

## BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, November 27, 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; Shawn Utt, Community Development Director; and Gena T. Hanks, Clerk.

### 1. Invocation

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

### 2. Additions to Agenda

Mr. Huber advised of the need to move consideration of the school financing matter from the "Items of Consent" to "Reports from County Administrator & Staff".

- a. A request by Parrott River Properties L L C for a Special Use Permit (SUP) to allow a State Water Control Board Permitted Sewage Facility on property identified as 007-001-0000-0054, (1.650 acres), zoned Conservation (C1), located at 8213 Parrott River Road, Cloyd District.

Mr. Sheffey explained the purpose of the public hearing and called on Community Development Director Shawn Utt to provide additional details on the special use permit request. Mr. Utt stated the applicants purchased this property at auction and the deed was recorded on April 7, 2006. They have hired Gay and Neel, Inc. to design a wastewater treatment system to supply the existing 1-½ story house, which also has an unfinished basement. The vacant house has previously utilized a pit privy. The 1.348 acre parcel is divided by Parrott River Road (Rt. 600) and joins Norfolk-Southern Railroad to the west and the New River to the east; therefore designing a traditional sewage disposal system would be difficult and staff was advised that suitable soils were not found to allow a traditional system.

Proposed is a FAST (Fixed Activated Sludge Treatment) wastewater treatment system which can be used for residential, commercial and small community applications. "FAST is a fixed film, **aerated system** utilizing a unique combination of attached and suspended growth, capable of nitrification and de-nitrification in a single tank". The system does not require chlorination tablets used in other systems reviewed by the County in previous years.

"A FAST system provides an ideal home for large volumes of friendly organisms in the inner aerated media chamber to digest the wastewater and

## BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

turn it into a clear, odorless, high-quality effluent." Data provided by the engineering firm describes the system in detail.

A road crossing permit from Virginia Department of Transportation will be necessary for this project. Upon staff request, the engineer estimated a cost of approximately \$12,000 material and labor to install the proposed system (including the road boring).

Staff verified that in case of an electric service failure, the system has storage capacity for approximately two days at 450 gallons/day. The system will require pumping every 3 to 5 years if daily use occurs. After discussion of the system with the design engineer, it appears that the major negative factor of this system would be possible lack of maintenance. Maintenance is required once every six (6) months and replacement of the ultraviolet bulb once every 12 months. Department of Environmental Quality (DEQ) requires a maintenance contract and sampling results for the system.

Mr. Utt reviewed six items suggested by staff as conditions for the SUP if approval is considered. He also advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Mr. John Neel, Engineer with Gay and Neel, described in detail the proposed system. Mr. William Topping and Mr. Andrew Miller spoke in favor of the request and responded to questions posed by the Board. Mr. Neel informed the Board that ultraviolet disinfection of the system is much better than the older type chlorination systems for sewage treatment. Mr. Akers asked what happens if the owner becomes unable to pay to have the system maintained by a private contractor. Mr. Neel responded that the owner is allowed to provide the maintenance himself. He also advised that DEQ requires renewal of their permit every five (5) years.

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

On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board approved the Special Use Permit (SUP) request as noted above and as recommended by the Planning Commission, subject to the conditions corrected to read as follows:

1. Provide copies of all permits required from Department of Environmental Quality (DEQ), Virginia Department of Health, Virginia Department of Transportation, and any other regulatory agency to the Zoning Administrator for the file.
2. The owner shall be required to maintain the system and sample the effluent of the system on a regular basis, per DEQ requirements. It is recommended

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

the owner contract with an outside source to provide the required sampling of the system. A copy of the sampling results shall be provided to the Zoning Administrator to be filed with the Special Use Permit.

3. In addition to DEQ requirements, a copy of the sampling results shall be submitted to the local Health Department for review on a yearly basis and at any other time the Health Department deems necessary to provide additional sampling.
4. Record a revised survey plat indicating the petition number of the Special Use Permit (SUP), along with the approval date of the SUP, maintenance contract requirements and reporting requirements for the MicroFAST Sewage Treatment System.
5. Owner shall remove all tires, litter and debris from the waters of the New River along the shoreline of the property.
6. Owner shall maintain the property in compliance with all applicable local, state and federal codes and regulations, including but not limited to the Floodplain Ordinance, building codes, and litter control ordinances.

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

Voting no: none.

Abstaining: Mr. Pratt

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

- Amendment to **Articles 5B-5.5, 5C-5.5, and 5D-5.5 Reduced Setbacks for Exceptionally Small Lots**, in the Residential (R1), Residential (R2), and Residential (R3) Zoning districts to clarify intent of regulation.

Mr. Sheffey explained the purpose of the public hearing and called on Community Development Director Shawn Utt to provide additional details on requested amendment. Mr. Utt described the request and 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. There were no citizen comments and the hearing was closed.

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

5B-5.5 Reduced Setbacks for Exceptionally Small Lots:

For a *an individual lot in existence prior to December 1, 1989 and intended for as use* for a single-family detached dwelling, as defined in Article 1, with an area of 15,000 square feet or less, setbacks shall be as follows: ...

## BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

### 5C-5.5 Reduced Setbacks for Exceptionally Small Lots:

For a *an individual lot in existence prior to December 1, 1989* and intended for ~~as~~ *use* for a single-family detached dwelling, as defined in Article 1, with an area of 15,000 square feet or less, setbacks shall be as follows: ...

### 5D-5.5 Reduced Setbacks for Exceptionally Small Lots:

For a *an individual lot in existence prior to December 1, 1989* and intended for ~~as~~ *use* for a single-family detached dwelling, as defined in Article 1, with an area of 15,000 square feet or less, setbacks shall be as follows: ...

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

Voting no: none.

- Amendment to **Article 18-4 Format** to add a statement of approval which shall contain an area for the Zoning Administrator's signature, petition number, notes, and date of approval.

Mr. Sheffey explained the purpose of the public hearing and called on Community Development Director Shawn Utt to provide additional details on requested amendment. Mr. Utt described the request and 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. There were no citizen comments and the hearing was closed.

On a motion by Mr. Akers, seconded by Mr. Hale and carried, the Board approved the following text amendments, as recommended by the Planning Commission:

#### 18-1 **Format**

18-4.1 Site development plans shall be prepared with an engineering scale. Scale shall be no less than one inch equals fifty feet (1" = 50'), unless prior approval for a smaller scale is granted by the Zoning Administrator.

18-4.2 The site development plan shall contain a statement signed by the owner or developer stating that the project will be built according to the plan.

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

18-4.3 The number of copies of the plan to be submitted shall be determined by the Zoning Administrator.

18-4.4 *Site development plans shall provide a location for the Zoning Administrator's signature of approval, Site Plan Petition Number, notes, and date of approval in accordance with the sample table provided in the "Tables and Charts" section of this ordinance.*

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

Voting no: none.

- Amendment to "Tables and Charts" to include a sample "Statement of Approval" for use by the Zoning Administrator on all site plans.

Mr. Sheffey explained the purpose of the public hearing and called on Community Development Director Shawn Utt to provide additional details on requested amendment. Mr. Utt described the request and 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. There were no citizen comments and the hearing was closed.

On a motion by Mr. Hale, seconded by Mr. Pratt and carried, the Board approved the table below to be included in the "Tables and Charts" section of the Pulaski County Zoning Ordinance, as recommended by the Planning Commission:

ZONING ADMINISTRATOR STATEMENT OF APPROVAL	
Site Plan Petition Number: _____	Date of Approval: _____
Notes by the Zoning Administrator: _____	
_____	
_____	
This Site Plan is approved by the Pulaski County Zoning Administrator in accordance with the Pulaski County Zoning Ordinance and other related regulations.	
_____ Zoning Administrator Signature of Approval	

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

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

Voting no: none.

c. Budget Amendments

Mr. Huber explained the purpose of the public hearing was to receive public comments on an amendment to the 2006-2007 fiscal year budget. Mr. Huber also provided details regarding the proposed amendment.

Mr. Sheffey opened the public hearing.

Mr. E. W. Harless inquired as to whether or not the \$600,000 designated for purchase of the Maple Shade Shopping Center was included in the budget amendment. Mr. Huber advised this money was included in the overall budget amendment. Mr. Harless also inquired as to what improvements would be made to the Rt. 100 median. Mr. Huber advised the plantings along the Route 100 median would be according to the criteria stipulated by VDOT.

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 following budget amendments:

**GENERAL FUND:**

**REVENUES:**

Revenue from Local Sources:

Share of Seized Property-Sheriff \$ 1,500.00

Revenue from Federal Sources:

Homeland Security Funds 16,649.00

Other Sources:

Use of General Fund Balance 2,325,372.38

Transfer from School Construction Fund 329,486.87

TOTAL GENERAL FUND \$2,673,008.25

**EXPENDITURES:**

Sheriff-Machinery and Equipment \$ 1,500.00

Homeland Security Grant-machinery and Equip. 16,649.00

Transfer to Capital Improvements Fund 2,654,859.25

TOTAL GENERAL FUND \$2,673,008.25

**SCHOOL FUND:**

**REVENUES:**

Revenue from Local Sources:

Expenditure Refunds \$ 45,977.41

Charges for Education 1,204.64

Revenue from the Commonwealth:

Categorical Aid 19,340.00

Revenue from Federal Sources:

Categorical Aid (112,728.64)

TOTAL SCHOOL FUND \$ (46,206.59)

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

EXPENDITURES:

Instructional	\$ (93,388.64)
Administration	487.61
Transportation	<u>46,694.44</u>
TOTAL SCHOOL FUND	\$ (46,206.59)

**CAPITAL IMPROVEMENTS FUND:**

REVENUES:

Revenue from Local Sources:

Refund/Overpayment	\$ 173,952.00
--------------------	---------------

Other Sources:

Transfer from General Fund	<u>\$2,654,859.25</u>
TOTAL CIP FUND	\$2,828,811.25

EXPENDITURES:

Communications-Fiber Optic Communications & Telephone System	\$ 421,060.35
Law Enforcement-Dispatch System Imp. & Vehicles	293,516.62
Volunteer Fire Departments	83,071.00
Animal Control-Vehicles	26,400.00
County Buildings Space Needs & Imp.	1,704,913.35
School Buses	173,952.00
Randolph Park Picnic Shelters	1,000.00
Library ADA Improvements	24,000.00
County Entrance Welcome Signs	9,117.00
Zoning an Planning-Comp. Plan Update	2,509.33
Rt. 100 Improvements	<u>89,271.60</u>
TOTAL CIP FUND	\$2,828,811.25

**SCHOOL CONSTRUCTION FUND:**

REVENUES:

Revenue from Local Sources:

Interest on Investments	\$ 86,902.87
-------------------------	--------------

Other Sources:

SNAP Funds	<u>1,111,844.58</u>
TOTAL SCHOOL CONST. FUND	\$ 1,198,747.45

EXPENDITURES:

Pulaski Elementary School	\$ 86,569.38
Fairlawn Elementary School	782,691.20
Transfer to General Fund	<u>329,486.87</u>
TOTAL SCHOOL CONST. FUND	\$1,198,747.45

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

Voting no: none.

4. Highway Matters:

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

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

a. Follow-up from Previous Board Meeting:

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

The Board reviewed the highway matters portion of the Key Activity Timetable.

Mr. Clarke provided an update on the closing of the VDOT maintenance facilities and noted that all I-81 maintenance will be outsourced by VDOT and that two area headquarters at the Dublin facility are being consolidated into supervision by one supervisor. Mr. Clarke also advised the new maintenance director is Jeff Stanley.

Mr. Clarke advised some brush cutting had been done on routes 100, 617 and 640, as well as some grading work on Hatcher Road and Dallas Freeman Road. Mr. Clarke also advised he was waiting on the results of the speed studies requested by the Board.

Supervisor Akers inquired regarding the status of the guardrail on Wilderness Road.

2. Rt. 11 Entrance Sign Update

Mr. Huber advised an update on this matter would be provided at the December Board meeting.

b. Adoption of Six Year Plan

Mr. Clarke presented the draft plan for review by the Board and noted the removal of Route 693 due to the completion of the bridge. Mr. Clarke advised there was no additional money available to add projects to the list. Mr. Clarke advised VDOT was working with the Forest Service on the Route 738 projects, with plans to also work on some of the lower projects. Mr. Sheffey advised Pulaski County is receiving approximately the same amount of road funding as was received in 1985. Mr. Clarke advised the cost ten years ago to pave one mile to be approximately \$1 million dollars and now the cost to pave two miles is approximately \$5 million.

On a motion by Mr. Akers, seconded by Mr. Hale and carried, the Board adopted the following resolution approving the six year plan as presented by VDOT, with a copy of said plan being enclosed with the

## BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

records of this meeting. Further, the Board directed county staff to send local legislators correspondence requesting additional funding for roads in Pulaski County.

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six -Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures and participated in a public hearing on the proposed Plan (2007/08 through 2012/13) as well as the Construction Priority List (2007/08) on October 23, 2006 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, David Clarke, Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2007/08 through 2012/13) and the Construction Priority List (2007/08) for Pulaski County.

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Pulaski County and of the Citizens residing on the Secondary System, said Secondary Six-Year Plan (2007/08 through 2012/13) and Construction Priority List (2007/08) are hereby approved as presented at the public hearing.

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

Voting no: Mr. Conner

### c. Citizen Comments

Mr. E. W. Harless inquired if the Board had reviewed the "dangerous" situation as traffic exits the southbound Dublin I81 exit and requested improvements including turn lanes, pavement, etc. to address the additional development in this area. VDOT was requested to review the matter and provide an update at the December Board meeting.

Mr. Harless expressed concern over a large hole in the pavement on Travelers Way which is property owned by Comfort Inn. Mr. Sheffey advised this road was not state maintained and that the county had previously worked with the owners of the Comfort Inn to resolve the

## BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

matter; however, the owners were not willing to make the needed repairs. Mr. Huber confirmed it was the responsibility of the owners of the Comfort Inn to maintain the road. Supervisor Akers advised he recalled the Planning District Commission had reviewed the turn lane issue on Rt. 100. Mr. Huber confirmed the agreement called for the Comfort Inn to take responsibility of road issues on Traveler's Way. Supervisor Sheffey directed county staff to contact the owners of the Comfort Inn requesting improvements and provide an update at the December Board meeting.

Mr. E. W. Harless requested assistance from VDOT in addressing a blind spot off of the north Dublin exit as traffic is pulling up to stop sign and requested VDOT review the I-81/Rt. 100 Interchange.

### d. Board of Supervisors Concerns

Supervisor Pratt requested reflectors on Drapers Mountain due to visibility issues. VDOT agreed to review the matter and provide an update.

Supervisor Akers inquired regarding ditches being cleaned, as well as ongoing general road maintenance issues.

Supervisor Hale advised of low visibility at the community center on Mount Olivet. VDOT agreed to review the matter and provide an update at the December meeting.

Supervisor Sheffey expressed appreciation for the stripes being painted on Gate 10 Road.

### 5. Treasurer's Report

Treasurer Rose Marie Tickle distributed and described the monthly report.

### 6. Citizens' Comments

There were no citizen comments.

### 7. Reports from the County Administrator & Staff:

#### a. Key Activity Timetable (KAT)

The Board reviewed the Key Activity Timetable in detail. Supervisor Sheffey requested several target date changes be made to the overall KAT.

## BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

By consensus, the Board approved the location of two additional picnic shelters at Randolph Park, specifically the one shelter nearest to the playground and the one shelter nearest to the pond.

### b. School Financing

Mr. Huber, Mr. Steve Mulroy and Mr. Robert Lauterberg provided specific details regarding the planned financing for a new school in Fairlawn. Mr. Huber provided a history of general obligation bonding over the last several years. Mr. Huber recommended financing \$14 million now with subsequent borrowing for actual cost at a later date. Mr. Conner asked if it was known what the cost would be for a new Dublin Elementary school. Dr. Stowers responded and advised those figures are not available at this time, but would be based on VEC projected numbers. Dr. Stowers advised the reason for the escalating cost of schools was due to escalating construction costs.

On a motion by Mr. Hale, seconded by Mr. Akers and carried, the Board approved a school related borrowing using the VML/VACo Pooled Bond Program through a lease with the Industrial Development Authority in the amount of \$14 million.

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

Voting no: Mr. Conner, Mr. Pratt.

On a motion by Mr. Hale, seconded by Mr. Akers and carried, the Board approved the following resolution regarding the lease revenue financing for the new elementary school:

### **RESOLUTION OF THE BOARD OF SUPERVISORS OF PULASKI COUNTY, VIRGINIA, REGARDING THE LEASE REVENUE FINANCING OF A PUBLIC ELEMENTARY SCHOOL AND AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF CERTAIN AGREEMENTS RELATED TO THE FINANCING**

Whereas, the Board of Supervisors of Pulaski County (the "Board of Supervisors") proposes to construct and equip a public elementary school (the "Project") in Pulaski County, Virginia (the "County"), and to finance a portion of the cost of the Project through the issuance of a public facility lease revenue bond in the maximum principal amount of \$14,000,000 (the "Bond") by the Industrial Development Authority of Pulaski County (the "Authority") to the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the "Stafford/Staunton Authority"), pursuant to the Virginia Municipal League/Virginia Association of Counties Finance Program; and

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

Whereas, the terms and provisions of the financing will be set forth in the following documents, the forms of which have been presented to the Board of Supervisors at this meeting:

- a. Loan Agreement (the "Loan Agreement"), between the Stafford/Staunton Authority, the County and the Authority;
- b. Trust Indenture (the "Indenture"), between the Stafford/Staunton Authority and a corporate trustee; and
- c. Bank Qualification Allocation Agreement (the "Allocation Agreement"), among the Stafford/Staunton Authority, the County and other localities;
- d. Prime Lease (the "Prime Lease"), from the County and School Board of the County to the Authority;
- e. Lease Agreement (the "Lease") from the Authority to the County;
- f. Assignment Agreement (the "Assignment"), from the Authority to Trustee;
- g. Continuing Disclosure Agreement of the County (the "Continuing Disclosure Agreement"); and
- h. The form of the Authority's Public Facility Lease Revenue Bond (Pulaski County Project) Series 2006 (the "Bond").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PULASKI COUNTY:

1. The Board of Supervisors finds and determines that the foregoing recitals are true and correct and incorporates them as a part of this resolution.

2. The Loan Agreement, the Allocation Agreement, the Prime Lease, the Lease, the Continuing Disclosure Agreement and the Assignment (the "Financing Documents") are approved, and their provisions are deemed reasonable and proper for the security of the Stafford/Staunton Authority. Any of the Chairman and Vice Chairman of the Board of Supervisors and the County Administrator is authorized to execute on behalf of the County the Financing Documents to which the County is a party, in substantially the forms submitted to the Board of Supervisors, with such changes, insertions or omissions as may be approved by such officer, whose approval

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

shall be evidenced conclusively by the execution and delivery of the particular Financing Document. The Chairman, the County Administrator and any other officer of the County are hereby authorized to execute and deliver on behalf of the County such other instruments, documents or certificates, including but not limited to an appropriate non-arbitrage certificate, tax compliance agreement or certificate, and continuing disclosure agreement, 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 Financing Documents, and all of the foregoing, previously done or performed by such officers of the County, are in all respects approved, ratified and confirmed.

3. Nothing in this resolution or the Financing Documents shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

4. It is hereby found and declared that the County reasonably expects to make capital expenditures with respect to the Project before the issuance of the Bond and to reimburse itself for such expenditures with the proceeds of the Bond. The maximum principal amount of the Bond expected to be issued for the Project is \$14,000,000. This resolution is intended to constitute the "official intent" of the Board of Supervisors under Section 1.150-2 of regulations promulgated under the Internal Revenue Code of 1986, as amended.

5. This resolution shall take effect immediately upon its adoption.

The undersigned Clerk of the Pulaski County, Virginia, hereby certifies that (a) the foregoing constitutes a true, complete and correct copy of a resolution adopted on November 27, 2006, by the Board of Supervisors at a regular meeting, and (b) during the consideration of the foregoing resolution, a quorum was present. I hereby further certify that the minutes of such meeting reflect how each member of the Board of Supervisors voted with respect to the adoption of the foregoing resolution as follows:

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

Voting no: Mr. Conner, Mr. Pratt.

Mr. Sheffey requested staff coordinate a meeting of the chairmen and vice chairman of the Board of Supervisors and School Board, as well

## BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

as the county administrator and superintendent of schools to look at the current debt load and provide an update to the two boards at a later date.

c. Code Enforcement Update

Mr. Jamie Radcliffe provided a detailed Power Point presentation on cleanup efforts in the county. Board members thanked Mr. Radcliffe for his work.

Mr. Radcliffe advised he was seeking inmate assistance in various extensive cleanup efforts.

d. New River/Mount Rogers Workforce Investment Board Annual Report

Mr. Sheffey provided details on the annual report of the Workforce Investment Board.

c. Appointments:

Action regarding appointments was deferred to Closed Session.

8. Items of Consent:

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the following "Items of Consent", except for item "j", which was previously reviewed and approved under Reports from County Administrator and Staff.

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

a. Approval of Minutes of October 23, 2006

The Board approved the minutes of the October 23, 2006 meeting.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 25244 through 26194, subject to audit.

c. Interoffice Transfers

The Board approved the following monthly appropriations and Interoffice Transfer #5 totaling \$59,027.57

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

d. Ratification of Contracts, Change Orders & Agreements:

1. Virginia Sexual & Domestic Violence Victim Fund

The Board ratified the grant application in the amount of \$40,000 with said funds being used to support the personnel costs of two part-time attorneys who will constitute additional resources to prosecute misdemeanors and felony preliminary hearings.

2. Safe Air Systems, Inc. Service Agreement

The Board ratified the service contract with Safe Air Systems which covers the annual maintenance and air testing of the compressor on the county's air trucks.

e. Personnel Changes

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

f. Scheduling of Public Hearing on Erosion and Sedimentation Control Ordinance

The Board approved the scheduling of a public hearing at the December Board meeting regarding the adoption of this state required ordinance.

g. Scheduling of Public Hearing on Adoption of Sewage Disposal Regulations

The Board approved scheduling a public hearing at the December Board meeting regarding the adoption of sewage disposal regulations as called for in the intergovernmental agreement establishing the Peppers Ferry Regional Wastewater Treatment plant.

h. Resolution Clustering of Single-Family Dwellings

As reported in the Board packet, the state requirement that localities with high growth rates be required to allow clustered development does not directly impact Pulaski County. However, it is recommended assisting those counties that are affected since the state is effectively getting involved in local land use decisions.

The Board approved the following resolution:

**RESOLUTION**  
**CLUSTERING OF SINGLE-FAMILY DWELLINGS AND**  
**OPPOSING CERTAIN PROVISIONS OF SENATE BILL 374**

WHEREAS, modifications to Section 15.2-2286 of the Code of Virginia enacted by Senate Bill 374 relevant to clustering of single family dwellings imposes unreasonable State regulations on local authority to regulate land-use which causes substantial injustice and hardship on affected localities; and,

WHEREAS, the new Code section 15.2-2286.1 B. that requires affected localities to designate 40 percent of unimproved residential and agriculturally zoned land as eligible for by-right cluster development is arbitrary and capricious and encourages unwanted residential growth in localities trying to manage and control growth;

WHEREAS, the new Code section 15.2-2286.1 A. requires all localities with a growth rate of more than one percent per year to have clustering provisions in their local land use regulations as opposed to being optional under 15.2-2286 A. 12 a; and

WHEREAS, Pulaski County while not directly affected due to having a lesser growth rate, could find itself forced to adopt cluster development in future years; and

WHEREAS, Pulaski County opposed in principle the intrusion of state regulation in local land use issues.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Pulaski County, Virginia that the Governor and General Assembly of the State of Virginia are strongly urged to:

1. Make cluster development an optional land use tool for local governments.
2. Allow for the approval of cluster developments through a special use, special exemption or conditional use process.
3. Eliminate any reference to what type or how much land in a locality should be made available for cluster development.

BE, IT FURTHER RESOLVED that a copy of this resolution be sent to the Governor, the County's General Assembly delegation and to the Virginia Association of Counties.

i. Designation of Deputy Clerk

The Board designated Melody Taylor as Deputy Clerk to serve as backup to Gena Hanks, Clerk.

j. VML/VACO Pooled Bond Program

Action on this matter was taken previously under Reports from County Administrator and Staff.

k. Norfolk Southern Proposed Intermodal Facility

As reported in the Board packet, the Board is requested to adopt a resolution as a show of support for regional cooperation in the selection of a new site for the proposed intermodal facility.

The Board approved the following resolution, contingent upon the Board of the New River Valley Economic Development Alliance approving a similar resolution:

**Resolution in Support of a Norfolk Southern Intermodal Facility**

Whereas, the Norfolk Southern Railway Company has proposed an intermodal facility in the Roanoke/New River Valley and this facility would have a positive economic development and marketing impact on the New River Valley Economic Development Alliance's area of responsibility, and;

Whereas, similar facilities such as the one near Front Royal have shown to increase economic development activity in the region, and;

Whereas, such facilities also offer the potential for addressing the overall transportation challenges in the state by moving some freight traffic to rail, and;

Therefore Be It Resolved, the New River Valley Economic Development Alliance strongly encourages the local governments to work together to find a suitable location for an intermodal facility in the Roanoke and/or New River Valleys.

l. Moving Wall Resolution

The Board adopted the following resolution commending the Town of Dublin for efforts in bringing the Moving Wall to Pulaski County:

**RESOLUTION OF APPRECIATION  
TO THE TOWN OF DUBLIN FOR HOSTING THE MOVING WALL**

**WHEREAS**, the Town of Dublin hosted the Moving Wall from October 19, 2006 to October 23, 2006; and

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

**WHEREAS**, the Moving Wall exhibit is a poignant reminder to a difficult time in our Nations history; and

**WHEREAS**, the Moving Wall gave veterans and other citizens alike the opportunity to reflect and heal from those difficult times; and

**WHEREAS**, the preparation, set-up, and hosting ceremonies for the Moving Wall were conducted with class and dignity; and

**WHEREAS**, the Pulaski County Board of Supervisors was proud to have been a supporter of this event; and

**WHEREAS**, the Moving Wall Exhibit is a great example of how citizens can get involved in a project resulting in the betterment of our communities.

**NOW, THEREFORE BE IT RESOLVED**, that the Pulaski County Board of Supervisors thanks the Town of Dublin for its initiative in hosting the Moving Wall; and

**BE IT FURTHER RESOLVED**, that the Town of Dublin, Colonel Dallas Cox and members of the Moving Wall Committee be commended for the organization of the two events held at the wall; and

**BE IT FURTHER RESOLVED**, that the text of this resolution be spread on the minutes of the Board of Supervisors in permanent testimony of its appreciation to the Town of Dublin, Colonel Dallas Cox and members of the Moving Wall Committee.

Adopted this 27<sup>th</sup> day of November, 2006.

m. Purchase of Maple Shade Shopping Center

The Board approved the purchase of the Maple Shade Shopping Center property at a cost of \$600,000, or approximately \$10 per square foot, including the parking areas and renovations currently being done by the Town and in accordance with the purchase agreement between the Town and County.

n. Support for the Guard and Reserve

The Board adopted the following resolution as a show of support for the guard and reserves:

## BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

We recognize the National Guard and Reserve as essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteers forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security. Their members must have the cooperation of all American employers in encouraging employee participation in Guard and Reserve.

Therefore, we join other employers in pledging that:

1. Employment will not be denied because of service in the Guard or Reserve;
2. Employee job and career opportunities will not be limited or reduced because of service in the Guard of Reserve;
3. Employees will be granted leaves of absence for military service in the Guard or Reserve, consistent with existing laws, without sacrifice of vacation; and
4. This agreement and its resultant policies will be made known throughout our organization.

o. Holiday Message

The Board approved purchasing of a section in the Southwest Times holiday edition at a cost of \$100.

9. Citizen Comments

Mr. James McClanahan expressed concern over the \$14 million to be borrowed towards the building of the new school and asked if more money is needed, how the Board planned to borrow and pay for the additional money. Mr. Huber advised the \$14 million will be financed with the existing tax rate; however, anything after \$14 million may require a tax increase, but details would need to be reviewed of the debt structure versus the overall budget. Mr. McClanahan requested the Board to cut back on school costs.

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

E. W. Harless questioned the spending of \$600,000 to buy the Maple Shade Shopping Center, expressed concerned county and schools are doing too much jointly with each other and should remain separate on many issues.

10. Other Matters from Supervisors

There were no other matters presented for discussion by Board members.

11. 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. Conner, seconded by Mr. Hale 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:

▪ William Grisham 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.

▪ Project Matrixx

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

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Pulaski County, Virginia hereby certifies to the best of each members' knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in this motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors.

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

Voting no: none.

Personnel Matters:

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

▪ Appointments

1. Wireless Authority

The Board requested county staff extend an invitation to Jackie Freeman to consider serving on the Wireless Authority and provide an update at the December Board meeting.

BOARD OF SUPERVISORS MEETING MINUTES OF NOVEMBER 27 2006

2. Pulaski County Extension Council

The Board appointed Anthony Akers to the Extension Leadership Council.

3. Southwest Virginia Economic Development Financing

The Board reappointed Dallas Cox to the Authority for an additional term ending December 31, 2007.

4. Industrial Development Authority

The Board requested county staff extend an invitation to Mr. Pete Crawford to consider serving on the Industrial Development Authority.

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

Voting no: none.

The Board questioned the status of Ruby Tuesday construction plans.

12. Adjournment

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board of Supervisors adjourned its regular meeting with the next regular meeting scheduled on Monday, December 18, 2006 at 7:00 p.m. in the Board 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