

## BOARD OF SUPERVISORS MEETING MINUTES OF JULY 24, 2006

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, July 24, 2006 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; Ranny L. Akers; and Dean K. Pratt. Staff members present included: Thomas J. McCarthy, Jr., County Attorney; Peter M. Huber, County Administrator; Nancy M. Burchett, Assistant County Administrator; David Tickner, Community Development Director; and Gena T. Hanks, Clerk.

### 1. Invocation

The invocation was delivered by Jonathan Webster, Chaplain of the New River Valley Medical Center.

Mr. Sheffey recognized Peter Huber's mother Maya Huber visiting from northern Virginia.

### 2. Featured Employees

The Board recognized Nancy Burchett of the County Administration staff and Jack Gill, Commissioner of Revenue, as the Featured Employees for the month of August. Mr. Sheffey read a detailed description of the job duties and personal interests of each employee and presented each employee with a gift certificate to Shoney's.

Mr. Sheffey recognized David Tickner's service to Pulaski County and the positive impact made on Pulaski County through his workings with citizen issues related to many items, including land use matters. Mr. Conner also recognized Mr. Tickner's work with the Planning Commission.

### 3. Additions to Agenda

Mr. Huber reported there were no additional agenda items.

### 4. Public Hearings:

Mr. Sheffey advised each citizen would be given an opportunity to speak.

- a. A rezoning request by DLR Group L L C from Commercial (CM1) to Planned Unit Development (PUD) on property identified as tax map no. 038-002-0000-0001, 26 and 29 (project area approximately 15.1 +- acres), located at 6749 Lee Hwy. (Rt. 11), at the entrance to the Motor Mile Speedway, Cloyd District. The property is designated as Commercial on the Future Land Use Map of the 2000 Comprehensive Plan. Uses proposed include multi-family residential and other uses as allowed in the Planned Unit Development at a density of no greater than fifteen (15) units per acre.

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Mr. Sheffey read the details of the public hearing and called on Mr. Tickner to provide additional details on the rezoning request. Mr. Tickner explained the purpose of the hearing was to solicit input from the public regarding the rezoning request and advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Mr. Thom Rutledge, Project Manager with DLR Group L L C, spoke in favor of the request. Mr. Rutledge introduced Mr. Kevin Conner and Mr. John Neel with Gay and Neel who developed the plans. Mr. Rutledge stated they chose this property due to the seclusion from adjacent properties. Mr. Rutledge commended the Community Development staff for their help with the speedway.

Mr. Randy Orren, adjacent property owner, expressed concern with the proximity of the proposed project to adjacent properties and use of Easton Road as a possible entrance to the project. Mr. Orren also expressed concern over the proximity of the project to an old landfill which he described as having been operational in the early 1970's. Mr. Orren expressed concern over the possibility of a parking lot being built on top of the former landfill. Mr. Rutledge advising drainage issues across Easton Road would be addressed and further that any plans for a parking lot would require a site plan review by the Planning Commission. Mr. Orren also expressed concern over a fireworks display held recently at the Motor Mile Speedway which caused debris to fall onto his property and other property owners in the vicinity. He requested future fireworks displays be held in a location on the Motor Mile Speedway property further away from adjacent property owners.

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

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

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

Voting no: none.

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- b. A rezoning request by DLR Group L L C from Commercial (CM1) to Agricultural (A1) on property identified as tax map no. 038-002-0000-0001, 26 and 29 (project area approximately 9.8 acres), located at 6749 Lee Hwy. (Rt. 11), at the entrance to the Motor Mile Speedway, Cloyd District. The property is designated as Commercial on the Future Land Use Map of the 2000 Comprehensive Plan. Uses proposed include uses generally allowed in the Agricultural (A1) Zoning District and a campground at a density of no greater than 30,000 square feet for each permanent single-family residence (campground density not yet determined).

Mr. Sheffey read the details of the public hearing and called on Mr. Tickner to provide additional details on the rezoning request. Mr. Tickner explained the purpose of the hearing was to solicit input from the public regarding the rezoning request and advised the Planning Commission recommended approval of the request with voluntary proffers.

Mr. Akers and Mr. Hale questioned the type of camping facilities to be provided. Mr. Rutledge responded that the amenities would depend upon the demand and on Health Department requirements. Mr. Rutledge also advised the camping spots would be paved.

Mr. 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 proposed rezoning request as described above and as recommended by the Planning Commission.

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

Voting no: none.

- c. A request by DLR Group L L C for consideration of a Special Use Permit (SUP) to allow development of a campground on property identified as tax map no. 038-002-0000-0001, 26 and 29 (project area approximately 9.8 acres), located at 6749 Lee Hwy. (Rt. 11), at the entrance to the Motor Mile Speedway, Cloyd District. The property is currently zoned Commercial (CM1), with a rezoning proposed to Agricultural (A1) to allow the proposed campground.

Mr. Sheffey read the details of the public hearing and called on Mr. Tickner to provide additional details on the rezoning request. Mr. Tickner explained the purpose of the hearing was to solicit input from the public

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regarding the rezoning request and advised the Planning Commission recommended approval of the request.

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

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board approved the proposed rezoning request as described above and as recommended by the Planning Commission.

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

Voting no: none.

d. An initiative by the County of Pulaski to amend the following sections of the Pulaski County Zoning Ordinance:

- Amendments to Article 1, Definitions Use and Design Standards, proper referencing of Town Houses;

Mr. Sheffey read the details of the public hearing and called on Mr. Tickner to provide additional details on the rezoning request. Mr. Tickner explained the purpose of the hearing was to solicit input from the public regarding the proposed zoning text amendment and advised the Planning Commission recommended approval of the request.

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

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved the proposed zoning text amendments as follows:

**Dwelling, Townhouse:** ~~One of three or more dwelling units which are joined together by a common or party wall and/or connecting permanent structures such as breezeways, carports, garages, screening fences or walls~~  
*See definition for Townhouse*

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

Voting no: none.

- e. The Board will consider making amendments to its Enterprise Zone, the New River Enterprise Zone, Zone Number 40. The Board will consider a boundary deletion and boundary addition for the New River Enterprise Zone to eliminate some residential areas off Viscoe Road (Rt. 679) and include properties in the Fairlawn area in proximity to Route 11 and Route 114.

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

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

**RESOLUTION TO AMEND THE  
PULASKI COUNTY ENTERPRISE ZONE BOUNDARY  
NEW RIVER ENTERPRISE ZONE**

WHEREAS, Sections 59.1-279 through 59.1-549 of the 1950 Code of Virginia, as amended, provide for the establishment/reestablishment of the Virginia Enterprise Zone Program, a State-funded program designed to assist communities that meet the distressed criteria as set forth in the Code to promote investment by either existing or new businesses and industries through the provision of incentives for new jobs and facility investment,

WHEREAS, Pulaski County has The Pulaski County Enterprise Zone number 2 (New River), zone number 40,

WHEREAS, the changes in Enterprise Zone regulations combined with the changed in development patterns in the County have prompted the Board of Supervisors of Pulaski to re-evaluate the boundaries/limits of both Enterprise Zones,

WHEREAS the County of Pulaski is now applying to amend its Enterprise Zone boundaries for the Enterprise Zone at New River, and has held public hearings and notified by mail those property owners who are proposed to be excluded from the Zones in accordance with the requirements of the Enterprise Zone regulations cited above,

NOW, THEREFORE, BE IT RESOLVED that the Pulaski County Board of Supervisors does hereby authorize its chief administrator, the County Administrator, or other official as designated, to submit all information needed to apply for the zone boundary adjustments, which will include additions and deletions,

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BE IT FURTHER RESOLVED that the Pulaski County Board of Supervisors does authorize its chief administrator to meet other program administrative and reporting requirements, as defined by the Enterprise Zone Regulations, throughout the life of the zone

BE IT FURTHER RESOLVED, that that text of this resolution be spread on the minutes of the Board of Supervisors.

Adopted this 24<sup>th</sup> day of July, 2006.

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

Voting no: none.

5. Highway Matters:

Mr. John Thompson, 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 Board reviewed in detail the Key Activity Timetable.

Mr. Thompson advised the rebuilding of the Rt. 100 bridge at Back Creek would be advertised in December 2006 with actual construction to most likely to begin in spring of 2007.

The Board requested staff notify NRRRA Executive Director Joe Levine of the schedule for rebuilding of the Rt. 100 bridge at Back Creek.

Mr. Sheffey reiterated the need to have an updated KAT each month from VDOT.

Mr. Conner advised the new bridge at Little Creek needs repair. Mr. Thompson advised he would need to check with the VDOT environmental department and would report back to the Board at its August meeting.

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Mr. Conner requested signs indicating "horse riding" on Rt. 601 at Little Creek. Mr. Thompson requested clarification on the exact location for the signage. Mr. Huber offered to obtain addresses for the signage. Mr. Thompson advised he would also have VDOT staff to review and determine if location is suitable for signage.

Mr. Sheffey inquired regarding the status of the entrance sign into Fairlawn. Mr. Thompson advised the signage would be no more than 3½ feet tall. The Board directed county staff to design proposed signage and submit to VDOT. Mr. Sheffey also requested county staff to provide superimposed signage and send to the Board for review prior to sending to VDOT.

Supervisor Akers advised Irish Mountain Road has washed out and needs repair. Mr. Thomas advised VDOT would review the matter and provide an update to the Board.

### 2. VDOT Reports- Pulaski County High School Entrance Costs

Mr. Thompson advised VDOT had looked into the existing entrance and it is not conducive to constructing a turn lane. Mr. Thompson suggested looking at another location towards I-81. Mr. Thompson advised the entrance part itself cannot be done with revenue sharing money. The Board directed VDOT to work with county and School Board personnel to determine a way to pay for the entrance sign. Mr. Thompson provided an estimated cost of \$125,000 (\$100,000 for turning lane and \$25,000 for the entrance road).

The Board directed county staff to arrange for construction of entrance road and coordinate with VDOT construction of turn lanes.

### 3. Long Term Transportation Issues

Mr. Sheffey advised he had spoke with Delegate Crockett-Stark and she had requested any Board concerns regarding transportation issues which she will present at a July 27 meeting in Richmond including:

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- a. Emphasis on repairing bridges including those in Allisionia across Big Reed Island Creek, the Route 114 bridge across the New River and the Route 100 bridge across Back Creek.
- b. Utilization of maintenance money for chip and sealing of existing dirt roads;
- c. Establishment of lane mile equity between urban and rural funding as well as design standards; and
- d. Increased funding of the rural secondary road system in recognition of a 45-year waiting list for new secondary road improvement projects.

The Board directed county staff to send a letter to Delegate Crockett-Stark, with a copy also sent to Governor Kaine and other state officials.

Mr. Akers requested emphasis by VDOT on getting a change in the State Code to allow VDOT to use chip and seal rather than gravel.

#### 4. Rt. 11 Speed Limits

The Board approved requesting a speed limit study on Rt. 11 from the intersection of Rt. 114 and Rt. 11 (at Sheetz) to the intersection with Old Route 11.

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board approved a speed limit study on Rt. 11 from the intersection of Rt. 114 and Rt. 11 to the intersection of Old Route 11.

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

Voting no: Mr. Hale.

#### 5. Hiwassee Fire Department

Mr. Huber requested assistance of VDOT staff in making it possible to establish a second entrance to this facility as part of its expansion to include a REMSI station, by reducing the speed limit or some other means.

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On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved a formal speed study one-half mile in each direction from the Hiwassee Fire Department.

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

Voting no: Mr. Hale.

b. Citizen Comments

There were no citizen comments.

Mr. Thompson reported the completion of general maintenance along the intersection of Rt. 672 and F047 had been completed.

Mr. Thompson reported the "Children at Play" signage had been posted at Newbern Heights.

Mr. Thompson reported Rt. 697 had been surface treated.

Mr. Thompson reported paving in Oakview Subdivision should be completed this week.

Mr. Thompson reported signage for tractor trailers had been ordered for Rt. 611.

c. Board of Supervisors Concerns

Mr. Akers reported of drainage problems on gravel roads, particularly along Pepper's Ferry Road. Mr. Thompson agreed to have the matter review by VDOT.

Mr. Conner advised of a small bridge one-eighth of a mile east of Rt. 643 and Rt. 11 intersection in west-bound lane, which drops off and had no side markings. Mr. Conner requested reflectors or signage on the bridge.

Mr. Sheffey commended VDOT for reinstalling signage on Rt. 798 after a recent wreck on Rt. 798.

Mr. Sheffey advised of overgrowth on Manns Drive in New River. Mr. Thompson agreed to have VDOT review the matter.

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6. Treasurer's Report

Treasurer Rose Marie Tickle was unable to attend the meeting; however, the monthly status report prepared by Ms. Tickle was presented in her absence.

7. Citizens' Comments

There were no citizen comments.

8. Reports from the County Administrator & Staff:

- a. Appeal by **Bimmerworld Properties L L C** for a site plan review to allow construction of a 9,600 sq. ft. building for mixed uses including shop space, parts storage and display, and general office space on property identified as tax parcel 040-002-0000-0008, (2.539 acres), zoned Transitional Industrial District (I0), located on the southwest corner at the intersection of River Course Dr., (Rt. 1151) and NRV Corporate Center Dr., (Rt. 1158), Cloyd District

Mr. Huber reported the principals involved, which include Kendall Clay, Steve Crawford representing the Heron's Landing Homeowners Association had reached a general compromise and are working through the matter. Further, that no action was needed by the Board but to expect an initiation for the rezoning process to be on the agenda for the August Board meeting.

- b. Introduction of Community Development Director

Introduction of the new director was postponed to the August 28 Board meeting due to Mr. Utt having to attend a Radford City Council meeting.

- c. Key Activity Timetable

The Board reviewed the Key Activity Timetable in detail.

Mr. Sheffey inquired if the August 06 date was accurate on the pump station generator installation. Mr. Huber advised a better date could be provided at the August meeting.

Mr. Sheffey inquired if the August 06 date was accurate for the garage appearance improvements. Mr. Huber advised some mowing had been done recently with the help of inmates.

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Mr. Akers inquired if the August 06 date was accurate for the Harry DeHaven Park improvements. Mr. Huber reported the underpinning of the mobile home was expected soon which would allow for occupancy of the mobile home.

Mr. Sheffey inquired regarding the status of the additional picnic shelters at Randolph Park and the possibility of an additional restroom facility. Mr. Huber advised efforts were underway to determine the best location for the two new shelters which would allow use of the existing restrooms rather than the building of a new structure for additional restrooms. Mr. Sheffey requested staff develop a cost for the two additional shelters and provide cost estimate at the August Board meeting. Staff was requested to also confirm Lowe's is still willing to provide assistance and provide an update at the August Board meeting.

d. Appointments

Action regarding appointments was deferred to Closed Session.

e. Scheduling of Administrator's Evaluation

The Board scheduled the county administrator's evaluation for Monday, August 21 at 6:30 p.m. with a backup date of Wednesday, August 23. Mr. McCarthy was requested to confirm the date and advise county staff which date would suit for scheduling the evaluation.

Mr. Sheffey advised the recent employee/volunteer picnic was excellent and commended county staff for their efforts.

9. Items of Consent:

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the following "Items of Consent", with items "d1 through d3" being approved, subject to review and concurrence by County Attorney Tom McCarthy.

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

a. Approval of Minutes of June 26, 2006

The Board approved the minutes of the June 26, 2006 meeting.

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b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 23446 through 23742, subject to audit.

c. Appropriations and Interoffice Transfers

The Board approved the following monthly appropriations and Interoffice Transfer #1 totaling \$50,588.40:

<b>GENERAL FUND #23</b>	
Revenues:	
Total	0
Expenditures:	
012110-4700 – County Administrator – Central Copying	\$ 225.00
012110-6002 – County Administrator – Food Supplies	730.00
013100-1310 – Elections – Part time Salaries & Wages	520.00
013100-3320 – Elections – Maintenance Service Contract	17,551.00
013100-8101 – Elections - Machinery & Equipment	2,000.00
053510-1134 – VA Juvenile Crime Control – Salaries & Wages	161.00
071320-5110 – Randolph Park – Electrical Services	3,500.00
071370-3009 – Claytor Lake Celebration – Purchase of Services	3,200.00
092110-5832 – Misc. Revenue Refunds – Building Permits	26.00
092110-5841 – Misc. Revenue Refunds – NSF/Returned Checks	60.00
093000-9210 – Transfers – School Debt Fund	1,000.00
093000-9211 – Transfers – Treasurer’s Fund	2,261.00
<b>TOTAL</b>	<b>\$ 31,234.00</b>
<b>GENERAL FUND #24</b>	
Revenues:	
016030-1000 – Seized Assets – Comm. Attorney Share	\$ 314.28
016030-1100 – Seized Assets – Sheriff’s Office Share	511.35
Total	\$ 825.63

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Expenditures:	
022100-6017 – Comm. Attorney – Seized Assets Machinery & Equipment	\$ 314.28
031200-6017 – Sheriff’s Office- Seized Assets Machinery & Equipment	511.35
<b>Total</b>	<b>\$ 825.63</b>
<b>GENERAL FUND # 1</b>	
Revenues:	
024040-6300 – DCJS Community Corrections Additional Grant Amt.	\$ 6,865.00
<b>Total</b>	<b>\$ 6,865.00</b>
Expenditures:	
022100-6017 – Comm. Attorney Seized Assets FY 06 Carryover	\$7,140.08
031200-6017 – Sheriff’s Office Seized Assets FY 06 Carryover	11,194.99
021600-8107 – Clerk’s Office – Rolling File System FY 06 Carryover	16,500.00
032200-8101 – Draper Volunteer Fire Department FY 06 Carryover	2,628.13
032230-8101 – Hiwassee Volunteer Fire Department FY 06 Carryover	8,004.00
032260-8101- Twin Community Fire Department FY 06 Carryover	805.82
033420-5655 – Community Corrections Grant	6,865.00
035500-8101 – Emergency Management Mach. & Equip. FY 06 Carryover	2,795.29
035520-8103 – Domestic Preparedness Grant FY 06 Carryover	8,863.17
035530-8201 – Homeland Security Grant FY 06 Carryover	9,958.99
072700-3170 – Jamestown 2007 Professional Services	4,000.00
<b>TOTAL</b>	<b>78,755.47</b>
<b>SCHOOL FUND # 26</b>	
Revenues:	
3-205-16120-1100 – Sub Teacher Fees	\$ -2,601.77
3-205-18030-0330 – School Activity Reimbursement	-1,750.08
3-205-18990-0200 – Misc. School Revenues	-14,114.56

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3-205-18990-3201 – E Rate	-95,547.03
Total	\$ -114,013.44
Expenses:.	
4-205-62120-5800-900 – Supt. Misc.	\$ 30,000.00
4-205-63200-5800-900 – Transportation Misc.	40,000.00
4-205-64200-5800-900 – Operations Misc.	44,013.44
<b>TOTAL</b>	<b>\$ 114,013.44</b>
<b>SCHOOL FUND # 27</b>	
Revenues:	
3-205-18030-0300 – Refund/Overpayment	\$ -3,068.00
3-205-18030-0320 – School Nurse Services	-1,757.78
3-205-18030-0330 – School Activity Reimbursement	-965.48
3-205-18990-3201 – E Rate	-8,323.20
Total	\$ -14,114.46
Expenses:	
4-205-064200-5800-900 – Operations Misc.	\$ 14,114.46
<b>TOTAL</b>	<b>\$ 14,114.46</b>
<b>SCHOOL FUND # 28</b>	
Revenues:	
3-205-15020-0100 – Rental of Property	\$ -1.00
3-205-16120-1100 – Sub Teacher Fees	-22,148.37
3-205-18030-0300 – Refund/Overpayment	-97,017.64
3-205-18030-0330 – School Activity Reimbursement	-2,796.22
<b>TOTAL</b>	<b>\$ -121,963.23</b>
Expenses:	
4-205-064200-5800-900 – Operations Misc.	\$ 121,963.23
<b>TOTAL</b>	<b>\$ 121,963.23</b>
<b>SCHOOL FUND # 29</b>	
Revenues:	
3-205-16120-1100 – Sub Teacher Fees	\$ -563.52
3-205-18030-0300 – Refund/Overpayment	-1,069.53
3-205-18030-2000 – Reimbursement of Joint Services	-39,219.00
3-205-18990-0200 – Misc. School Revenues	-6,037.51

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Total	\$ -46889.56
Expenses:	
4-205-64200-5800-900 – Operations Misc.	\$46,889.56
<b>TOTAL</b>	<b>\$46,889.56</b>
<b>BUDGET APPROPRIATION #1 – FY 07</b>	
Revenues:	
3-205-024020-2370 – Additional Lottery	\$ -31,887.00
Total	\$ -31,887.00
Expenses:	
4-205-066600-6007-900 – Facilities Repair	\$ 15,944.00
4-205-062190-6207 – Additions to EDP Equipment	15,943.00
<b>TOTAL</b>	<b>\$ 31,887.00</b>
<b>BUDGET ADJUSTMENT # 2</b>	
Revenues:	
Total	0
Expenses:	
4-205-61100-1121-200-400 – Teacher Salaries	\$ -87,259.62
4-205-62120-5800-900 – Superintendent’s Misc.	-6,055.17
4-205-63200-5800-900 – Transportation Misc.	5,886.16
4-205-64200-5800-900 – Operations Misc.	87,428.63
<b>TOTAL</b>	<b>0</b>
<b>CAPITAL IMPROVEMENT FUND #4</b>	
04105-1000 – Transfer from General Fund	\$ 80.00
Total	\$ 80.00
Expenditures:	
302-032230-3140 – Hiwassee Fire Department Renovation	\$ 80.00
<b>TOTAL</b>	<b>\$ 80.00</b>
<b>INTERNAL SERVICE FUND #4</b>	
Revenues:	
04105-1000 – Transfer from General Fund	\$ 19,143.00
Total	\$ 19,143.00

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<b>Expenditures:</b>	
012510-1150 – Information Technology – Salaries & Wages	\$ 2,000.00
012510-3800 – Information Technology – Purchase of Joint Services	2,000.00
012560-3800 – County Garage –Purchase of Joint Services	\$ 15,143.00
<b>TOTAL</b>	<b>\$ 19,143.00</b>
<b>SCHOOL GOVERNOR’S SCHOOL</b>	
<b>Revenues:</b>	
016120-1100 – Charge for Services – Salaries & Wages	\$ 22,369.00
Total	\$ 22,369.00
<b>Expenditures:</b>	
061100-1121-400 – Governor’s School Teacher Salaries & Wages	\$ 20,146.00
062100-1124-400 – Governor’s School Supervisor Salaries & Wages	2,223.00
<b>TOTAL</b>	<b>\$ 22,369.00</b>

d. Ratification of Contracts, Change Orders & Agreements:

1. Agreement with Robinson, Farmer, Cox for Preparation of Communication Taxes and Fees

As reported in the Board packet, the contract with Robinson, Farmer, Cox was recommended due to certification by the State resulting in a cost increase. The Board approved the contract, subject to review and concurrence by the county attorney.

2. Ratification of Contribution Towards Counsel Fees related to Adelpia Bankruptcy Documents

As reported in the Board packet, VACO is requesting localities contribute toward the cost of review of the Adelpia bankruptcy matter.

The Board ratified a contribution of \$200 towards the cost of this review.

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3. Architectural Services Agreement with Tom Douthat for Hiwassee Fire Department Expansion

As reported in the Board packet, staff recommended approval of the architectural services agreement with Mr. Douthat, following removal of any references to arbitration and subject to review and concurrence by Mr. McCarthy.

e. Personnel Changes

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

f. Authorization to Sign VDOT Grants

As reported in the Board packet, VDOT is requesting specific authorization for signing a grant agreement for \$75,000 to be used for improvements at the Wilderness Road Museum.

The Board adopted the following resolution authorizing signing of grant agreements for \$75,000 to be used for improvements to Wilderness Road:

Be It Resolved, that Peter M. Huber, the County Administrator for Pulaski County, Virginia, is hereby authorized to enter into grant agreements with the Virginia Department of Transportation and receive funds therefrom on behalf of the Board of Supervisors of Pulaski County, Virginia.

Adopted: July 24, 2006

g. Adoption of Revised Sewage Disposal Permit Limits

As reported in the Board packet, the Board was requested to adopt the revised rules and regulations based on the flexibility committed to by the Pepper's Ferry staff.

The Board adopted the revisions to the Rules and Regulations and User Agreement, copies of which are filed with the records of this meeting.

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- h. Resolution Authorizing the Construction and Financing of Improvements to the Fire Department Building of the Hiwassee Volunteer Fire Department

As reported in the Board packet, Mr. Huber recommended adoption of the resolution, loan and bond in order to make possible a \$50,000 grant from Rural Development for the rescue squad addition to the Hiwassee Fire Department as follows:

**A RESOLUTION AUTHORIZING THE CONSTRUCTION AND FINANCING OF IMPROVEMENTS TO THE FIRE DEPARTMENT BUILDING OF THE HIWASSEE VOLUNTEER FIRE DEPARTMENT, AND THE ISSUANCE, SALE AND AWARD OF NOT A TO EXCEED \$352,000 NOTE, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

WHEREAS, the Hiwassee Volunteer Fire Department (the "Fire Department") is a Fire/EMS Company as defined in Section 27-8.1 of the Code of Virginia of 1950, as amended; and

WHEREAS, the Fire Department has determined to construct improvements to its fire department building (the "Project") and to borrow an amount of money which, together with other available funds, is estimated to be sufficient to pay the cost of the Project; and

WHEREAS, the United States of America, acting through Rural Development, United States Department of Agriculture (the "Government"), has offered to make such loan upon certain terms and conditions, and the members of the Fire Department have voted in favor of borrowing from the Government and determined to satisfy such terms and conditions.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HIWASSEE VOLUNTEER FIRE DEPARTMENT:

ARTICLE I

Definitions

Section 1.1. Definitions. Whenever used in this resolution, unless a different meaning clearly appears from the context:

"Fire Department" shall mean the Hiwassee Volunteer Fire Department, a Fire/EMS Company as defined in Section 27-8.1 of the Code of Virginia of 1950, as amended, formed with the consent of the Board of Supervisors of Pulaski County, Virginia.

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"Closing Date" shall mean the date on which the Note is delivered to the Government in accordance with this resolution.

"County" shall mean Pulaski County, Virginia.

"Government" shall mean the United States of America, acting through Rural Development, United States Department of Agriculture, its successors and assigns.

"Note" shall mean the Fire Department's note issued pursuant to this resolution.

"Project" shall mean the improvements and expansions to the Fire Department's building, to be constructed substantially as described in documents approved by the Government.

ARTICLE II

Authorization of Project

Section 2.1. The Project. In order to improve the fire department building facility of the Fire Department, the undertaking of the Project is hereby authorized. The Project may be modified by the Fire Department; provided, however, that any such modification shall have been approved in writing by the Government.

ARTICLE III

Authorization, Form, Execution, Delivery,  
and Prepayment of Note

Section 3.1. Authorization of Note. There is hereby authorized to be issued and sold a note of the Fire Department in a principal amount not to exceed \$352,000 (the "Note"), to provide funds, together with other available funds, to finance the cost of the Project.

Section 3.2. Award of Note. It is hereby determined that it is in the best interest of the Fire Department for the Fire Department to accept the offer of the Government to purchase the Note upon certain terms and conditions set forth in the Government's letter dated September 27, 2005, a copy of which has been presented to the Board of Directors at the meeting at which this resolution is adopted, as it may be amended or supplemented. Such offer is hereby accepted, and the Fire Department hereby agrees to meet such terms and conditions.

Section 3.3. Details of Note. (a) The Note shall bear an appropriate designation as determined by either of the President or Vice-President of the Fire Department, each of whom is authorized to provide the designation for the Note in order to appropriately identify the Note. The Note shall be dated the Closing Date, shall be in the principal

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amount, shall bear interest at the rate, and shall be payable in the amounts and on the dates established in accordance with subsection (b) below.

(b) Each of the President or Vice-President of the Fire Department is hereby authorized and directed to determine the principal amount of the Note, the interest rate thereon, and to determine the dates on which, and the amounts in which, principal of and interest on the Note will be due; provided, however, that the principal amount of the Note shall not exceed \$325,000, the interest thereon shall not exceed 4.125% per annum, and the final maturity of the Note shall be no greater than forty (40) years after the Closing Date. The execution and delivery of the Note as described in Section 3.6 and Section 3.9 hereof shall conclusively evidence all the terms and details of that Note as having been so determined and established as authorized by this Resolution.

Section 3.4. Alternate Provisions. At the request of the Government, the Note may be delivered in the alternative form contained herein providing for principal advances to be made from time to time by the Government in aggregate amount not to exceed the face amount of that Note. An authorized officer of the Government shall enter the amount and the date of each such principal advance on the Certificate of Principal Advances attached to the Note when the proceeds of such advance are delivered to the Fire Department. Each such principal advance shall bear interest from the date of such advance so entered on the certificate.

Section 3.5. Prepayment. Installments of principal due on the Note may be prepaid at the option of the Fire Department at any time as a whole or in part from time to time (but if in part, in inverse order of their maturities), without premium, from any proceeds of the Note remaining after completion of the Project, any proceeds derived by the Fire Department from the sale or other disposition of a portion of the Project, including the proceeds of insurance or condemnation awards, or any other source. Notwithstanding the above, the Fire Department may at any time deliver moneys to the Government with instructions that such moneys be credited against future installments due on the Note in inverse chronological order. Prepayments shall not affect the obligation of the Fire Department to pay the remaining installments payable as set forth in the Note.

Section 3.6. Execution of Note. The Note shall be signed by the President or Vice President of the Fire Department.

Section 3.7. Form of Note. The Note shall be in substantially the following form:

NOTE

The Hiwassee Volunteer Fire Department (the "Fire Department"), for value received, hereby promises to pay to the United States of America, or registered assigns (the "Noteholder"), the principal sum [equal to the aggregate amount of principal

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advances shown on the attached Certificate of Principal Advances, but not to exceed the sum<sup>1</sup>] of

\_\_\_\_\_ DOLLARS  
(\$\_\_\_\_\_)

and to pay, solely from such source, to the registered owner hereof interest on the unpaid principal from the date [hereof] [of each principal advance shown on the attached Certificate of Principal Advances] until payment of the entire principal sum at the rate of \_\_\_\_\_ per year. Interest only is payable on \_\_\_\_\_, and on \_\_\_\_\_. Installments of combined principal and interest of \$\_\_\_\_\_ are payable beginning \_\_\_\_\_, and continuing on the same day of each month thereafter until the principal of this Note is paid in full. Any payment on this Note shall be applied first to interest accrued to such payment date and then to principal. If not sooner paid, the final installment shall be due and payable 40 years from the date hereof. Such installments shall be payable in lawful money of the United States of America by check or draft mailed to the registered owner at its address as it appears on the registration books kept for that purpose at the office of the Fire Department's Secretary who has been appointed Registrar, except that the final installment shall be payable upon presentation and surrender hereof at the office of the Registrar.

This Note has been authorized pursuant to a resolution duly adopted by the Fire Department on \_\_\_\_\_ (the "Note Resolution") and is issued to provide funds, together with other available funds, to finance the cost of constructing improvements to the Fire Department's building located at 2273 Julia Simpkins Road, Hiwassee, Virginia (the "Facility"). This Note is secured by a Deed of Trust dated the date of this Note (the "Deed of Trust") from the Fire Department to certain trustees, recorded in the Clerk's Office of the Circuit Court of Pulaski County, Virginia, and constituting a lien on the Facility. Reference is hereby made to the Note Resolution and the Deed of Trust and any amendments thereto for the provisions, among others, describing the pledge and covenants securing this Note, the nature and extent of the security, the terms and conditions upon which this Note is issued, the rights and obligations of the Fire Department and the rights of the Noteholder.

Installments of principal due on this Note may be prepaid at the option of the Fire Department at any time as a whole or in part from time to time (but if in part, in inverse order of their maturities), without premium. Prepayments of installments of principal shall not affect the obligation of the Fire Department to pay the remaining installments payable as provided above.

IN WITNESS WHEREOF, the Fire Department has caused this Note to be signed by the President of the Fire Department, and this Note to be dated \_\_\_\_\_, \_\_\_\_.

Hiwassee Volunteer Fire Department

\_\_\_\_\_  
<sup>1</sup>Alternative language to be used if the Government requests provision for principal advances.

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**[NOT FOR SIGNATURE]**

By: \_\_\_\_\_  
President

TRANSFER OF NOTE

The transfer of this Note may be registered by the registered owner or its duly authorized attorney upon presentation hereof to the Registrar who shall make note of such transfer in books kept by the Registrar for that purpose and in the registration blank below.

<u>Date of Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of Registrar</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATE OF PRINCIPAL ADVANCES<sup>2</sup>

The amount and date of principal advances not to exceed the face amount hereof shall be entered hereon by an authorized officer of the United States of America, when the proceeds of each such principal advance are delivered to the Fire Department.

<u>Amount</u>	<u>Date</u>	<u>Authorized Signature</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Section 3.8. Delivery of Note. The President and Vice President of the Fire Department are each hereby authorized and directed to take all proper steps to have the Note prepared and executed in accordance with its terms and to deliver the Note to the

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<sup>2</sup>Certificate of Principal Advances to be used if the Government requests provision for principal advances.

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Government upon payment of the purchase price therefor or upon the Government's agreement to disburse the principal thereof to the Fire Department.

ARTICLE IV

Security

Section 4.1. Deed of Trust, Security Agreement and Other Documents. The Deed of Trust from the Fire Department to certain trustees (the "Deed of Trust") and the Security Agreement between the Fire Department and the Government (collectively, the "Security Documents"), the forms of which have been presented to the Board of Directors and filed with the records of the Fire Department, are approved. Either of the President or Vice-President of the Fire Department is authorized to execute on behalf of the Fire Department the Security Documents in substantially the form submitted to the Board of Directors, with such changes, insertions or omissions as may be approved by such officer, whose approval shall be evidenced conclusively by the execution and delivery of the Security Documents. Such officer is authorized to execute and deliver on behalf of the Fire Department such other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Note or the Security Documents, and all of the foregoing, previously done or performed by such officers of the Fire Department, are in all respects approved, ratified and confirmed.

ARTICLE V

Particular Covenants

Section 5.1. Payment of Note. The Fire Department shall pay promptly, as provided herein, the principal of and interest on the Note.

Section 5.2. Construction of Project. The Fire Department shall obtain all approvals, permits and consents required by law as a condition precedent to the acquisition, construction, development and operation of all parts of the Project and shall complete the construction of the Project in a sound and economical manner and in conformity with all applicable requirements of the Government and all other governmental authorities.

ARTICLE VI

Defaults and Remedies

Section 6.1. Default and Remedies. Upon default by the Fire Department (a) in the payment of principal of or interest on the Note, (b) in the performance of any covenant or agreement contained in the Note, the Security Documents or in this resolution or (c) upon the occurrence of certain events of bankruptcy of the Fire Department, the holder of the Note at its option may:

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(a) declare the entire unpaid principal amount of the Note then outstanding and accrued interest thereon to be immediately due and payable;

(b) incur and pay such reasonable expenses for the account of the Fire Department as may be necessary to cure the cause of any default;

(c) proceed to protect and enforce its rights under the Note, the Security Documents and this resolution by a suit, action or special proceeding at law or in equity, either for the specific performance of any covenant or agreement or execution of any power or for the enforcement of any proper legal or equitable remedy as may be deemed most effectual to protect and enforce such rights.

Section 6.2. Remedies Cumulative. No remedy conferred hereby is intended to be exclusive of any other remedy, and every remedy shall be cumulative and in addition to every other remedy herein or now or hereafter existing in equity, at law or by statute.

ARTICLE VII

Miscellaneous

Section 7.1. Contract with Noteholder. The provisions of this resolution shall constitute a contract between the Fire Department and the holder of the Note for so long as the Note and interest thereon are outstanding.

Section 7.2. Fire Department of Officers and Agents. The officers and agents of the Fire Department shall do all acts and things required of them by this resolution, the Note and the Security Documents for the complete and punctual performance of all the terms, covenants and agreements contained therein.

Section 7.3. Limitation of Rights. Nothing expressed or mentioned in or to be implied from this resolution or the Note is intended or shall be construed to give to any person or company other than the parties hereto and the holder of the Note any legal or equitable right, remedy or claim under or in respect to this resolution or any covenants, conditions and agreements herein contained; this resolution and all of the covenants, conditions and agreements hereof being intended to be and being for the sole and exclusive benefit of the parties hereto and the holder of the Note as herein provided.

Section 7.4. Limitation of Liability of Officials of Fire Department. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of a present or future member, officer, employee or agent of the Fire Department in his individual capacity, and neither the members of the Fire Department nor any officer thereof executing the Note shall be liable personally on the Note or be subject to any personal liability or accountability by reason of the issuance thereof. No member, officer, employee or agent of the Fire Department shall incur any personal

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liability with respect to any other action taken by him pursuant to this resolution, provided he acts in good faith.

Section 7.5. Severability. If any court of competent jurisdiction shall hold any provision of this resolution to be invalid or unenforceable, such holding shall not invalidate any other provision of this resolution.

Section 7.6. Successors and Assigns. All the covenants, stipulations, promises and agreements of the Fire Department contained in this resolution shall bind and inure to the benefit of its successors and assigns, whether so expressed or not.

Section 7.7. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 7.8. Effective Date. This resolution shall take effect immediately.

10. Citizen Comments

There were no citizen comments.

11. Other Matters from Supervisors

There were no other matters from supervisors.

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

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

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

- Implementation of Building Space Needs

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:

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- Appointments

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:

- Water Purchase 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. Conner, seconded by Mr. Akers 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.

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

Voting no: none.

Personnel Matters:

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

▪ Appointments

1. New River Valley Planning District Commission

The Board appointed Pete Crawford to fill the unexpired term of Tom Owen.

2. Board of Zoning Appeals (Alternate)

The Board directed county staff to request Wayland Overstreet to consider serving as an alternate and if Mr. Overstreet declines, request Dan Bailey consider serving.

3. Wireless Authority

The Board reappointed Dan Bailey and Tim Jones for an additional term on the Wireless Authority.

4. HOME Consortium

The Board appointed John Hawley and Shawn Utt to the HOME Consortium.

5. New River Valley Economic Development Alliance

The Board appointed Mark Radar, Executive Director of Pulaski Community Hospital, and John Overton (alternate), also an employee with Pulaski Community Hospital to the Alliance Board.

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

Voting no: none.

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13. Adjournment

On a motion by Mr. Hale, seconded by Mr. Akers and carried, the Board of Supervisors adjourned its regular meeting to reconvene on Monday, August 21, 2006 at the home of Thomas J. McCarthy, Jr. in Draper, Virginia for the purpose of conducting the County Administrator's annual evaluation. The next regularly scheduled meeting of the Board of Supervisors will be held on Monday, August 28, 2006 at 7:00 p.m. in the Board of Supervisors Meeting Room of the County Administration Building, 143 Third Street, N. W. in the Town of Pulaski.

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

Voting no: none.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator