

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2008

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 28, 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. Akers 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:

- None

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:

- Former School Board Building (Third Street)

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 Sunshine

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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:

- None

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. Bopp 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. Pratt, 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 Jonathan Webster, Pastor of the Snowville Christian Church.

Chairman Sheffey called for a moment of silence in recognition of Jesse Adam Ault, a serviceman from Pulaski County who was killed while serving in Iraq.

3. Recognitions:

a. Presentation of Beulah Boothe Owens Resolution

A memorial resolution previously adopted by the Board was read aloud and presented to the family of Beulah Boothe Owens.

b. Featured Employee Awards

The Board recognized Doug Hudson of the General Properties Department and Ty Kirkner of the Building Department as the featured employees to serve during the month of May. Mr. Sheffey read a description of the job duties and personal interests for Mr. Hudson and Mr. Kirkner. Supervisors presented Fatz Cafe gift certificates to both employees.

4. Additions to Agenda

Mr. Huber noted there were no additional agenda items at this time.

5. Public Hearings:

a. Consideration by the **County of Pulaski** of rezoning from Residential (R1) to Agricultural (A1) of various parcels in the Mt. Olivet Community (Rt. 710), in the Robinson District. A map of affected properties is available for review in the Pulaski County Zoning Office.

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

Chairman Sheffey opened the public hearing.

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There being no comments, the hearing was closed.

On a motion by Mr. Akers, seconded by Mr. Bopp 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.

- b. The petition by the **County of Pulaski** to amend the following section(s) of the Pulaski County Zoning Ordinance: **Amendment to Article 1, Definitions Use and Design Standards, revision to defining a Kennel.**

Mr. Utt presented staff comments and recommended postponing this matter to the May 19 Board meeting to allow further staff review.

Mr. Sheffey explained the process for tabling a matter and offered to take public comments, noting no action would be taken by the Board at this time.

By consensus, the Board tabled this matter to its May 19 meeting to allow further review by staff.

- c. The Board will consider making amendments to Pulaski County Enterprise Zone Number 25, that would include properties adjacent to Interstate 81, Exit 98 interchange, Cougar Trail Road and Bagging Plant Road, all in the vicinity of the Town of Dublin. A map of the proposed amendments is available for review at the County Administrator's office.

Mr. Utt explained the purpose of the hearing was to receive comments on the proposed amendments to the Enterprise Zone Number 25. Mr. Utt presented slides indicating the areas proposed for amendments. Mr. Sheffey inquired if the Walmart in Dublin would benefit from the amendments. Mr. Utt advised Walmart would not benefit due to the Certificate of Occupancy having being issued in 2007.

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. Pratt and carried, the Board approved amendments to the Pulaski County Enterprise Zone Number 25, that would include properties adjacent to Interstate 81, Exit 98 interchange, Cougar Trail Road and Bagging Plant Road, all in the vicinity of the Town of Dublin.

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

Voting no: none.

d. Proposed Change to Pulaski County Animal Control Ordinance

Mr. Utt presented staff comments and recommended postponing this matter to allow further staff review.

Mr. Sheffey explained the process for tabling a matter and offered to take public comments, noting no action would be taken by the Board at this time.

By consensus, the Board tabled this matter to its May 19 meeting to allow further review by staff

e. CDBG Small Business Revolving Loan Fund

Mr. Utt explained that county staff have been working with the Town of Pulaski, Beans & Rice, NRV Development Corporation and the Chamber of Commerce on programs that would help support small businesses in the County and that the proposed Revolving Loan Fund program is something that could benefit most small businesses in the County, should they choose to take advantage of it. Further, it is proposed to be financed by matching several funds together with the county being eligible to apply for \$200,000 in grant funds through the CDBG Program's Local Innovation Grant program. Also, the Town of Pulaski is proposing to utilize funds from their UDAG Revolving Loan Fund and it is proposed that the County provide sponsorship as well, in the amount of \$100,000.

Mr. Sheffey opened the public hearing.

Mr. E. W. Harless expressed opposition to the county providing any local funding towards small business loans. He questioned the amount of funds previously spent to fund the Commerce Park development. Mr. Huber advised there was a significant amount of money spent to fund Commerce Park.

Mr. Bopp expressed concern over the use of county reserves to fund the matching funds required, if the grant application is submitted. He also noted the county would lose its money if the business were to fail. Mr. Huber advised there is some risk involved as he could not guarantee that the county would not lose money if a business failed.

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

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved submittal of the application and directed county staff to seek a financial match from sources which would not affect the county budget, such as the Industrial Development Authority, and/or the two towns and further to set up a diligent loan review committee and require collateral.

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

Voting no: Mr. Akers, Mr. Bopp.

6. Presentation by Virginia Tech

Dr. Ray Smoot, COO and Secretary/Treasurer of the Virginia Tech Foundation, briefed the Board on the proposed clubhouse project at the River Course. Dr. Smoot expressed appreciation to the Board for assistance offered in the transfer and purchase of the course. Mr. Sheffey inquired as to the expected completion date. Dr. Smoot advised the project was expected to be complete in 2009.

7. Citizen Comments

Mr. Morgan Morris expressed opposition to the county providing loans to small businesses and indicated the need for business owners to take their own risks without using taxpayer monies.

Mr. E. W. Harless questioned if the IDA receives money from the county. He also expressed concern over the county's support of Montgomery County as it relates to the location of the intermodal facility in Elliston.

Mr. Sheffey provided an explanation of the county's support of Montgomery County in the proposed location of the intermodal facility.

8. Highway Matters:

Mr. David Clarke, VDOT 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. Sheffey inquired regarding the status of the Rt. 11 entrance sign. Mr. Utt advised he anticipated the sign to be ready by mid-May; however, staff may have to reapply to VDOT, depending upon VDOT regulations.

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Mr. Sheffey inquired regarding the timeframe for brush cutting along New River Road, particularly where Eleven West is located. Mr. Clarke advised spring and summer schedules are being developed.

Mr. Sheffey inquired regarding the Rt. 600/114 "no turn on red" signage. Mr. Clarke indicated a green turn arrow signal would be added and set up to allow right turns onto Route 114, to be synchronized with other turning movements in the light cycle.

Mr. Pratt thanked VODT for the installation of guardrail on McFall Hollow Road.

b. FY 09 Revenue Sharing Program Application

Mr. Clarke and Mr. Huber explained the revenue sharing fund status. Mr. Huber advised the county had applied in the past, but that VDOT had advised guidelines are changing and the Board may want to consider looking at using local money or giving residents the opportunity to put up half of the money to do a project.

On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board approved applying for revenue sharing funds.

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

Voting no: none.

c. No Parking Designation for The Rocks Entrance Road

Mr. Huber explained a request received to restrict parking on Gillespie Drive. Board members inquired if the road is state maintained. Mr. Sheffey inquired if Board action is required. County staff was directed to clarify if the intention of the road is to be private or public, as well as the width of the pavement.

c. Citizen Comments

Mr. James McClannahan inquired as to the affect of the proposed tax free gas by the Presidential candidates. Mr. Clarke advised such a tax free gas would affect federal funds and delay Virginia projects since most interstates are funded through federal funding.

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d. Board of Supervisors Concerns

Mr. Akers advised of large trees overhanging Little River Dam and Owens Roads and potholes on Maple Branch Road. Mr. Clarke advised if trees are located on right-of-way, then VDOT can remove the trees. Mr. Akers also advised of brush along most roads in Snowville. Mr. Clarke offered for to review the matter and provide an update at a future meeting.

Mr. Akers requested signage discouraging tractor trailer usage on State Park Road. Mr. Clarke offered for to review the matter and provide an update at a future meeting.

Mr. Bopp presented the following concerns in writing to VDOT:

1. Drainage ditch on state right-of-way at property of Tim & Dorothy Venable
2. Guardrail or signage at 4891 Brookman Hill Lane, just off of Alum Spring Road (property of Donald Breedlove)
3. Informal Speed Study requests on Rt. 639 and Route 641
4. Route 738 truck signage

Staff was directed to add these items to the Key Activity Timetable.

Mr. Sheffey inquired if the overall reduction in funding for roads would affect the repairs to the Rt. 114 bridge. Mr. Clarke advised construction is scheduled to begin in 2010, with advertisement in 2009 and two-years of construction expected.

Board members inquired as to how funds are distributed resulting from the fine of the individual damaging the Rt. 11 bridge. Mr. Clarke advised fines are not typically earmarked towards repairs.

Mr. Akers expressed concern over the loss of Federal funding if the Federal gas tax holiday is implemented.

Mr. Huber suggested using the three existing locations for the placement of new Rt. 738 signage.

9. Treasurer's Report

Treasurer Melinda Worrell provided a financial update. She also reported the real estate tax tickets will be mailed this week.

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10. Reports from the County Administrator & Staff:

a. Key Activity Timetable

Board members reviewed the Key Activity Timetable.

Mr. Akers requested removal of gravel from curb and guttering along Route 11 and 114. Mr. Huber also noted the same need for the Draper Mountain Overlook and Rt. 11/100 Intersection. Staff was directed to contact the Town of Pulaski about renting the street sweeper.

b. 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 explained previous action by the Board to table this matter for 30 days to allow for discussion by the Planning Commission.

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved tabling consideration of this request to its May 19 Board meeting.

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

Voting no: none.

c. Presentation on Assign-A-Highway Program

Mr. Jamie Radcliffe, Code Enforcement Officer, and Chip Hutchison, Town of Pulaski Fire Marshall, described plans for implementing the Assign-A-Highway program, as well as specific locations to be targeted for cleanups.

Morgan Morris noted the need for an additional code enforcement officer.

d. Appointments:

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

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

Voting no: none

1. New River Community College

The Board reappointed Hugh Huff and Joe Reed for an additional four year term ending June 30, 2012.

2. NR Community Services Board

The Board reappointed Sally McCarthy and Becky Hubble for additional three year terms ending June 30, 2011. Robert Hiss was appointed to fill the expired term of Joan Knode due to her ineligibility resulting from serving three consecutive terms.

3. New River Highlands Resource Conservation Council

The Board reappointed Ronnie Powers to the Council with a term ending June 30, 2010.

4. PEP Committees

The Board reappointed Mike Williams, Existing Business; Paul Phillips, Quality of Life; and Roger Frye and Dave Spangler, Steering Committee.

5. Planning Commission

The Board reappointed Richard Guthrie for a term ending June 30, 2012.

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6. Virginia's First

The Board reappointed Shawn Utt for a term ending June 30, 2012.

e. Budget Advertisement

Mr. Huber presented a brief budget summary, as well as charts explaining a proposed increase in the personal property tax

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board approved the advertising of the proposed FY 09 budget for a public hearing at the May 19, 2008 Board meeting.

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

Voting no: Mr. Bopp.

11. Items of Consent

Mr. Huber advised of an additional Items of Consent to include consideration of a Resolution Regarding the Lease Revenue Financing of School Technology Equipment.

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 March 24 and April 7 and 14, 2008 Meetings

The Board approved the minutes of the March 24 and April 7 & 14, 2008 meetings. Mr. Sheffey noted a correction to the March 24 minutes to reflect Mr. Conner as making the inquiry regarding impounded vehicles and not Mr. Sheffey.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 2001570 through 2002145, subject to audit.

c. Appropriations & Interoffice Transfers

The Board approved Interoffice Transfer #10 totaling \$55,985.99 as well as the following monthly appropriations:

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General Fund # 10

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
016150-0500	Local Funds- Library Local Funds	\$ 499.76
016150-0700	Local Funds- Library RIF Funds	959.00
018030-1300	Local Funds- Miscellaneous- Refunds and Recoveries	234.93
023080-0100	State Funds- Clerks IT Funds	43,956.00
016130-0400	Local Funds- Office on Youth	10,765.00
024040-5600	State Funds- Animal Friendly Plates	107.19
041010-0100	Non-revenue Receipts- Insurance Recoveries	62.80
041999-0000	Use of Fund Balance	29,670.00
	Total	<u>\$ 86,254.68</u>

Expenditures:

053600-5699	Fairview Home- Operating Expenses	\$ 4,670.00
035100-5852	Animal Control- Animal Friendly Plates	107.19
073100-5540	Library Admin.- Travel-Convention and Education	499.76
073100-5699	Library Admin.- Travel- RIF Funds	959.00
073100-5850	Library Admin.- Children's Programs	234.93
021600-8101	Clerk of the Circuit Court- Machinery and Equipment	43,956.00
032220-5305	Fairlawn VFD- Motor Vehicle Insurance	62.80
011010-3130	Board of Supervisors- Management Consulting Services	10,000.00
011010-3600	Board of Supervisors- Advertising	10,000.00
011010-5850	Board of Supervisors- Miscellaneous	5,000.00
053500-1310	Office on Youth- Part-time Salaries	10,000.00
053500-2100	Office on Youth- FICA	765.00
	Total	<u>\$ 86,254.68</u>

School Construction Fund #9

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
015010-0200	Interest on Investments	\$ 23,249.16
041999-0000	Use of Fund Balance	
	Total	<u>\$ 23,249.16</u>

Expenditures:

066500-8265	Fairlawn Elementary School	\$ 23,249.16
	Total	<u>\$ 23,249.16</u>

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Inter-Department Transfers- #8
General Fund

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
	Total	\$ -
 <u>Expenditures:</u>		
091400-9301	Contingency	\$ (24,782.00)
012260-8102	Management Services- Furniture and Fixtures	1,072.00
013100-1310	Electoral Board- Part-time Salaries	8,000.00
043200-5230	Building and Grounds- Telecommunications	10,000.00
043200-8105	Buildings and Grounds- Communications Equipment	1,010.00
081230-5657	Visitor Center- Contributions	1,000.00
092100-5861	Erroneous Assessments- Treasurer's Interest	200.00
012110-5540	County Administrator- Travel-Convention and Education	3,500.00
	Total	\$ -

Inter-Department Transfer- #9

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
3-600-041050-1000	Internal Svc Fund- TRANSFER FROM GENERAL FUND	\$ 167,452.00
3-100-041999-0000	General Fund- Use of Fund Balance	167,452.00
3-302-041050-1000	CIP Fund- TRANSFER FROM GENERAL FUND	1,500.00
	Total	\$ 336,404.00
 <u>Expenditures:</u>		
4-100-093000-9204	General Fund- Transfer to Internal Services Fund	\$ 167,452.00
4-100-091400-9301	General Fund- Contingency	(1,500.00)
4-100-093000-9206	General Fund- Transfer to CIP Fund	1,500.00
4-302-081400-3800	CIP Fund- Comprehensive Plan Update	1,500.00
4-600-012560-3800	Internal Service Fund- Purchase of Services- Other Govt's	17,452.00
4-600-012560-6008	Internal Service Fund- Vehicle & Powered Equipment Fuel	150,000.00
	Total	\$ 336,404.00

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Social Services Supplemental- #1

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
3201033050-0210	Foster Care	\$ 165,000.00
3201024010-1300	Special Needs	40,000.00
3201033050-0800	Subsidized Adoption	8,000.00
3201033050-2900	Head Start	17,000.00
3201033050-4510	TANF Grant	161,000.00
	Total	\$ 391,000.00
 <u>Expenditures:</u>		
4201053210-5706	Foster Care	\$ 165,000.00
4201053210-5729	Special Needs	40,000.00
4201053210-5730	Subsidized Adoption	8,000.00
4201053225-5775	Head Start Transition to Work	17,000.00
4201053272-6021	TANF Grant Operating Costs	161,000.00
	Total	\$ 391,000.00

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

- Victim/Witness Grant Program – The Board ratified action for submittal of a grant application for the Victim/Witness Grant Program, with said program to provide direct services to 795 victims and 35 witnesses during FY 09.

e. Personnel Changes

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

f. Town of Pulaski Fire Service Agreement

As reported in the Board packet, staff recommended continuing with the current arrangement with the town by updating and approving the agreement with the town.

The Board approved the agreement with the town, based on the fire department comparison of costs per call. A copy of said agreement and information related to the comparison of costs per call are filed with the records of this meeting.

g. Resolution Adopting A Mutual Aid Agreement By and Between the County of Pulaski & Giles County

The Board approved the following resolution, as well as the mutual aid agreement with Giles County, a copy of which is filed with the records of this meeting:

**RESOLUTION ADOPTING A MUTUAL AID AGREEMENT
BY AND BETWEEN THE COUNTY OF PULASKI, VIRGINIA
AND THE COUNTY OF GILES, VIRGINIA**

WHEREAS, it has been determined that the provisions of emergency services across jurisdictional lines will increase the ability of the parties hereto to preserve the health, safety and welfare of the citizens of Giles County, Virginia, and the County of Pulaski, Virginia, and

WHEREAS, Section 44-146.20 of the Code of Virginia, 1950, as amended, authorizes local governments to establish and carry into effect a plan to provide mutual aid between adjoining counties, cities and towns, such as the County of Giles, Virginia, and the County of Pulaski;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Giles, Virginia, that the Mutual Aid Agreement dated April 28, 2008, attached hereto and incorporated herein by this reference, by and between County of Giles and the County of Pulaski, Virginia is hereby adopted.

h. YMCA Drop-In/"Safe Night" Program

The Board endorsed a letter of support to the YMCA for the implementation of a Drop-In/"Safe Night" program for middle schoolers.

i. National Library Week Proclamation

The Board adopted the following "National Library Week 2008 Proclamation":

**National Library Week 2008 Proclamation
Pulaski County Library System**

Whereas, our Nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today more than ever; and

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Whereas, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in the 21st century; and

Whereas, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

Whereas, library use is up nationwide among all types of library users, continuing a decade-long trend; and

Whereas, libraries play a vital role in supporting the quality of life in their communities; and

Whereas, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and

Whereas, libraries are a key player in the national discourse in intellectual freedom, equity of access, and narrowing the “digital divide”; and

Whereas, libraries, librarians, library workers and supporters across America are celebrating National Library Week with the Campaign for America’s Libraries.

Now Therefore, be it resolved that the Board of Supervisors of Pulaski County, proclaim National Library Week, April 13-19, 2008; and encourage all residents to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library doors. The Board of Supervisors invites all residents to join the circle of knowledge at your library.

j. Scheduling of Public Hearings to Consider Changes to the Inoperative Vehicle Ordinance & Litter Control Ordinance

The Board approved scheduling public hearings at the Board’s May 19, 2008 meeting to consider changes to the Inoperative Vehicle Ordinance and the Litter Control Ordinance.

k. Resolution Regarding the Lease Revenue Financing of School Technology Equipment

The Board approved the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
PULASKI COUNTY, VIRGINIA, REGARDING THE LEASE
REVENUE FINANCING OF SCHOOL TECHNOLOGY
EQUIPMENT**

The Board of Supervisors of Pulaski County (the "Board of Supervisors") to acquire and install certain technology equipment, computers and software (collectively, the "Equipment"), in furtherance of the construction of renovations to the Riverlawn Public Elementary School in the County and to the cost of the Equipment through the issuance of a lease revenue note in the maximum principal amount of \$1,300,000 (the "Note") by the Industrial Development Authority of Pulaski County (the "Authority"), to a qualified financial institution.

The Note will be payable from revenues derived by the Authority from a lease (the "Lease") between the Authority and the Board of Supervisors by which the Authority will lease the Equipment to the Board of Supervisors for rental payments sufficient to pay the principal of and interest on the Note.

The Board of Supervisors has solicited and obtained proposals from various financial institutions for the purchase of the Note and has received a proposal from SunTrust Bank which proposal is deemed to be in the best interests of the County.

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

1. The proposal of SunTrust Bank (the "Proposal") to purchase the Note is hereby determined, after mature consideration of the methods of sale of the Note and current conditions of the municipal bond market, to be in the best interests of the County. The Board of Supervisors requests the Authority to assist in the undertaking of the Equipment, including the issuance of the Note to such bank in accordance with the Proposal.

2. The Board of Supervisors requests the Authority to adopt or execute the following documents (the "Financing Documents") to carry out the issuance of the Note and the undertaking of the Equipment:

- (a) a Resolution of the Authority authorizing the issuance of the Note;
- (b) a Lease Agreement between the Authority as lessor and the

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Board of Supervisors as lessee, regarding the Equipment; and

- (c) an Assignment of Lease between the Authority and SunTrust Bank.

The Financing Documents shall be in such form and content as are necessary or desirable to be consistent with the Proposal and this resolution. Each of the Chairman and Vice-Chairman of the Board of Supervisors is hereby authorized to execute and deliver on behalf of the County the Financing Documents to which the County is a party. 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, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Note or the 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. The Board of Supervisors agrees to pay to the Authority amounts sufficient to pay the rental payments and other amounts owed by the Board of Supervisors to the Authority under the Lease, subject to annual appropriation by the Board of Supervisors. The County Administrator is directed to submit for each fiscal year a request to the Board of Supervisors for an appropriation to the Authority on account of the Board of Supervisors, separate from all other appropriations to the Authority, for an amount equal to the rental payments coming due under the Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Note or the Lease 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. The Note is not a private activity bond and is to be designated by the Authority as a "Qualified Tax-Exempt Obligation," as defined in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). In that regard, the Board of Supervisors hereby represents and covenants as follows:

- (i) The Board of Supervisors will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in the current calendar year, including the Note,

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for the purpose of Section 265(b)(3) of the Code;

(ii) The County, all its "subordinate entities," within the meaning of Section 265(b)(3) of the Code, and all entities which issue tax-exempt bonds on behalf of the County and such subordinate entities have together not issued more than \$10,000,000 of tax-exempt obligations in the current calendar year (not including "private activity bonds," as defined in Section 141 of the Code, other than "qualified 501(c)(3) bonds," as defined in Section 145 of the Code), including the Note;

(iii) Barring circumstances unforeseen as of the date of delivery of the Note, the County will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the County and such other entities in the year in which the Note is expected to be issued, result in the County and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in such year (not including private activity bonds, other than qualified 501(c)(3) bonds), including the Note; and

(iv) The Board of Supervisors has no reason to believe that the County and such other entities will issue tax-exempt obligations in an aggregate amount that will exceed such \$10,000,000 limit;

provided however, that if the County receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (i) or (iii) above is not required for the Note to be a qualified tax-exempt obligation, the County need not comply with such restriction.

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

12. Citizen Comments

Mr. James McClanahan thanked county staff for arranging for Travelers Way to be repaired and apologized to Board of Supervisors and county staff for the Southwest Times report which indicated his complaints of potholes throughout the county.

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13. Other Matters from Supervisors

There were no other matters from supervisors.

14. Adjournment

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board of Supervisors adjourned its regular meeting. The Board will reconvene at 4:00 p.m. on Tuesday, April 29, 2008 at the County Administration Building for a trip to Abingdon, as well as on Monday, May 5, 6:00 p.m. for a joint meeting with the School Board at Pulaski Elementary School. The next regular meeting of the Board of Supervisors is scheduled for 6:00 p.m. on Monday, May 19, 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.

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

Voting no: none.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator