal-Mart Foundation Grant	500.00
6040	Wal-Mart Foundation Grant – FY05	500.00
To Carry forward 2003-04 balances in the above accounts		
TOTAL		\$9,593.21

GENERAL FUND #3

REVENUES:

16150-0500	Donations	-(684.88)
161500-0100	Fines, Fees, Services	-(987.04)
TOTAL		-(\$1,671.92)

Expenditures:

6012	Books	\$684.88
To appropriate donations received 2003-04		
6012	Books	987.04
To appropriate portions of fines, fees received in excess of Budgeted figures 2003-04 (See attached p.o.'s)		
TOTAL		\$1,671.92

GENERAL FUND #4

REVENUES

01603-1000	Seized Assets Proceeds Comm. Attorney	\$670.68
016010-0100	Excess Court Fees Compensation Board	
	Clerk's Office	\$24,693.56
TOTAL		\$25,364.24

EXPENDITURES

022100-6017	Comm. Attorney Seized Assets Equip.	\$670.68
021600-8101	Clerk's Office Machinery & Equipment	\$24,693.56
TOTAL		\$25,364.24

SCHOOL FUND #29

REVENUES

3-15020-0100	Rental of Property	-\$585.00
3-16120-1100	Substitute Teacher Fees	-14,930.76
3-18030-0300	Refund	-53,707.51
3-18030-0310	Comp Services Reimbursement	-12,298.08
3-18030-0320	School Nurse Services	- 8,978.98
3-18030-0330	School Activity Reimbursement	-13,253.41

TOTAL **-\$103,753.74**

EXPENDITURES

4-205-066600-8102-900 Replacement Furniture	\$ 20,000.00
4-205-064200-5230-900 Telephone	83,753.74
TOTAL	\$103,753.74

SCHOOL FUND #2

REVENUES

3-18030-0300	Refund/Overpayment	\$ -370.31
3-18030-0310	Comp Serv. Reimbursement	- 4,307.36
3-18030-0320	School Nurse Services	-13,146.29
TOTAL		- \$17,823.96

EXPENDITURES

4-205-062240-3141-900 Other Professional Services	\$17,823.96
TOTAL	\$17,823.96

TRANSFERS OF FUNDS

CAPITAL IMPROVEMENT FUND #1

EXPENDITURES:

073100-8112	Library Ceiling/Lighting	- \$6,000.00
073100-8113	Library ADA Improvements	+ 6000.00
TOTAL		-0-

d. Ratification

There were no items submitted.

e. Contracts, Change Orders & Agreements

1. Library RIF Grant

The Board approved a grant in the amount of \$600 for the Library Reading Is Fundamental Program.

2. Rain Gage Maintenance Agreement

The Board approved the Rain Gage Maintenance Agreement which authorizes the county staff to perform the basic maintenance on the IFLOWS gages in Pulaski County.

3. FY 05 NRV Community Services 2005 Performance Contract

The Board approved the FY05 NRV Community Services 2005 Performance Contract with the New River Community Services Board.

f. Personnel Changes

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

g. Request for Improvements to Juvenile & Domestic Relations Court

The Board approved allowing the \$5.00 fee collected in traffic and criminal cases be used towards courthouse security equipment, pending concurrence by Sheriff Davis.

h. SeniorNavigator Program Subscriptions

The Board approved subscribing to the SeniorNavigator Program, pending concurrence with Agency on Aging.

i. Clerk's Office Indexing System

The Board approved reallocation of \$24,693.56 to the General Fund to be used towards reconciliation of older proprietary indexing systems with the current Eagle system. The reconciliation of records will allow the electronic access to deeds and other records dating back to 1976.

j. Individual Development Account Program Drawdown

The Board approved doubling of the match and applying for additional state and/or federal funds as may become available.

k. Transportation Enhancement Act (TEA) 21 Application

The Board authorized proceeding with development of the application and scheduling the required public hearing for September Board meeting.

l. Appropriation Request from School Board

The Board approved the appropriation of \$120,000 for the Pulaski Middle School new roof repair.

m. Grant Agreement with the Federal Aviation Administration on New River Valley Airport Projects

The Board approved the Grant Agreement for the following projects: 1) Conduct Airport Master Plan Study (ALP Update), Conduct Needs Analysis/Market Assessment, as more particularly described in the Project Application dated August 19, 2004; 2) the maximum obligation of the United States payable under this Offer shall be \$202,026.

11. Citizen Comments

There were no citizen comments at this time.

12. Other Matters from Supervisors

There were no other matters from Supervisors.

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

On a motion by Mr. Hale, seconded by Mr. Conner 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:

It was moved by Mr. Akers, seconded by Mr. Conner and carried, that the Board of Supervisors enter closed session for discussion of the following:

Property Disposition or Acquisition – Pursuant to Virginia Code Section 2.2-3711(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- ◆ None

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 Administration

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.

- ◆ Bob White Building Reuse
- ◆ Shell Building Utilization

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:

- ◆ Erosion & Sediment Control Enforcement

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

Voting no: none.

Return to Regular Session

It was moved by Mr. Pratt, seconded by Mr. Huber 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.

Personnel Matters:

Appointments

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

1. New River Resource Authority Recycling Committee

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

2. New River Highlands Resource Conservation Council

The Board appointed Mr. Malcolm Boothe to the council.

3. New River/Mount Rogers Private Industry Council – Youth

The Board requested Anthony Akers seek a youth nomination and place the update on the September Board agenda.

4. Social Services Board

The Board appointed Jeanne Whitman to the Social Services Board for a term ending August 31, 2008.

5. New River Valley Agency on Aging

Ms. Elaine Powell was reappointed to the Agency on Aging Board with a term ending September 30, 2005.

6. New River Valley Airport Commission

The Board suggested Joe Wilson and/or Jeff Arnold be contacted and requested to consider serving on the Commission, with an update to be provided at the September Board meeting.

7. Jamestown Committee

The Board appointed Dr. Marylen Harmon and Mr. John B. Hager to the committee.

8. New River Valley Senior Services, Inc.

The Board requested staff contact Sybil Atkinson, Audrey Guild, and Elaine Powell to consider serving on the New River Valley Senior Services, Inc. Board.

9. Building Use/Reuse Committee

The Board was provided with nominations from the Town of Pulaski including Ed Belcher representing the Town of Pulaski are Ed Belcher, Mike Tilley representing the School Board and Chris Stafford representing the Town of Dublin. The Board further requested a complete list of the committee be provided to the Board.

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

Voting no: none.

13. Adjournment

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board of Supervisors adjourn to reconvene on Monday, August 30, 2004, at the residence of Thomas J. McCarthy, Jr., in Draper, Virginia for the purpose of conducting an employee evaluation of County Administrator Peter Huber.

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

Voting no: None.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator