

BOARD OF SUPERVISORS MEETING MINUTES OF FEBRUARY 28, 2005

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, February 28, 2005 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; William E. "Eddie" Hale; and Dean K. Pratt. Supervisor Ranny L. Akers was absent due to illness. Staff members present included: Thomas J. McCarthy, Jr., County Attorney; Peter M. Huber, County Administrator; David Tickner, Community Development Director; and Gena T. Hanks, Clerk.

Mr. Huber advised that Supervisor Ranny Akers was absent due to illness and hospitalization.

1. Invocation

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

2. Introduction of New Roanoke Times Reporter, Jill Hoffman

Supervisor Sheffey introduced the new reporter for the Roanoke Times, Jill Hoffman. Ms. Hoffman provided some background regarding her service as a reporter.

3. Presentation by Pulaski Elementary School

A presentation on behalf of the Pulaski Elementary School had been scheduled. However, due to conflicting schedules, Dr. Stowers requested this presentation be rescheduled to the March 28 meeting of the Board.

4. Featured Employees

Mr. Sheffey recognized Richard Gordon, Jr. of the Water Treatment Plant and Rick Crowder of the PSA Water Department as the "Featured Employees" for the month of March. Mr. Sheffey read a detailed description of the job duties and personal interests of each employee. A gift certificate was presented to Mr. Gordon. Mr. Crowder was unable to attend the meeting.

5. Additions to Agenda

Mr. Huber advised of two additional agenda items to Closed Session including a Land Acquisition/Disposition matter related to the building space needs study and a Legal Matter related to the Voting Rights Act.

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6. Public Hearings:

a. Community Development Block Grant Program

Mr. Huber advised a public hearing was scheduled to solicit public input on the proposed Community Development Block Grant to be submitted to the Virginia Department of Housing and Community Development for the Pulaski Hammer Program. The Pulaski Hammer Program will include partnering with various agencies, to provide construction training to eligible individuals. The draft CDBG proposal was presented for comment. Citizens were also given an opportunity to comment on Pulaski County's past use of Community Development Block Grant funds.

Chairman Sheffey opened the public hearing. There were no citizen comments and the public hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved submittal of an application to the Virginia Department of Housing and Community Development for the Pulaski Hammer Program.

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

Voting no: none.

Not present: Mr. Akers.

b. A request by the **County of Pulaski** to amend the following sections of the Pulaski County Zoning Ordinance:

- Addition to Article 18 regarding limiting the length of time that a site plan is valid between review by the Zoning Administrator and resubmission of that plan;
- An amendment to Article 2 allowing a contractors storage yard, small-scale as a by-right use rather than by Special Use Permit in the Agricultural (A1) Zoning District;
- An amendment to Article 12 which regulates Planned Unit Developments, regarding minor concept plan changes to be reviewed and approved by the Zoning Administrator.

Mr. Tickner explained the purpose of the public hearing was to solicit input from the public regarding proposed changes to the Zoning Ordinance as noted above.

Chairman Sheffey opened the public hearing. There were no citizen comments and the public hearing was closed.

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On a motion by Mr. Pratt, seconded by Mr. Hale and carried, the Board approved the proposed amendments to the Zoning Ordinance, as recommended by the Planning Commission, with a change to include the removal of item number 8, "The outdoor storage of unlicensed vehicles, used tires and parts, if prohibited within the storage area" in the proposed "Amendment to Article 12.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Pratt.
Voting no: none.
Not present: Mr. Akers.

7. Highway Matters:

Mr. Dail Stancill, VDOT Assistant Resident Engineer, met with the Board and discussed the following matters:

a. Follow-up from Previous Board Meeting:

1. Review of Highway Matters Section of Key Activity Timetable (KAT)

The Key Activity Timetable was reviewed and updates made accordingly as follows:

	B. Follow-up from Previous Board Meetings:
Apr./May 05	1. Memorial Bridge Update & Rt. 11 Entrance Sign
6/05	2. Allisonia Bridge Repairs/Replacement
Summer/05	3. Low Water Bridge at Little Creek (Pending environmental clearance)
Est. \$100,000	4. PCHS Turn Lane cost estimate for revenue sharing funding
Jan. 05/over \$50,000	5. Rt. 100 Turn Lane (VDOT advised costs to be more than \$100,000
(VDOT reviewing)	a. McDonalds
(VDOT reviewing)	b. Southbound onto South I-81 ramp
Oct. 05	6. Rt. 711, Mines Road Advertisement
Ongoing	7. Guardrail Listing - Add Road Names and District
Under Review	8. Dallas Freeman Road, Rt. 778, Spot Widening
VDOT to provide study results	9. Rt. 693 Request for Speed Study
VDOT to provide study results	10. Rt. 11/Morehead Lane Speed Study
VDOT to provide study results	11. Informal Speed Study on Rt. 626, Hazel Hollow Road, north of Rt. 611
VDOT to review	12. Drainage Issues at end of Memorial Bridge
VDOT to review	13. Robinson Tract Road Warning Signs

Supervisor Sheffey questioned any plans by VDOT for the intersection of Hazel Hollow Road and Memorial Bridge, specifically any plans for special markings. Mr. Stancill advised he was not aware of any additional plan for this area. Supervisor Sheffey also expressed concern regarding drainage standing at the end of the

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Memorial Bridge due to heavy rains. Mr. Stancill advised he would review the drainage issue, as well as the location for the entrance sign and provide an update to the Board at its March meeting.

Rt. 758, Case Knife Road

On a motion by Mr. Hale, seconded by Mr. Conner and carried, the Board approved moving Rt. 758, Case Knife Road, improvements to the Six Year Plan Waiting List.

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

Voting no: none.

Not present: Mr. Akers.

2. Revenue Sharing Program

Mr. Huber reported that interest in the Route 100 improvements project initially came about with the construction of the Visitor Center in that the I-81/Route 100 interchange was seen as a primary entrance to the county, the primary concern being that this section of road look more similar to the main roads into Radford than Route 460 Business entering Christiansburg. The installation of streetlights and planting of trees was seen as a means of providing the county with an improved appearance, while addressing safety issues. Improvements in the street were to be combined with design standards (still to be developed) for use by businesses located between the I-81 interchange and New River Community College. The total estimated cost of installing streetlights is approximately \$100,000, while the cost of planting along the street would be \$30,000. Both costs could be included in the Revenue Sharing program which would reduce the net projected expenditure by 50%. However, the streetlight portion of this project would increase operating costs by approximately \$12,000.

Mr. Huber suggested consideration to a similar approach to improving the Route 99 entrance to the Town of Pulaski with a sharing of the county portion of the required local Revenue Sharing match with the Town of Pulaski. Only planting trees would be a least expensive, but less desirable, alternative to both entrances.

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved submitting a revenue sharing request, with the understanding the Board is under no obligation to use the funds. In addition, the Board prioritized the revenue sharing projects with the Pulaski County High School turning lane as the first priority, streetlights and tree plantings as the second priority, and other

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ongoing maintenance items to follow. There was also discussion regarding the elimination of the streetlights depending on budget constraints.

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

Voting no: none.

Supervisor Sheffey requested sketches of the proposed lighting and plantings be provided to the Board in an upcoming weekly update.

b. Dunkard's Bottom Drainage

Mr. Stancill advised improvements are on schedule for advertising this summer.

c. Rural Addition Funding Qualification Requirements

Mr. Tickner discussed new VDOT requirements to maintain the county's qualification for rural addition funding.

The Board directed staff to review the particulars of the ordinance requirements and schedule a public hearing to consider the amendments for a public hearing at the Board's April 25, 2005 meeting.

d. Rural Addition Status Report

The Board reviewed an updated rural additions reports. Mr. Huber advised he had requested Melody Taylor review the Waterfront Farms road as a possible rural addition.

e. Industrial Access Resolution

Mr. Huber advised the Town of Pulaski had requested the Board adopt a resolution for the industrial access road to serve the James Hardie project to be located in the Town of Pulaski Business Park.

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

Industrial Access Road Resolution

WHEREAS, the Town of Pulaski has requested that the Commonwealth Transportation Board provide financing from the Industrial, Airport and Rail Access Fund to construct a road to serve industrial facilities in the Pulaski Industrial Park; and

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WHEREAS, the proposed industrial access road will intersect Rt. 611 in the County of Pulaski and a portion of said road will be located within the county; and

WHEREAS, the Board of Supervisors of Pulaski County supports and endorses the development proposed by the Town of Pulaski that will be served by the industrial access road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Pulaski County hereby agrees that the portion of the industrial access road located within the county will be added to, and become a part of, the Secondary System of Highways.

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

Voting no: none.

Not present: Mr. Akers.

f. Robinson Tract Road

Mr. Huber advised a complaint was received from Ms. Shirley Davis regarding truck traffic on Robinson Tract Road, specifically the lack of warning signs to advise trucks of the narrow curvy road.

Mr. Stancill advised normal warning signs are erected and visible. He advised VDOT would continue to review the matter and provide updates as they become available.

g. Allisonia Bridge Update

This matter was previously reviewed under the Key Activity Timetable.

h. Citizen Concerns

There were no citizen comments regarding highway matters.

i. Board of Supervisors Concerns

Supervisor Conner advised of pothole at Pulaski County High School where buses turn into the school. Mr. Stancill advised VDOT would review the matter.

Supervisor Conner advised of trees hanging over the road and needing to be cut below Fairview Home.

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Supervisor Conner expressed appreciation to VDOT for recent snow removal.

Supervisor Sheffey advised signage had been knocked down at the intersection of Harry Brown Road and Church Street in New River. Mr. Stancill advised VDOT would reinstall the signage.

8. Treasurer's Report

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

9. Citizens' Comments

There were no citizen comments at this time.

10. Reports from the County Administrator & Staff:

a. Key Activity Timetable (KAT)

The Board reviewed in detail the Key Activity Timetable with no changes.

Supervisor Hale inquired regarding the Rt. 100 streetlights and trees. Mr. Huber advised that the earlier lack of information regarding VDOT and American Electric Power standards required re-bidding of the project.

Supervisor Sheffey inquired regarding the status of a possible newsletter to citizens in the county. Mr. Huber advised this matter would be reviewed by the county department head staff at its next meeting.

b. Initial Local Revenue Estimates and Requested Expenditures

Mr. Huber reviewed in detail charts and graphs which indicate initial figures showing requested expenses to be just over \$1.0 million more than projected revenues. Mr. Huber advised of preliminary cuts reducing this deficit and plans to continue working on adjusting expenditures while waiting on final figures from the Compensation Board. Tables and charts reviewed included a Revenue Summary, Revenue History, Revenue Options, Analysis of Local Tax Rates, Expenditure Summary and Expenditure History.

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c. Appointments

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

d. Sound System Update

Mr. Huber presented a proposal by Lee Hartman and Sons for upgrading the sound system in the Board Room.

Mr. Sheffey directed county staff to seek suggestions from Lee Anderson of New River Community College on possible solutions to the existing sound system. Mr. Huber advised of plans to move the existing speakers to another area in the room.

11. Items of Consent:

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

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

Voting no: none.

Not present: Mr. Akers.

a. Approval of Minutes of January 24, 2005

The Board approved the minutes of the Board of Supervisors meeting of January 24, 2005.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 14541 through 15044, subject to audit.

c. Appropriations and Interoffice Transfers

The Board approved Interoffice Transfer #8 totaling \$48,115.42 and appropriations as follows:

<u>General Fund #14</u>	
Revenues:	
019020-4000 Hazardous Material Response Reimbursement	\$540.00
Total	\$540.00
Expenditures:	

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035500-8101-Emergency Management-Mach. & Equipment	\$540.00
081500-5699-011-Econ. Dev. – NRV Development Loan	\$28,034.00
081500-5699-015 Econ. Dev. – Va. Comm. Military Bases	\$4,000.00
Total	\$32,574.00
<u>General Fund #15:</u>	
Revenues:	
-Speeding Fund	\$1,000.00
Total Animal Control	\$1,000.00
Expenditures:	
+8101-0351000 Machinery & Equipment	\$1,000.00
Total	\$1,000.00
<u>General Fund #16:</u>	
Revenue:	
-Speeding Fund	\$9,000.00
Total	\$9,000.00
Expenditures:	
+0312000-6010 Police Supplies	\$6,000.00
+0312000-6010 Police/Firearms	\$3,000.00
Total - Sheriff's Dept.	\$9,000.00
<u>General Fund Transfer of Funds Categories #1:</u>	
Expenditures:	
11010-5308 Bd. Of Supervisors Gen. Liability Insurance	+\$5,658.00
21200-8101 General Dist. Ct. – Machine & Equipment	+\$3,495.00
42400-5130 Cloyd's Mt. Landfill – Sewer Charges	+\$15,000.00
53220-3110 State & Local Hospitalization	+\$2,626.00
91400-9301 Contingency	-\$26,779.00
Total	-0-
<u>School #22:</u>	
Revenues:	
3-205-033020-4800 Title I Part D Additional Funds	-\$26.00
Expenditures:	
4-205-062131-6013-000-993 Instructional Supplies	\$26.00
Total	\$26.00
<u>School #23:</u>	
Revenues:	
3-205-033020-0200 Title I Additional Funds	-\$604.00

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Total	-\$604.00
Expenditures:	
4-205-061100-6013-200-100-989 Instruc. Supplies Title I	\$604.00
Total	\$604.00
<u>School #24:</u>	
Revenues:	
3-205-16120-1100 Substitute Teacher Fees	-\$9,545.68
3-205-18990-0200 Misc. School Revenues	-\$152.00
3-205-18030-0300 Refund/Overpayment	-\$3,784.51
3-205-18030-0310 Comp Services Reimbursement	-\$7,504.19
3-205-18030-0320 School Nursing Services	-\$1,966.36
3-205-18991-0200 Property Damage	-\$70.00
Total	-\$23,022.74
Expenditures:	
4-205-61310-3160-200-100 In-Service	\$238.00
4-205-62140-6001-900 HR Office Supplies	\$2.00
4-205-62120-5540-900 Superintendent Travel	\$150.00
4-205-64200-6005-900 Operations Janitorial Supplies	\$3,462.15
4-205-64200-6007-900 Repair and Maintenance Supplies	\$51.00
4-205-63400-3310-900 Repair and Maintenance	\$19.00
4-205-62140-3850-900 HR – Purchase of Services	\$25.00
4-205-62120-5800-900 Superintendent Misc.	\$19,075.15
Total	\$23,022.30
<u>School Transfer #3:</u>	
Expenditures:	
4-205-061100-6013-350-300 Instructional Supply	-\$711.86
4-205-064200-6007-900	\$700.86
BUDGET TRANSFER	
Total	-0-

d. Ratification

There were no items presented for ratification at this time.

e. Contracts, Change Orders & Agreements

There were no items presented at this time.

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f. Personnel Changes

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

g. Revision to Purchasing Policies

The Board adopted the following resolution and amendment to the county's purchasing policies providing for situations where the lowest acceptable bid in response to an Invitation to Bid exceeds available funds:

PURCHASING POLICIES RESOLUTION & AMENDMENT

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, adopted, by Resolution, Purchasing Regulations on October 15, 1983, which have been revised periodically for clarity and to conform with The Virginia Public Procurement Act, Chapter 43, Title 2.2 of the *Code of Virginia, 1950, as amended*; and

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, wishes to amend the County of Pulaski Purchasing Regulations only to provide for situations where the lowest acceptable bid in response to an Invitation to Bid exceeds available funds; and

WHEREAS, Section 2.2-4318 of the *Code of Virginia* provides for such an occurrence;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Supervisors of Pulaski County, Virginia, (the "County") that the County of Pulaski Purchasing Regulations are amended only to include the following:

1. In response to any Invitation to Bid, if the bid from the lowest responsible bidder exceeds available funds as determined by the Board of Supervisors of Pulaski County, Virginia (the "Board"), the designee of the Board of Supervisors, in his discretion may negotiate with the apparent low bidder to obtain a contract price within available funds.

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2. In so negotiating, the designee of the Board, shall adhere to the following procedures:
 - A. The designee of the Board shall advise the lowest responsible bidder, in writing, that the proposed bid exceeds available funds. He shall further suggest amendment of the proposed bid and invite the lowest responsible bidder to amend its bid or proposal based upon the proposed amendment.
 - B. Repetitive informal discussions with the lowest responsible bidder for purposes of obtaining a bid within available funds shall be permissible.
 - C. The lowest responsible bidder shall submit an addendum to its bid or proposal.
 - D. If the proposed addendum is acceptable to the designee of the Board, he may recommend to the Board of Supervisors that the Board award a contract to the lowest responsible Bidder based upon the amended bid or proposal.
 - E. If the designee of the Board and the lowest responsible bidder cannot negotiate a contract within available funds, all bids or proposals shall be rejected.

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

Adopted this the 28th day of February, 2005.

h. Virginia Commission for the Arts Grant Application

The Board authorized applying for a Commission for the Arts, Local Challenge Grant on behalf of the Fine Arts Center.

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i. Scheduling of Public Hearing – NRV Hazard Mitigation Plan

A written report was provided to the Board advising that according to the Disaster Mitigation Act of 2000 (as amended), all local governments were required to have adopted a natural hazard mitigation plan by November 2004 and that this deadline has been extended for Virginia to April 2005. Further, that the New River Valley Planning District Commission has been working with localities to prepare the NRV Hazard Mitigation Plan over the past 18 months and FEMA has reviewed the final draft and given permission to move forward with the adoption process.

The Board approved scheduling of a public hearing for its March 28 Board meeting to consideration adoption of the draft resolution to be submitted to VDEM with the final version of the Mitigation Plan.

j. Memorandum of Understanding – “Negotiation for Interconnecting Regional Domestic Water Supplies and the Creation of a Regional Water Source Authority”

The Board was presented with a draft memorandum of understanding and authority agreement recommended for adoption by the Board, as part of the process of forming a regional water authority.

The Board approved the memorandum of understanding and authority agreement, pending review by the County Attorney.

k. Rockwood Farms Nomination to the Virginia Landmarks Register

The Board received notification from the Virginia Department of Historic Resources that the Virginia State Review Board and the Virginia Board of Historic Resources would be considering the nomination of Rockwood Farms to the Virginia Landmarks Register and the National Register of Historic Places and that local comments will be accepted through March 16.

The Board approved sending a letter indicating support for the nomination.

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l. Ductile Iron vs. PVC Pipe Comparison

The Board was informed of a not-to-exceed price from Draper Aden for providing the Board with a listing of the benefits of each type of pipe. Also presented to the Board was a letter sent to Rural Development asking for an exemption to allow specification of ductile iron pipe. The Board approved a staff recommendation postponing the work by Draper Aden until we receive a response from Rural Development.

m. Regional Planning for Bikeways/Walkways

The Planning District Commission (PDC) advised that Montgomery County had proposed doing some trail/alternate transportation facility planning for their comprehensive plan-designated villages. VDOT has indicated it would prefer to do regional projects. Since a match is not required, the PDC thought it may be a good opportunity to do some follow-up (following the PDC planning effort this year) "conceptual drawing" and route/alignment and viability issue research for some segments of a New River-Huckleberry connector.

The Board authorized the PDC to do some additional planning for coordination of a bikeway system through the PDC rural work program.

n. 2005 Business Expo Sponsorship

The Board approved a \$3,000 sponsorship of the 2005 Business Expo event.

o. Resolution of Appreciation – Linda DiYorio

The Board adopted the following resolution of appreciation recognizing Linda DiYorio for her service to Congressman Rick Boucher's office and Pulaski County:

WHEREAS, Linda DiYorio served in U. S. Congressman Rick Boucher's district offices for 12 years, serving as deputy administrator and district administrator, respectively; and

WHEREAS, Linda DiYorio worked closely with federal funding agencies including Rural Development, the Economic Development Administration, Appalachian Region Commission

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and the Department of Housing and Community Development;
and

WHEREAS, Linda DiYorio actively sought to be of routine assistance to the residents of Pulaski County through the applicability of federal programs to address local problems;
and

WHEREAS, Linda DiYorio went beyond the call of duty to be an active participant in the meetings, ceremonies and other significant gatherings of Pulaski County citizens and leaders, whenever the occasion arose that would benefit from the presence of a representative of Congressman Boucher, to the extent that she became a familiar, respected and welcome member of the Pulaski County community; and

WHEREAS, Linda DiYorio always treated the County staff as a partner in her work to serve the public; and

WHEREAS, Linda DiYorio has been of significant assistance to Pulaski County through: New River Valley Airport grants (new terminal building, new runway lighting, new fueling system, runway rebuilding, t-hangar access and apron expansion); PSA water and sewer loans making possible the extension of sewer to Commerce Park, New River Valley Airport and Cloyd's Mountain Landfills, the New River community, Orchard Hills, Rolling Hills, and Highland Park subdivisions, and water and sewer in various mobile home parks; Economic Development Administration funding of the Viscoe Road water tank and an Economic Adjustment Strategy in response to the closing of Burlington Industries, AT&T, and Flow Labs; and Coordination of Congressman Boucher's Showcasing Southwest Virginia program resulting in the attraction of Warner Lambert to Pulaski County;

WHEREAS, Linda DiYorio's positive influence, enthusiasm, integrity and longstanding assistance is deeply appreciated; and

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

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its sincere appreciation for the service of Linda DiYorio 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 28th day of February 2005, in permanent testimony of its appreciation to the service of Linda DiYorio.

p. Jamestown 2007 Theme

Staff advised the Pulaski County Jamestown 2007 Planning Committee met and recommended the following theme suggestions: **PULASKI – VIRGINIA'S NATURAL TREASURE.**

The Board approved the Jamestown 2007 Theme of **"PULASKI COUNTY – VIRGINIA'S NATURAL TREASURE"**

q. Right-of-Way to Fred Blevins Property

In May 2001, the Pulaski County Board of Supervisors was granted a public road easement from the U.S. Forest Service allowing access to the Fred Blevins property near the end of Mt. Olivet Rd. Further, since the easement was granted to the county, but not to Mr. Blevins, lending institutions do not consider him as having a right of access. The Board approved granting use of the right-of-way to Fred Blevins and directed the county attorney to prepare the appropriate documents.

12. Citizen Comments

There were no citizen comments at this time.

13. Other Matters from Supervisors

Supervisor Conner requested staff review Lamar signage, specifically paper from signage littering property around the signs.

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14. Closed Meeting

It was moved by Mr. Conner, 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:

- ◆ Recreation
- ◆ Heron's Landing Development
- ◆ Pulaski Furniture Option
- ◆ Building Space Needs Study

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
- ◆ Administrator's Contract

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.

- ◆ James Hardie Company
- ◆ Existing Industry Support

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:

- ◆ Voting Rights Act

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

Voting no: none.

Not present: Mr. Akers.

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Return to Regular Session

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

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

Voting no: none.

Not present: Mr. Akers.

Certification of Conformance with Virginia Freedom of Information Act

It was moved by Mr. Conner seconded by Mr. Pratt 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. Pratt.

Voting no: none.

Not present: Mr. Akers.

Personnel Matters:

Appointments – PEP Steering Committee

It was moved by Mr. Conner, seconded by Mr. Pratt and carried, that the Board appoint School Board Chairman Paul Phillips to the PEP Steering Committee.

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Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Pratt.
Voting no: none.
Not present: Mr. Akers.

County Administrator's Contract

On a motion by Mr. Hale, seconded by Mr. Conner and carried, the Board approved amending and extending the employment contract of Peter M. Huber as Pulaski County Administrator for a term ending June 30, 2008, with said contract to be presented for renewal at the end of the term.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Pratt.
Voting no: none.
Not present: Mr. Akers.

Legal Matters

Voting Rights Act

On a motion by Dean Pratt, seconded by Frank Conner and carried, the Board approved proceeding with Voting Acts release, following review by minority leaders in the community.

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

14. Adjournment

It was moved by Mr. Pratt, seconded by Mr. Hale and carried, that the Board of Supervisors reconvene to its next meeting to be held on Wednesday, March 2, 2005 at 6:30 p.m. at New River Community College in Dublin, Virginia at which time a joint meeting will be held between the Pulaski County School Board and Board of Supervisors.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Pratt.
Voting no: none.
Not present: Mr. Akers.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator