

BOARD OF SUPERVISORS MEETING MINUTES OF JANUARY 28, 2013

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, January 28, 2013 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 McCready; 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, County Attorney. Gena Hanks, Clerk to the Board; and Diane Newby, Finance Director, 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 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 O'Dell 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
- Former Employee

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:

- Fairview Home

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

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Legal Matters – Pursuant to Virginia Code Section 2.2-3711(A)7 consultation with legal counsels and briefing by staff for discussion of specific legal matters and matters subject to probable litigation regarding:

- Zoning Violation
- Contractor Pay Violations
- Radford University Real Estate Foundation

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. Bopp, seconded by Mr. Pratt 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. McCready 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.

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2. Welcome, Pledge and Invocation

a. Welcome

Chairman Sheffey welcomed those in attendance and called the meeting to order.

b. Pledge of Allegiance

Chairman Sheffey introduced Girl Scout Troop #408 – Pulaski/Dublin, who led the pledge.

c. Invocation

The invocation was delivered by Reverend Randy Winn of the First Christian Church.

3. Recognitions

Mr. Sheffey advised there were no “Featured Employees” to be recognized this month due to the department scheduled to designate employees having recognized all of that department’s employees. Mr. Huber advised the “Featured Employees” recognition would need to be reduced back to recognizing one employee per month due to many of the departments having recognized most, or all, employees in their respective departments.

4. Additions to Agenda

Mr. Huber advised of the following additions to the agenda:

- Electronic Civil and Criminal Court Records - \$29,700 federal with \$3,000 local match
- Replacement of Portable Radios in the Sheriff’s Dept. - \$30,996.85 federal with \$3,444.10 local match
- Purchase of Surplus Excavator from NRRRA landfill – \$40,000.

5. Public Hearings

Mr. Sheffey explained the purpose of the public hearings was to allow for citizen input.

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- a. Petition by Pulaski County for revisions to the Pulaski County Comprehensive Plan – Future Land Use Map from Residential to Agricultural on the following tax map parcel: 067-017-0000-0004, Ingles District.

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

Staff reviewed the Comprehensive Plan Future Land Use Map to find the property is listed Residential. The Board of Supervisors on December 17, 2012 approved the conditional rezoning with the voluntary proffers presented by Mr. & Mrs. Rash. Therefore, with the approval of conditional rezoning to Agricultural (A1) the Commission needs to review and recommend approval or denial to revise the Comprehensive Plan Future Land Use Map from Residential to Agricultural.

Mr. Utt advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing.

Mr. McCready advised the request would align the land use map with action taken by the Board at its December 2012 meeting.

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

On a motion by Mr. McCready, seconded by Mr. O'Dell and carried, the Board approved the revisions to the Future Land Use Map from Residential to Agricultural for parcel 067-017-0000-0004.

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

Voting no: None.

- b. Petition by Thomas C. & Mary M. Rash for a Special Use Permit (SUP) to allow a Garage, Public on property located at 6634 Dunkard Rd., (Rt. 661), 067-017-0000-0004, Ingles District.

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

The owners were granted by the Board in December 2012 Conditional Rezoning to Agricultural with Voluntary Proffers. The Voluntary Proffers include the property reverting back to Residential (R2) if transferred or sold. There were several items the Board

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inquired about, such as the dirt pile, present uses of building, selling of golf carts and/or parts, access to the building by the public, provision of restrooms, business license requirements, means of receiving deliveries and no outside storage be allowed.

The owners are requesting a Special Use Permit (SUP) to allow for a "Garage Public" to continue repair, perform maintenance and customize golf carts in the existing garage located at the end of the paved driveway. According to the owners, the garage is being utilized for storage of personal items at this time. The owners also wish to utilize the existing garage located directly behind the dwelling for storing parts and accessories for golf carts with the intent to sell to the public these types of items. This garage is currently being used to house parts, accessories, and do maintenance, repair and customizing golf carts. The Agricultural District allows the "Garage Public" by Special Use Permit (SUP) and is defined as follows:

"Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles. This includes a rebuilder as defined by Section 46.2-1600 of State Code. This does not include salvage dealers, demolishers, or salvage pool operators as defined under said code. Garages are not intended to permanently store salvage vehicles, vehicle parts, or used tires. Temporarily disassembled or temporarily non-operated vehicles may be stored for no more than 12 months and shall be screened from adjoining properties by an opaque fence at least six (6) feet in height."

The owners are using the most recently constructed structure at the back of the property for personal storage. Their future use would be personal storage, part storage and golf carts if needed due to the golf carts being high theft items. They would be stored in this structure if repair is to extend into a few days. This will also allow the carts to be stored in a structure and not visible to the neighborhood. The owner has obtained a County Business License to operate, the dirt pile has not been disposed of, which the owner has informed staff should be moved very soon. The owners are operating a By-Right Home Occupation Internet Sales within the basement of the existing dwelling.

Staff would like to propose the following conditions to the Special Use Permit (SUP), if recommended to the Board for approval and the Board approves the Special Use Permit (SUP) as recommended.

1. The dirt pile to be removed no later than thirty (30) days of the Boards approval at their January 28, 2013 meeting or February 26, 2013.
2. The property owner will be allowed to sell items such as parts and accessories for golf carts from the existing garage located

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directly behind the dwelling on Friday and Saturday only from 8:00 a.m. to 4:00 p.m.

3. The property owner will comply with all state, federal and local regulations to sell items for golf carts from the existing garage located directly behind the dwelling (i. e. accessibility to the building by the public, provision of restrooms, off-street parking in accordance with Article 14).
4. There will be no deliveries received at the subject property by tractor trailers (18 wheels). Deliveries can be received during reasonable hours on weekdays from box trucks (i.e., UPS Truck, FedEx).
5. There will be no outside storage of parts, accessories, building materials, temporarily disassembled or temporarily non-operated vehicles and/or golf carts on the subject property.
6. There will be no rental of storage to the public in any of the structures of any kind.

The "Garage, Public" will require a Minor Site Plan review and approval should the Special Use Permit with conditions be approved by the Board.

Mr. Utt advised the dirt pile had been removed, which had been of concern to adjacent property owners and the Board. Mr. Utt also advised the Planning Commission recommended approval of the petition for a Special Use Permit (SUP), with conditions.

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

Mr. O'Dell shared a letter from Mr. Larry Leonard who was opposed to the request.

Mr. McCready questioned if the Planning Commission was in agreement with the conditions provided by the Rash's. Mr. Utt confirmed the Planning Commission was in agreement with the conditions proposed.

Mr. McCready questioned if the Rash's were allowed to sell items from inside their home. Mr. Utt advised that the sale of items within the home structure is considered a home occupation.

Mr. McCready provided information related to restroom facility regulations. Mr. McCready also pointed out that condition "two" cited compliance with all state, federal and local regulations. Mr. McCready requested confirmation by the Rash's that condition "five" would be met in that there would be no rental of storage to the public. Mr. and Mrs. Rash clarified that individuals may occasionally park golf carts at the building to allow for repairs and these carts are kept out of site. Mr. Rash clarified

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they were unable to store golf carts due to not being allowed for insurance purposes.

On a motion by Mr. McCready, seconded by Mr. O'Dell and carried, the Board approved the Planning Commission recommendation granting the requested Special Use Permit (SUP) to allow a Garage, Public on property located at 6634 Dunkard Rd., (Rt. 661), 067-017-0000-0004, Ingles District subject to the following conditions:

1. The property owner will be allowed to sell items such as parts and accessories for golf carts from the existing garage located directly behind the dwelling on Thursday, Friday and Saturday from 8:00 a.m. to 5:00 p.m.
2. The property owner will comply with all state, federal and local regulations to sell items for golf carts from the existing garage located directly behind the dwelling (i.e., accessibility to the building by the public, provision of restrooms, off-street parking in accordance with Article 14).
3. There will be no deliveries received at the subject property by tractor trailers (18 wheels). Deliveries can be received during reasonable hours on weekdays from box trucks (i. e. UPS Truck, Fed Ex).
4. There will be no outside storage of parts, accessories, building materials, temporarily disassembled or temporarily non-operated vehicles and/or golf carts on the subject property.
5. There will be no rental of storage to the public in any of the structures of any kind.

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

Voting no: None.

- c. Petition by Gilbert S. & Frances L. McCutcheon ET AL for a Special Use Permit (SUP) to allow a second manufactured home on property located at 6760 Blue Sky Ln. (Rt. F066) zoned Agricultural (A1), 058-001-0000-024B, (Ingles District).

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

The owners are applying for a Special Use Permit (SUP) for a second manufactured home they wish to install on property located at 6760 Blue Sky Lane. The property is 5 acres which at this time is more than enough to support future subdivision, if needed. The property presently has one (1) manufactured home located on the most northern portion of the property. The existing manufactured home was placed on the property in January 2008. There will be

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approximately 80 to 100 feet between the existing and proposed manufactured homes.

The Agricultural (A1) zone has a minimum lot area of 30,000 square feet per lot. The Agricultural (A1) allows the second and additional residences per lot with separate utility services. The owners wish to install the second manufactured home on the property for Frances, who is 90 years of age, living alone in Northern Virginia and unable to manage day to day routines without help. The owners plan to remove one of the homes at the time of Frances being moved to full-time care or her passing. The ordinance allows one (1) manufactured home on the property by right and requires a Special Use Permit (SUP) for the second.

The owners will install a separate septic system and share the well. The existing driveway off of Blue Sky Lane. (Rt. F066) will serve both homes. The placement of the proposed manufactured home will meet all setback requirements including the interior distance of at least 20 feet. The property lies flat where the proposed home is to be located.

In accordance with the Pulaski County Zoning Ordinance Article 17: General Provisions – Section 17-3.11 states the following:

“A Special Use Permit (SUP) becomes void if the permit is not utilized within twelve (12) months after approval, or in the event the use has been discontinued for a consecutive twelve (12) month period.”

Mr. Utt advised the owners do expect to install a separate septic system and allow for the well on site to be shared. Mr. Utt advised the Planning Commission recommends approval of the request.

Mr. Sheffey inquired as to what would occur if the occupant moves out of the manufactured home. Mr. Utt advised the zoning ordinance has a stipulation that if the permit is not used for twelve consecutive months, or if there are no occupants within those 12 months, the permit is null and void.

Mr. McCready referred to a statement by the owners related to removal of one of the existing mobile homes located on the property.

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

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On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved a Petition by Gilbert S. & Frances L. McCutcheon ET AL for a Special Use Permit (SUP) to allow a second manufactured home on property located at 6760 Blue Sky Lane. (Rt. F066) zoned Agricultural (A1), 058-001-0000-024B, (Ingles District).

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

Voting no: None.

6. Presentations and Citizen Comments

Mr. Dave Gruber provided information regarding item 9b – **“Request for Support for Navigational Buoys on Claytor Lake”**, a copy of which is filed with the records of this meeting.

Board members commented regarding the following: if there were similar buoys at Smith Mountain Lake; the purpose for lighted buoys; APCo's approval of lighted buoys; any requirements by FERC for navigational aids; silt problems at Claytor Lake; potential for installing delineators rather than buoys; concerns over hazards posed to lake travelers as a result of lights on buoys; and use of running lights by boaters, rather than lighting the buoys.

Ms. Genie Zunic suggested residents along Claytor Lake should be polled to seek input regarding the installation of lighted buoys.

Mr. Alan Stratton expressed concern that the installation of lighted buoys would create a safety hazard for boaters on the lake. Mr. Stratton expressed support for the proposal by ACPo to FERC for 14 test buoys, noting the Board of Supervisors should be open to feedback from the community as to their effectiveness. Mr. Stratton also described some of the potential “negative” impacts of the buoy installations.

Ms. Laura Walters expressed appreciation to the Board for tabling this matter from the December Board meeting, as well as expressed support of ACPo's application to FERC. Ms. Walters also requested consideration to extending the test period for the buoys to November 1, 2013, which would provide an opportunity for the collection of more information and to gage the effectiveness of the buoys.

Mr. Brian Bongard distributed documentation related to buoys and expressed his desire for the Board to not approve the plan as submitted by APCo, citing no safety benefits that could be gained from the installation of the test buoys.

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Mr. Johnny Garrett described his expertise with boaters on Claytor Lake and advised he had never been contacted by boaters who were lost on the lake. Mr. Garrett described the state law as it related to the distance a boater must stay from docks and the shoreline and further expressed concern over the narrowing of traveling lanes along the lake, should buoys be installed.

Mr. Bernard LeFleur described his experience in fishing during bass tournaments and the need for lighted buoys during inclement weather, in particular fog. Mr. LeFleur also expressed support for APCo's application to FERC.

Mr. Garrett Weddle expressed opposition to the proposed test buoys, describing concerns over the narrowing of channels and the potential for there to be less area for boats to travel. Mr. Weddle also expressed concern over the visibility of the proposed test buoys from his personal property.

Mr. McCready inquired of the representatives from the Department of Game and Inland Fisheries who were in attendance at the Board meeting, if the proposed navigational aids would likely prevent accidents. Sgt. Charlie Mullins advised there were no reported accidents as a result of navigational aids and that well over 50% of the accidents on the lake are due to skier mishaps.

Mr. John Johnson expressed opposition to the proposed test buoys, citing concerns on the inability for boaters to turn in the channel and also the buoys would interfere with the "serenity" of the lake. Mr. Johnson suggested APCo could better utilize funds by installing kiosks and maps for the public.

Jack Hinshelwood, Executive Director, The Crooked Road: Virginia's Heritage Music Trail, requested an opportunity to speak regarding item 9c – **"Request for Resolution of Support – The Crooked Road: Virginia's Heritage Music Trail"**. Mr. Hinshelwood distributed handouts and provided details related to a request for support by the Board of the designation of Southwest Virginia as a National Heritage Area (NHA), copies of which are filed with the records of this meeting.

Board members discussed the various correspondence provided by Mr. Hinshelwood which described the status of other localities having provided support for the proposed designation, the status of the legislative support and which noted receipt of emails from citizens expressing concern over property rights, should the area be designated a National Heritage area.

Board members also discussed park services involvement, funding concerns, including the need for matching funds by the locality, national recognition, Washington County's decisions related to NHA designation, and the potential for cutback in federal funding.

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Mr. McCready expressed appreciation to Mr. Hinshelwood for the extensive amount of work in making The Crooked Road a success and inquired if there were any areas of the program that had been neglected due to lack of funding. Mr. Hinshelwood described efforts underway for future funding methods. Mr. Hinshelwood cited the designation as a great opportunity for Pulaski County and other jurisdictions.

Mr. McCready indicated while local funding support of The Crooked Road is provided, there were concerns by Pulaski County citizens over federal government involvement. Mr. Hinshelwood responded he had heard similar concerns; however, he felt confident that local government would be in a position to keep up-to-date on federal government activities.

Mr. Sheffey thanked Mr. Hinshelwood for his work and for attending the Board meeting.

Ms. Genie Zunic expressed appreciation for the report provided by Mr. Hinshelwood and questioned the accuracy of the report provided. Ms. Zunic provided information related to research on The Crooked Road and expressed concerns that if Pulaski County provides support of the designation of Southwest Virginia as a NHA, localities would face difficulties with the federal government.

Ms. Brenda Blackburn requested a copy of The Crooked Road Board member listing. Mr. Hinshelwood provided a copy of the membership listing to Ms. Blackburn. Ms. Blackburn also advised of receipt of comments by Cathy Turner as to the potential for localities to fall under the control of the Park Service, if the area is designated a NHA. Ms. Blackburn inquired if the NHA was related to Agenda 21. Mr. Hinshelwood responded the NHA was not related to Agenda 21.

7. Highway Matters:

Mr. Clarke advised VDOT staff had focused on snow removal for the biggest part of January 2013.

a. Follow-up from Previous Board meeting

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

Mr. Clarke advised VDOT staff continued to monitor the issues related to potholes in the county, including areas along Mines Road and Rt. 99, with plans to patch areas, as time allows.

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Mr. Sheffey inquired regarding the status of potential for localities to become responsible for funding of "Watch for Children" signage. Mr. Clarke advised he anticipated having a full report on this matter at the February Board meeting.

Mr. Sheffey inquired regarding the status of previously requested speed studies in the county. Mr. Clarke advised a speed study was completed on Ruebush Road with results indicating no change in the speed limit; however, additional curve warning signage would be erected. Mr. Clarke offered to have VDOT to follow-up on the signage installation.

2. Fatz Signage

Mr. Huber advised he had received a report from Sheriff Davis of a second vehicle driving over the I-81 embankment attempting to get to Fatz Restaurant, and requested consideration to additional signage directing persons unfamiliar with the entrance.

Mr. Clarke advised VDOT could not provide signage for a private business; however, VDOT could provide Alexander Farm Road and I-81 ramp with signage.

Mr. Sheffey reported that Sheriff Davis had discussed the need for additional signage with the manager of Fatz. Mr. Huber suggested providing signage prior to the exit ramp might provide some relief.

b. Burleigh Horton Road – Request for Improvements

As reported in the Board packet, staff received a call from Darrell Bratton requesting VDOT assistance in maintaining and improving Burleigh Horton Road. Mr. Huber advised the road was at the bottom of the six-year plan "waiting list" and suggested the potential for use of revenue sharing funds, similar to the NRCC entrance road, with residents sharing in the cost of improvements.

Mr. McCready requested polling of residents of Burleigh Horton Road to determine their interest in sharing of costs for road improvements, should use of revenue sharing funds be used.

Mr. Clarke was requested to provide costs for improvements, prior to VDOT polling residents along Burleigh Horton Road. Mr. Huber noted use of revenue sharing funds would require making application and was

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not an automatic solution to the road matter. Mr. Clarke advised much of the decision related to the acceptance of revenue sharing applications depended upon funds available by VDOT.

c. Resolution in Support of the Proposed Extension of the New River Trail

Mr. Huber explained the request for adoption of a resolution allowing for the application of a portion of the additional \$1 million in state funding needed to extend the trail to Randolph Park.

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

**Resolution in Support of the Proposed Extension of the
New River Trail**

Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in the County of Pulaski, Virginia and,

Whereas, the New River Trail is located in the County of Pulaski and has been identified as one of the most visited State Park in Virginia and,

Whereas, the County of Pulaski is working with localities throughout the region to extend the New River Trail into Montgomery County, via the City of Radford's River Way Trail Network and ultimately connect it to the Huckleberry Trail system in order to provide for additional commuting opportunities for residents of the New River Valley and,

Whereas, the Engineering portion of the project was partially funded in FY07 in the amount of \$53,000 and \$94,000 in FY08 for the Engineering phase of the project and \$200,000 in FY12 to go toward the Construction phase and,

Whereas, the County of Pulaski wishes to apply for additional funding in this fiscal year for the construction of the project and believes time is of the essence.

Now, Therefore, Be It Resolved, that the County of Pulaski, requests the Commonwealth Transportation Board to establish a project for the improvement of the New River Trail extension.

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Be It Further Resolved, that the County of Pulaski hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the County of Pulaski subsequently elects to cancel this project the County of Pulaski hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

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

Voting no: None.

d. Guardrail at Intersection of Brookmont and Pond Lick Hollow Roads

Mr. Bopp thanked VDOT for improvements to the bridge, noting citizens continue to express concerns with the gap between the guardrails along Brookmont Road and those at the bridge crossing. Mr. Clarke was requested to review the request and provide an update at a future meeting.

Mr. Huber advised he and Mr. Sheffey would be attending a meeting in Richmond and offered to meet with representatives of VDOT. Mr. Clarke expressed appreciation to staff and the Board and advised a meeting would not be needed at this time.

b. Citizen Comments

Mr. Todd Wilson, Ms. Connie Thompson and Mr. Randall Hopkins, residents of Wilson Grove Road, requested VDOT provide improvements to Rt. 729, Wilson Grove Road, indicating the road is muddy in the winter and dusty in the spring/summer months and also poses a hazard to buses when traveling in inclement weather. Mr. Wilson submitted pictures of the road. Mr. Clarke offered to have VDOT staff review the matter.

c. Board of Supervisors Comments

Mr. McCready expressed appreciation for the center line painted on Claytor Dam Road to Blue Sky Lane.

Mr. McCready advised he was working with Anthony Barnes of VDOT on several matters, including cutting of areas with downed trees.

Mr. O'Dell inquired as to the possibility of Industrial Access Road funding for Rt. 708, Bethel Church Road site grading. Mr. Clarke advised Industrial Access Road funding is strictly for roads serving an industrial park.

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Mr. Bopp advised of fallen trees on Robinson Tract Road.

Mr. Bopp requested VDOT review the Pond Lick Hollow road for consideration of guardrail installation.

Mr. Pratt requested VDOT cut pine trees that are hanging on Delton Road, specifically at the sharp curve.

Mr. Pratt requested VDOT review the area of Little Wytheville for overhanging branches just past where road straightens up.

Mr. Sheffey thanked VDOT for the rapid clearing of roads during the recent storm events.

Mr. Sheffey inquired if VDOT planned to use inmates to perform some spring cutting of branches along Viscoe Road, particularly since the road did not qualify for speed reduction. Mr. Clarke advised VDOT did intend to use inmates for this purpose.

Mr. Sheffey described a recent conference call with Governor McDonnell in which the Governor's plans for transportation funding was outlined, and in which localities were requested to provide support. Mr. Clarke advised the proposal would provide a means of sustainable funding. Mr. Sheffey advised the Virginia Association of Counties had endorsed Governor McDonnell's proposal, noting VML had been asked; however, no response had been received at the time of the meeting. Mr. Sheffey advised he planned to speak with local representatives prior to bringing the proposal back to the Board.

Mr. Sheffey expressed concern over the continued decrease in funds received by the state for maintenance of roads, noting a decrease from year-to-year over the past ten years, further advising that county funding used to be well over \$1 million, with Pulaski County now receiving only approximately \$100,000 or less.

8. Treasurer's Report

Treasurer Melinda Worrell provided the monthly report to the Board and requested the Board approve advertising the second year delinquent real estate listing.

On a motion by Mr. McCready, seconded by Mr. O'Dell and carried, the Board approved advertising of the second year delinquent real estate tax listing in both the Southwest Times and the Patriot, as well as placing the listing on the county's website.

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Voting yes: Mr. McCreedy, Mr. O'Dell, Mr. Sheffey, Mr. Bopp, Mr. Pratt.
Voting no: none

Ms. Worrell advised the revenues, as a result of the advertisement, paid for the costs associated with advertising in both papers.

Mr. Pratt advised he had intended to provide a motion to authorize alternating the advertising in each of the papers from year to year.

Mr. Sheffey requested Ms. Worrell describe the distribution of the sales tax to the City of Radford.

Ms. Worrell described the process for distribution of sales tax, as well as the businesses in Fairlawn affected, noting the loss of revenue from the two recent closing of two restaurants in Fairlawn had been minimal.

9. Reports from the County Administrator & Staff:

On a motion by Mr. O'Dell, seconded by Mr. McCreedy and carried, the Board approved the following listed appointments:

1. Pulaski County Wireless Integrated Network Authority

The Board appointed Kevin Meredith for a four-year term ending 2017.

2. Telecommunications Committee

The Board appointed Warren Morris, Edwin Whitelaw, Sherri Turner, Christy Underwood, and Isaac Sarver to the Telecommunications Committee. The Board also reappointed Ed Belcher and Randy McAllister to the Telecommunications Committee.

3. Public Service Authority

The Board took no action on this matter. Staff was directed to place this matter on the February 6, 2012 Board work session agenda.

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4. School Safety Advisory Board

The Board appointed Dean Pratt as the county's representative on the School Safety Advisory Board.

5. Board of Zoning Appeals

The Board approved submitting Mary Rash to the Circuit Court Clerk's Office nomination of Mary Rash as a member on the the Board of Zoning Appeals.

6. Clean Community Council

The Board reappointed Laura Walters to the Clean Community Council for a term ending January 31, 2016.

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

Voting no: None.

Mr. Sheffey expressed appreciation for the recent responses received from the public related to solicitation of appointees to the Wireless Authority and Telecommunications Committee.

b. Request for Support for Navigational Buoys on Claytor Lake

Mr. Huber provided a recommendation for approval of the 14 test markers on the basis primarily of the inability of boaters to see these areas of the lake once covered with water.

Board members questioned the process, should the Board of Supervisors does not approve the staff recommendation. Ms. Rogers advised Board recommendation of either approval or disapproval would be submitted to the Department of Game and Inland Fisheries.

Mr. McCready questioned Sgt. Charlie Mullins with the Department of Game and Inland Fisheries (DGIF) as to what weight the DGIF gives to Board action. Sgt. Mullins responded the final decision is made by the State.

Board members discussed the following with Ms. Rogers: the purpose and effectiveness of the buoys; the potential for only testing 5-6 buoys; as opposed to 14; the potential for the State DGIF to override Board recommendation; the reasoning for the area chosen on the lake for the test buoys; the time period for the testing of buoys; and other areas on the lake in need of buoys.

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Mr. McCready expressed opposition to placement of the full 14 test buoys.

Mr. Pratt described his experience on the lake and expressed support for the number of buoys desired by APCo.

Mr. Bopp indicated he was in favor of the test buoys, noting concern however, over the opposition voiced by citizens at the Board meeting.

Mr. Pratt submitted a motion approving staff recommendation to install 14 test buoys, with the motion failing due to a lack of a second.

Mr. McCready offered a motion to install seven buoys, with five buoys being lit and two unlit, with testing period to last until November 1, 2013, at which time a report would be provided by APCo with the results of the testing.

Ms. Rogers clarified that APCo had made a recommendation; however, it was the Board's decision as to the number of buoys to be submitted to DGIF.

Mr. McCready inquired if there was another area of the lake that could be marked. Ms. Rogers advised the area chosen was due to the significant silt.

Mr. McCready withdrew his initial motion and offered a second motion to table action on this request to allow APCo time to provide the Board with information showing the area marked with five to seven buoys, rather than the initial 14 requested. Mr. O'Dell seconded the motion by Mr. McCready to table the request to the February meeting with the following roll call vote:

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

Voting no: none.

Mr. McCready advised it was his desire to have input from not only FOCL, but also the citizens on the lake.

Sgt. Mullins advised the ultimate decision is made by the Coast Guard, which could override any decision by the DGIF. Sgt. Mullins also advised the license agreement approved through APCo has been through the screening process.

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Ms. Rogers advised it may not be possible to have the information requested by the Board for the February 25th meeting, but would likely have results at the March meeting.

Staff was directed to place the matter on the February agenda, dependent upon APCo's ability to review and provide requested information.

Mr. McCready advised the Board of Supervisors had several meetings between the January 28th meeting and the regular March Board meeting and this matter could be placed on one of those agendas, if needed.

Ms. Rogers inquired if the Board is looking at another curve to place the buoys.

Mr. McCready suggested APCo find another curve that would warrant seven test buoys.

Ms. Rogers advised she would not be comfortable with not having all buoys lit.

c. Request for Resolution of Support – The Crooked Road: Virginia's Heritage Music Trail

Mr. Hiss described his representation on The Crooked Road Board and recommended the Board of Supervisors support the designation of SW Virginia as a National Heritage Area (NHA). Mr. Hiss also described the benefits of marketing the area, as well as the stability that would be provided to The Crooked Road.

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board tabled action on this matter to the March Board meeting to allow Mr. Hinshelwood an opportunity to provide additional information.

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

Voting no: none.

Mr. McCready thanked Mr. Hinshelwood for the research and information gathered and presented to the Board. Mr. McCready advised the two month delay should allow for gathering of additional information that would allow the Board to make a more informed decision.

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Mr. McCready expressed concern that the designation of the area as a NHA could delay repair to historical areas, such as was experienced during the tornado events.

d. Capital Improvements Plan

Mr. Huber reminded the Board of the February 6th Board meeting to review the CIP, with said meeting being held at 6:00 p.m. in the basement floor conference room of the County Administration Building.

e. Four-Year Goals

Mr. Huber advised the demolition of the former Dublin Primary School had begun, with use of mostly county forces in performing the work

Mr. McCready inquired as to the status of the funding for new financial software. Mr. Huber advised the next step is to issue a Request for Proposals for the software. Mr. Huber described a new interface by Bright, as well as interest by other localities in joining with the county in purchasing new software.

Mr. McCready inquired as to the status of working towards long term capital debt, noting a March 2013 goal. Mr. Huber advised the existing debt structure is being sent to Springsted for their review and input.

Mr. McCready indicated a desire to move forward in addressing long term debt, before the Board begins budget deliberations.

f. Request to Amend Minutes

Mr. Huber described a request by Mr. John Cox of Radford University Real Estate Foundation to amend the minutes of the August, 2012 Board meeting.

Mr. Cox addressed the Board and suggested the minutes of the August 2012 meeting did not provide a complete description of the statements made by Mr. Cox at that meeting. Mr. Cox submitted proposed wording revising the minutes of the August 2012 Board meeting.

Mr. McCready advised that the revision of Board minutes, following formal approval by the Board of Supervisors, is highly unusual and not typical action by the Board of Supervisors.

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On a motion by Mr. McCready, seconded by Mr. Pratt and carried, that the minutes stand, as submitted and previously approved, for the August 2012 Board meeting, with a copy of the formal request for revisions by Mr. Cox to be placed in the August 2012 Board of Supervisors official meeting packet.

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

Voting no: none.

g. Revenue Projections

Ms. Newby and Mr. Huber described in detail the Revenue Summary charts and graphs, copies of which are filed with the records of this meeting. Mr. Huber advised a one-cent increase in the real estate tax rate would generate \$266,000 annually. Mr. Huber also advised there were very few revenue options to citizens other than through the real estate and personal property tax.

Mr. McCready inquired regarding the debt amortization. Mr. Huber advised he was awaiting a response from Springsted.

h. Declaration of Local Emergency, Pulaski County, Virginia

Mr. Huber described the power outages throughout the County, as well as the outage at the Water Treatment Plant (WTP), as a result of the recent storm events. Mr. Sheffey questioned if the WTP had a generator. Mr. Huber responded that the WTP did not have a generator; however, with the recent events, the PSA Board would be requested to consider purchasing of generators.

On a motion by Mr. McCready, seconded by Mr. Bopp and carried, the Board approved the following declaration (resolution):

Declaration of Local Emergency, Pulaski County, VA

WHEREAS, the Director of Emergency Management of Pulaski County did hereby find:

That due to heavy and wet snowfall, downed power lines, disrupted water service, downed trees, a condition of extreme peril to life and property necessitated the proclamation of the existence of a local emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency does exist throughout the County of Pulaski, VA; and

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IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency, the powers, functions, and duties of the Emergency Management Organization of Pulaski County were those prescribed by State Law and the Ordinances, Resolutions, and approved plans of Pulaski County in order to mitigate the effects of said emergency.

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

Voting no: none.

Mr. Sheffey commended the entire staff for a great response during the recent storm event.

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved staff drafting a resolution commending County and PSA staff for the response during the storm event and place adoption of the resolution on February agenda.

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

Voting no: none.

10. Items of Consent

On a motion by Mr. McCready, seconded by Mr. O'Dell and carried, the Board approved the following items of consent, except for item f, Additional Streetlights, with review on this matter to be separate from the overall Items of Consent.

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

a. Approval of Minutes of December 17, 2012

The Board approved the minutes of the December 17, 2012 Board of Supervisors' meeting.

b. Accounts Payable

The Board approved accounts payable for checks numbered through 2031131 through 2031530, subject to audit.

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c. Interoffice Transfers & Appropriations

The Board approved the interoffice transfers #7 totaling \$45,630.15 and budget adjustments as follows:

GENERAL FUND #9		
Account Number	Account Title	Amount Increase (Decrease)
REVENUES:		
100-041999-0000	Transfer from Reserves	\$ 57,446.00
	TOTAL	\$ 57,446.00
EXPENDITURES:		
100-081500-3170	Economic Development Other Professional Services	\$ 12,613.00
100-051100-5610	New River Health District Annual Operating Expenses	6,318.00
100-093000-9206	Transfer to Capital Improvements Fund	18,815.00
100-093000-9203	Transfer to IDA Fund	18,800.00
100-021500-8101	J & D Court Machinery & Equipment	900.00
	TOTAL	\$ 57,446.00

GENERAL FUND #10		
Account Number	Account Title	Amount Increase (Decrease)
REVENUES:		
100-016010-0200	Sheriff's Fees	\$ 76.00
100-016030-1100	Share of Seized Property Sheriff	425.00
	TOTAL	\$ 501.00
EXPENDITURES:		
100-031200-6001	Sheriff Office Supplies	\$ 76.00
100-031200-6017	Sheriff Asset Forfeiture Supplies	425.00
	TOTAL	\$ 501.00

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CAPITAL IMPROVEMENTS FUND #4		
Account Number	Account Title	Amount Increase (Decrease)
<u>REVENUES:</u>		
302-041050-1000	Transfer from General Fund	\$ 18,815.00
302-031200-8101	Sheriff Machinery & Equipment	\$ 18,815.00
302-073100-8112-001	Library Replace Carpeting	(90,001.00)
302-043200-8245	Building Needs	90,001.00
	TOTAL	\$ 18,815.00

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

1. CDBG Contract - Baskerville Neighborhood Revitalization Project

The Board approved the CDBG contract for the Baskerville Neighborhood Revitalization Project.

2. Virginia Commission for the Arts 2013-2014 Local Gov't. Challenge Grant

The Board approved submittal of matching grant of \$5,000 to the Virginia Commission for the Arts for the 2013-2014 Local Government Challenge Grant.

3. Contract with Gay and Neel for Maple Shade Parking Lot Design and Construction

The Board approved a proposal from Gay and Neel for design and construction of Maple Shade Parking lot, a copy of which is filed with the records of this meeting.

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4. Virginia Department of Criminal Justice Services Domestic Violence Victim Fund

The Board accepted the annual award of \$4,000 supporting the local victim witness program.

5. Amendment – Baskerville Water & Sewer Infrastructure Upgrade – Draper Aden Associates

The Board approved an amendment related to supplemental services described in correspondence from Draper Aden Associates, a copy of which is filed with the records of this meeting.

6. Contract for Cost Allocation Plan

The Board approved an agreement with Maximum Consulting Services for three years at a cost of \$2,700 per year.

7. Agreement for Purchase of Fiber Line

The Board approved an agreement for the purchase of fiber optic line owned by Pulaski Furniture at a cost of \$3,000.

8. Regional CDBG Funding Priorities

The Board reviewed a listing of funding priorities listed by the New River Valley Planning District Commission. Staff was directed to advise the New River Planning District Commission of any changes to those currently listed by NRVPC.

9. County Garage Funding

The Board reviewed design details, etc. prepared by the County Engineer. Staff was directed to place review and approval of the cost estimates on the February 6, 2013 Board work session agenda.

10. Electronic Civil and Criminal Court Records

The Board approved a grant application to the Virginia Department of Criminal Justice Services for \$29,700 to be used for the purchase of the eLegal Case Pro server, licenses and training.

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e. Personnel Changes

The Board reviewed a report of recent personnel changes.

f. Additional Streetlights

Staff shared a request for the installation of three new streetlights at the Hidden Valley boat ramp at a cost of \$65.58 per month and one new light at McAdam Crossing along Rt. 99 at an initial one-time installation cost of \$4,517.73 and a monthly cost of \$16.86.

Mr. McCready introduced Troy Phillips, State Conservation Police Officer, and asked for details relating to the need for lights at the boat launch. Mr. Phillips described the frequent backup of boats on the Hidden Valley Boat Ramp, often at night. Mr. Phillips advised the addition of lights would also assist in curtailing criminal activity in the area and advised there were no overhead lines that would affect a boat with a tall mast.

On a motion by Mr. McCready, seconded by Mr. Pratt, and carried, the Board approved a request for lights as described above, as well as authorized staff to negotiate with the Moose Lodge as to sharing of the cost of McAdam light since the Moose Lodge is a private facility generating most of the traffic at that intersection.

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

Voting no: none.

g. Juvenile & Domestic Relations Court Shredder

The Board approved an appropriation for purchase of heavy duty paper shredder at a cost of \$900.

h. Surplus Fire Department Vehicles

The Board approved the surplus of three fire trucks from the Dublin Fire Department when new truck arrives, with listing of trucks to be surplus to be described in the meeting packet.

i. Fingerprinting Identification Network System

The Board approved a transfer from reserves of \$18,815 to upgrade current software/hardware package for system.

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j. Replacement of Portable Radios in Sheriff's Dept.

The Board approved replacement of radios with a local match of \$3,444.10, with a \$30,996.85 federal match.

k. Purchase of Surplus Excavator from NRRRA landfill – \$40,000)

The Board approved a purchase of an excavator at \$40,000.

11. Citizen Comments

- Presentation by Pulaski Community Partners Coalition (PCPC)

Ms. Lee Spiegel, Coordinator of PCPC, thanked the Board for the opportunity to speak and presented a video describing PCPC's efforts. Ms. Spiegel described the purpose of the PCPC, and requested the Board continue to support making substance abuse reduction a primary focus by the County. Ms. Spiegel advised the Board a resolution of support would be presented for review and consideration to adoption at February Board meeting.

Mr. Sheffey described attending the recent meeting of the PCPC).

Ms. Genie Zunic submitted a two page document to Supervisor O'Dell with various questions specified to not be Freedom of Information requests related to the Industrial Development Authority, New River Valley Livability Initiative, and school matters. Mr. Sheffey advised Ms. Zunic those questions related to school matters should be submitted to the School Board offices. Ms. Zunic also distributed a copy of the document to the Patriot and Southwest Times reporters in attendance at the meeting. Ms. Zunic expressed concern that the public was not allowed to provide comments at the Board meeting related to the New River Valley Livability Initiative.

Mr. McCready clarified that the Board had previously provided a timeline for events related to the Livability Initiative. Mr. McCready advised that the public was welcome to speak to the Livability Initiative; however, the Board of Supervisors would abide by the timeline previously shared with the public and no action taken until the final report is received.

Ms. Zunic inquired as to source of revenue for the School Board. Mr. Sheffey responded the county provides funding for the schools. Mr. McCready advised that state law prohibits the Board of Supervisors from making personnel decisions for the School Board. Mr. McCready described the total employment for the school system.

Ms. Zunic commented that the county's web site is not "user friendly".

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Ms. Zunic requested all documents supporting the Board agenda be included in the overall minutes of the Board of Supervisors.

Ms. Zunic spoke regarding the Crooked Road request and advised she had attended a meeting in Abingdon regarding the matter and there were only three citizens in attendance at that meeting, including herself and Debbie Mohay.

12. Other Matters from Supervisors

Mr. McCready expressed appreciation to County staff for making recommendations on matters at hand and that the Board valued staff's opinion.

Mr. Sheffey advised the next meeting of the Board is scheduled for a work session on Wednesday, February 6th at 6:00 p.m. in the County Administration Building.

13. Adjournment

On a motion by Mr. O'Dell, seconded by Mr. Bopp and carried, the Board of Supervisors adjourned its regular meeting. The next meeting of the Board of Supervisors is a scheduled work session to review the Capital Improvements Project listing with said meeting being held on Wednesday, February 6, 2013 at 6:00 p.m. in the County Administration Building, 143 Third Street, NW, in the Town of Pulaski, Virginia. The next regular Board of Supervisors meeting is scheduled for Monday, February 25, 2013 beginning with a Closed Session at 6:00 p.m. and the regular meeting at 7:00 p.m. with said meeting also being held in the County Administration Building.

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

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator