

**BOARD AGENDA  
PULASKI COUNTY  
BOARD OF SUPERVISORS**

**Regular Meeting  
Monday, March 22, 2010  
6:00 p.m. – Closed Session  
7:00 p.m. – Regular Meeting**

**Follow-up Agenda**

ACTION ITEM	KEY STAFF
1. <u>Closed Session – 2.2-3711.A.1.3.5.7</u>	
2. <u>Invocation</u>	
3. <u>Recognitions - Featured Employees</u> (Recognized Latisha Gallimore & Nicole Hager from Social Services)	
4. <u>Additions to Agenda</u> (Mr. Huber advised of an addition under "Appointments" of an appointment to the NRCC Board)	
5. <u>Public Hearings</u> a. <u>Budget Amendment</u> (Staff provided details – Public hearing held - Comments were heard from Richard LaBrie – Approved amendments)	Ms. Newby
b. <u>Real Estate Tax Rate Increase</u> (Staff provided details re: proposed rate increase – Public hearing held – Comments were heard from: Angela Clevinger, Andy McCready, E. W. Harless, Francis Viars, Laura Walters, Claude Newman, John Viers, Lincoln Whitaker, Mike Barbour, Maurice Long, Fritz Streff, Bill Benson, Shannon Turner, Sherrill Van Dyke, Ken Mitchell, Colleen Oakley & Jean Anderson – Place on the March 29 <sup>th</sup> Board agenda the setting of the real estate tax rate)	Ms. Hanks
c. <u>Secondary Six Year Road Plan</u> (Mr. Clarke provided information related to secondary road funding, noting funds for road improvements are generated from fuels tax – Public hearing held – Elaine Martin requested VDOT provide a chip and seal treatment on Hogan’s Road due to continuous flooding in the basement of her home – Mr. Sheffey	

submitted request for Mr. Bill Roop for including the public portion of Depot Road on the six-year plan – Mr. Hiss submitted a request on behalf of Mr. Rodney Cecil of Montgomery Hollow Road for including Montgomery County Hollow Road on the six-year plan – Place Depot Road and Montgomery Hollow Road on the waiting list)

Ms. Hanks

(Mr. Clarke explained the waiting list is an informal list maintained by county staff and when requests for state maintenance of a private road are received, the county and VDOT work together in reviewing roads on current six-year plan and waiting list)

- d. Community Development Block Grant Hearing  
(Staff provided details re: project housing which will include the following activities: rehabilitation, substantial reconstructions, and water and sewer utility improvements, noting efforts are in cooperation with a volunteer group of the Baskerville community in Dublin, Virginia, to review the scope of the proposed project – Public hearing held – No comments – Adopted resolution – Prepare final resolution and send to appropriate agency)

Ms. Hanks  
Mr. Utt

- e. Family Subdivision standards  
(Mr. Sheffey advised Planning Commission had tabled matter – Place on future Board agenda, as appropriate)

Ms. Hanks

6. Citizen Comments  
(None)

7. Highway Matters:

- a. Follow-up from Previous Board meeting:
- Review of Highway Matters Section of Key Activity Timetable  
(Mr. Clarke advised VDOT continued to work through pothole repairs and damages to roads as a result of recent snow and flooding – Mr. Sheffey advised VDOT's 800 number had been placed on the county's web site for the public to use in reporting potholes)

- b. Request for Guardrail/Signage  
 (Mr. Sheffey presented a request from Ms. Barbara Akers for appropriate signage and/or guardrail in the area on Route 100 between Heritage Church and Highland Road – VDOT to review – Place on Key Activity Timetable) VDOT  
 Ms. Hanks
- c. Revenue Sharing  
 (Mr. Huber explained the Revenue Sharing Program allows for 50% funding of road improvements, with a 50% local match - Mr. Huber suggested consideration to including the improvements to the Roundhouse Rd. and Route 11 intersection, consideration to funding through a “taxing district” as is done in Wythe county - Mr. Sheffey inquired if mowing costs could be included – Mr. Clarke advised the project does not include “maintenance” items – Mr. Akers inquired if the Rural Rustic Program was active – Mr. Clarke advised the program is a “design program” and not a “funding project”)  
  
 (Staff to provide recommendations for possible Revenue Sharing projects, including cost for improvements to the Roundhouse Road and Route 11 intersection – Place on April 26 Board agenda) Mr. Coake/Mr. Huber  
 Ms. Hanks
- d. Citizen Concerns  
 (Mr. Fritz Streff expressed interest in improvements to the Route 11 and New River Community College intersection, noting the possibility of a joint venture between the County and NRCC – Mr. Streff advised he would have a representative of NRCC contact county staff)
- e. Board of Supervisors Concerns  
 (Mr. Akers advised of improvements needed to Route 686 in Hiwassee due to extensive flooding - VDOT to review – Place on KAT) VDOT  
 Ms. Hanks  
  
 (Mr. Bopp requested striping on Cox Hollow Road - VDOT to review – Place on KAT) VDOT  
 Ms. Hanks  
  
 (Mr. Sheffey advised of debris on Falling Branch Road and a fallen tree across creek – VDOT to Review – Place on KAT) VDOT  
 Ms. Hanks

(Mr. Huber advised assistance of the Extension Office staff was being sought in addressing the need for spraying Kudzu over the next few months - Place on KAT)

VDOT  
Ms. Hanks

8. Treasurer's Report

(Monthly report distributed – Ms. Worrell reported some residents were responding as a result of recent delinquent tax publication)

9. Reports from the County Administrator & Staff:

a. Appointments:

1. Building Appeals Committee

(Invite John Goodall to fill vacancy and Mike Tilley as an alternate – Place appointment on April Board agenda)

Ms. Hanks

Ms. Hanks

2. Pulaski Encouraging Progress

(Appointed Kay Kline of the Southwest Times and Richard Alvarez of Radford University – Notify Ms. Kline and Mr. Alvarez – Update appointment list)

Ms. DeHart

Ms. Safewright

3. Clean Community Council

(Appointed Rhonda Hudson and June Harless to Council – Notify Ms. Hudson and Ms. Harless of meeting dates, times, etc. - Update appointment list)

Ms. Wright

Ms. Safewright

4. Telecommunications Committee

(Appointed John Ayers and Danny Vaughan – Notify Mr. Ayers and Mr. Vaughan – Update appointment list)

Ms. Safewright

Ms. Safewright

5. NRV Network Wireless Authority

(Appointed Tim Barnes for a four-year term effective April 8, 2010 – Update appointment list)

Ms. Safewright

6. Virginia's First Regional Industrial Facility Authority

(Reappointed Peter Huber and Ron Coake, as alternate, for terms ending 6/30/2014 - Notify Virginia's First – Update appointment listing)

Ms. Hanks

Ms. Safewright

7. Joint Services Board

(Appointed Joe Sheffey and Dean Pratt to

Joint Services Board)

8. New River Community College  
(Appointed Tom McCarthy for a four-year term ending 6/30/2014 filling a vacancy created by the ending of the term of Jeanne Whitman – Notify NRCC)

Ms. Hanks

- b. Key Activity Timetable  
(Mr. Sheffey inquired as to the status of the replacement of the Health Dept. roof – Mr. Hiss advised work was proceeding on the roof, as well as interior work due to damage from leaks, with work expected to be completed by late April or early May – Adjust Target Date on KAT to reflect May 2010 and amend wording to add “interior renovations”)

Ms. Hanks

(Mr. Sheffey inquired as to status of FY 09 audit – Ms. Newby provided update – Change Target Date to April 2010)

Ms. Hanks

(Mr. Sheffey inquired as to status of the upgrading of the eternal flame – Mr. Hiss advised the Target Date for this project would need to be May 2010 due to difficulty in finding companies skilled in repairs to eternal flames)

- c. Revisions and updates to **Volume 1** of the **Pulaski County Comprehensive Plan** of **Pulaski County.**

(Mr. Utt reported that the Board held a public hearing on the update of the plan at its October meeting but that action was delayed at that time to allow VDOT review, the Planning Commission received and reviewed VDOT's Comments in March and recommended approval to the Board of Supervisors - Approved revisions and updates – Arrange for publication on County's web site)

Mr. Utt  
Mr. Bell

10. Items of Consent:

- a. Approval of Minutes of February 15 & 22, and March 1 & 8, 2010  
(Approved – Copy and index into minute book)

Ms. DeHart

- b. Accounts Payable  
(Approved)

Ms. Spence

- c. Interoffice Transfers & Appropriations  
(Approved) Ms. Newby
- d. Ratification and/or Approval of Contracts, Change Orders & Agreements, Etc.
  - 1. Fire Alarm Monitoring Contract  
(Approved) Mr. Hudson
  - 2. Mental Health Association of the NRV – Agreement  
(Approved) Mr. Hiss
- e. Personnel Changes  
(Approved) Ms. Spence
- f. Endorsement of Page Johnson to the Commission on Government Reform and Restructuring  
(Endorsed – Send letter of endorsement) Ms. Hanks
- g. CDBG Funding to Assist in Pulaski Adult Day Care Service  
(Approved submittal of planning grant) Mr. Utt/Mr. Hiss
- h. Capital Improvements Program  
(Reviewed – Include specific recommendations in draft budget) Ms. Newby  
Mr. Huber
- i. NRV Network Wireless Authority Grant Application  
(Reported Citizens Internet Service’s willingness to take the lead and would likely own the lines once they were installed in exchange for perpetual use by schools, hospitals and local governments for the cost of maintenance – Authorized continuing to commit \$600,000 in County funding toward this effort, pending approval of the federal funding request) Mr. Huber
- j. Airport Grant Sponsorship  
(Approved – Arrange for execution of documents and send to FAA) Mr. Holt/Ms. Hanks
- k. Emergency Declaration  
(Approved resolution) Mr. Clark
- l. Resolution of Appreciation – Allegheny Brokerage Company  
(Approved – Arrange for transmitting resolution to appropriate agency) Mr. Hiss

11. Citizen Comments

(Mr. E. W. Harless requested the Board assist in encouraging the Sheriff's Dept. and State Police to rotate the use of wrecker services when needed – Staff to contact local office of state trooper to determine current policy and provide update at March 29<sup>th</sup> Board meeting – Place March 29, 2010 agenda)

Mr. Huber

Ms. Hanks

12. Other Matters from Supervisors

(None)

13. Adjournment

(To reconvene at budget work session on March 29<sup>th</sup>)

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March 15, 2010

TO: Board of Supervisors  
FROM: Peter Huber, County Administrator  
SUBJECT: Closed Meeting – 2.2-3711.A.1.3.5.7

A closed meeting is requested pursuant to Section 2.2-3711.A.1.3.5.7 of the 1950 Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition, and prospective industry matters. **Enclosed** is a draft resolution to enter the closed meeting on recommended matters, as follows:

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
  1. Building Appeals Committee – The Board recently appointed Thomas Holsinger to the committee. One vacancy continues to exist. Staff has submitted John Goodall and Mike Tilley as potential candidates.
  2. Pulaski Encouraging Progress Steering Committee – Kay Kline of the SWT has accepted the Board's invitation to serve on the PEP Steering Committee. Radford University is recommending the appointment of Richard Alvarez, Vice President for Finance and Administration, to fill the vacancy created by the departure of Norleen Pomerantz.
  3. Clean Community Council – Mr. Harry Hudson has resigned from the CCC. His wife, Rhonda Hudson, is requesting to replace Mr. Hudson. The Council has also nominated June Harless, wife of E.

W. Harless, to the committee. We offered to pass these suggestions to the Board, noting that the Board of Supervisors has historically been opposed to allowing boards to become "self appointed".

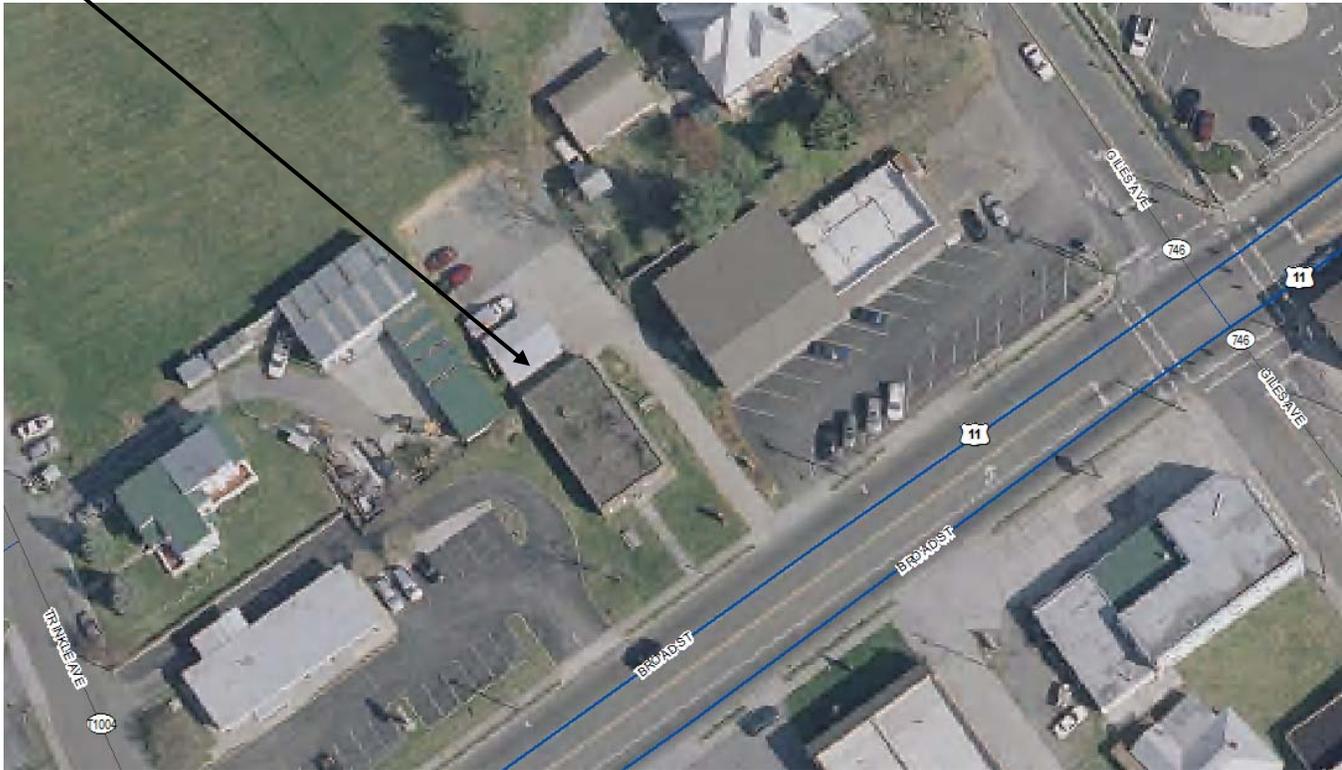
4. Telecommunications Committee – It is recommended the Board appoint John Ayers and Danny Vaughn to the Telecommunications Committee for four-year terms ending January 2014.
5. NRV Network Wireless Authority – Jim Sandidge has resigned from serving as Chair of this Authority. Appointment of Tim Barnes is recommended for a four-year term which would begin effective on April 8, 2010, if approved by the Board. It is also recommended that Keith Holt be reappointed to a four-year term as a regional representative.
6. Virginia's First – ***Enclosed*** is correspondence from the Virginia's First Regional Industrial Facility Authority advising that Pete Huber's term on the Authority Board will expire June 30, 2010 as will Ron Coake's term, who serves as alternate.
7. Joint Services Oversight Board – As discussed at the joint meeting with the School Board, it was recommended that both boards appoint two representatives each to serve on a Joint Services Oversight Board. This step was recommended in a previous report to the boards and also called for in the original joint services agreement.

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 REMSI Station – The REMSI staff has inquired as to the possible reuse, rental or disposition of the former REMSI station in Dublin which was titled to the Board of Supervisors when purchased by REMSI in July 2003 for \$150,000. Currently the roof is in good repair, the heat pump was replaced 3-4 years ago, and there is parking for 7-8 vehicles. It is an all electric building with utilities costing \$500 to \$600 per month when occupied. The assessed value of the land is \$35,600 and building is assessed at \$137,000 for a total assessed value of \$172,600. REMSI does not have any need for the building and would like to see proceeds from any sale or lease be applied to public safety needs.

A possible use for the building would be as an office for the PSA staff. While the building would more than meet the needs of the PSA, I would have some reservations about locating the collections staff in a stand alone building as a stand alone building might make an attractive target for robberies.

Former REMSI Building



- Norfolk Southern Railroad Trestle - Recently, there has been a fair amount of discussion among the citizens of Fairlawn about a potential trail connection from the community to the City of Radford's Riverway Trail System using the existing railroad trestle that was originally constructed to serve the site now known as the "Former New River Industries Building". However, before additional dialogue occurs, staff felt it appropriate to contact officials with Norfolk-Southern as to the current disposition of the trestle and their thoughts about using it as a potential pedestrian bridge. We have received feedback from N&S officials and hope to discuss the situation with the Board further.
- Heron's Landing – ***Enclosed*** is a map showing 250 acres of property in Herons' Landing that are still owned by the IDA. The IDA is owed \$210,000 by Steve Crawford's company which has been assumed by Stellar One. The IDA retains the right to repurchase these properties for their original purchase price should the purchase default.

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:

- Energy Company – Shawn and I have met with Iberdrola representatives regarding the company's interest in the development of a wind-to-energy

facility on the southern portion of the Boy Scout reserve along the Pulaski/Floyd county line. Iberdrola Renewables is the world's largest wind energy company and the second largest company of this type in the US.

They are considering the possible construction of 20 to 25 turbines valued at approximately \$2 million each producing one to two megawatts of electricity. This property is attractive due to its remote location, mountain top location and proximity to the 765 Kv power transmission line. The project would take approximately three years to complete and would involve significant wind velocity, bird population and other studies. The County's zoning ordinance may need to be amended in order to accommodate this project. Each turbine would be 400 to 475 feet in height.

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

PMH/gh

## CLOSED MEETING RESOLUTION

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 \_\_\_\_\_, seconded by \_\_\_\_\_ and carried, that the Board of Supervisors enter Closed Session for discussion of the following:

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

- Appointments

Property Disposition or Acquisition – Pursuant to Virginia Code Section 2.2-3711(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- Former REMSI Station
- Norfolk Southern Railroad Trestle
- Heron's Landing

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.

- Energy Company

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

March 15, 2010

TO: Board of Supervisors

FROM: Peter M. Huber, County Administrator

SUBJECT: **Recognitions**

- Featured Employees – The featured employees to be recognized at the March Board meeting and featured for the month of April are Latisha Gallimore and Nicole Hager from the Social Services Department. Job summaries for both employees are *enclosed*.

/gh

March 15, 2010

TO: Board of Supervisors  
FROM: Peter M. Huber, County Administrator  
SUBJECT: Public Hearings

Public hearings have been scheduled for the Board meeting as follows:

- a. Budget Amendment – A public hearing has been scheduled to consider amendments to the FY 10 fiscal year budgets as described on the enclosed public hearing notice.
- b. Real Estate Tax Rate Increase – A public hearing has been scheduled for the purpose of hearing public comments from citizens of Pulaski County who wish to appear and be heard regarding a maximum 6-cent increase in the real estate tax rate for the year 2010. An increase of up to \$0.06 per \$100 of assessed value would raise the real estate tax rate from \$0.50 cents per \$100 of assessed value to \$0.56 cents per \$100 of assessed value. This public hearing will be held pursuant to Section 58.1-3007 of the 1950 Code of Virginia, as amended. This public hearing will be held pursuant to 100% of the additional real estate taxes collected is earmarked as additional funds for the operation of the schools while the additional revenue collected from public service corporations is earmarked for capital improvements.
- c. Secondary Six Year Road Plan – VDOT has scheduled a public hearing to receive public comment on the proposed Secondary Six Year Plan for Fiscal Years 2010-11 through 2015-16 as described on the enclosed public hearing notice. We have received the following requests either by phone or e-mail:
  - Mr. Rodney Cecil of Montgomery Hollow Road is requesting to have his road added to the plan. It is our understanding Mr. Cecil plans to present a formal petition to the Board.
  - Mr. Bill Roop has requested Depot Road in Belspring be added to the six year plan.

- d. Community Development Block Grant Hearing - A public hearing has been scheduled to solicit public input on the proposed CDBG proposal to be submitted to the Virginia Department of Housing and Community Development for the Baskerville Community Housing Rehabilitation Project. The Baskerville Community Housing Rehabilitation Project proposal will include the following activities: housing rehabilitation, substantial reconstructions, and water and sewer utility improvements. Adoption of the ***enclosed*** resolution is requested.
  
- e. Family Subdivision Standards – A public hearing had been scheduled to amend Section 3-1.2 of the Pulaski County Subdivision Ordinance regarding family subdivisions. However, the Planning Commission tabled action on this requested amendment as described on the ***enclosed*** information.

PMH/gh

March 15, 2010

TO: Board of Supervisors  
FROM: Peter M. Huber, County Administrator  
SUBJECT: **Highway Matters**

- a. Follow-up from Previous Board meeting:
  - Review of Highway Matters Section of Key Activity Timetable (KAT) – As of the time of preparing this packet, we had not received an updated timetable from Mr. Clarke.
  
- b. Request for Guardrail/Signage - Mr. Sheffey received an inquiry from Barbara Akers requesting either a guardrail or sign be installed for a sharp curve in front of her property. She advised the State Police suggested she contact the county. Ms. Akers lives on Route 100 between Heritage Church and Highland Road. Her number is 674-9435.
  
- c. Revenue Sharing - ***Enclosed*** is a letter from Michael Estes, Director of the VDOT Local Assistance Program soliciting participation in the Revenue Sharing program. Options that come to mind would include the improvement of the Roundhouse Road/Route 11 intersection and other projects where there may be local government or private interest in funding the required local 50% match.

/gh

March 15, 2010

TO: Board of Supervisors

FROM: Peter M. Huber, County Administrator

SUBJECT: **Reports from County Administrator and Staff**

- a. Appointments - See Closed Session memo for details regarding the following appointments:
  1. Building Appeals Committee
  2. Pulaski Encouraging Progress
  3. Clean Community Council
  4. Telecommunications Committee
  
- b. Key Activity Timetable – Review of the ***enclosed*** updated Key Activity Timetable is requested.
  
- c. Revisions and updates to Volume 1 of the Pulaski County Comprehensive Plan of Pulaski County – The public hearing was held in October 2009 for the revision to Volume 1 of the Comprehensive Plan and was awaiting VDOT review for final action. ***Enclosed*** is a copy of the letter from VDOT and the Commission recommends approval of Volume 1 based on VDOT's positive comments.

PMH/gh

March 15, 2010

TO: Board of Supervisors

FROM: Peter M. Huber, County Administrator

SUBJECT: **Items of Consent**

- a. Approval of Minutes of February 15 & 22 & March 1, 2010 – Approval of the ***enclosed*** minutes is recommended. Please let Gena know of any changes and corrections and they will be included in the March 19<sup>th</sup> weekly update.
- b. Accounts Payable – Approval of the ***enclosed*** listing of accounts payable is requested.
- c. Interoffice Transfers and Appropriations – Approval of the ***enclosed*** interoffice transfers and appropriations is requested.
- d. Ratification and/or Approval of Contracts, Change Orders & Agreements, Etc. – The following items are submitted for the Board's review and approval:
  1. Fire Alarm Monitoring Contract – Ratification of the ***enclosed*** contract for fire alarm services at the Commonwealth Attorney offices is requested.
  2. Mental Health Association of the NRV - Agreement - The Mental Health Association of the NRV (MHANRV) is looking to set-up an office in the Town of Pulaski and has approached the County regarding the possible use of space in the "Old School Board Office" building adjacent to the Library. This space will be used to conduct counseling and other therapy sessions by volunteer counselors and students of local graduate training programs. They are asking for an initial one-year term. This is collaborative effort with Radford University's Psychology Doctoral program and will be a positive partnership with Safe Haven in the same building. ***Enclosed*** is a proposed agreement.
- e. Personnel Changes - ***Enclosed*** is an update from Ms. Spence of recent personnel changes.

- f. Endorsement of Page Johnson to the Commission on Government Reform and Restructuring - ***Enclosed*** is an e-mail from Trina Rupe to Board members and staff requesting Board members to write Governor McDonnell to recommend and support Page Johnson to the Commission on Government Reform and Restructuring.
- g. CDBG Funding to Assist in Pulaski Adult Day Care Service - ***Enclosed*** is a summary requesting consideration to the use of CDBG funding to assist in the establishment of the Pulaski Adult Day Service and Fall Prevention Center, should the Board choose to support it through submission of a planning grant. The local match required for planning grants generally can be met through in-kind services
- h. Capital Improvements Program – The Planning Commission reviewed the proposed Capital Improvements listing for FY 11 and recommends approval by the Board of Supervisors.
- i. NRV Network Wireless Authority Grant Application – Previously, the County had partnered with Giles County in providing the local match for a federal grant to replace existing leased connections between schools with fiber optic lines serving various county facilities as well interconnecting the region. This application was turned down in second round of considerations. The region has a second chance at receiving federal assistance if a private company served in the lead role and if the scope of the project is expanded to connect the New River Valley with a larger network of open access lines. Citizens Internet Service is willing to take the lead and would likely own the lines once they were installed in exchange for perpetual use by schools, hospitals and local governments for the cost of maintenance. Authorization to continue to commit \$600,000 in County funding toward this effort pending approval of the federal funding request is recommended.
- j. Airport Grant Sponsorship – The Federal Aviation Administration and the Virginia Department of Aviation require that a local government serve as a “sponsor” for any funds they provide to the New River Valley Airport in order to guarantee full implementation of each stipulation contained in the grant requirements. Pulaski County has served in this capacity in past applications and it was anticipated that the County would continue to do so as the community in which the airport is located. ***Enclosed*** is a cover letter from the FAA offering a grant of \$4,738,885 to pay for 95% of the cost of repaving the airport runway. Approval of this grant offer and the required four-year sponsorship of the project are recommended based on the economic impact of the project and of the airport on the County. The remaining 5% match will be paid for through a 3% grant from the Virginia Department of Aviation and the division of the remaining 2% among the member jurisdictions.
- k. Emergency Declaration – Ratification of the ***enclosed*** emergency declaration related to flooding conditions is recommended. We are currently determining the level of damages.