

BOARD OF SUPERVISORS MEETING MINUTES OF SEPTEMBER 28, 2009

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, September 28, 2009 beginning with a Closed Session at 6:00 p.m. in the Board Room of the County Administration Building located in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Dean K. Pratt, Vice-Chairman; Ranny L. Akers; Charles Bopp; and Frank R. Conner. Staff members present included: Peter M. Huber, County Administrator; Shawn Utt, Community Development Director; and Thomas J. McCarthy, Jr., County Attorney. Joining the regular session at 7:00 p.m. was Diane Newby, Finance Director; and Gena Hanks, Clerk to the Board of Supervisors.

1. Closed Session – 2.2-3711.A.1.3.5.7

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

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.

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board of Supervisors entered a 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
- Commissioner of Revenue

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:

- Shae Dawn Industrial Park
- Town of Pulaski Redevelopment
- Heron's Landing Peninsula

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 Peat
- Volvo Suppliers

Legal Matters – Pursuant to Virginia Code Section 2.2-3711(A)7 consultation with legal counsels and briefing by staff for discussion of

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specific legal matters and matters subject to probable litigation regarding:

- Findlay Industries
- Town of Pulaski Boundary Adjustment

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

Voting no: none.

Return to Regular Session

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board returned 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

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board of Supervisors adopted 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. Akers, Mr. Conner, Mr. Sheffey,
Mr. Bopp, Mr. Pratt.

Voting no: none.

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2. Invocation

Mr. Sheffey called for a moment of silence in remembrance of Cheryl Wilson, a former employee of the Social Services Department, who passed away in September after a long battle with cancer. Mr. Sheffey advised that Ms. Wilson worked for the Social Services Department for 32 years until her retirement on July 31, 2009.

The invocation for the Board meeting was provided by Rev. Danny Collins of the Fairlawn Baptist Church.

3. Recognitions:

a. Adoption and Presentation of Resolution Honoring Dave Rundgren

Mr. Sheffey advised of the retirement of New River Valley Planning District Director David Rundgren and recommended adoption of a resolution commending Mr. Rundgren for his service to Pulaski County and the New River Valley.

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

**Resolution of Appreciation
Dave Rundgren**

WHEREAS, Dave Rundgren was employed as Executive Director of the New River Valley Planning District Commission from September 17, 1984 until September 30, 2009; and

WHEREAS, Mr. Rundgren has led the Commission members and its employees in a professional, innovative, and dedicated manner; and

WHEREAS, Mr. Rundgren and his staff successfully assisted local governing bodies in the development of their comprehensive plans, subdivision regulations, zoning ordinances, grants, infrastructure development, and many other technical projects related to assisting local governments and communities; and

WHEREAS, his vision and ability to work cooperatively across jurisdictional boundaries has led to remarkable regional success in the New River Valley benefiting all of its citizens; and

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WHEREAS, some of the initiatives and accomplishments of his outstanding career include: regional water supply and wastewater studies, regional solid waste management plans, regional internet, Radford-Pulaski water source sharing, regional jail, Competitiveness Center, Virginia's First and the Commerce Park, Pulaski Economic Adjustment Strategy, Forward Southwest Virginia; and

WHEREAS, Mr. Rundgren also assisted in project development and application management of the Floyd Commerce Park and water project, Virginia Tech Corporate Research Center, the Women's Resource Center, and dozens of other important projects leaving a positive legacy for current and future citizens of the New River Valley.

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

BE IT FURTHER RESOLVED, that this Board of Supervisors does extend to Dave Rundgren 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 of Dave Rundgren.

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

Voting no: none.

Mr. Shawn Utt presented a framed copy of the resolution to Mr. Rundgren and expressed his appreciation for Mr. Rundgren's services during his long career with the Planning District Commission.

Mr. Rundgren addressed the Board of Supervisors and thanked the Board for the cooperative efforts between the County and the Planning District Commission during his years of service.

b. Featured Employees

The Board recognized Vicki Rhett of the Pulaski County Circuit Court Clerk's Office as the Featured Employee to serve during the month of October. Chairman Sheffey read a description of the job duties and

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personal interests of Ms. Rhett. Supervisors presented a Fatz Cafe gift certificate to Ms. Rhett.

c. Jamie Radcliffe – 2009 Deputy Sheriff Valor Award

Sheriff Davis described the Deputy Sheriff Valor Award received by Deputy Jamie Radcliffe which had been awarded by the Virginia Sheriff's Association. It was noted this award is intended to recognize a deputy sheriff who has shown unusual initiative, exceptional dedication and courage in the performance of his or her duties to include extraordinary judgment, bravery, life saving and rescues. Board members viewed a brief slideshow of pictures from the award ceremony.

Chairman Sheffey commended Deputy Radcliffe on behalf of the entire Board and expressed appreciation for his invaluable services.

4. Additions to Agenda

Mr. Huber advised of two additional agenda items to include the appointment of a Wildfire Mitigation Risk Committee and consideration of a Mutual Aid Agreement for Law Enforcement.

5. Public Hearings:

- a. Petition by **Rorrer Properties LLC** for Special Use Permit (SUP) located on property located at 4411 Frazier Road, to allow exceptions to limitations on piers, private dock facilities, and/or moorings, (076-006-0000-0004), (Ingles District).

Chairman Sheffey explained the public hearing process.

Mr. Utt explained the request. He advised the applicant is requesting a Special Use Permit (SUP) to allow an exception to the private dock requirements in order to construct a 12' X 32' roof with this area being screened which covers approximately two-thirds of the existing sundeck. Mr. Utt advised the Planning Commission recommended approval of the applicant's request.

Chairman Sheffey opened the public hearing.

Mr. Robert Strenz spoke in favor of the request, indicating the improvements to the dock could only enhance the property.

Mr. Sherrill Van Dyke spoke in favor of the request, noting the construction would improve the appearance of the property and surrounding properties.

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Mr. Eric Rorrer, applicant, spoke in favor of the request and presented various slides showing the proposed dock construction. Mr. Rorrer offered an amendment to the original request, with said amendment eliminating the "enclosure". He indicated the dock would be left open on all sides. Mr. Sheffey questioned if the applicant's proposed amendment would need to be re-advertised and returned to the Planning Commission. Mr. McCarthy advised the amendment would not need to be re-advertised and therefore, would not need to be returned to the Planning Commission, due to the amendment "lessening" the restrictions.

Mr. Wayne Alexander, Senior Real Estate Agent for American Electric Power Hydro Generation/Real Estate Asset Management spoke in opposition to the request stating the regulations set forth in Article 8 - Claytor Lake Surface District - were enacted to bring uniformity to shoreline development, as well as protect the scenic, environmental and recreational values of the Claytor Project. He advised that granting this request would set a precedent that would undermine the integrity of Article 8 and would be contrary to the intent of the zoning ordinance.

Mr. Rorrer advised that he appreciated and respected the intentions of Article 8 of the Zoning Ordinance; however, he felt that the addition of a roof to his dock would not violate Article 8 of the Zoning Ordinance.

Supervisor Akers expressed appreciation for Mr. Alexander's concerns, but indicated he was not opposed to the applicant's request.

There being no further business, 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) to allow construction of a 12' X 32' roof which covers approximately two-thirds of the existing sundeck without the enclosure.

Voting yes: Mr. Akers, Mr. Conner, Mr. Sheffey, Mr. Bopp.
Voting no: Mr. Pratt.

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- b. Petition by **George A & Donna C Siler** for Special Use Permit (SUP) located on property located at **6160 Claytor Point Dr.**, to allow exceptions to limitations on piers, private dock facilities, and/or moorings, (066-026-0000-0009), (Ingles District).

Mr. Utt explained the request. He advised the applicant is requesting a Special Use Permit (SUP) to allow an exception to the private dock requirements in order to construct an expansion of a 20' X 31' deck on the west side of the dock (15' X 20' will be mostly on land with 16' X 20' located on the water) and change the existing roof profile to look like the existing single family dwelling roof profile and an expansion to the existing separate deck a 4' X 20' pier with jet ski lifts 4' X 12' each located on both sides. Mr. Utt advised the Planning Commission recommended denial of the applicant's request.

Chairman Sheffey opened the public hearing.

Mr. George Siler, applicant, spoke in favor of the request suggesting that approving the request would improve the lake's aesthetics.

Mr. Stacy Moran spoke in favor of the request. He advised his parents were the previous owners of the property. He noted the roof is currently in poor shape and approval of the applicant's request would allow for much needed improvements, which would only enhance the lake's appearance. He also suggested the dock in its present condition posed a safety hazard.

Mr. Wayne Alexander, Senior Real Estate Agent for American Electric Power Hydro Generation/Real Estate Asset Management, spoke in opposition to the request advising the existing structure(s) are considered Nonconforming Structures under Article 8 - Section 8-3.30 and this request would expand the nonconforming aspects. He further advised the regulations set forth in Article 8 - Claytor Lake Surface District - were enacted to bring uniformity to shoreline development as well as protect the scenic, environmental and recreational values of the Claytor Project and that granting this request would set a precedent that would undermine the integrity of Article 8 and be contrary to the intent of the zoning ordinance.

There being no further comments, the hearing was closed.

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved the Special Use Permit to construct an expansion of a 20' X 31' deck on the west side of the dock (15' X 20' will be mostly on

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land with 16' X 20' located on the water) and change the existing roof profile to look like the existing single family dwelling roof profile and an expansion to the existing separate deck a 4' X 20' pier with jet ski lifts 4' X 12' each located on both sides.

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

Voting no: Mr. Pratt.

- c. Petition by **Ralph E & Judith S Roop** for Special Use Permit (SUP) on property located at 1801 Wysor Road, to allow Antique, Craft, or Gift Shops and Flea Markets, (115-001-0000-0008), (Draper District).

Mr. Utt explained the request. He advised the applicant would like approval of a Special Use Permit (SUP) to allow an antique, craft, gift shop and flea market. He advised the applicant is proposing to be open mainly on Saturdays but will extend those days during specific holidays as noted in her comments. The applicant will allow no more than two (2) outside vendors for the proposed flea market. Mr. Utt advised the Planning Commission recommended approval of the request.

Supervisor Akers expressed concern over ongoing litigation related to a road easement. Supervisor Conner advised the litigation was a civil matter and would not affect the applicant's request.

Chairman Sheffey opened the public hearing.

Ralph and Judy Roop, applicants, spoke in favor of the request and indicated it was their desire to open their business as soon as possible.

There being no further comments, the hearing was closed.

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved the Special Use Permit (SUP) to allow an Antique, Craft, or Gift Shop and Flea Market for no more than two (2) outside vendors.

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

Voting no: none

- d. Carryover Appropriations

Mr. Huber explained the purpose of the public hearing was to consider comments related to proposed carryover appropriations. He described state code requirements calling for a public hearing when the carryover amount is 1% of the county's total budget.

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

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

GENERAL FUND

Revenues:

Revenues from Local Sources:

Use of Reserves/Balance	\$	5,689,897
Federal Funds		2,031,045
Recovered Costs		13,667
Total Revenues	\$	7,734,609

Expenditures

General and Financial Administration	\$	29,566
Judicial Administration		52,897
Law Enforcement & Public Safety		7,722
Fire & Rescue		86,835
Public Works and General Properties		4,000
Health and Human Services		45,827
Parks, Recreation and Cultural		9,704
Community Development		8,159
Non-Departmental		3,132
Transfer to CIP Fund		3,801,034
Transfer to County Debt Fund		807,701
Transfer to School Debt Fund		903,930
Transfer to PSA Fund		1,974,102
Total Expenditures	\$	7,734,609

SCHOOL CIP FUND:

Revenues:

Transfer from School Construction Funds	\$	2,287,544
Total Revenues	\$	2,287,544

Expenditures:

Education	\$	2,287,544
Total Expenditures	\$	2,287,544

CIP FUND:

Revenues:

Federal Funds	\$	332,982
Transfer from General Fund		3,801,034
Total Revenues	\$	4,134,016

Expenditures:

Treasurer - Printer Replacement	\$	15,000
Information Technology - Computer Software		11,540
Communications- Telephone System		6,663
Communications - Fiber-optic Connections		150,000
Sheriff's Office - Vehicles		30,915
Sheriff's Office - Dispatch System Records		170,188
Hiwassee Vol. Fire Department - Bldg Imprv.		10,085
Twin Community Vol. Fire Dept.- Mach & Eq.		15,000
General Properties		2,926,620
Pulaski County High School Roof		77,100
Recreation - Hiking Path/Trail to Newbern		271,500
NRV Fairgrounds Small Projects		10,000
Recreation - Historical Landmarks		5,000
Library - Ceiling/Lighting Replacements		50,600
Library - ADA Improvements		72,586
Library - Security System		19,800
Library - Roof Replacement		30,000

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County Entrance Signs - Welcome Signage	1,406
Econ. Dev. Nanotechnology EDA Match	89,111
Econ Dev. Nanotechnology ARC Match	3,630
Rt. 100 Improvements - Landscaping	14,272
Transfer to REMSI(Ambulance replacement)	153,000
Total Expenditures	\$ 4,134,016

COUNTY DEBT FUND:

Revenues:

Transfer from General Fund	\$ 807,701
Total Revenues	\$ 807,701

Expenditures:

Debt Service	\$ 807,701
Total Expenditures	\$ 807,701

SCHOOL DEBT FUND:

Revenues:

Transfer from General Fund	\$ 903,930
Total Revenues	\$ 903,930

Expenditures:

Debt Service	\$ 903,930
Total Expenditures	\$ 903,930

PSA FUND:

Revenues:

Transfer from General Fund	\$ 1,974,102
Transfer from Reserves	307,598
Total Revenues	\$ 2,281,700

Expenditures:

Construction Vehicles	\$ 1,000
Valve Actuator Replacement	12,000
Central Utilities Projects	1,974,102
Water Tanks Painting	80,000
Water Plant Filter Rebuild	60,000
Water Plant Plug Valve Replacement	5,022
Water Plant Flocculator Replacement	15,001
Refuse Department Garbage Truck	134,575
Total Expenditures	\$ 2,281,700

REMSI FUND:

Revenues:

Transfer from CIP Fund	\$ 153,000
Transfer from Reserves	70,000
Total Revenues	\$ 223,000

Expenditures:

Ambulance Replacement	\$ 153,000
Computer Equipment	70,000
Total Expenditures	\$ 223,000

IDA FUND: Miscellaneous Revenues

Transfer from General Fund	\$ 85,400
Transfer from Reserves	200,000
Transfer from Reserves	100,000
Total Revenues	\$ 385,400

Expenditures:

CDBG Microenterprise Grant	\$ 385,400
Total Expenditures	\$ 385,400

GRAND TOTAL ALL FUNDS	\$ 18,757,901
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Voting yes: Mr. Akers, Mr. Conner, Mr. Sheffey, Mr. Bopp,
Mr. Pratt.

Voting no: none

6. Citizen Comments

Ms. Judith Peele provided information on the "Trap, Neuter and Return" (TNR) program, advising the program is privately funded and all workers are volunteers. Ms. Peele invited Board members to attend the launching of the TNR program to be held on October 10, 2009 at the local Tractor Supply in Pulaski at 11:00 a.m. Mr. Sheffey suggested Ms. Peele continue to discuss the matter with the Animal Control staff.

7. Highway Matters:

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

a. Follow-up from Previous Board meeting

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

Mr. Clarke advised VDOT was playing "catch up" with the mowing throughout the county.

Mr. Clark advised there continued to be a number of speed studies pending, but that results would be reported as they are completed.

Mr. Clarke advised he would determine the status of the installation of signage on Hatcher Road and provide an update to the Board at a future meeting.

Mr. Clark confirmed he was waiting on a recent request for a speed study on Alum Spring Road.

Mr. Clark advised VDOT had completed all paving that was to be done in Pulaski County in the current budget year.

Mr. Sheffey expressed appreciation for the recent mowing accomplished by VDOT.

Mr. Clarke advised VDOT was in the planning stages for the upcoming winter (snow) season.

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b. Request for Review of Traffic Patterns at New Farm Bureau Offices

As reported in the Board packet, Brad Alley of the Dublin Farm Bureau Office, is requesting VDOT consider a speed reduction on Route 11, or some sort of signage, on Route 11.

Mr. Clarke advised this matter would be referred to the VDOT traffic engineering department, suggesting the possibility for the potential of additional striping on Route 11, or a raised concrete median. Mr. Clarke suggested this option is not likely to be approved.

c. Service Road to Fatz Café Restaurant

As reported in the Board packet, Sheriff Davis has indicated serious safety concerns with the entrance to the service road into Fatz. Mr. Huber advised patrons intending to visit the Fatz Restaurant frequently travel onto the I81 ramp, rather than using the exit leading to the Fatz Restaurant. Mr. Huber provided a suggestion from resident Dave Kinder which included:

1. removal of the advertising signs and bushes on the right when turning onto service road;
2. paint a double yellow line in median crossover;
3. close the curved ramp from I81 onto Route 100 north, so that traffic has to use the straight portion (would have to come to stop and take a right).

Mr. Clarke advised he would refer the information to the VDOT traffic engineering department. Mr. Huber also suggested consideration to the use of off-premise signage.

d. Intersection of Northbound Off Ramp from I-81 onto Route 100 in front of Traveler's Way

Mr. Huber reported concerns related to vehicles that are exiting off of I-81 onto Route 100 and do look to the right at the stop sign and suggested "two-way traffic" markings, or possibly extending the median. Mr. Clarke advised he would review the matter and provide an update a future meeting.

e. Request for School Bus Stop Sign and additional speed-limit posting signs along Highland Road from Ruebush Road to Parrott/Belspring area

As reported in the Board packet, Cathy Draper contacted Supervisor Sheffey regarding a request for additional signage along

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Highland Road, specifically citing concerns over stopped school buses. He shared concerns by Ms. Draper over the safety of children in the area.

Mr. Sheffey advised of no speed limit postings on the road coming from Dublin, to Highland Road towards the Parrott/Belsprings area, and expressed concern over excessive speeding and the potential for accidents due to stopped vehicles. Mr. Clarke advised he would review the matter and provide an update at a future meeting.

f. Citizen Concerns

There were no citizen comments.

g. Board of Supervisors Concerns

Mr. Bopp presented a request from Ms. Ruby Hooper of 5568 Thornsprings Church Road for speed limit postings, specifically expressing concern over citizens speeding in excess of the current limit and the lack of ability to see stopped school buses. Mr. Bopp also noted similar concerns related to trash trucks that stop along the road. Mr. Clarke advised he would review the matter and provide an update a future meeting.

Mr. Bopp requested an update on a request from James Grimmitt related to placing a grate on Veteran's Hill Road, which Mr. Grimmitt believes would prevent vehicles from traveling into this yard. Mr. Clarke advised he would review the matter and provide an update a future meeting.

Mr. Bopp thanked VDOT for the painting of the lines on Loving Field Road.

Mr. Akers questioned the difference in the standards for mowing of interstate and secondary roads. Mr. Clarke confirmed the standards were different for interstate and secondary roads and were based on traffic counts. Mr. Akers expressed concern that more attention had been given to mowing larger areas along Interstate 81, than along Route 11, Route 100 and Route 114. He requested Mr. Clarke refer the concerns to his contacts at the VDOT Richmond office.

Mr. Sheffey inquired as to the status of the revenue projections from VDOT. Mr. Clarke advised he had not received an updated report, but expected the Governor to provide updated figures in the near future. Mr. Clarke advised furloughs for VDOT employees for 2010 had been announced, as well as a hiring freeze. He also advised the VDOT Dublin

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Shop would remain open but would be assuming additional responsibilities for the counties of Giles, Montgomery and Carroll.

8. Treasurer's Report

Treasurer Melinda Worrell presented an updated monthly report, a copy of which is filed with the records of this meeting.

9. Reports from the County Administrator & Staff:

a. Appointments

On a motion by Mr. Pratt seconded by Mr. Bopp and carried, the Board approved the following appointments and/or nominations:

1. Nomination to NR/Mount Rogers WIB

The Board requested staff invite Dennis Setliff and Laura Walters to consider a nomination to the Workforce Investment Board.

2. Wireless Authority

The Board appointed Kim Davis to the Wireless Authority for a term ending July 25, 2011.

3. NRV Development Corporation

The Board requested staff invite Tom Lawhorne of Pulaski Community Hospital to consider an appointment to the Development Corporation.

4. Building Appeals

The Board reappointed Allan Audas and Ernest Draper for terms ending October 1, 2013.

5. CLEO Designee

The Board appointed Ranny Akers as the Chief Local Elected Officials' designee, with Dean Pratt as the alternate.

6. Wildfire Risk Mitigation Committee

The Board appointed the following individuals to the Wildfire Risk Mitigation Committee:

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Coordinator: Brad Wright, Mitigation Specialist, VA Dept. of Forestry;
Members: Jimmy Ward, Pulaski FD; Josh Tolbert, Pulaski FD; Daryl Anderson, Dublin VFD; Ronnie McClure, Dublin VFD; Brandon Hamblin, Newbern VFD; Douglas Benson, Newbern VFD; Robbie Kiser, Draper VFD; Cliff Phillips, Draper VFD; Tim Saunders, Snowville VFD; Scott Smith, Snowville VFD; Jamie Arnold, Hiwassee VFD; Scott Phillips, Hiwassee VFD; Brad Nester, Fairlawn VFD; Melinda Sarver, Twin Community VFD; Bobby Clark, Pulaski County Department of Emergency Management; Chip Hutchinson, Town of Pulaski Fire Marshal; Robbie Cecil, Town of Dublin Fire Marshal; Jeff Saunders, Pulaski County Sheriff's Office; Harold Sutherland, U.S. Forest Service; Matt Chumbley, U.S. Forest Service; Jessie Overcash, U.S. Forest Service; Roy and Peggy Griffiths, Plantation Estates Firewise Community; and John Spangler, Pulaski County GIS.

b. Update on "The Building" Real Estate Taxes

As reported in the Board packet, staff recommended that "The BLDG" ministry be considered to be a human service agency by providing an appropriation of \$1,000 in the current fiscal year with consideration to a similar contribution in future years. The ministry would be responsible for accounting for the use of these funds in the same way as is required for fire departments.

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved a contribution of \$1,000 per year, as an alternative to providing tax exempt status, with approval subject to the results of legal opinion by County Attorney as to whether "The Building" is a religious organization. The Board noted if a determination is made by the County Attorney that "The Building" is a religious organization, a further opinion is requested as to the appropriateness of monetary contributions by a local government to a religious organization.

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

Voting no: none.

c. Revisions and updates to the **Pulaski County Comprehensive Plan** to the **Central Planning Area** of the county. This area would include portions of the Robinson, Massie, Draper, and Ingles Magisterial Districts, along with the Towns of Pulaski and Dublin.

Mr. Utt advised a public hearing had been held in April 2009, at which time the Board took action to defer action, pending receipt of VDOT comments. Mr. Utt reported VDOT comments had been received

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with no significant changes and that the Planning Commission recommended approval.

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved revisions and updates to the **Pulaski County Comprehensive Plan** to the **Central Planning Area** of the county to include portions of the Robinson, Massie, Draper, and Ingles Magisterial Districts, along with the Towns of Pulaski and Dublin.

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

Voting no: none.

d. Key Activity Timetable

Mr. Sheffey questioned the target dates for the following items on the Key Activity Timetable. Staff suggested "Target Date" changes as noted: Replacement of CAB windows – Change to reflect 2010; Route 100 plantings – Change to reflect November 2009; Status of the Citizens Alert System – Change to reflect October 2009; Commonwealth Attorney Office – Change to reflect October 2009; School building plans review – Change to March 2010; Removal of impounded vehicles from Garage – Change to October 2009.

Mr. Huber provided an update on the status of the Maple Shade renovations.

e. Code Enforcement Update

Code Enforcement Officer Jamie Radcliffe provided detailed pictures of the cleanup of various properties in the county and advised of the issuance of the first warrant under the county's newly implemented ordinance, giving the property owner 30 days to clean up the property.

f. Proposed Industrial Development Revenue Bond Financing by the Industrial Development Authority of Pulaski County, Virginia

Mr. Huber reported the Industrial Development Authority had been approached by Bimmerworld, located in the Pulaski County Corporate Center, requesting to borrow \$300,000 in industrial revenue bonds. Staff reported borrowing funds from the IDA would allow Bimmerworld to avoid paying tax on interest earned. Staff reported the IDA held a public hearing at 11:00 a.m. on Monday, September 28, 2009 and approved the bonds. Further, endorsement by the Board of Supervisors is requested from the IDA.

On a motion by Mr. Akers, seconded by Mr. Bopp and carried, the

Board adopted the following resolution:

RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF PULASKI COUNTY, VIRGINIA, FOR THE BENEFIT OF BIMMERWORLD PROPERTIES, LLC AND BIMMERWORLD, INC.

WHEREAS, the Industrial Development Authority of Pulaski County, Virginia (the "Authority"), has considered the request of Bimmerworld Properties, LLC, and Bimmerworld, Inc. (collectively the "Company"), whose principal place of business is 4085 Pepperell Way, Dublin, Virginia, for the issuance of the Authority's industrial development revenue bonds in a maximum amount of \$300,000 (the "Bonds") to finance the acquisition, construction, equipping and other capital improvement costs for an industrial facility to be used principally for the manufacture of performance race cars and their components (collectively, the "Project"); and

WHEREAS, the owner of the Project will be Bimmerworld Properties, LLC, and the operator of the Project will be Bimmerworld, Inc.; and

WHEREAS, the Project is and will be located at 4085 Pepperell Way, Dublin, Virginia in Pulaski County, Virginia (the "County"); and

WHEREAS, the Authority held a public hearing on such application on September 28, 2009; and

WHEREAS, the Authority has requested the Board of Supervisors of Pulaski County, Virginia (the "Board of Supervisors") to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), which provides that the governmental units having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of the private activity bonds is located must approve the issuance of the bonds; and

WHEREAS, the Authority issues its bonds on behalf of the County, the Project is located in the County, and the Board of Supervisors constitutes the highest governmental unit of the County; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a summary of the comments made at the public hearing, if any, and a fiscal impact statement relating

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to the Project have been filed with the Board of Supervisors.

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

1. The issuance of the Bonds, including the Bonds, by the Authority for the benefit of the Company is hereby approved, to the extent required by Section 147(f) of the Code, to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds, as contained in this Resolution, does not constitute an endorsement of the Bonds, the financial viability of the Project or the creditworthiness of the Company. Further, as required by Section 15.2-4909 of the Code of Virginia of 1950, as amended, the Bonds shall provide that neither the Commonwealth of Virginia, nor any political subdivision thereof, nor the Authority shall be obligated to pay the principal of, premium, if any, the interest thereon, or other costs incident thereto except from the revenues and monies pledged therefor and any applicable security, and neither the faith, credit, nor the taxing power of the Commonwealth or any political subdivision thereof shall be pledged thereto. The purchaser of the Bonds must acknowledge that any purchase of Bonds will be made solely based upon the representations of the Company and that no representations of any kind as to the Project or the ability of the Company to repay the Bonds has been made by the Authority or the County.
3. This Resolution shall take effect immediately upon its adoption.

g. Courthouse Flame

Mr. Huber reported reducing the flame level at the end of June reduced the cost of the current flame by approximately \$625 to about \$175 per month, and further explained two primary options and noting efforts are underway for consideration of a third option which includes using a "simulated" flame. Mr. Huber advised contact had been made with the New River Community College technology department seeking assistance with a simulated flame.

By consensus, the Board requested county staff work with Colonel Dallas Cox, the VFW and the American Legion to provide a recommendation to the Board.

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h. Summary on Budget Cuts

Mr. Huber provided the Board with brief summary on the effects of the state budget cuts to Pulaski County. He advised county staff plans to meet with the constitutional officers to review the budget reductions.

10. Items of Consent

Mr. Huber noted his new residence was in the area being considered as a part of item 10m of the Items of Consent.

Mr. Fleenor provided an update on item 10j of the Items of Consent, noting an in-depth study was underway of domestic homicides to see what would be done to prevent future deaths. Mr. Fleenor requested approval of the resolution.

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board approved the following items of consent:

a. Approval of Minutes of August 24, 2009

The Board approved the minutes of the August 24, 2009 meeting.

b. Accounts Payable

The Board approved accounts payable for checks numbered 2010431 through 2010951, subject to audit.

c. Interoffice Transfers & Appropriations

The Board approved interoffice transfer #3 totaling \$61,968.55 and appropriations as follows:

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Account Number	Account Title	Amount Increase (Decrease)
REVENUES:		
3-100-018990-1600	Miscellaneous Revenues	125.44
3-100-023070-0100	Clerk of Circuit Court Shared Expenses Reimbursement	100.00
3-100-018990-4410	Sheriff Donations	100.00
3-100-024040-1200	Fire Programs Allocation	964.00
	TOTAL	\$ 1,289.44
EXPENDITURES:		
4-100-035500-4603	Emergency Management Central Garage Fuel	125.44
4-100-021600-5540	Clerk of Circuit Court Travel	100.00
4-100-031200-6020	Sheriff Police Dog Expenses	100.00
4-100-032200-5650	Draper Volunteer Fire Dept	1,244.67
4-100-032220-5650	Fairlawn Volunteer Fire Dept	1,244.67
4-100-032230-5650	Hiwassee Volunteer Fire Dept	1,244.66
4-100-032240-5650	Newbern Volunteer Fire Dept	1,244.66
4-100-032250-5650	Snowville Volunteer Fire Dept	1,244.67
4-100-032260-5650	Twin Communities Volunteer Fire Dept	1,244.67
4-100-094100-9301	Transfer from Contingency	(6,504.00)
	TOTAL	\$ 1,289.44

General Fund #3

General Fund #4

Account Number	Account Title	Amount Increase (Decrease)
REVENUES:		
3-100-041050-1000	Transfer from General Fund	\$ 17,532.00
	TOTAL	\$ 17,532.00
EXPENDITURES:		
4-100-012300-2300	Information Technology Health Insurance Premiums	\$ 12,036.00
3-100-041999-0900	Transfer from Reserves	\$ 140,714.00
4-100-012500-2300	Central Garage Health Insurance Premiums	\$ 5,496.00
	TOTAL	\$ 140,714.00
EXPENDITURES:		
4-100-092110-5850	Revenue Refunds (Refund unused portion/ FY 2008 Comm Corrections Grant)	\$ 104,988.00
4-100-092110-5850	Revenue Refunds (Refund unused portion/ FY 2009 Comm Corrections Grant)	35,188.00
4-100-072300-5655	Fine Arts Center Commission of the Arts Grant	2,500.00
4-100-072620-5699	Friends of Pulaski Theater Commission of the Arts Grant	2,500.00
4-100-032010-3800	Forest Fire Protection	1,129.00
4-100-012310-8101	Commissioner of Revenue Machinery & Equipment	1,139.00
4-100-071360-5699	Friends of Claytor Lake (State Park Maps)	538.00
4-100-094100-9301	Transfer from Contingency	(7,268.00)
	TOTAL	\$ 140,714.00

Internal Service Fund #1

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School Fund

Account Number	Account Title	Amount Increase (Decrease)
<u>Revenues:</u>		
3-205-33010-1600	School Imp 1003A	2000.00-
	Total	
4-205-061100-1121-212-100-946	Salaries Teachers	2000.00

School Fund

Account Number	Account Title	Amount Increase (Decrease)
Account Number	Account Title	Amount Increase (Decrease)
<u>REVENUES:</u>		TOTAL
		\$ -
<u>EXPENDITURES:</u>		
4100-091100-5860	Health Insurance Premiums	\$ (265,249.00)
4100-012110-2300	County Administrator	888.00
4100-012250-2300	Operations	1,332.00
4100-012260-2300	Management Services	3,936.00
4100-012310-2300	Commissioner of Revenue	10,344.00
4100-012420-2300	Finance Director	3,744.00
4100-013200-2300	Registrar	6,216.00
4100-021600-2300	Clerk of Circuit Court	13,152.00
4100-022100-2300	Commonwealth Attorney	21,960.00
4100-031200-2300	Sheriff	87,924.00
4100-035100-2300	Animal Control	16,188.00
4100-035500-2300	Emergency Management	5,363.00
4100-043200-2300	General Properties	22,104.00
4100-043250-2300	General Properties Grounds	1,488.00
4100-043300-2300	Cleaning Services	1,332.00
4100-044100-2300	Engineering	5,364.00
4100-053510-2300	VJCCCA	2,604.00
4100-071110-2300	Recreation	9,600.00
4100-073100-2300	Library	6,146.00
4100-081400-2300	Zoning	5,208.00
4100-093000-9204	Transfer to Internal Service Fund	17,532.00
4100-093000-9207	Transfer to REMSI	22,824.00
	TOTAL	\$ -
<u>Revenues:</u>		

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3-205-033020-4300	Twenty First Century (DES)	200,000.00-
	Total	
4-205-061100-1121-204-100-953	Salaries Teachers	76,008.00
4-205-061100-2100-204-100-953	FICA	5,815.00
4-205-061100-3141-204-100-953	Other Professional Services	55,326.00
4-205-061100-4000-204-100-953	Internal Services	17,545.00
4-205-061100-5540-204-100-953	Convention and Edu	2,416.00
4-205-061100-5806-204-100-953	In-direct Cost	11,400.00
4-205-061100-6002-204-100-953	Food Supplies	2000.00
4-205-061100-6013-204-100-953	Instructional Supplies	29,490.00
	TOTAL	200,000.00

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

1. Acceptance of EMS Grant

As reported in the Board packet, acceptance of a grant award for the purpose of providing surgical masks for EMS providers was requested. The surgical masks are a part of the efforts to address any events related to a state declared pandemic (i.e. Swine-origin Influenza A (H1N1) Virus Infection) event.

The Board approved acceptance of the grant award.

2. Virginia Fire Services Board FY 2010 Training Mini Grant

The Board approved the training mini grant application as presented, a copy of which is filed with the records of this meeting.

e. Personnel Changes

The Board reviewed recent personnel changes as prepared by Norma Spence, Administrative Assistant.

f. Resolution Declaring September 17-23 as Constitution Week

The Board adopted the following resolution declaring September 17 through 23, 2009 as Constitution Week:

CONSTITUTION WEEK 2009

WHEREAS, September 17, 2009 marks the two hundred twenty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, the Pulaski County Board of Supervisors do hereby proclaim September 17 through 23 to be Constitution Week in Pulaski County and ask the citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of The County of Pulaski on this 28th day of September in the year of our Lord two thousand nine.

g. Extension of Shelter at County Garage

As reported in the Board packet, the Virginia Department of Forestry (VDOF) had previously requested and received approval by the County to expand the equipment shed located at the County garage. It has since been determined that this expansion will require electricity for lights and for keeping diesel engines heated during the coldest winter months. The VDOF is unable to pay for the cost of a separate electric meter and it is recommended that electricity from the County garage be extended with the County paying the electric bill. Staff noted this recommendation is based on a commitment by VDOF to allow occasional use of this equipment on County projects.

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The Board approved electricity from the County Garage being extended, with the county paying the electric bill, further noting approval is based on a commitment by VDOF to allow occasional use of this equipment on county projects.

h. Riverlawn Elementary VPSA Bond

Staff reported a public hearing has been scheduled for the October Board of Supervisors meeting to consider use of Virginia Public School Financing Authority (VPSA) bonds in completing \$7.5 million in financing for the new Riverlawn Elementary School as an alternative to Literary Loan funds as originally proposed.

The Board adopted the following resolution in order to meet the fall bond schedule:

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,875,000 GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF PULASKI, VIRGINIA, SERIES 2009 D, 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 the County of Pulaski, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$7,875,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the County will hold a public hearing, duly noticed, on October 26, 2009, 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

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 \$7,500,000 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 into 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 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

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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 THE COUNTY OF PULASKI, VIRGINIA:

1 **Authorization of Bonds and Use of Proceeds.** 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 \$7,875,000² (the "Bonds") for the purpose of financing or refinancing 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.

Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price, determined by 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 the Board, the County Administrator, or either of them and such other 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 October 9, 2009, with VPSA providing for the sale of the Bonds to 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").

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 2009 D"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2010 (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.

Interest Rates and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the bonds to be issued by 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 VPSA. The County Administrator is hereby

² 105% of the amount of the Proceeds Requested is recommended.

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authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of 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 VPSA and Interest Payment Dates and the Principal Installments requested by VPSA as having been so accepted as authorized by this Resolution.

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.

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

() For as long as 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 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.

() 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.

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

Prepayment or Redemption. The Principal Installments of the Bonds held by VPSA coming due on or before July 15, 2019, and the definitive Bonds for which the Bonds held by VPSA may be exchanged that mature on or before July 15, 2019, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by VPSA coming due after July 15, 2019, and the definitive bonds for which the Bonds held by VPSA may be exchanged that mature after July 15, 2019, 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, 2019, 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, 2019 through July 14, 2020	101%
July 15, 2020 through July 14, 2021	100½
July 15, 2021 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.

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Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

Pledge of Full Faith and Credit. For the prompt payment of the principal of, 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.

Use of Proceeds Certificate and Certificate as to Arbitrage. The Chairman of the Board, the County Administrator and such other 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 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.

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 Director of Finance 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, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

Continuing Disclosure Agreement. The Chairman of the Board, the County Administrator and such other 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 VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

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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.

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.

Effective Date. This Resolution shall take effect immediately.

EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TR-1

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF _____
General Obligation School Bond
Series 2009 D

The **COUNTY OF PULASKI, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** the principal amount of _____ DOLLARS (\$_____), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2010 and annually on July 15 thereafter to and including July 15, 20__ (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 2010 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set

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forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, _____, as bond registrar (the "Bond Registrar"), shall make all payments of principal, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes

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authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the Board of County Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2019 and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2019, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2019, and the definitive Bonds for which this

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Bond may be exchanged that mature after July 15, 2019, 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, 2019, 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, 2019 through July 14, 2020	101%
July 15, 2020 through July 14, 2021	100½
July 15, 2021 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 the prior written consent of 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.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Pulaski has caused this Bond to be issued in the name of the County of Pulaski Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated [November 19], 2009.

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PULASKI COUNTY, VIRGINIA

(SEAL)

ATTEST:

_____[NOT FOR SIGNATURE]_____
Clerk, Board of
Supervisors of the County of
Pulaski, Virginia

_____[NOT FOR SIGNATURE]_____
Chairman, Board of
Supervisors of the County of
Pulaski, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: _____
the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

Signature Guaranteed: _____

(NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar which requirements will include Membership or participation in STAMP or such other "signature guarantee program" as may be determined by

Registered Owner
(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or change.)

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the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

EXHIBIT B

Description of Project

The project consists of capital improvements to Riverlawn Elementary School.

SCHEDULE I

See the Draft Preliminary Debt Service Schedule attached

* * *

The undersigned Clerk of the Board of Supervisors of Pulaski County, Virginia (the "Board of Supervisors"), hereby certifies that the foregoing constitutes a true and correct copy of a resolution duly adopted at a meeting of the Board of Supervisors held on September 28, 2009. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing resolution as follows:

<u>Member</u>	<u>Attendance</u>	<u>Vote</u>
J. L. "Joe" Sheffey		
Dean K. Pratt		
Ranny L. Akers		
Frank R. Conner		
Charles R. Bopp		

WITNESS MY HAND and the seal of the Board of Supervisors of Pulaski County, Virginia, this 28th day of September, 2009.

- i. Proclamation naming October 19-23 as GED and Lifelong Learning Awareness Week

The Board approved the following proclamation naming October 29 - 23, 2009 as GED and Lifelong Learning Awareness Week:

PROCLAMATION

WHEREAS, the foundation of democracy is based upon an educated citizenry and education should be made available to

people of all ages to gain knowledge and skills.

WHEREAS, New River Community College Office of Transitional Programs facilitates adult education programs in Pulaski County and provides services to an average of 400 people annually.

WHEREAS, adult education offers classes to assist adults in improving basic reading, writing, and math skills, to pursue further education, to enter or advance in the job market, or to enhance their personal and family lives.

WHEREAS, adult education offers classes to prepare adults to take the General Educational Development (GED) Test or to receive a High School Diploma.

WHEREAS, adult education serves students of diverse populations that include adults with learning disabilities, physical and emotional disabilities, and adult learners in family literacy programs and correctional institutions.

WHEREAS, adult education works cooperatively with local, state, and federal agencies such as the Pulaski County Department of Social Services, the New River/Mount Rogers Workforce Investment Board, and the Virginia Workforce Center in Radford, Virginia to meet the goals and needs of mutual clients.

WHEREAS, it is timely and appropriate that attention be focused in the special efforts and dedication of the New River Community College Office of Transitional Programs' adult educators who prepare individuals for productive employment and enriched lives.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Pulaski County of the Commonwealth of Virginia, do hereby proclaim October 19-23, 2009, as

GED & Lifelong Learning Awareness Week

in the County of Pulaski and urge all its citizens to become familiar with the services and benefits offered by adult education and to support and participate in these programs.

Adopted by the Pulaski County Board of Supervisors this 28th day of September, 2009.

j. A Resolution to Establish the Pulaski County Domestic Violence Fatality Review Team

As requested by Commonwealth Attorney Mike Fleenor, the Board adopted the following resolution establishing the Pulaski County Domestic Violence Facility Review Team:

A RESOLUTION TO ESTABLISH THE PULASKI COUNTY DOMESTIC VIOLENCE FATALITY REVIEW TEAM

WHEREAS, the establishment of the Pulaski County Domestic Violence Fatality Review Team would serve the following purposes:

- Identifying and describing trends and patterns of domestic violence-related deaths in the County of Pulaski
- Increasing coordination and communication between agencies providing services to families experiencing domestic violence; and
- Identifying interventions aimed at system improvements

WHEREAS, domestic violence has destructive consequences upon individuals and families within this region; and

WHEREAS, the General Assembly enacted Section 32.1-283.3 of the Code of Virginia, 1950, as amended, to permit locales to establish a domestic violence fatality review team (DVFRT) to examine fatal domestic violence incidents and to create a body of information to help prevent future domestic violence fatalities; and

WHEREAS, careful examination of domestic violence fatalities will yield results to help prevent similar tragedies from occurring; and

WHEREAS, a thoughtful and nonjudgmental method of evaluating the events that lead to domestic violence fatalities will create a safer community.

NOW, THEREFORE, BE IT RESOLVED that the Pulaski County DVFRT shall have the authority to review the facts and circumstances of all domestic violence incidents that occur within Pulaski County and all information and records obtained or created regarding the review of fatality shall be considered confidential and shall be excluded from the Virginia Freedom of Information Act.

BE IT STILL FURTHER RESOLVED, that the Pulaski County DVFRT will identify gaps in system responses and work to provide increased communication and collaboration amongst the agencies involved.

BE IT STILL FURTHER RESOLVED that the Pulaski County DVFRT will operate under the assumption that all persons and agencies involved are deeply about preventing violence and operate in good faith, using the best judgment and information available at the time.

BE IT STILL FURTHER RESOLVED, that the Pulaski County DVFRT will offer recommendations to area service providers which benefit our communities and improve our public safety.

BE IT STILL FURTHER RESOLVED, that the Pulaski County Board of Supervisors support the goals of the DVFRT, encourage them in determining the factors relating to domestic fatalities, and hereby approve and endorse their efforts in improving this devastating community problem.

k. Riverlawn Financing Letter

As provided in the Board packets, Board members reviewed a letter requesting consideration by the state to providing relief from higher interest charges for Riverlawn Elementary school, should funding of the Literary Loan program be restored.

The Board approved the above referenced letter being sent to legislators.

l. Proclamation for the Pulaski County Emergency Needs Task Force

The Board approved the following proclamation for the Pulaski County Emergency Needs Task Force:

**PROCLAMATION IN HONOR OF THE 20TH ANNIVERSARY
OF THE
EMERGENCY NEEDS TASK FORCE
OF NEW RIVER COMMUNITY ACTION**

Be it known, that October 26, 2009 is hereby declared Emergency Needs Task Force week in recognition of the Twenty Years of exemplary service to our community which it has so diligently provided.

Whereas, the Emergency Needs Task Force serves the community as the Family Crisis Response Organization of Last Resort;

Whereas, the Emergency Needs Task Force helps citizens who are truly in crisis;

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Whereas, the Emergency Needs Task Force serves the community in helping prevent homelessness;

Whereas, the Emergency Needs Task Force's Food Pantry serves the community in helping prevent hunger;

Whereas, the Emergency Needs Task Force serves the community in helping provide Prescription Medicine;

Whereas, the Emergency Needs Task Force serves the community in helping prevent basic utility shutoffs;

Whereas, the Board of Directors of the Emergency Needs Task Force carefully husbands donations so that *all* money and other contributions go directly for assistance;

Whereas, the Board of Directors of Emergency Needs Task Force provides complete accountability;

Whereas, the Emergency Needs Task Force has earned the trust, respect, admiration and participation of United Way, Churches, Foundations and Trusts, Civic Groups, Corporations and Private Citizens;

We, the undersigned members of the Pulaski County Board of Supervisors, are pleased to honor the Board of Directors and Staff of Emergency Needs Task Force of New River Community Action as **Pulaski County's Premiere Crisis Response Organization**.

Adopted this 28th day of September, 2009.

m. Unified Hazard Mitigation Assistance (HMA) Grant

As reported in the Board packet, the purpose of this grant is two-fold: 1) to employ a specialist to develop Community Wildfire Protection Plans (CWPP) for three pilot communities and the other identified communities in Pulaski County designated EXTREME or HIGH risk to threat of loss to wildfire; and 2) to contract for the removal of dense vegetation, underbrush within a 30' defensible space around homes assessed at EXTREME or HIGH risk. These communities were identified in collaboration by the VA. Dept. of Forestry, Pulaski County Wildfire Risk Mitigation Committee, and the Pulaski County Department of Emergency Management. This pilot program would reach a small number of communities at first but could possibly expand in the future.

Further reported, upon completion of the Community Wildfire Protection Plan (CWPP), homeowners in the three pilot communities will

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be offered an assessment and the opportunity for fuels reduction performed in the 30' defensible space around their homes. Overall need for this project is to help make safer the job of firefighting personnel with limited resources by giving them the defensible space that they need to help protect the homes from wildfire, thereby reducing the risk of involvement of structures, which provides safety and protection for the homeowner, their home, and the community.

n. Mutual Aid Agreement

The Board approved a Mutual Aid Agreement between the county and Towns of Pulaski and Dublin for the provision of law enforcement services, a copy of which is filed in the County Administrator's Office.

11. Citizen Comments

Ms. Brenda Blackburn questioned the disposal location for aluminum from the county shop.

Ms. Brenda Blackburn questioned the hiring practices in place by the county, specifically why employees who retire are re-employed, rather than hiring new persons.

Ms. Brenda Blackburn questioned why businesses renting county property, who may fall behind on rental fees, are not evicted. Staff indicated it would check for any defaults on payments on any county owned buildings currently in rental status.

Ms. Brenda Blackburn questioned the availability of zero percent loans and grants for her son who is a salesman for Carolina Foods.

Chairman Sheffey requested county staff provide follow-up responses to each of Ms. Blackburn's requests.

12. Other Matters from Supervisors

There were no other matters discussed by Board members.

13. Board of Supervisors Picture

The Board discussed the taking of a formal Board picture at the October Board meeting.

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14. Adjournment

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board of Supervisors adjourned its regular meeting to reconvene at a joint meeting of the Board of Supervisors and School Board to be held on Monday, October 5, 2009 at 6:00 p.m. in the School Board Chambers of the local School Board Offices. The next regular meeting of the Board is scheduled for Monday, October 26, 2009 beginning at 6:00 p.m. with a Closed Session and 7:00 p.m. for the regular meeting at the County Administration Building, 143 Third Street, N. W., in the Town of Pulaski.

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

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator