

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, March 26, 2012 beginning with a Closed Session at 6:00 p.m. in the Board Room of the County Administration Building, 143 Third Street in the Town of Pulaski, the following members were present: Joseph L. Sheffey, Chairman; Charles Bopp, Vice-Chairman; Andy McCreedy; Ranny O'Dell; and Dean Pratt. Staff members present included: Peter Huber, County Administrator; Robert Hiss, Assistant County Administrator; Shawn Utt, Community Development Director; and Thomas J. McCarthy, Jr., County Attorney. Diane Newby, Finance Director, and Gena Hanks, Clerk to the Board of Supervisors, joined the regular session at 7:00 p.m.

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 session 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. Bopp, seconded by Mr. Pratt 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

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:

- Commerce Park

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 Greenhouse
- Alternate Dispatch Radio

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:

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

- Breach of Contract
- IDA Petition

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Sheffey, Mr. Bopp, Mr. Pratt.
Voting no: None.

Return to Regular Session

On a motion by Mr. McCready, seconded by Mr. Bopp and carried, the Board returned to regular session.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Sheffey, Mr. Bopp, Mr. Pratt.
Voting no: None.

Certification of Conformance with Virginia Freedom of Information Act

On a motion by Mr. Pratt, seconded by Mr. Odell 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. McCready, Mr. O'Dell, Mr. Sheffey, Mr. Bopp,
Mr. Pratt.
Voting no: None.

2. Invocation

The invocation was provided by County Attorney Tom McCarthy.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

3. Presentations - Presentation of Resolution

The Board recognized Heather Wright and Sandi Stafford of the Social Services Department as the featured employees for the month of April. Job summaries for Ms. Wright and Ms. Stafford were read aloud by Supervisor Sheffey. Both employees were presented with a gift certificate to Fatz Café.

4. Additions to Agenda

Mr. Huber advised that Annie Harvey of the Red Cross would be unable to attend the Board meeting to make a presentation due to an illness.

Mr. Sheffey advised the letter referenced in item "10g" of the agenda had been acted upon by the Board at a previous meeting due to the immediate need for the letter by LewisGale.

5. Public Hearings

a. Community Development Block Grant (CDBG)

Mr. Huber explained the purpose of the hearing was to consider potential projects for which funding may be applied under the CDBG program year 2012. Mr. Huber recommended consideration to the provision of sewer service to Skyview Subdivision as a potential project.

Mr. Sheffey opened the public hearing for citizen comments.

Mr. Tom Underwood questioned the cost for hookups and if residents in the Skyview Subdivision are in favor of receiving sewer service. Mr. Huber explained the guidelines for surveying residents to determine interest in service, noting the residents in the Skyview Subdivision had indicated interest in the service.

Mr. Carl Lambert inquired if the water and sewer rates were expected to increase in the near future. Mr. Sheffey advised that the Public Service Authority (PSA) determines the water and sewer rates for the county. Mr. Lambert suggested the Board of Supervisors should be aware of the plans by the PSA Board as it relates to utility increases.

Mr. Huber advised the PSA Board is reviewing all available rate options. Mr. Lambert inquired if any rate increases would subsidize the water to Commerce Park. Mr. Huber advised the PSA does service the Commerce Park.

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

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

On a motion by Mr. McCreedy, seconded by Mr. O'Dell and carried, the Board approved applying for CDBG funds to provide sewer service to the Skyview Subdivision.

Voting yes: Mr. McCreedy, Mr. O'Dell, Mr. Sheffey, Mr. Bopp,
Mr. Pratt.

Voting no: None.

- b. Petition by Shirley M. McCoy for a Special Use Permit (SUP) to allow a second manufactured home at property located at 5601 Montgomery Hollow Road (off Rt. 627), zoned Agricultural (A1), 018-008-0000-0003, (Cloyd District).

Mr. Utt described the following staff analysis which was reported in the Board packet:

Staff received a building/zoning permit application for the owner's daughter to install a second manufactured home at 5601 Montgomery Hollow Rd. During the review process of the permit application staff realized the second manufactured home required a Special Use Permit (SUP) and informed the owner. She applied for the Special Use Permit (SUP) for her daughter, who has health problems, and requires being close to family. The existing manufactured home is located at the northwest corner of the lot. The proposed manufactured home is to be located on the southeast corner.

The proposed manufactured home will be connected to the existing well and served by a separate septic drain field system. The property is two (2) acres, enough to support future subdivision, if needed. It appears the proposed home will be offset to the east below the existing manufactured home with approximately 71 ft. between both homes.

Mr. Utt advised the Planning Commission recommends the Special Use Permit (SUP) to allow a second manufactured home as presented to the Board of Supervisors.

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

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved the Petition by Shirley M. McCoy for a Special Use Permit (SUP) to allow a second manufactured home on property located at 5601 Montgomery Hollow Road (off Rt. 627), zoned Agricultural (A1), 018-008-0000-0003, (Cloyd District).

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

Voting yes: Mr. McCreedy, Mr. O'Dell, Mr. Sheffey, Mr. Bopp,
Mr. Pratt.

Voting no: None.

- c. A request by Carol A Cable, Michael G. & Mary Ann Armbrister to vacate a 50 ft. unimproved right of way, approximately 147 ft. in length, zoned Residential (R1), located off Holbert Avenue, Draper, (Rt. 748), in the Draper District.

Supervisor O'Dell advised he would need to be excused from the meeting due to illness.

Mr. Utt described the following staff analysis which was reported in the Board packet, as well as an update to the packet:

Ms. Cable, Mr. Armbrister and Ms. Armbrister (brother and sister) presented a signed petition requesting staff to hold a community meeting. Staff shared a plat showing the location of the 50 ft. unimproved right of way. The property located to the east as shown on an aerial is owned by the Pulaski County School Board. Staff received no comments from the Board of Supervisors on this request. Staff also discussed with School Board staff the vacation and they have no concerns.

Staff received no comments during the Community Meeting on Thursday, February 9, 2012 for the Draper Community. The property owners would like to request the Planning Commission recommend vacation of the 50' unimproved right of way as shown on the a plat to the Board of Supervisors.

Melody Taylor advises she contacted Ms. Cable and presented staff recommendation of an undesignated 50-foot right-of-way across a remaining portion of her property. Ms. Cable's property to the east is fenced and being utilized for pasture field at this time and stated the playground equipment would have to be relocated or removed. She feels that the only appropriate location is the existing right of way and that she is unable to commit to an undesignated 50 foot right-of-way. Her reason for requesting the closing was concern of the school property being sold in the future for development.

Mr. Utt advised the Planning Commission recommends vacating the 50 ft. unimproved right of way, approximately 147 ft. in length as presented to the Board of Supervisors.

Mr. Sheffey opened the public hearing.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

Mr. McCready suggested the Board delay action until the status of the use of the former Draper School is determined. Mr. Utt advised he was not aware of any pressing time frame for action to be taken by Board of Supervisors.

Mr. Sherrill Van Dyke expressed concern over closing of the right-of-way and suggested the Board receive documents in writing before taking action.

Carol Cable explained the request and advised while the request was not time sensitive, it was a matter she would like to see addressed by the Board at this meeting.

Mr. Pratt advised since adequate entrances to the property exist, the Board should accept the Planning Commission recommendation without further delaying the request.

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

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved a request by Carol A Cable, Michael G. & Mary Ann Armbrister to vacate a 50 ft. unimproved right of way, approximately 147 ft. in length, zoned Residential (R1), located off Holbert Avenue, Draper, (Rt. 748), in the Draper District.

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

Voting no: Mr. McCready.

Not present: Mr. O'Dell

6. Citizen Comments

Mr. Tom Underwood expressed opposition to any consideration by the Board to development of a wellness center in the county and/or the purchase of any land to house such a wellness center. Mr. Underwood also expressed concern over the overall Randolph Park expenses, concern over the closing of various Pulaski County schools and subsequent renovations of closed schools for other uses, the purchase of a mower for use at the elementary schools, the purchase of new trash trucks, rather than new schools buses, the lack of updated software in the County's Finance Department and Mr. Underwood's overall lack of trust in the Board of Supervisors.

Mr. Sheffey offered for staff to provide information to Mr. Underwood regarding the questioned Randolph Park expenses; however, Mr. Underwood indicated he had obtained the information needed from the County's Finance Director.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

Mr. Sheffey advised no final action had been taken by the Board related to the wellness center. Mr. Sheffey offered for county staff to provide the information at the April 23rd regular meeting related to the costs associated with the school closings and renovations.

Ms. Catherine Turner, representing SAV NRV (Sustainable Authentic Values) referenced a story in the Patriot newspaper about a Draper condemnation, distributed information regarding House Bill 614, expressed concern that the sustainability grant was signed by the County Administrator prior to review by the Board of Supervisors, suggested the Board ceded its rights to HUD, EPA and VDOT, and requested the County Administrator resign, or the Board of Supervisors terminate the County Administrator.

Mr. McCready referenced previous comments by Ms. Turner at the January Board meeting related to the Livability Initiative that were incorrect, noting Pulaski County has its own Comprehensive Plan developed by the Board of Supervisors and also noting the Board of Supervisors was not aware of the creek project in Draper until months following VDOT's start of project.

Mr. McCready referenced a recent training attended by Mr. Sheffey and Mr. McCready where the legal aspects of the Gloucester 40 case were discussed, described a case in 1908 where an elected official was removed and noted merely having a dispute doesn't get someone removed from office. Mr. McCready described recent training by the lawyer representing the Gloucester 40, noting the State Code requires elected officials be defended at the county's expense, further noting that Gloucester County incurred over \$400,000 in legal bills representing the Board of Supervisors. Mr. McCready advised if similar action occurred in Pulaski County, then to give folks an idea of how much money that is, that it would be the same as a 5% increase in property taxes. Ms. Turner suggested there was no more of a legitimate expense than to protect property rights being threatened in the Livability Initiative.

Mr. McCready referenced a report from staff attending a recent conference where Pulaski County was considered to be very independent and protective of citizens' property rights. Mr. McCready indicated the public needs to know the potential cost to the citizens should a legal case be brought against the Board. Ms. Turner suggested the Board had not studied the Agenda 21 Initiative and the only action that could be taken by the Board was to remove itself from the contract associated with the sustainability initiative.

Mr. Alan Thornton supported Ms. Turner's comments, as well as expressed appreciation to the Board members for their comments, indicating concern that the livability documents were signed prior to Board of Supervisor approval. Mr. Thornton requested the Board move forward with the development of a wellness center, and further requested the Board consider

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

using the most inexpensive method in accomplishing the task, including the use of an existing building for the wellness center. Mr. Thornton also expressed concern of his understanding that the Board was not in favor of a wellness center.

Mr. Sheffey advised a committee had been appointed to oversee the wellness center issue and advised the issue was not a "dead issue" but would not happen in the immediate future. Mr. Sheffey also advised that the committee is working to prepare presentations for groups and citizens throughout the county in an effort to inform the public of the proposed wellness center concept.

Mr. Dennis Gussler inquired as to the status of the unsafe structure on McGlothlin property on Highland Road. Mr. Huber shared pictures of the property in its current condition and advised staff was going through the process called for in the Unsafe Structure Ordinance. Mr. Gussler expressed concern for the safety of his residence, as well as for the citizens in the area of the property. Mr. Huber advised staff was working to have the issue addressed.

Mr. Sheffey thanked Mr. Gussler for his comments and advised the matter was being addressed through proper county procedures.

Ms. Brenda Blackburn read two sections from the Virginia County Supervisors' manual regarding removal from office.

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. Sheffey inquired as to the status of requested speed studies. Mr. Clarke advised of no additional reports, but indicated speed studies would likely all be done around the same time.

Mr. Bopp noted progress was being made on Pond Lick Hollow Road improvements and expressed appreciation to VDOT. Mr. Clarke advised the contractor desired to complete project in a timely manner.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

b. Request for Reduction in Speed Limit on Bob White Blvd.

Mr. Huber advised of a request from Sue Ramsey for a reduction in the speed limit on Bob White Boulevard at the county/town line where the road changes to Newbern Road.

Mr. McCready advised he had worked a number of accidents on this road while in his capacity as a volunteer fireman and believes the 45 mph speed limit to be an appropriate speed limit. He also advised most accidents are located in the curve at Newbern Heights and at Miller Lane and are mostly due to icy conditions of the road.

By consensus, the Board approved VDOT conducting an informal speed study on Bob White Boulevard at the county/town line where the road changes to Newbern Road.

c. Watch for Children Signage Request

Edgar Akers requested Watch for Children signage at the Little Lambs Day Care on Annie Akers Road, citing heavy traffic as a concern. Mr. Akers offered to erect signage if approved by the Board.

Mr. Sheffey shared information related to potential General Assembly action to allow localities to install signage. Mr. Clarke offered to review proposed legislation and provide an update to the Board.

On a motion by Mr. McCready, seconded by Mr. Bopp and carried, the Board passed a resolution requesting that VDOT install Watch for Children signage on Annie Akers Road.

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.

Voting no: None.

Not present: Mr. O'Dell

d. I-81/New River Bridge Replacement

Mr. Huber reported the consulting engineer is evaluating detour options with a request to have four lanes per bridge to serve as a detour and was thereby seeking concurrence by the Board.

Mr. McCready concurred with the engineer's options, noting the design technique would end up with a bridge with solid three lanes, allowing for use of shoulders for emergency services workers when responding to emergency situations on the bridge.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

On a motion by Mr. Pratt, seconded by Mr. McCreedy and carried, the Board endorsed the consulting engineer's options of four-laning the I-81 bridge in each direction over New River.

Voting yes: Mr. McCreedy, Mr. Sheffey, Mr. Bopp, Mr. Pratt.

Voting no: None.

Not present: Mr. O'Dell

e. Citizen Comments

Mr. Fritz Streff described difficulties faced by drivers of tractor trailers on Kirby Road while negotiating the curves in the road. Mr. Streff requested appropriate signage warning the drivers of "no through truck traffic" on Kirby Road.

Mr. Tom Underwood expressed concern over the lack of action by the Board and VDOT in seeking four lanes on Newbern Road, as a result of heavy traffic coming from Volvo, James Hardie and other production facilities.

Mr. Sheffey described the funding situation with the state and the continuous decrease in funds provided by the state to localities for road purposes.

Mr. Underwood expressed concern over potential legal issues resulting from traffic accidents along this road.

f. Board of Supervisors Comments

Mr. Pratt requested VDOT review the ditch in front of the Draper Mercantile, noting the need for scraping out following heavy rains. Mr. Clarke agreed to review the matter and provide an update to the Board at a future meeting.

Mr. Bopp thanked VDOT for the quick response of putting stone on the shoulders at Loving Field.

Mr. Bopp thanked VDOT for the improvements to the Pond Lick Hollow bridge.

Mr. McCreedy described efforts by VDOT employee Anthony Barnes in providing recent assistance in clearing of trees to allow for a burial to take place at a cemetery on Route 643. By consensus, the Board directed staff to send a "Thank You" letter to VDOT commending Anthony Barnes for the extra effort to assist in this effort.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

Mr. Sheffey inquired when VDOT would start mowing efforts and requested Pulaski County be placed first on the list for mowing. Mr. Clarke advised VDOT would begin mowing soon. Mr. Sheffey also requested VDOT consider mowing more than three times, with the potential to use money left over from lack of snow removal.

8. Treasurer's Report

Treasurer Melinda Worrell provided the monthly report.

Mr. McCready inquired as to the status of meals tax revenue. Commissioner of Revenue Trina Rupe advised revenues were somewhat less than the previous month, but were steadily coming in.

9. Reports from the County Administrator & Staff:

On a motion by Mr. Bopp, seconded by Mr. McCready and carried, the Board approved the following action related to the listed appointments, except for item 3 – Courthouse Exhibits Committee, which will be acted on as a separate item:

1. New River Community College

The Board appointed Jim Loux as a business representative on the New River Community College Board to fill the unexpired term of Hugh Huff, with said term ending June 30, 2012.

2. Industrial Development Authority (IDA)

The appointed Philip Baker to the IDA for a term ending January 30, 2013.

3. New River Valley Planning District Commission (NRVPDC)

The Board appointed Charles Bopp to replace Joe Sheffey when Mr. Bopp's floating term expires on June 30, 2012.

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.

Voting no: None.

Not present: Mr. O'Dell.

4. Courthouse Exhibits Committee

On the motion of Mr. Pratt, seconded by Mr. McCready and carried, the Board appointed Kathy Bopp and Robin Sherwood for an indefinite term.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

Voting yes: Mr. McCreedy, Mr. Sheffey, Mr. Pratt.
Voting no: None.
Abstaining: Mr. Bopp
Not present: Mr. O'Dell.

a. Key Activity Timetable

Mr. Sheffey inquired as to status of "Construction Management - Highland Park" on the Key Activity Timetable. Mr. Huber advised the final payment had been made for this project.

Mr. McCreedy referenced item A1 - "Emergency Management - Improvements to Peak's Knob Transmitter Site - Installation of new generator" on the Key Activity Timetable, noting two inmates were able to help with pouring concrete, one inmate which was a professional concrete finisher. Mr. McCreedy advised the inmate did an outstanding job and thanked Code Enforcement Officer Jamie Radcliff for coordinating these efforts.

b. Petition by the County of Pulaski to amend the following section(s) of the Pulaski County Zoning Ordinance:

- Article 1: Definitions, Use and Design Standards revise "Agritourism" standards; Article 24: Landscaping, Screening and Buffer Areas - Section 24-1 Statement of Intent and add Section 24-9.10.

Mr. Utt provided a summary of action at the February Board meeting where the Board tabled this request, pending receipt of a definition of "agritourism". Mr. Utt read the definition from the Zoning Ordinance and advised the Planning Commission recommended approval.

Mr. McCreedy referenced comments made by Genie Zunic at the February Board meeting at which time numerous documents were distributed by Ms. Zunic. Mr. McCreedy advised he had read all of the information distributed by Ms. Zunic and had follow-up discussions with Mr. Pratt regarding the information presented by Ms. Zunic. Mr. McCreedy advised he saw no conflicts between the information presented by Ms. Zunic and the county's petition to amend the section of the zoning ordinance related to "agritourism".

Jean Evans questioned why Pulaski County would need to have a definition of agritourism for privately owned land. Mr. Pratt provided an explanation, noting the agritourism definition included in the Zoning Ordinance says "general public" and described potential scenarios where agritourism is needed. Ms. Evans referenced an event held on Mr. Pratt's private property. Mr. Pratt

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

advised the event was not opened to the public. Ms. Evans expressed concern that citizen's property rights are not being protected.

Mr. Utt provided an example of an event that is not agritourism, indicating if someone charges admission to an event, this would be considered agritourism.

Mr. McCready referenced the Sinkland Farms in Christiansburg, noting an admissions fee is charged to enter the Farms and putting the definition in Zoning Ordinance was a means of protecting property rights and is a reasonable use.

On a motion by Mr. McCready, seconded by Mr. Pratt and carried, the Board approved the Petition by the County of Pulaski to amend the following section(s) of the Pulaski County Zoning Ordinance: Article 1: Definitions, Use and Design Standards revise "Agritourism" standards; Article 24: Landscaping, Screening and Buffer Areas – Section 24-1 Statement of Intent and add Section 24-9.10 as follows:

- Article 1: Definitions, Use and Design Standards revise "Agritourism" standards;

An **agritourism** activity must meet the following standards:

2. When adjoining a *residentially zoned* parcel (*R, R1, R2, R3, RR*) ~~used for residential purposes,~~ the following shall apply:
 - a. The shared property line shall be screened by landscaping approved by the Zoning Administrator. *per Article 24: Landscaping, Screening and Buffer Areas.*
 - b. A buffer area of at least twenty (20) feet must be provided along the property line where that residential use is. This area shall be kept clear of any materials, vehicles or other equipment at all times. *The Zoning Administrator, in unusual circumstances, including but not limited to, uses that have a considerable distance from the property line, may at his/her discretion determine applicability of this requirement.*
- Article 24: Landscaping, Screening and Buffer Areas – Section 24-1 Statement of Intent and add Section 24-9.10.

ARTICLE 24: LANDSCAPING, SCREENING AND BUFFER AREAS ¹

24-1. Statement of Intent

The intent of these requirements is to enhance the appearance and natural beauty of the County and to protect property values through preservation and planting of vegetation, screening and landscaping material. The requirements are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; to prevent the erosion of soil and the excessive runoff of water and the consequent depletion of the groundwater table and pollution of water bodies. With the exception of Single-Family-Detached units, Duplex Residential units, Townhomes and Agricultural uses *as defined in Article 1: Definition, Use and Design Standards – Farming*, the provisions of this section shall apply to all new development and changes of use, additions and expansions which increase the intensity of existing development a minimum of 3,000 square feet.

24-9.9 Plants that restrict sight visibility at intersections of streets or driveways, such as tall shrubs or low branching trees should be avoided. Where lot size, shape, topography or existing structures make it not feasible to comply with the provisions of this section.

24-9.10 The Zoning Administrator may modify these provisions, provided that the alternate proposal will afford a degree of landscaping, screening and buffering equivalent to or exceeding the requirements of these regulations.

Voting yes: Mr. McCreedy, Mr. Sheffey, Mr. Bopp, Mr. Pratt.

Voting no: None.

Not present: Mr. O'Dell.

c. Preliminary Budget Recommendations

Mr. Huber, Ms. Newby and Mr. Hiss provided detailed charts and graphs related to the FY 2013 budget and described the following: the process for coming up with budget recommendations; local revenues and projected state and federal revenues; the current cash situation; the need for maintaining a minimum recommended reserve of 10% of overall budget; revenue history; options for revenues; revenues that are capped by state law; the two sources of additional revenue, which are Real Estate and Personal Property (fairer of two, more widely spread amongst residents of county); expenditure history; charts reflecting the preliminary budget requests and proposed cuts; a listing of costs that aren't controlled

¹ Article 24 Added 07/23/2007

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

by the county; health insurance costs; and costs associated with the Line of Duty Act. Copies of all documents presented are filed in the office of the County's Finance Director.

Mr. Sheffey inquired as to how much of county funds are allocated for the school budget, including funds from the State. Ms. Newby offered to provide the information in an upcoming weekly update.

Mr. Sheffey questioned if the senate had approved a partial budget. Ms. Newby advised recent email from the Compensation Board had indicated it would be May 1st before any concrete information could be provided by the state.

Mr. Huber thanked Treasurer Melinda Worrell for assistance in providing detailed sales tax information.

Mr. McCready inquired as to the amount of funds that must be matched by the county to those funds allocated by the state to schools. Ms. Newby offered to provide the information in an upcoming weekly update.

Mr. McCready advised 72% of the bond payments were related to schools.

Ms. Erin Edwards inquired if school employees were included in the county's insurance rates. Mr. Hiss explained the schools and county were all part of same Consortium; however, the schools have a different renewal rate which is based on claims experience. Mr. Hiss also advised the schools and county have the same health plan and benefits.

Ms. Newby described legislation under consideration related to the Virginia Retirement System and the potential effect on localities and employees.

Mr. Huber provided a comparison of different real estate rates over time and described the history of real estate tax rates.

Mr. Huber summarized how the overall current infrastructure was built on a 60-cent tax rate.

Mr. Huber expressed appreciation to Ms. Newby, Mr. Hiss and Mr. Linkous for assistance in compiling budget recommendations.

Ms. Newby described the audit process and advised audits should be available within the next two weeks, with a presentation to be scheduled by the auditor for the April 23rd Board meeting.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

Ms. Newby advised the contract for auditing services would need to be renewed and a Request for Proposals will be sent accordingly.

Mr. McCready advised, in addition to the need for the Board to review the potential need for new middle schools, the need also exists to review providing updated county accounting software.

Mr. Huber advised the recommended capital expenditures had been developed with the focus on life safety and maintenance issues.

Ms. Newby advised the real estate assessment software needed to be updated.

Mr. Sheffey inquired regarding the timeline for setting of the real estate tax rate. Mr. Huber advised any changes to the real estate tax rate would have had to be set at the March 26th Board meeting and that deadline had passed; however, Mr. Huber noted an adjustment could be made to the tax rate which would take affect this time next year, affecting the second half of real estate taxes due on June 5, 2013.

Mr. Sheffey thanked county staff for efforts put forth in preparing the budget recommendations.

Mr. Underwood commented on the expenses related to funding a new joint garage, specifically related to the costs associated in providing fuel pumps. Mr. Sheffey offered to have staff provide Mr. Underwood with information regarding the garage proposals.

d. NRV Comprehensive Economic Development Strategy

Mr. Huber explained that each year the New River Valley Planning District Commission solicits suggestions from member localities for projects to be considered for possible state or federal funding.

The Board reviewed the current listing with a staff recommendation to remove several items and add the "update of the 911 dispatch system" and "secondary road system improvement on Julia Simpkins Road in support of local employer".

Mr. Pratt requested additional details regarding the Julia Simpkins Road matter. Mr. Huber provided an explanation.

On a motion by Mr. McCready, seconded by Mr. Bopp and carried, the Board deferred action on this matter to the April 9, 2012 Board agenda, pending receipt of additional information.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.
Voting no: None.
Not present: Mr. O'Dell.

e. Pat and Leslie McCarthy Dock Roof Removal

Mr. Huber and Mr. Utt explained previous action by the Board regarding McCarthy's request, advising that Mr. McCarthy was unable to meet the May 1, 2012 deadline set by Board and therefore was requesting an extension.

Mr. McCready inquired if Mr. McCarthy had indicated he would be able to meet an extended deadline if granted. Mr. Utt advised it was his understanding that Mr. McCarthy could have the dock removed by August 1, 2012, should the Board approve his requested extension.

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved extending the deadline for Mr. McCarthy to remove his dock to August 1, 2012.

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.
Voting no: None.
Not present: Mr. O'Dell.

Mr. Sheffey advised Board had taken action at a previous meeting on item 10g.

Mr. McCready requested pulling items "h" and "k" for discussion and separate action, if appropriate.

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.
Voting no: None.
Not present: Mr. O'Dell

10. Items of Consent

On a motion by Mr. McCready, seconded by Mr. Pratt and carried, the Board approved the following items of consent, except for items "h – NRV Airshow Sponsorship" and item "k – NRV Wireless Authority Membership Expansion" which were pulled from the overall approval of Items of Consent.

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.
Voting no: None.
Not present: Mr. O'Dell.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

a. Approval of Minutes of February 21, 27, March 5 & 12, 2012 Meetings

The Board approved the minutes of the February 21, 27, March 5 & 12, 2012 Board of Supervisors meetings with a correction to the March 5th minutes.

b. Accounts Payable

The Board approved accounts payable for checks numbered 2025615 through 2026218, subject to audit.

c. Interoffice Transfers & Appropriations

The Board approved interoffice transfers totaling \$34,133.62 and appropriations as follows:

GENERAL FUND #13		
Account Number	Account Title	Amount Increase (Decrease)
<u>REVENUES:</u>		
		\$ -
	TOTAL	\$ -
<u>EXPENDITURES:</u>		
100-093000-9206	Transfer to CIP Fund	\$ 30,500.00
100-091100-5950	Miscellaneous Expenses (Civil War 150th Funding)	1,000.00
100-053240-5699	Pulaski Area Transit Operating Expenses	3,750.00
100-081500-5699-010	Business Expo	500.00
100-071320-3111	Randolph Park Pre Employment Drug Screens	1,500.00
100-091400-9301	Transfer from Contingency Funds	(37,250.00)
100-021600-8101	Clerk of Circuit Court Machinery & Equipment	400.00
100-021600-5850	Clerk of Circuit Court Other Miscellaneous Expenses	(400.00)
	TOTAL	\$ -

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

CAPITAL IMPROVEMENTS FUND #7		
Account Number	Account Title	Amount Increase (Decrease)
<u>REVENUES:</u>		
302-041050-1000	Transfer from General Fund	\$ 30,500.00
	TOTAL	\$ 30,500.00
<u>EXPENDITURES:</u>		
302-012560-8112	County Garage Improvements	\$ 10,500.00
302-043200-8111	Courthouse Building Improvements	20,000.00
	TOTAL	\$ 30,500.00

CAPITAL IMPROVEMENTS FUND #7

Account Number	Account Title	Amount Increase (Decrease)
<u>REVENUES:</u>		
302-041050-1000	Transfer from General Fund	\$ 30,500.00
	TOTAL	\$ 30,500.00
<u>EXPENDITURES:</u>		
302-012560-8112	County Garage Improvements	\$ 10,500.00
302-043200-8111	Courthouse Building Improvements	20,000.00
	TOTAL	\$ 30,500.00

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

SCHOOL FUND #1

Account Number	Account Title	Amount Increase (Decrease)
REVENUES:		
3-205-33020-0200	Title I	\$ 321.47
3-205-33020-4700	Education Jobs Fund	\$ 16,665.97
3-205-33020-1900	SPED Flow Through	\$ 9,450.00
3-205-33020-1100	Title III LEP	\$ 2,686.03
3-205-33020-2400	Carl Perkins VocEd	963.71
	TOTAL	\$ 30,087.18
EXPENDITURES:		
4-205-061100-5806-200-1C	Indirect Cost - Title I	\$ 321.47
4-205-061100-1121-200-1C	Salaries Teachers - Education Job Fund	16,665.97
4-205-061100-1121-200-1C	Salaries Teachers - SPED Flow Through	9,450.00
4-205-061100-1621-200-1C	Supplements - Title III LEP	2,686.03
4-205-061100-8101-350-3C	Replacement Machinery & Equip - Carl Perkins VocEd	963.71
	TOTAL	\$ 30,087.18

- d. Ratification and/or Approval of Contracts, Change Orders & Agreements, etc. - Dept. of Mines, Minerals and Energy Contract

The Board approved the contract with the Department of Mines, Minerals and Energy for a total amount not to exceed \$300,000 to support the Energy Retrofit Projects.

- e. Personnel Changes

The Board reviewed recent personnel changes.

- f. National County Government Month

The Board approved the following proclamation declaring April National County Government Month:

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

WHEREAS, the nation's 3,068 counties provide a variety of essential public service to communities serving 300 million Americans; and

WHEREAS, Pulaski County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, county governments are essential to America's healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and coverage programs for the uninsured; and

WHEREAS, the National Association of Counties President Lenny Eliason is encouraging counties to promote healthy living and lifestyle choices in communities across the country through his 2011-12 "Healthy Counties", presidential initiative; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve.

NOW, THEREFORE, BE IT RESOLVED THAT WE, the Pulaski County Board of Supervisors, do hereby proclaim April 2012 as National County Government Week and encourage all Pulaski County officials, employees, schools and residents to participate in county government week activities.

g. Letter of Support for LewisGale Medical Center's Application for NICU Services

Mr. Sheffey advised action providing support by the Board had been taken at a previous Board meeting.

h. NRV Airshow Sponsorship

Mr. McCready inquired as to funding provided by the Board for previous airshows.

Mr. Bopp expressed concern over providing funding for this purpose and suggested efforts be made to seek sponsorships from private corporations.

Mr. Sheffey noted the potential economic impact from the 2012 Airshow is considerable and referenced the economic impact seen from the bike tour held in Pulaski County in the summer of 2011.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

Mr. Huber advised the first \$10,000 requested of the total \$20,000 would be matched by the Virginia Tourism Association.

Mr. McCready inquired if the Town of Dublin and Pulaski had been approached for funding. Mr. Utt advised it was his understanding the Town of Dublin was providing approximately \$2,500 in funds towards the Airshow.

Mr. Hiss recommended committing to \$10,000 to allow for a match by the Virginia Tourism Association, due to the application having to be submitted in May.

Mr. Pratt expressed concern over providing the additional \$10,000, until additional information is provided to the Board.

On a motion by Mr. McCready, seconded by Mr. Pratt and carried, the Board approved an expenditure of \$10,000 for the Airshow, subject to applying for and receiving a \$10,000 match from the Virginia Tourism grant.

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.

Voting no: None.

Not present: Mr. O'Dell.

Jean Evans requested clarification on the amount approved. Mr. Sheffey advised the \$10,000 grant is for this year only and there was no recommendation for an amount for next year.

i. Baskerville CDBG Project Budget Revision

The Board approved sending a letter requesting reallocation of \$15,550 from design work to construction work for this project.

j. Pulaski Tornado Recovery Project Amendments

The Board re-adopted project changes in order to combine volunteer labor with state funding, a copy of which is filed with the records of this meeting.

k. NRV Wireless Authority Membership Expansion

Mr. McCready requested tabling this matter to the April 23, 2012 Board meeting to allow for staff feedback.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

On a motion by Mr. McCready, seconded by Mr. Bopp and carried, the Board approved tabling this matter to the April 23, 2012 Board meeting to allow for staff to provide more details and feedback.

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.

Voting no: None.

Not present: Mr. O'Dell.

11. Citizen Comments

James McClanahan inquired as to whether or not the revisions to the Zoning Ordinance, as it relates to agritourism, would regulate how many people can attend an event. Mr. Pratt explained existing language related to screening regulations.

Mr. Utt advised through the Zoning ordinance there are no limitations placed on the number of folks on properties.

Mr. Huber advised the recommended changes, which were approved by the Board, was in an effort to liberalize the screening requirements and make easier for citizens.

Carl Lambert requested an explanation of item 10d on the Items of Consent related to the Department of Mines, Minerals and Energy. Mr. Huber advised the grant is for the upgrading of lighting and pumps.

Mr. Lambert also requested an accounting on the tornado funds and how money was disbursed. Mr. Huber advised funds were not used for administrative costs or landfill costs. Mr. Lambert inquired if the building official for the county was paid for overtime work from these funds. Mr. Huber advised any funds paid for overtime were paid out of county funds and not tornado funds. The Board requested staff provide a financial accounting to Mr. Lambert.

Alan Thornton inquired as to where the Comcast operations stood as it relates to maintaining a local office, noting Pulaski County residents have no local office to visit. Mr. Huber advised legal action against Comcast has been considered with Comcast negotiating a means of being released from the contract. Staff was requested to follow-up with Comcast representatives to determine the status, as well as when the current contract is set to expire and provide an update to the Board at a future meeting.

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

12. Other Matters from Supervisors

Mr. McCready advised of a meeting with a NRV Unwired representative (internet provider) to look at the possible use of the tower on Cloyd's Mountain to run a link from Peak's Knob to Dismal Mountain back to Virginia Tech, which could possibly provide high speed Internet service on Little Creek and improve internet service to Back Creek. Mr. McCready advised Hoover Color set an antenna on the mountain and now have reliable internet service.

Connie Thornton inquired of any assistance the county could provide in seeking cell phone service past Schrader Hill on Robinson Tract. Mr. Sheffey recalled circumstances where cell phone companies had appeared before the Board asking for permission to place service on towers. Staff was requested to research the matter and provide additional information at a future meeting.

Mr. Bopp advised of the potential use of the water tank located on top of hill on Robinson Tract for antenna placement.

Morgan Morris inquired as to rates of the NRV Unwired. Mr. McCready advised it was his understanding the rate is approximately \$40 per month.

Mr. Morris suggested the attendance of the VDOT resident engineer at monthly Board of Supervisor meetings was unnecessary and any highway matter related items could be sent to VDOT via e-mail or by phone. Mr. Sheffey advised that having the VDOT resident engineer attend the monthly meeting was beneficial to the Board and to the citizens making inquiries regarding road matters.

Mr. Sheffey recalled information contained in a recent weekly update regarding VDOT's request for a meeting with county staff to discuss any interest that the county would have in improving and maintaining the New River access area under the Route 114 Pepper's Ferry bridge. Mr. Sheffey relayed his understanding that the crew for the Virginia Tech scuba diving team and some local fisherman may be potential contacts interested in providing input regarding this matter. Mr. Sheffey advised VDOT was looking to the county to provide funding for some repairs and expressed a desire to have citizen input.

Mr. Sheffey advised at the last New River Valley Planning District Commission meeting plans were made to have someone attend the April 26th NRVPDC meeting to provide information on the current stormwater management, as well as the projected plans.

Mr. McCready advised of an individual at his church who was involved with the office overseeing stormwater management who had offered to make presentations to localities including board members and staff, as it relates to

BOARD OF SUPERVISORS MEETING MINUTES OF MARCH 26, 2012

unfunded mandates related to stormwater management. Mr. McCready offered to provide staff with the name of the contact for passing to Kevin Byrd.

Mr. Sheffey described a brochure entitled "Development District Association of Appalachia", which features Volvo as it relates to what they are doing in partnering with Virginia Tech and three Local Development Districts (LDDs) in the provision of technical assistance to transportation equipment manufacturing firms to bolster industry expansion.

13. Adjournment

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board of Supervisors adjourned its regular meeting. Mr. Sheffey advised the Board was scheduled to meet for a social on Saturday, March 31st at 6:00 p.m. at Peter Huber's home.

The next Board of Supervisors meeting is a budget work session scheduled for Monday, April 2, 2012 beginning at 6:00 p.m., with said meeting being held in the Central Conference Room of the County Administration Building, 143 Third Street, NW, in the Town of Pulaski, Virginia.

Voting yes: Mr. McCready, Mr. Sheffey, Mr. Bopp, Mr. Pratt.

Voting no: None.

Not present: Mr. O'Dell.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator