

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2008

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, March 24, 2008 beginning with a Closed Session at 6:00 p.m. at the County Administration Building, Board Room, 143 Third Street, NW, in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Frank R. Conner, Vice-Chairman; Ranny L. Akers; Charles Bopp; and Dean K. Pratt. Staff members present included: Peter M. Huber, County Administrator; Thomas J. McCarthy, Jr., County Attorney; Robert Hiss, Assistant County Administrator; and Gordon Jones, Finance Director. Joining the regular session at 7:00 p.m. was Gena T. Hanks, Clerk.

Chairman Sheffey called the meeting to order and advised a Closed Session would need to be held as follows:

1. Closed Session– 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. Pratt, seconded by Mr. Conner and carried, that the Board of Supervisors enter Closed Session for discussion of the following:

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

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:

- Corporate Center Property
- Loving Field Property

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.

- None

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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:

- Lowe's Incentive
- Maple Shade Leases
- Pulaski Furniture Tax Assessment
- IDA Loan - NanoChemonics

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

Voting no: none.

Return to Regular Session

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

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

Voting no: none.

Certification of Conformance with Virginia Freedom of Information Act

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

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

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

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

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

Voting no: none.

2. Invocation

The invocation was presented by Reverend Jean Brown of the New Dublin Presbyterian Church.

3. Recognitions - Featured Employee Awards

The Board recognized Donna Watson and Tammie Havens from the Department of Social Services as the featured employees to serve during the month of April. Mr. Sheffey read a description of the job duties and personal interests for Ms. Watson and Ms. Havens. Supervisors presented Fatz Cafe gift certificates to both employees.

4. Additions to Agenda

Mr. Huber noted an addition to the agenda of an appointment to the Industrial Development Authority.

5. Public Hearings:

- a. The petition by **Charles R & Loretta McKinster** to rezone from Residential (R1) to Commercial (CM1), on property identified as Tax Map Numbers 047-028-0000-0011, 12-15 and 047-028-0000-0006, 7-10, located at Skyview Subdivision, (Rt. 100), Cloyd District.

Mr. Sheffey advised the applicant had withdrawn the request and noted no public hearing would be held. However, Mr. Sheffey opened the floor for citizen comments on this matter. There were no citizen comments.

- b. The petition by **Lewis & Mary E Bandy** to rezone from Residential (R1) to Commercial (CM1), on property identified as Tax Map Number 056-002-006A-0000B, located on Woodlyn St., (Rt. 683), Draper District.

Mr. Sheffey advised the applicant had withdrawn the request and noted no public hearing would be held. However, Mr. Sheffey opened the floor for citizen comments on this matter. There were no citizen comments.

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- c. The petition by **James J & Judith K Chrisley** to rezone from Residential (R1) to Commercial (CM1), on property identified as Tax Map Number 056-002-006A-0000A, located at 5250 Alexander Rd., (Rt. 683), Draper District.

Mr. Sheffey advised the applicant had withdrawn the request and noted no public hearing would be held. However, Mr. Sheffey opened the floor for citizen comments on this matter. There were no citizen comments.

- d. The petition by **Stephen B Hedge** to rezone from Residential (R1) to Agricultural (A1), on property identified as Tax Map Numbers 066-001-0000-0004, 066-001-0000-0005, 066-001-0000-0009, 066-014-0000-0008, 066-014-0000-0009, 066-014-0000-0010, 066-014-0000-0011, 066-014-0000-0012, and 066-014-0000-0013, located at 6011 Lyons Rd., (Rt. 662), Draper District.

Mr. Sheffey advised the applicant had withdrawn the request and noted no public hearing would be held. However, Mr. Sheffey opened the floor for citizen comments on this matter. There were no citizen comments.

- e. The petition by **Radford University Real Estate Foundation** to rezone from Commercial (CM1) to Residential (R2), on property identified as Tax Map Numbers 039-001-0000-0026 and a portion of 039-001-0000-0023 (approximately 30.098 acres), located off Lee Highway (Rt. 723) and Hazel Hollow Rd. (Rt. 626), Cloyd District.

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

Chairman Sheffey opened the public hearing.

Ms. Jonna McGraw of Woltz & Associates, Inc. requested the Board table action on this matter to its regular May meeting, pending a May sale date of the property in question.

There being no further comments, the hearing was closed.

Mr. Sheffey inquired of Mr. McCarthy as to the legality of the Board of Supervisors to table the matter. Mr. McCarthy declined to participate in the discussions due to his service on the Board of the Radford University Foundation.

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Mr. Huber advised the Board did have the option to table the matter; however, he suggested the matter be brought before the Planning Commission at its April meeting for discussion by the Planning Commission.

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved tabling the request for 30 days to allow discussion by the Planning Commission on the request by Woltz and Associates for tabling the matter to the Board of Supervisors May meeting.

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

Voting no: none.

- f. The petition by Hal G & Cheryl L Gillespie to rezone from Commercial (CM1) to Residential (R3), on property identified as Tax Map Numbers a portion of 039-001-0000-0039 (approx. 1.636 acres), a portion of 039-001-0000-0033 (approximately 2.738 acres), a portion of the platted, unimproved 30' right-of-way (0.278 acres of Bellevue Ave.), a portion of Madison St. (0.419 acres of abandoned right-of-way) located at 7535 Lee Highway, (Rt. 11), Cloyd District.

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

Chairman Sheffey opened the public hearing.

Ms. Kevin Deck, Architect, spoke in favor of the request and provided details regarding the proposed project.

Mr. Sheffey expressed concern over potential traffic problems at the intersection of the property.

There being no further comments, the hearing was closed.

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

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

Voting no: none.

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- g. The petition by **Hal G & Cheryl L Gillespie** for a Special Use Permit (SUP) to allow an Assisted Living Facility, on property located at 7535 Lee Highway, (Rt. 11), Cloyd District.

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

Chairman Sheffey opened the public hearing.

Ms. Kevin Deck, Architect, spoke in favor of the request and provided details regarding the proposed project.

There being no further comments, the hearing was closed.

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

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

Voting no: none.

- h. The petition by **Charles W & Jennifer L Stone** for a Special Use Permit (SUP) to allow a Neighborhood Retail Store, on property located at 2272 Julia Simpkins Rd., (Rt. 693), Ingles District.

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

Chairman Sheffey opened the public hearing.

Mr. Akers asked if VDOT had noted any concerns during the application process. Mr. Utt advised VDOT did not respond to the staff request for comments.

Mr. Stone spoke in favor of the request and offered to provide details to the Board. He advised he had received his business license and, to his knowledge, had met all of the necessary requirements by the county. Mr. Stone requested consideration to speed limit signs in the area.

There being no further comments, the hearing was closed.

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On a motion by Mr. Akers, seconded by Mr. Bopp and carried, the Board approved the special use permit request, as recommended by the Planning Commission.

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

Voting no: none.

Board members requested VDOT Assistant Resident Engineer Thompson advise county staff of any pending issues involving the request by Mr. Stone.

- i. The petition by **Rosalie Collier** for a Special Use Permit (SUP) to allow a Mitigation Plan for Riverbend Park II, on property located at 6531 Carter Lane, (Rt. 1213), Cloyd District.

Mr. Utt presented staff comments and advised the Planning Commission recommended approval. He advised there were property owners in attendance at the Planning Commission meeting expressing concern regarding the need for a privacy fence, which the property owner has agreed to install.

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

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board approved the special use permit request, as recommended by the Planning Commission, with approvals to include the erection of a privacy fence by the applicant.

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

Voting no: none.

- j. A request from the **County of Pulaski**, to vacate a 20 ft. right-of-way of **Mills Avenue** from its intersection with Viscoe Road to a distance approximately 100 feet in length and adjoining the east boundary of 029-001-0000-0062, property owned by **Fairlawn Brethren Church**, Cloyd District.

Mr. Utt presented staff comments and advised the Planning Commission recommended approval to vacating a 20 ft. right-of-way of Mills Avenue from its intersection with Viscoe Road to a distance approximately 100 feet in length and adjoining the east boundary of 029-001-0000-0062.

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

On a motion by Mr. Pratt, seconded by Mr. Conner and carried, the Board approved vacating a 20 ft. right-of-way of Mills Avenue from its intersection with Viscoe Road to a distance approximately 100 feet in length and adjoining the east boundary of 029-001-0000-0062.

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

Voting no: none.

Mr. Sheffey commended county staff for working with all parties involved to resolve this matter.

- k. Resolution Authorizing the Issuance of Not To Exceed \$7,245,000 General Obligation School Bonds of Pulaski County, Virginia, Series 2008, to Be Sold To The Virginia Public School Authority.

Mr. Huber advised a public hearing had been scheduled for consideration by the Board in adopting the above said resolution. He recommended staff be given the option to negotiate the technology portion of the amount of the funding with the School Board.

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. Conner and carried, the Board adopted the following resolution and further authorized county staff to negotiate the technology portion of the bonds with the School Board to determine best possible financing solution.

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,245,000 GENERAL OBLIGATION SCHOOL BONDS OF PULASKI COUNTY, VIRGINIA, SERIES 2008, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of Pulaski County, Virginia (the "County"), has determined that it is necessary and expedient to borrow not to exceed \$7,245,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the Board has held a public hearing, duly noticed, on March 24, 2008, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

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WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$6,900,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the amortization schedule the County has requested for the Bonds relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of the VPSA's bonds; and

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in Section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

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

1. **Authorization of Bonds and Use of Proceeds.**

(a) The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$7,245,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes as described in Exhibit B. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

(b) To the extent permitted by Section 15.2-2601 of the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), the Board elects to issue the Bonds under the provisions of the Act without regard to the requirements, restrictions or other provisions contained in any charter or local or special act.

2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, or either of them, that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 95% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal to the Proceeds Requested. The Chairman of

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the Board, the County Administrator, or either of them, and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of April 1, 2008, with the VPSA providing for the sale of the Bonds to the VPSA. The agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. **Details of the Bonds.** The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2008;" shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning January 15, 2009 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed five and fifty one-hundredths percent (5.50%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) US Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

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7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2018, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2018, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2018, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2018, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2018, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2018 through July 14, 2019	101%
July 15, 2019 through July 14, 2020	100½
July 15, 2020 and thereafter	100

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. **Execution of the Bonds.** The Chairman or Vice Chairman of the Board are authorized and directed to execute the Bonds, the Clerk or Deputy Clerk of the Board are authorized and directed to affix the seal of the County to the Bonds and to attest the same by his manual signature, and any such officer is authorized and directed to deliver the Bonds in accordance with the Bond Sale Agreement.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will

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be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. **Effective Date.** This Resolution shall take effect immediately.

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

Voting no: none.

I. **Ordinance to Allow the Hiwassee Volunteer Fire Department to Borrow Money to Finance the Building and Expansion and Providing for the Form and Details Thereof**

Mr. McCarthy explained the application process with Rural Development and advised a public hearing had been scheduled to consider adoption of the ordinance.

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

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

ORDINANCE

BE IT ORDAINED that the Hiwassee Volunteer Fire Department, an unincorporated entity is authorized, pursuant to the Code of Virginia, to borrow money to finance the building and expansion of its firehouse.

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

Voting no: none.

6. Citizen Comments

Dr. Bruce Fariss presented copies of the county's Business Professional Occupational License (BPOL) ordinance and requested clarification on a \$30 application fee charged by the county. Mr. Sheffey directed county staff to research the matter and provide a response to Dr. Fariss, with a copy to also be provided to Board members via the weekly update.

Mr. John Phillips reminded the Board of a previous request to the Board for enforcement of the noise ordinance, specifically as it relates to the use of jake brakes on Newbern Road. Mr. Huber advised there was no legal basis for the county to specify rights of truckers to use or not use jake brakes. Mr. Sheffey advised state law restricts the county in setting limitations on use of jake brakes. Mr. Phillips asked who was responsible for enforcing the ordinance. Mr. Sheffey requested county staff contact local law enforcement officials to determine if any citations for use of jake brakes had been issued and update Mr. Phillips and Board of Supervisors once a determination is made. Further, Board members directed county staff to consider erecting a sign regarding use of engine brakes near adjacent residences, as well as send a letter to local industries regarding the noise ordinance. Mr. Sheffey suggested county staff contact the Institute of Government requesting a poll of other localities regarding enforcement of jake brakes throughout Virginia.

Mr. Mark Cox requested improvements to the culvert at the "S" curve at Lowman's Hill. Mr. Thompson agreed to have VDOT review the matter and provide an update at a future meeting.

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Mr. Cox requested painting of the roof of the recreation building in Hiwassee. County staff was directed to review the request and determine what improvements may be needed.

Mr. James McClannahan requested repairs to the directional sign on Bob White Boulevard to Pulaski County High School.

7. Highway Matters:

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

a. Follow-up from Previous Board meeting

- Review of Highway Matters Section of Key Activity Timetable (KAT)

Mr. Thompson presented an aerial photograph on the proposed turn lane onto I81 off of Rt. 99 and provided details on improvements to the eliminate the crossover of vehicles exiting and entering the northbound side of I-81.

Mr. Sheffey questioned the status of pending speed studies throughout the county by VDOT. Mr. Thompson advised the pending studies were due to VDOT being understaffed. Mr. Sheffey requested staff contact VDOT's Salem office to express concern over the length of time to complete speed studies.

County staff were directed to notify the individual making the request for rumble strips on Highland/Belspring Roads of VDOT's determination that strips are not feasible.

2. Status of STAA Designation (See KAT)

Mr. Thompson advised VDOT will conduct the study and provide results at a future meeting, or via the weekly update.

b. Roundhouse Road Brush Cutting

Mr. Thompson advised VDOT had reviewed this matter and had accomplished the brush cutting; however, it was noted that some of the brush is located on private property along the road. County staff were directed to contact the owners of the property and address concerns over the brush.

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c. Pedestrian Crosswalk Markings on New River Trail Road Crossings

As reported in the Board packet, painting of white pedestrian crossing marks and installing appropriate signage may help in the safety of persons using the trail. Crosswalk locations in the unincorporated portion of the county include Brown Road in Draper, Julia Simpkins Road in Hiwassee, and Allisonia Road in Allisonia.

Mr. Thompson advised VDOT had reviewed the matter and indicated some signs are in place and appear to be working.

d. Request for Speed Limit Signage – Nicewander Way

As reported in the Board packet, Ms. Barbara Thompson of Nicewander Way in Fairlawn had requested a speed limit sign be posted. Mr. Sheffey inquired if posting exists on this road. Mr. Thompson advised he would determine the posting status and provide an update at a future meeting.

c. Citizen Comments

Mr. Phillips Hawks inquired regarding the status of a previous request for a 25 mph speed limit posting on Highland Road. Mr. Sheffey advised concerns had previously been presented to VDOT, along with a petition from the residents requesting the speed limit posting. Mr. Thompson agreed to determine if there were signs in place at one time and provide an update at a future meeting.

Mr. John Phillips expressed concern over the need to improve the visibility of the Highland Road and Ruebush Road intersection and expressed concern over the sudden stop at the intersection.

Mr. Phillips expressed concern regarding the intersection at Route 100 crossing over to the new Fatz Café Restaurant.

e. Board of Supervisors Concerns

Mr. Pratt inquired if Mr. Thompson was familiar with the area in question related to Mark Cox's request. Supervisor Akers provided a specific location for the area in question. Mr. Huber confirmed this request had previously been presented to David Clarke of VDOT.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2008

Mr. Bopp expressed concern over the signage and turn around on Rt. 638, as it relates to tractor trailer usage. Mr. Thompson advised the paperwork had been sent to the VDOT Traffic and Safety Division for a response.

Mr. Conner questioned whether the advertisement for paving of Hatcher Road had been done by VDOT. VDOT confirmed the advertisement had been posted.

Mr. Akers expressed concern over the re-stripping of lines on Rt. 611 and Rt. 660 (Tiny Town) indicating the centerline striping is not centered. Mr. Thompson agreed to have the matter reviewed by VDOT.

Mr. Sheffey presented a petition from residents of Herons Landing Subdivision requesting Bayhill Court be state maintained.

8. Treasurer's Report

Treasurer Melinda Worrell provided a financial update.

9. Reports from the County Administrator & Staff:

a. Key Activity Timetable

Board members reviewed the Key Activity Timetable.

Mr. Akers requested an update on the various sewer projects. Mr. Huber advised Highland Park is behind, with the other projects expected to be completed by the fall due to waiting for easements. Mr. Sheffey requested an update of the pending easements be placed in the weekly update.

Mr. Akers requested an update on the status of the Commonwealth Attorney's office renovations. Mr. Hiss advised specs for the HVAC are being developed with progress being made.

Mr. Sheffey inquired regarding the status of the additional shelter at Randolph Park. Mr. Huber advised a target date of July 08 had been set, and volunteer assistance was being sought to help with the grading and other site preparation work.

Mr. Conner inquired on the status of the removal of impounded vehicles from the county garage. Mr. Sheffey suggested a target date of June 08 due to the expected court process.

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Mr. Conner suggested the "Completed" items be removed from the overall KAT and placed in a separate file.

b. Appointments:

1. Building Appeals Committee

County staff was requested to invite Dave Dean to consider serving on the Building Appeals Committee.

2. New River Valley Planning District Commission

Board members invited Shawn Utt to fill the vacancy created by the resignation of Pete Crawford.

3. Clean Community Council

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board reappointed Marion Lutz for a term ending April 2011.

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

Voting no: none.

4. Industrial Development Authority

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board appointed Maynard Sayers to fill the vacancy created by the resignation of Dan Bell.

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

Voting no: none.

c. Presentation of Preliminary Budget Recommendations

Mr. Huber advised that local revenue estimates have been completed, funding requests reviewed and recommended changes were being sent to agencies and departments to give them opportunity to advise of specific concerns in preparation for subsequent review by the Board of Supervisors. He further reported an ongoing review of state cuts, health insurance increases, school funding, building permit fees and the compensation study.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2008

By consensus, the Board approved an additional budget work session for Monday, April 14, in addition to April 7 and 21, which were previously scheduled, with all meetings to begin at 6:00 p.m. Further, a 5:00 p.m. meeting will be conducted on April 28, prior to the 6:00 p.m. Closed Session, if needed.

Mr. Conner suggested that dinner be provided at the work sessions.

10. Items of Consent

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

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

a. Approval of Minutes of February 25, 2008

The Board approved the minutes of the February 25, 2008 meetings.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 2001067 through 2001545, subject to audit.

- Comprehensive Services Act Supplemental Appropriations

This matter was made a part of the overall appropriations and transfers.

c. Appropriations & Interoffice Transfers

The Board approved Interoffice Transfer #9 totaling \$60,227.75 as well as the following monthly appropriations:

General Fund # 9

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
018990-2800	Local Donations	\$ 500.00
016130-0100	Concealed Hand Gun Permits	2,528.30
018030-1300	Miscellaneous- Refunds and Recoveries	172.00
024040-1200	Categorical Aid-State Fire Funds	3,001.00

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019020-4000	Recovered Costs- Hazardous Material Response	525.00
033010-2040	Federal Funds- Bullet Proof Vest Grant	8,925.00
041999-0000	Use of Fund Balance	1,360.29
	Total	<u>\$ 17,011.59</u>

Expenditures:

031200-3310	Sheriff- Repairs and Maintenance	\$ 1,360.29
031200-6011	Sheriff- Police Supplies	11,953.30
032200-8101	Draper Volunteer Fire Dept.- Machinery and Equipment	210.00
035500-8101	Emergency Services- Machinery and Equipment	3,488.00
	Total	<u>\$ 17,011.59</u>

COUNTY OF PULASKI, VIRGINIA

BUDGET ADJUSTMENT
YEAR ENDED JUNE 30, 2008

School Fund #16

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
3-205-024020-6800	Project Graduation	\$ 4,821.00-
	Total	<u>\$ 4,821.00-</u>

Expenditures:

4-205-061100-1121-301-100-325	Salary/ Teachers	\$ 2,605.19
4-205-061100-2100-301-100-325	FICA	215.81
4-205-061100-3141-301-100-325	Other Professional Services	2,000.00
	Total	<u>\$ 4,821.00</u>

COUNTY OF PULASKI, VIRGINIA

BUDGET ADJUSTMENT
YEAR ENDED JUNE 30, 2008

School Construction Fund #8

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
015010-0200	Interest on Investments	\$ 28,777.48
041999-0000	Use of Fund Balance	
	Total	<u>\$ 28,777.48</u>

Expenditures:

066500-8265	Fairlawn Elementary School	\$ 28,777.48
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Total \$ 28,777.48

COUNTY OF PULASKI, VIRGINIA

BUDGET ADJUSTMENT
YEAR ENDED JUNE 30, 2008

Inter-Department Transfer #7

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
3-100-041999-0000	Use of Fund Balance	\$ 205,019.00
3-302-041050-1000	CSA Fund-TRANSFER FROM GENERAL FUND	205,019.00
3-302-032090-0100	CSA Fund- STATE FUNDS-CLIENT FUNDS	339,009.00
	Total	<u>\$ 749,047.00</u>
<u>Expenditures:</u>		
4-100-093000-9203	General Fund- Transfer to CSA Fund	\$ 205,019.00
4-302-081400-3800	CIP Fund- Comprehensive Plan Update	544,028.00
	Total	<u>\$ 749,047.00</u>

COUNTY OF PULASKI, VIRGINIA

BUDGET ADJUSTMENT
YEAR ENDED JUNE 30, 2008

Inter-Department Transfers- #7
General Fund

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
	Total	<u>\$ -</u>
<u>Expenditures:</u>		
091400-9301	Contingency	\$ (10,000.00)
012410-3170	Treasurer- Contracted Professional Services	10,000.00
	Total	<u>\$ -</u>

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d. Ratification and/or Approval of Contract, Change Orders & Agreements, Etc.:

1. Virginia Commission for the Arts Application

As reported in the Board packet, authorization to apply for this annual grant from the Virginia Commission for the Arts matching the current level of county funding is requested.

The Board of Supervisors approved applying for the annual grant from the Virginia Commission for the Arts matching the current level of county funding.

2. Law Enforcement Mutual Aid Agreement

The Board of Supervisors approved the Law Enforcement Mutual Aid agreement, a copy of which is filed in the County Administrator's Office and as a part of the Board packet for this meeting.

3. "Voter" Radio System Grant

As reported in the Board packet, Board members were provided with an e-mail from Two-Way Radio to Willie Richardson outlining a problem regarding the dispatch radio system. Mr. Richardson is proceeding to apply for grants to cover the anticipated cost of implementing the "voter" radio system. This system would also improve the current communications system in that the new equipment would automatically "vote" for the transmission location closest to the deputies rather than them having to manually select existing radio channels to access either the Morgan's Cut, Cloyd's Mountain for Peak's Knob transmitters.

The Board of Supervisors authorized applying for any available funding to address the situation described in the previous paragraph.

4. New River Trail Extension Administration Agreement

The Board of Supervisors approved the New River Trail Extension Administration Agreement, a copy of which is filed with the records of this meeting. The Board further authorized Peter M. Huber, County Administrator, to enter into the legal agreement on behalf of Pulaski County.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2008

e. Personnel Changes

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

e. Resolution of Appreciation for Dan Bell

The Board approved the following resolution recognizing Dan Bell for his service to the county:

**RESOLUTION OF APPRECIATION
Dan Bell**

WHEREAS, Dan Bell and his family have a long history of living and owning land in Pulaski County; and

WHEREAS, Dan Bell has an abiding love for Pulaski County and has acted as a great ambassador and role model for the community while always encouraging its development; and

WHEREAS, Dan Bell exhibits a warmth of personality and a welcoming approach to all while also creating a spirit of inclusion; and

WHEREAS, Dan Bell has made an exceptional leadership contribution to his home community through faithful participation on the Industrial Development Authority and the Pulaski Encouraging Progress Committee; and

WHEREAS, while serving the County, Dan Bell has always provided forethought as to the ramifications of whatever actions are being considered with the desire to reach the best outcome for the most people.

WHEREAS, his leadership and public service has benefited not only present and past citizens of Pulaski County, but will enhance the quality of life in Pulaski County for its future citizens.

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

BE IT FURTHER RESOLVED, that this Board of Supervisors does extend to Dan Bell its best wishes for health and happiness in the future years; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors in permanent testimony of its appreciation to the service provided by Dan Bell.

f. Memorial Resolution – Beulah Boothe Owens

The Board approved the following memorial resolution recognizing Beulah Boothe Owens and directed county staff to invite Ms. Owens family to the April 28 Board meeting to accept the resolution:

**MEMORIAL RESOLUTION
Beulah Boothe Owens**

WHEREAS, Beulah Owens spent 71 years of her life to her business and serving the Snowville community; and

WHEREAS, Beulah Owens and her husband Avery opened Owens Store in 1937 and she tirelessly worked to maintain the tradition of the “old country store” as a place for generations of people across the area to gather, meet their neighbors, and socialize; and

WHEREAS, Beulah Owens is a wonderful example of the commitment and dedication required to operate a community oriented small business; and

WHEREAS, Owens Store remained a cornerstone of the community while other businesses have come and gone and has provided supplies and snacks to those enjoying themselves at Claytor Lake and Harry DeHaven Park; and

WHEREAS, Beulah Owens has gladly helped numerous individuals and families through difficult times by providing a helping hand; and

WHEREAS, Beulah Owens was a loving wife, mother, grandmother, and a dear friend to those who know her and in return she was loved by all; and

WHEREAS, Beulah Owens was a women of the highest caliber serving her community throughout her life;

NOW, THEREFORE, BE IT RESOLVED, that the Pulaski County Board of Supervisors does commend the long-standing

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2008

commitment and service of Beulah Owens to the past, present, and future citizens of Pulaski County; and

BE IT FURTHER RESOLVED, that the Board of Supervisors does extend sincere sympathy to the members of the Owens family over their loss; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread on the minutes of the Board of Supervisors in permanent testimony to the service of Beulah Owens to the citizens of Pulaski County, this the 24th day of March, 2008.

g. Safety Shoe Policy

The following policy was adopted by the Board for county employees. As noted in the Board packet, this policy was adopted by the PSA Board in March, 2007.

DRAFT PULASKI COUNTY SAFETY SHOE POLICY

Considering the significant potential for foot injury when working around heavy equipment and the potential life-style changes which would occur as a result of a severe foot injury, employees working in locations with significant exposure to foot injury (Garage Mechanics, Water and Sewer Department Employees, Water Treatment Plant Operators, Refuse Department employees, General Properties employees, and anyone mowing grass) are required to wear safety shoes.

Reimbursement for shoes to a maximum of \$100 per year will be made following submittal of the original receipt the PSA billing office.

In requiring this safety measure, the County or PSA will reimburse the employee a maximum of up to \$150 per fiscal year for one or more pair of shoes following receipt of the original payment invoice(s). The fiscal year begins on July 1 and ends on June 30. Employees who resign or are dismissed prior to completing their probationary period will be expected to repay the County for the cost of their shoes an amount equal to 1/12th the cost of the shoe for each month not worked.

The safety shoes are required to meet VA Occupational Safety and Health Standards 1910.136 and the American National Standards Institute criteria for a class 75-safety shoe. All shoes shall have a steel or high-density plastic toe and be at least 6" high in order to

cover the ankle area. Shoes must be worn in order for the employee to be considered as reporting for work. Protection of inmates and in prearranged situations where employees do not have their safety shoes, strap-on type safety devices will be issued.

OSHA 1910.136 Foot Protection

- General requirements. The employer shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.
- Criteria for protective footwear.
 - Protective footwear purchased after July 5, 1994 shall comply with ANSI & ASTM Z41-1991, "American National Standard for Personal Protection-Protective Footwear," which is incorporated by reference as specified in Sec. 1910.6, or shall be demonstrated by the employer to be equally effective.
 - Protective footwear purchased before July 5, 1994 shall comply with the ANSI & ASTM standard "USA Standard for Men's Safety-Toe Footwear," Z41.1-1967, which is incorporated by reference as specified in Sec. 1910.6, or shall be demonstrated by the employer to be equally effective.

i. Assign-A-Highway Program Resolution

The Board adopted the following resolution. Mr. Huber indicated he would seek the assistance of Jamie Radcliffe, Code Enforcement Officer, in the coordination and supervision of this program.

PULASKI COUNTY ASSIGN-A-HIGHWAY PROGRAM

WHEREAS, the Board of Supervisors of Pulaski County, Virginia and the Sheriff have made it a priority to clean up Pulaski County's highways, streets and roads; and

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, believes that the Assign-A-Highway Program will improve tourism and the natural beauty of our region and that the proposed Assign-A-Highway Program will protect the health, safety and welfare of the citizens of Pulaski County; and

WHEREAS, the Pulaski County Circuit Court based upon its constitutional and statutory powers and authorities may assign criminal defendants and probationers to pick up litter along Pulaski County's highways, streets and roads as part of the court's probation powers; and

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2008

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, strongly believes that the Pulaski County Litter Control Officers working in conjunction with the Circuit Court of Pulaski County can develop a program to abate litter on the County's highways, streets and roads.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Pulaski County, Virginia, hereby establishes the Pulaski County Assign-A-Highway Program for the health, safety, and welfare of its citizens and as outlined in a court order to be entered by the Pulaski County Circuit Court;

IT IS FURTHER RESOLVED, that the Assign-A-Highway Program shall be modeled and authorized pursuant to the prospective court order and that the prospective court order shall be incorporated into the resolution by reference.

ADOPTED this 24th day of March, 2008, by the Board of Supervisors of Pulaski County, Virginia.

j. DeHaven Park Improvements

As reported in the Board packet, staff is concerned over the condition of the current trailer home at DeHaven Park, which was placed at the park as a stop gap and is no longer in good living condition. Board members were presented several a list of options for improving the situation.

The Board approved the construction of a small cabin style efficiency residence if it can be done under \$60,000.

k. Airport Commission Personnel

As reported in the Board packet, the chair of the New River Valley Airport is requesting consideration by the Board of Supervisors in allowing approximately six airport employees to be covered under the county's personnel and payroll system so as to provide these employees with the same fringe benefits as county staff with reimbursement of all expenses by the Airport Commission.

The Board approved providing fringe benefit services for Regional employees working at the New River Valley Airport, with the Commission paying all costs.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2008

I. Application for DCR's Recreational Trails Grant Fund

As reported in the Board packet, the proposed extension of the New River Trail from the Town of Pulaski to Randolph Park would be an eligible project. Staff recommended the Board authorize proceeding with applying for these funds for which the maximum allocation is \$100,000 and would require a 20% match.

The Board authorized proceeding with applying for funds for proposed extension of the New River Trail from the Town of Pulaski to Randolph Park.

11. Citizen Comments

Mr. James McClannahan inquired regarding the status of a large pothole at the Visitor Center. Mr. Huber confirmed repairs are the responsibility of the Comfort Inn owners. Board members directed county staff to contact the new owners of the Comfort Inn to review the needed improvements.

Dr. Fariss expressed concern over the potential for the annexation of the Rt. 100/I81 area by the Town of Dublin and suggested looking at new sources for water and sewer and taking proactive steps to enhance the county's ability to avoid annexation of this area. Dr. Fariss also suggested installation of street lights along Rt. 100 and utilization of right-of-way from old Burlington site to Dublin. Mr. Sheffey suggested staff look at the existing agreement for the time frame.

12. Other Matters from Supervisors

Mr. Sheffey requested county staff invite Dr. Ray Smoot of the Virginia Tech Foundation to attend the April or May Board meeting to describe plans for the construction of the official Virginia Tech clubhouse for the River Course.

Mr. Sheffey advised the School Board had named the Pulaski County High School football field after former football coach Joel Hicks and suggested Board members consider a resolution to go with the naming.

13. Adjournment

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board of Supervisors adjourned its regular meeting. The next meeting of the Board of Supervisors is scheduled for 6:00 p.m. on Monday, April 7, 2008 in the County Administration Building, 143 Third Street, N. W. in the Town of Pulaski for the purpose of conducting a budget work session.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 24, 2008

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

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator