

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 28, 2006

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, August 28, 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; Shawn Utt, Community Development Director; Dari Jenkins, Zoning Administrator; and Gena T. Hanks, Clerk.

1. Invocation

The Board observed a moment of silence recognizing Corporal Eric Sutphin of the Montgomery County Sheriff's Office and Security Officer Derrick McFarland of the Montgomery Community Hospital.

The invocation presented by Rev. Daniel Royo of the Pulaski 7th Day Adventist Church.

2. Featured Employees

The Board recognized Tonya Hurt of the Regional Emergency Medical Services, Inc. and Ethel Brown of the Pulaski County Sheriff's Department as the Featured Employees for the month of September. Mr. Sheffey read a detailed description of the job duties and personal interests of each employee and presented Ms. Brown with a gift certificate to Shoney's. Ms. Hurt was unable to attend the meeting.

2a. Introduction of Chamber Executive Director, Dawn K. Adams

Mr. Huber introduced Ms. Adams and read a detailed description of her education credentials, etc.

Mr. Sheffey introduced Anastasia Anderson from the Southwest Times who reported she was filling in temporarily for Jack Martin.

3. Additions to Agenda

Mr. Huber reported the addition of the following items to the agenda:

- a. Reports from County Administrator & Staff
- b. VACO District 12 representative following the resignation of Sharon Nichols;
- c. Closed Session – Prospective Industry – Project Matrix; and
- d. Items of Consent – Eliminating North Dublin voting Precinct.

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4. Public Hearings:

- a. A rezoning request by North Radford Septic Tank Service Incorporated to Industrial (I1) on property identified as tax map no. 029-001-0000-0042, 42B and 42C (9.1 acres total), currently zoned Commercial (CM1); and tax map no. 029-001-0000-049B, 49C and 49D (3.42 acres total) currently zoned Residential (R3), located in the 7800 block of Peppers Ferry Boulevard (Rte. 114), directly across Rte. 114 from Mason Street, Cloyd District

Mr. Sheffey introduced the public hearing and Mr. Utt provided additional details on the rezoning request. Mr. Utt 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.

Comments were heard from Tommy & Jeanette Hall in opposition to the request. Ms. Hall explained her land had been in her family for at least 100 years. She expressed concern over the lack of care of the property being proposed for rezoning. Ms. Hall provided photographs of the land proposed for rezoning indicating spillage on the land, as well as erosion and excessive dust. Mr. Hall expressed concern about the previous uses of the land, as well as the dumping and excavation. He also expressed concern over the incompatibility of the proposed use with the current residential uses.

Comments were heard from Tyrone Long, President, North Radford Septic Tank Service Inc., and William Greene, Vice President, Radford Septic Tank Service Inc., in favor of the request. Mr. Long noted the offer of voluntary proffers. He advised the land had been cleared of drums and tires, which were adequately disposed of. Mr. Green advised that the items that have been dumped on the land had been dumped illegally by unknown sources and that the items shown in the photographs shown by Ms. Hall would be cleared from the land. Mr. Long advised of recent OSHA inspections which resulted in no negative findings.

Mr. Freddie Spraker of Staff Contracting, Inc. advised he was the potential buyer of the property being requested for rezoning. He advised his plans included the placement of corporate offices and a temporary storage yard on the property for "in between" jobs and for repairs to dump trucks and heavy equipment. He further advised the primary hours of operation would be from 7:00 a.m. to 5:00 p.m., but some extended hours may need to occur.

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Ms. Jenkins advised the need for Industrial zoning is due to a contractors storage yard requiring Industrial zoning.

Mr. Long advised it was determined the current use was out of compliance with the existing Zoning Ordinance and that approval of the requested rezoning would bring the property into compliance.

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

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

1. Uses shall be limited to the remaining uses as shown on the **attached** listing of allowable uses in the Industrial (I-1) Zoning District. The uses crossed out shall not be permitted.
2. The exemption allowed by Section D-5 of the Pulaski County Noise Ordinance, adopted April 24, 2000 is hereby waived; therefore, noise incidental to the uses permitted herein shall occur only between the hours of 7:00 a.m. and 10: 00 p.m.
3. Additional buffering will be provided as necessary upon presentation of a site plan for review to the Pulaski County Zoning Administrator.

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

Voting no: none.

- b. An application by **Judy Epperly** for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for, per Section 17-5, to amend the following section(s) of the Pulaski County Zoning Ordinance:

- Amendment to **Article 1, Definitions Use and Design Standards**, defining an **Assisted Living Facility**;

Mr. Sheffey introduced the public hearing and Mr. Utt provided additional details on the rezoning request. Mr. Utt explained the purpose of the hearing was to solicit input from the public regarding an amendment to the zoning ordinance as described above. He further advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Comments were heard from Judy Epperly, Executive Director of the Beulah House, in favor of the request.

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There being no further comments, the hearing was closed.

On a motion by Mr. Hale, seconded by Mr. Akers and carried, the Board approved the following amendment to the zoning ordinance as recommended by the Planning Commission:

*"Assisted Living Facility" means, as defined in §63.2-100 of the Code of Virginia, any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of **four or more** adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, **except***

- (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, but including any portion of such facility not so licensed;*
- (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage;*
- (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to §22.1-214 of the Code of Virginia, when such facility is licensed by the department as a children's residential facility under Chapter 17 (§63.2-1700 et seq.) of Title 63.2 of the Code of Virginia, but including any portion of the facility not so licensed; and*
- (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development including, but not limited to, U.S. Department of Housing and Urban Development Sections 8, 202, 221(d)(3), 221(d)(4), 231, 236 or 811 housing, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority.*

Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults.

An assisted living facility must meet the following standards:

- 1. The structure, or any supplemental additions, shall maintain the appearance of a single-family residence. Each resident room having direct entrance or exit to the outside of the building shall be equipped with panic hardware and an alarm;*
- 2. Location of an Assisted Living Facility within 50 ft. of another dwelling must be screened by landscaping or an opaque fence approved by the Zoning Administrator so that light is reflected away from adjacent properties;*
- 3. No cooking shall be permitted in resident rooms;*
- 4. Health Department approval for kitchen facilities, if applicable, shall be required prior to the issuance of a zoning permit;*
- 5. Delivery trucks shall be permitted between the hours of 7:00 a.m. and 10:00 p.m.;*

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6. *Parking spaces as defined in Article 14 shall be provided based on one space for each employee during the maximum shift, and one space per two residents. Parking shall be provided in accordance with ADA requirements;*
7. *A dumpster, if desired, requires screening approved by the Zoning Administrator;*
8. *Medical waste disposal must be in accordance with OSHA regulations;*
9. *The applicable license to operate an assisted living facility where required by Virginia Department of Health and Rehabilitative Services must be presented to the Zoning Administrator prior to the use being conducted. The use shall be deemed a violation of this Ordinance if there is a failure to maintain a valid license as required.*

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

Voting no: none.

- Amendment to the Zoning Ordinance allowing an **Assisted Living Facility** as a use either by-right or by Special Use Permit in the Agricultural (A1), Conservation (C1), Residential (R1), Residential (R2), Residential (R3) and Rural Residential (RR) Zoning Districts.

Mr. Sheffey introduced the public hearing and Mr. Utt provided additional details on the rezoning request. Mr. Utt explained the purpose of the hearing was to solicit input from the public regarding an amendment to the zoning ordinance as described above. He further advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Supervisor Akers posed several questions regarding allowances in the Conservation District. Ms. Jenkins advised the zoning ordinance restricts lots sizes if divided in a Conservation district.

There being no further comments, the hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board approved the following zoning text amendment by Special Use Permit, as recommended by the Planning Commission:

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ARTICLE 2: AGRICULTURAL DISTRICT (A-1)

2-3 Uses Permitted by Special Use Permit (SUP) Only

Within the Agricultural District (A-1), the following uses are permitted by Special Use Permit only:

- *Assisted Living Facility*

ARTICLE 3: CONSERVATION DISTRICT (C-1)

3-2 Uses Permitted by Special Use Permit (SUP) Only

Within the Conservation (C-1), the following uses are permitted by Special Use Permit only:

- *Assisted Living Facility*

ARTICLE 5B: RESIDENTIAL DISTRICT (R-1)

5B-3 Uses Permitted by Special Use Permit (SUP) Only

Within the Residential District (R-1), the following uses are permitted by Special Use Permit (SUP) only:

- *Assisted Living Facility*

ARTICLE 5C: RESIDENTIAL DISTRICT (R-2)

5C-3 Uses Permitted by Right

Within the Residential District (R-2), the following uses are permitted by Special Use Permit (SUP) only:

- *Assisted Living Facility*

ARTICLE 5D: RESIDENTIAL DISTRICT (R-3)

5D-3 Uses Permitted by Right

Within the Residential District (R-3), the following uses are permitted by Special Use Permit (SUP) only:

- *Assisted Living Facility*

ARTICLE 5F: RURAL RESIDENTIAL DISTRICT (RR) 1

5F-2 Uses Permitted by Right

Within the Rural Residential District (RR), the following uses are permitted by Special Use Permit only:

- *Assisted Living Facility*

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

Voting no: none.

- c. A request for Special Use Permit (SUP) by **Beulah House Incorporated** to allow an Assisted Living Facility on property identified as tax map no. 055-001-0000-0056A, (1.02 acres), zoned Residential (R-1), located at 4704 Caddell Road (Rte. 638), approximately 400 feet from its intersection with Cougar Trail Road (Rte. 643), Draper District.

Mr. Sheffey introduced the public hearing and Mr. Utt provided additional details on the rezoning request. Mr. Utt explained the purpose of the hearing was to solicit input from the public regarding a request for a Special Use Permit as described above. He further advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Supervisor Akers inquired as to the ability of the road in question to sustain a commercial entrance. Mr. Clarke responded the road would allow for such an entrance. There being no further comments, the public hearing was closed.

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved the Special Use Permit, as recommended by the Planning Commission.

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

Voting no: none.

- d. An application by **Volvo Trucks North America Inc.** for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for, per Section 17-5, to amend the following section(s) of the Pulaski County Zoning Ordinance:

- Amendment to **Article 1, Definitions Use and Design Standards,** defining a **Small Wind Energy System**:

Mr. Sheffey introduced the public hearing and Mr. Utt provided additional details on the rezoning request. Mr. Utt explained the purpose of the hearing was to solicit input from the public regarding an amendment to the zoning ordinance as described above. He further advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Comments were heard from Harold Hagee in opposition to the request. Mr. Hagee advised he was an adjacent property owner to the proposed windmill and is concerned that if the windmill is not successful, it will not be removed from the property and will become an eyesore.

Mr. John Kincer of Volvo spoke in favor of the request and provided specific details regarding the proposed windmill. Mr. Kincer advised if the windmill is not successful, it will be demolished.

Dr. Jonathan Miles, Professor of James Madison University, advised the life of most windmills is 20 years. He explained in detail the pilot program which has allowed for providing twelve grants. He advised that if the windmill were not successful, it could be removed at the discretion of Volvo officials. Mr. Huber advised wording could be included in the approval that would specify that the windmill would be disassembled if not successful.

Ms. Tammy Miller commended Volvo for seeking alternative solutions in providing energy to Volvo.

There being no further comments, the hearing was closed.

Supervisor Hale inquired regarding the expected noise level of the proposed windmill. Dr. Miles advised he expected the noise level from the proposed windmill would generate approximately 20 decibels at 20 feet away and 44 decibels at 200 feet away; however, he stressed that judging the noise level was not an exact science.

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On a motion by Mr. Akers, seconded by Mr. Hale and carried, the Board approved the following zoning text amendment, as recommended by Planning Commission, with the stipulation that the windmill will be dismantled if not successful:

Article 1, Definitions Use and Design Standards

Small wind energy system: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of utility power. Small wind energy systems shall meet the following requirements:

1. *Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority.*
2. *No part of the structure shall have any sign, writing or picture that can be construed as advertising.*
3. *Small wind energy systems shall not exceed 60 decibels in sound, as measured at the closest property line. This level may occasionally be exceeded during short-term events such as utility outages and/or severe windstorms.*
4. *The applicant shall provide evidence that the proposed height of the small wind energy system does not exceed the height as recommended by the manufacturer.*
5. *The applicant shall provide evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid. This notification will take place by having the electric utility provider sign the special use permit application. This signature does not construe approval for net metering by the electric utility.*
6. *The applicant provides proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements set forth in 20 VAC 5-315-60.*
7. *The small wind energy system generators and alternators should be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Federal Code of Regulations, Part 15 and subsequent revisions governing said emissions.*
8. *Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.*
9. *Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.*
10. *Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.*
11. *Wind energy systems connected to the utility grid must comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.*

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

Voting no: none.

- Amendment to the Zoning Ordinance allowing a **Small Wind Energy System** as a use either by-right or by Special Use Permit in the Industrial (I1) Zoning District.

Mr. Sheffey introduced the public hearing and Mr. Utt provided additional details on the rezoning request. Mr. Utt explained the purpose of the hearing was to solicit input from the public regarding an amendment to the zoning ordinance as described above. He further advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Mr. McCarthy clarified the vote taken by the Board needed to be for the purpose of determining if approval is granted by-right or by Special Use Permit.

There being no further comments, the hearing was closed.

On a motion by Mr. Hale, seconded by Mr. Akers and carried, the Board approved the following zoning text amendment, by Special Use Permit, as recommended by the Planning Commission:

Article 7, Industrial District (I1)

7-3 Uses Permitted by Special Use Permit Only

Small wind energy system (with additional requirements in Article 7-9)

7-9 Special Use Permit Criteria for Small Wind Energy Systems

In reviewing an application for these uses, the Planning Commission and Board of Supervisors, may consider the health, safety and general welfare of the public in accordance with the Preamble to this Ordinance and Section 15.2-2283 of State Code. To this end, the Planning Commission and Board of Supervisors may consider the following factors as well as other appropriate land use considerations:

- 1. The nature of the surrounding area and the extent to which the proposed use might significantly impair its present or future development;*
- 2. The size of the lot and the potential impact of a catastrophic structural failure;*
- 3. The proximity of structures, parking lots, animals, trees and other developed or non-developed land features and the potential impact of the system on such;*
- 4. The probable effect of the proposed use and its noise levels on the peace and enjoyment of people in their homes;*
- 5. The preservation of cultural and historical landmarks and trees;*
- 6. The probable effect of noise, vibrations and glare upon the uses of surrounding properties;*
- 7. The overall height of the structure and its impact on the surrounding environs.*

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

Voting no: none.

- e. A request for Special Use Permit (SUP) by **Volvo Trucks North America Inc.** to allow a Small Wind Energy System on property identified as tax map no. 065-001-0000-001B and 1C, (274.15 acres), zoned Industrial (I1), located at 4881 Cougar Trail Road (Rte. 643) at the New River Valley Truck Plant, Massie District.

Mr. Sheffey introduced the public hearing and Mr. Utt provided additional details on the rezoning request. Mr. Utt explained the purpose of the hearing was to solicit input from the public regarding a request for a Special Use Permit as described above. He further advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Supervisor Akers inquired as to the ability of the windmill to sustain a wireless antenna.

There being no further comments, the hearing was closed.

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

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

Voting no: none.

- f. An initiative by the **County of Pulaski** to amend the following sections of the Pulaski County Zoning Ordinance:

- Amendment to Article 1, **Definitions Use and Design Standards**, stipulating that uses permitted by-right with standards as set forth in this Article must submit a plan of development showing compliance with Article 18 of the Zoning Ordinance, with the exception of the requirements set forth in Article 18-6.3 through 18-6.6 and 18-6.10.

Mr. Sheffey introduced the public hearing and Mr. Utt provided additional details on the rezoning request. Mr. Utt explained the purpose of the hearing was to solicit input from the public regarding an

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amendment to the zoning ordinance as described above. He further advised the Planning Commission recommended approval of the request.

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

On a motion by Mr. Conner, seconded by Mr. Pratt carried, the Board approved the following zoning text amendments, as recommended by the Planning Commission:

ARTICLE 1, DEFINITIONS, USE AND DESIGN STANDARDS

Any uses within this Article containing standards must be evaluated by the Zoning Administrator to ensure compliance with those standards. Any party desiring to establish a use with standards as defined in this Article must submit a plan of development showing compliance with the standards set forth. The plan of development must comply with all requirements of Article 18 of this Ordinance, Site Development Plan, with the exception of Article 18-6.3 through 18-6.6 and 18-6.10.

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

Voting no: none.

g. A request pertaining to the prohibition of through truck traffic going north on Route 738 beginning at State Route 641, Cox Hollow Road

Mr. Huber explained the purpose of the public hearing was to consider prohibiting of through traffic going north on Rt. 738, beginning at State Route 641, Cox Hollow Road.

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

Supervisor Sheffey asked for clarification on the restrictions allowed by VDOT.

The Board requested Mr. Clarke confirm a resolution is required by VDOT. Mr. McCarthy suggested wording in the resolution stating "through traffic restricted". Sheriff Davis was requested to determine any citizen complaints in this area. The Board directed county staff to provide an update on this matter at its September 25 meeting, including determining if a resolution is needed.

5. Highway Matters:

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

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a. Follow-up from Previous Board Meeting:

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

The Board reviewed in detail the highway matters portion of the Key Activity Timetable. Mr. Clarke advised the completion of repairs to the Allisonia Bridge was expected by September 30, 2006.

b. Request for Speed Limit Posting in the Draper Valley Golf Course Subdivision

Supervisor Pratt submitted a petition from residents requesting a 25 mph speed limit on Big Valley Drive and Fairway Drive. Mr. Clarke advised a 25 mph is statutory in residential areas. Mr. Clarke was requested to determine if these roads qualify for a residential 25 mph speed posting.

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board of Supervisors requests VDOT consider posting a 25 mph speed limit on roads in the Draper Valley Golf Course Subdivision, including, but not limited to, Big Valley Drive and Fairway Drive.

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

Voting no: none.

c. Tractor Trailer Restriction in Parrott and Belspring

Mr. Sheffey advised he understood trucks are trying to come into Lowe's and Wal-Mart and are taking a wrong turn onto Rt. 600. The Board approved staff sending a letter to the managers of Wal-Mart and Lowe's advising of concerns and requesting suggestions on alerting the public to the appropriate entrance. Mr. Huber suggested signage advising truckers to use next entrance. Mr. Clarke advised he would determine if the VDOT traffic department staff can offer any suggestions on this matter.

d. Citizen Comments

There were no citizen comments.

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e. Board of Supervisors Concerns

Mr. Sheffey advised of receipt of e-mail from Jennifer and Scott Shaffer of 6997 Lee Highway expressing concern about accidents in the area of Motor Mile Speedway and requested installation of guardrails. Mr. Clarke advised there are established guardrail guidelines, particularly if the guardrail's sole purpose is to protect private property. Mr. Clarke agreed to have VDOT review the matter and provide an update at the September Board meeting.

Pulaski County Deputy Brad Nester confirmed the location of accidents at the area in question. Mr. Clarke advised guardrails can be put up on secondary roads, but funding would come out of secondary road funds.

Mr. Clarke advised the General Assembly is scheduled to return to session on September 27. He further advised the yearly secondary road hearing would need to be scheduled. The Board determined the hearing should be advertised for the October Board meeting with approval to be placed on the November Board meeting agenda. Mr. Clarke confirmed VDOT would advertise for the hearing.

Mr. Sheffey inquired regarding the current rural additions definition. Mr. Clarke advised the definition had changed per the General Assembly and may require a minor change to the subdivision ordinance. Mr. Clarke advised the changes revert back to the previous practice regarding rural additions. Mr. Clarke agreed to provide an update at the September Board meeting on rural addition standards.

6. Treasurer's Report

Treasurer Rose Marie Tickle presented the annual report and advised personal property taxes were mailed out during the week of August 25.

7. Citizens' Comments

There were no citizen comments.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable

The Board reviewed the Key Activity Timetable in detail.

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The Board directed county staff to send a thank you to each organization that assisted in putting on the roof on Fairview Home.

Mr. Sheffey noted an August 06 target date for the sewage pump station. Mr. Huber confirmed the August 06 is correct date, as some are being installed at this time and are being done in two phases.

Mr. Sheffey inquired regarding the status of DeHaven Park. Mr. Huber advised the work was completed during the week of August 25.

b. Introduction of Community Development Director

Mr. Huber introduced new Community Development Director Shawn Utt.

c. Report on Additional Randolph Park Shelters

As reported in the Board packet, Anthony Akers reported that Lowe's of Pulaski County has committed to providing lumber at half the regular price for shelter installation at Randolph Park. Mr. Akers recommended that one shelter be located to the left of the existing pond near the back of the park. The existing parking lot supports this location. He further recommended the second shelter to be located in the same area due to amount of available acreage around the pond, with the second option being the knoll below the playground area which is near the main restroom facility. Mr. Huber presented an aerial of the Randolph Park property.

Mr. Sheffey confirmed discussions with Dr. Stowers and Dr. Woolwine indicated Pulaski County High School students could assist with the project. The Board directed county staff to confirm the students are available to assist with the project. Supervisor Sheffey advised the locations of the shelters should be at the discretion of Anthony Akers and requested confirmation of location of shelters be provided in September 1 weekly update.

d. Demonstration of County GIS System

Mr. John Spangler demonstrated the geographic information system program available to Board members via installation on their home computers with the possible future use as a replacement for the existing GIS system available to the general public via the County's web site.

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e. Jamestown 2007 Report

Ms. Burchett provided specifics regarding plans for local and statewide Jamestown 2007 events and expressed appreciation to the Board for allowing her to work on this committee and to work with the volunteers. Ms. Burchett presented memorabilia developed by the committee, including various ornaments and commemorative items. Ms. Burchett also shared a Jamestown 2007 video and presented a coin created for the Jamestown 2007 celebration.

f. Appointments:

Action regarding appointments was deferred to Closed Session.

g. Town of Pulaski Request for Funds for James Hardie Project

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board authorized Supervisors Conner and Hale and Mr. Huber to negotiate with the Town of Pulaski as to the amount and interest on the Bob White building.

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

Voting no: none.

h. Infrared Camera Demonstration

Pulaski County Deputy Brad Nester advised Emergency Management Coordinator Willie Richardson had applied for, and received, grant funding through Homeland Security for a thermal image device. Mr. Nester demonstrated the capabilities of the infrared camera.

9. Items of Consent:

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the following "Items of Consent".

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

Voting no: none.

a. Approval of Minutes of July 24, 2006

The Board approved the minutes of the July 24, 2006 meeting.

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b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 23771 through 24194, subject to audit.

c. Appropriations and Interoffice Transfers

The Board approved the following monthly appropriations and Interoffice Transfer #2 totaling \$65,842.06:

| | |
|---|---------------------|
| GENERAL FUND # 4 | |
| Revenues: | |
| 024040-6300 – DCJS Community Corrections Additional Grant Amt. | \$ 24,474.00 |
| 024040-0202 – Homeland Security Grant Funds DEM | 9,924.00 |
| 019020-400 – Recovered Costs Hazardous Materials Spill | 1,586.91 |
| Total | \$35,984.91 |
| Expenditures: | |
| 035530-8201 – Homeland Security Equipment | \$ 9,924.00 |
| 032200-8101 – Draper Vol. Fire Department Machinery & Equipment | 146.65 |
| 035500-8101 – Emergency Management Machinery & Equipment | 1,440.26 |
| 033420-5655 – Community Corrections Grant | 24,474.00 |
| 072700-3800 – Jamestown 2007 Purchase of Services Other Govts. | 4,000.00 |
| TOTAL | \$ 39,984.91 |
| GENERAL FUND # 2 | |
| Revenues: | |
| 18030-1300 – Refunds – Ellison | \$ 29.50 |
| 16150-0500 – Donations (Balance 2005-2006) | 196.08 |
| 16150-0500 – Donations (Friends) | 500.00 |
| Total | \$ 725.58 |
| Expenditures: | |
| 5850 – Children’s Programs | \$ 29.50 |
| 6012 – Books & Subscriptions | 196.08 |
| 6021 – Computer Software | 500.00 |
| 5699 - RIF | 2,217.16 |
| 6024 – Community Foundation Grant | 10.03 |

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|--|----------------------|
| 6029 – Mom, Pops, Tots | 1,365.79 |
| 6035 – Children’s Program- State Grant | 250.00 |
| 6040 – Wal-Mart Foundation Grant | 191.91 |
| TOTAL | \$ 4,760.47 |
| GENERAL FUND # 3 | |
| Revenues: | |
| 2404-0900 – State Aid Library | \$ 18,189.00 |
| Total | \$ 18,189.00 |
| Expenses: | |
| 3100 – Contracted Professional Svcs. | \$ -500.00 |
| 3320 – Maintenance Service Contracts | -650.00 |
| 1110 – Salaries & Wages (Regular) | 3,790.00 |
| 3170 – Other Contracted Professional Services (Online) | 2,460.00 |
| 6012 – Books & Subscriptions | 6,089.00 |
| 6021 – Computer Software | 4,000.00 |
| 8102 – Furniture & Fixtures | 3,000.00 |
| TOTAL | \$ 18,189.00 |
| SCHOOL FUND # 2 | |
| Revenues: | |
| 3-205-16120-1100 – Sub Teacher Fees | \$ -9,360.27 |
| 3-205-18030-0320 – School Nurse Services | -13,153.62 |
| 3-205-18990-3201 – E Rate | -109,416.36 |
| Total | \$ -131,930.25 |
| Expenses: | |
| 4-205-062120-5800-900 – Superintendent’s Misc. | \$ 100,265.76 |
| 4-205-062160-5800-900 – Fiscal Misc. | 18,171.00 |
| 4-205-062190-5800-900 – Technology Misc. | 13,493.49 |
| TOTAL | \$ 131,930.25 |
| SCHOOL FUND #3 | |
| Revenues: | |
| 3-205-16120-1100 – Sub Teacher Fees | \$ -1,127.04 |
| 3-205-18030-0320 – School Nurse Services | -15,061.96 |
| 3-205-18030-0330 – School Activity Reimbursement | -175.00 |
| Total | \$ -16,364.00 |

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|--|---------------------|
| Expenses: | |
| 4-205-062120-5800-900 – Superintendent’s Misc. | \$ 16,364.00 |
| TOTAL | \$ 16,364.00 |
| SCHOOL FUND #4 | |
| Revenues: | |
| 3-205-033010-4330- AP Placement | \$ -936.00 |
| Total | \$ -936.00 |
| Expenditures: | |
| 4-205-061100-6023-301-100 – Testing Materials | \$ 936.00 |
| TOTAL | \$ 936.00 |
| SCHOOL FUND #5 | |
| Revenues: | |
| 3-205-024020-0200 – Basic School Aid | \$ -70,688.00 |
| 3-205-024020-2030 – ISAEP | \$ -15,717.00 |
| Total | \$ 86,405.00 |
| Expenditures: | |
| 4-205-061100-1000-200-100 – Salaries Teachers | \$ 70,688.00 |
| 4-205-061100-1121-301-100-310 – Salaries Teachers | 15,717.00 |
| TOTAL | \$ 86,405.00 |
| SCHOOL TRANSFER #1 | |
| Revenues: | |
| Total | -0- |
| Expenses: | |
| 4-205-061100-1000-200-100 – Instructional Salaries | \$ -250,000.00 |
| 4-205-063200-1181-900 – Bus Driver | 75,000.00 |
| 4-205-064200-1591-900 – Substitute Custodians | 175,000.00 |
| TOTAL | \$ -0- |

d. Ratification of Contracts, Change Orders & Agreements:

1. Cloyd’s Mountain Tower Transfer

As reported in the Board packet, Willie Richardson and Chris Akers have been working on the installation of a tower on the North side of Cloyd’s Mountain to eliminate

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dead spots in the county's radio dispatch system along Little Creek. A road to the preferred location has been rough graded but needs additional work in order for concrete and tower delivery trucks to get to the site. While the tower itself has been paid for through grants, those grants cannot be used for construction. The estimated cost for the additional road work is \$8,500. The contract has been awarded and the road was completed in order avoid further delays in grant imposed deadlines.

The Board ratified an expenditure of \$8,500 with a transfer from unobligated funds.

2. Mutual Aid Agreement – Wythe County

The Board approved a mutual aid agreement with Wythe County, a copy of which is filed with the records of this meeting.

e. Personnel Changes

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

f. Dynamic Random Access Memory (DRAM) Multistate Antitrust Litigation

As reported in the Board packet, we received notification from the Virginia Office of the Attorney General of anti-trust litigation related to the fixing of prices on DRAM computer chips purchased by the County. Staff recommended authorization to designate the Attorney General's Office as representing the Pulaski County Board of Supervisors in this matter is recommended.

The Board approved designating the Attorney General's Office as representing Pulaski County Board of Supervisors on this matter.

g. Proclamation for Recovery Month

The Board approved the following proclamation recognizing September 2006 as National Alcohol and Drug Addiction Recovery Month:

**PROCLAMATION
NATIONAL ALCOHOL AND DRUG ADDICTION
RECOVERY MONTH – September, 2006**

WHEREAS, 74 percent of Americans say that addiction to alcohol has had some impact on them at some point in their lives, whether it was their own personal addiction, that of a friend or family member, or any other experience with addiction; and

WHEREAS, a 63-percent majority of Americans also say that addiction to either drugs or alcohol has had a great deal or some impact on their lives; and

WHEREAS, stigma and discrimination present obstacles and can be a mark of disgrace to those with substance use disorders who need access to treatment facilities, and for those who want to reestablish their place in the community by entering the workforce; and

WHEREAS, educating our community about how substance use disorders affect children, families, and all community members is essential to overcoming stigma and discrimination; and

WHEREAS, we must recognize the achievement of those who seek out treatment services and ensure that such services are readily available to those who need assistance; and

WHEREAS, substance use disorders are a treatable, yet serious health care problem, and we can take steps to address it and so build a stronger, healthier community; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and New River Valley Community Services invite all residents of Pulaski County to participate in ***National Alcohol and Drug Addiction Recovery Month in September, 2006.***

NOW, THEREFORE BE IT RESOLVED that the Pulaski County Board of Supervisors, by virtue of the authority vested in Pulaski County by the laws of Pulaski County do hereby proclaim the month of September 2006 as

National Alcohol and Drug Addiction Recovery Month

in Pulaski County, Virginia and call upon the people of Pulaski County to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, ***"Join the Voices for Recovery: Build a Stronger, Healthier Community."***

h. Purchase of Equipment for Sheriff's Dispatch

As reported in the Board packet, staff recommended the purchase of additional equipment to be installed in the Town of Pulaski Police Department allowing direct linking between dispatch offices and making it possible to provide direct backup services between dispatchers is recommended at a cost of \$7,450. The allocation of these funds will be through state or federal Homeland Security grants.

The Board approved the purchase of additional equipment to be installed in the Town of Pulaski Police Department allowing direct linking between dispatch offices and making it possible to provide direct backup services between dispatchers at a cost of \$7,450.

i. Workforce Investment Board Realignment of Service Areas

As reported in the Board packet, staff presented a draft letter to Governor Kaine, which had been prepared by the Workforce Investment Board, voicing concern over the possible realignment of service areas. Endorsement of the existing regional service areas was requested.

The Board endorsed existing regional service areas by sending the letter to Governor Kaine as prepared by the Workforce Investment Board

j. Personnel Policy Revision – Employee Education Assistance

The Board adopted the following revision to the Personnel Policy in order to match personal time used to take GED classes:

EMPLOYEE EDUCATION ASSISTANCE

The purpose of this policy is to encourage employee utilization of educational offerings related to their employment with the County. Utilization of the following benefits is conditional on approval of the employee's supervisor and the County Administrator:

Cost of Tuition – The County will pay tuition costs for education related to present and/or future skills needed by the County. Payment for the first class is dependent on completion of the class. Payment for any additional educational offerings is dependent on maintenance of a C average or, if un-graded, satisfactory completion of previous training. Reimbursement for class tuition shall be made after documentation of grades/completion is submitted to the accounts payable clerk. In exchange for payment of tuition costs, employees are required to share knowledge gained with other employees.

Compensation - Classes must be taken on the employee's personal time **except that the County will pay employees their normal rate of pay for one hour of GED classes per day with the employee contributing a like amount of personal time per day and making reasonable progress toward obtaining a GED.**

Travel – Travel to and from classes will be at personal expense unless unusual circumstance or distances are involved.

Books and Materials - The cost of books and class related materials or equipment will be paid for by the County if materials purchased are subsequently made available for use by other employees.

k. **NIMS Alert – NIMS Resource Inventory Management System Fact Sheet**

As reported in the Board packet, FEMA is developing an inventory of equipment which localities are willing to make available in responding to emergency situations in the form of mutual aid to affected localities. We recommend participating by listing County owned equipment pending any concerns from Board members. Specifically, the system will:

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* Systematically assist communities in inventorying and typing resources in accordance with NIMS protocols and provide quick access to resources to support emergency response operations.

* Ensure that a "no-cost" standard national typed resource database is available to support local, regional, and multiple State response operations.

* Improve the Nation's capability to identify, mobilize, and dispatch a typed resource.

The Board approved participating by listing county owned equipment as noted above.

I. Regional Jail Staffing

As reported in the Board packet, the Board was presented with a letter from Donnie Simpkins, Regional Jail Superintendent, regarding ongoing lack of state funded staff required for operation of the jail. Endorsement of these concerns by the Board of Supervisors and forwarding of this information to our local legislators is recommended.

The Board endorsed the concerns expressed by Regional Jail and authorized staff to forward this information to local legislators.

m. Department of Conservation and Recreation Corrective Action Plan Agreement

As reported in the Board packet, approval of the Corrective Action Plan agreement is recommended, as is scheduling informational meetings with the owners and contractors generally involved in land-disturbing activities to notify them of state required changes in the enforcement of Erosion and Sediment Control measures.

The Board approved scheduling informational meetings with owners and contractors generally involved in land disturbing activities notifying them of state required changes in the enforcement of Erosion and Sediment Control measures.

n. Scheduling of a Public Hearing on Pay Increases for Election Workers

As reported in the Board packet, the Board was presented a request by Electoral Board Chairperson, Sybil Atkinson, for a pay increase for election workers. It was reported it appears that the estimated \$1,000 in additional pay can be pulled from other line items within the Electoral Board budget unless a primary election is scheduled for the selection of candidates for the General Assembly.

The Board approved scheduling a public hearing for the September 25 Board of Supervisors meeting to consider this matter.

o. Adjustment of Library Budget Due to State Aid Increase

The Board approved a request from the Library for an adjustment in the Library budget due to state aid increases, a copy of which is filed with the records of this meeting.

p. Family Day Proclamation

The Board approved the following proclamation:

FAMILY DAY DRAFT PROCLAMATION

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS, surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink and use illegal drugs;

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes;

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WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented;

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

WHEREAS, family dinners have long constituted a substantial pillar of family life in America:

NOW, THEREFORE, BE IT RESOLVED that the Pulaski County Board of Supervisors, does hereby proclaim the fourth Monday in September as "Family Day - A Day to Eat Dinner With Your Children" and urge all citizens to recognize and participate in its observance.

q. Dublin Precinct Elimination

Mr. McCarthy presented a proposed resolution for adoption by the Board eliminating the North Dublin Precinct allowing compliance with the Acts of the General Assembly. The Board adopted the following resolution:

**RESOLUTION
ELIMINATION OF NORTH DUBLIN VOTING PRECINCT**

WHEREAS, pursuant to legislation passed by the 2004 General Assembly of Virginia, and signed by the Governor on April 15, 2004, with an effective date of July 1, 2004, the boundary line between the 6th and 7th House of Delegate Districts changed, which affected Pulaski County, Virginia; and

WHEREAS, on May 11, 2004, the County of Pulaski, Virginia, requested the Voting Section of the Civil Rights Division of the Department of Justice to allow Pulaski County to comply with the Acts of the General Assembly in eliminating the "North Dublin Precinct" located in Pulaski County; and

WHEREAS, the requested changes were reviewed by the Voting Section of the Civil Rights Division of the Department of Justice, and Pulaski County was notified on August 26, 2004, that the Attorney General did not interpose any objection to the specified changes;

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NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pulaski County, Virginia, that pursuant to the changes in the House of Delegates District, the Board of Supervisors of Pulaski County duly approve the placement of the 487 residents who were in the "North Dublin Precinct" after the last redistricting, being relocated in the "Newbern Precinct", and the revision and amending of the voting district maps in the County of Pulaski, Virginia, to show this change in the voting districts.

ADOPTED this 28th day of August, 2006.

10. Citizen Comments

There were no citizen comments.

11. Other Matters from Supervisors

Supervisor Conner inquired regarding the status of the old jail. Mr. Huber advised it is still owned by the Evelyn Alexander estate but that consideration was being given to its donation as a museum facility. He also noted that research regarding who to best transfer it to in order for its donation to count as a match for potential grants related to its renovation and/or operation as a local historic attraction.

Mr. Sheffey thanked county staff for assistance with the elected officials' event held recently.

Mr. Sheffey presented a letter from Rodney Hurst questioning the lack of air conditioning in some of the county's schools. The Board directed county staff to send the inquiry to the School Board and to respond to Mr. Hurst accordingly.

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. 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:

- Maple Shade Shopping Center
- Commerce Park

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- New River Industrial Park
- Hogan's Watershed
- School Property
- Bob White Building
- Industrial Park Property
- Claremont Elementary School

Personnel – Pursuant to Virginia Code Section 2.2-3711(A)1 discussion for consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees, regarding:

- Appointments

Prospective Industry – Pursuant to Virginia Code Section 2.2-3711(A)5 discussion concerning a prospective business or industry, or the expansion of an existing business and industry, where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

- Nanochemonics Planning Grant

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:

- Regional Representation
- Fairview Home

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. Hale and carried, that the Board return to regular session.

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

Voting no: none.

Certification of Conformance with Virginia Freedom of Information Act

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board of Supervisors adopt the following resolution certifying conformance with the Virginia Freedom of Information Act.

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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:

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

▪ Appointments

1. Board of Zoning Appeals (Alternate)

The Board directed county staff to contact Dan Bailey and request he consider serving as an alternate on the Board of Zoning Appeals.

2. Wireless Authority

The Board directed county staff to contact Dan Bailey and seek suggestions for nominees to replace him on the Wireless Authority.

3. Social Services Board

The Board reappointed Ron Chaffin for an additional term ending September 30, 2010.

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4. Agency on Aging

The Board reappointed Elaine Powell for an additional term ending September 30, 2007.

5. New River Valley Airport Commission

The Board appointed Community Development Director Shawn Utt as the County's representative on the Commission.

6. PEP Steering Committee

The Board appointed Norlene Pomerantz representing Radford University on the PEP Steering Committee.

7. Virginia's First Regional Industrial Facilities Authority

The Board appointed Community Development Director Shawn Utt to replace Supervisor Eddie Hale on the Authority.

8. New River Valley Economic Development Alliance

The Board appointed Community Development Director Shawn Utt as an additional alternate on the Alliance Board of Directors.

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 Wednesday, August 30 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, September 25, 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.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator