

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 22, 2013

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 22, 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; Dean Pratt; and Tom McCarthy, County Attorney. Staff members present included: Peter Huber, County Administrator; Robert Hiss, Assistant County Administrator; and Shawn Utt, Community Development Director. Diane Newby, Finance Director and Gena Hanks, Clerk to the Board, joined the regular session at 7:00 p.m. County Attorney Tom McCarthy was absent from the meeting.

### 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. McCready, 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
- Staff Training

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:

- None

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 Wax

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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:

- Heron's Landing
- Randolph Park Investigation
- Randolph Park Concessions

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. Pratt, 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. Bopp, 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

The Pledge was led by members of the Royal Rangers Outpost 64.

#### c. Invocation

Mr. Sheffey remembered the events surrounding the recent shooting at NRCC off site campus, as well as the Boston bombings, by calling for a moment of silence. The invocation was then delivered by Reverend David Hoover, Pulaski Christian Church.

### 3. Recognitions

#### a. Featured Employee

Board members recognized Janet Jonas, Tornado Logistics Coordinator, as the Featured Employee to serve during the month of May 2013. A job summary for Ms. Jonas was read aloud and Ms. Jonas was presented with a gift card to Fatz restaurant, as well as an engraved plaque from the Chamber of Commerce.

#### b. Update on General Assembly Action

Mr. Sheffey advised that Delegate Joseph Yost had notified county staff that he would be unable to attend the Board meeting and would contact county staff to reschedule at a later date.

#### c. Other

Mr. Sheffey advised that County Attorney Tom McCarthy had recently been recognized by the School Board as the recipient of the "Golden Apple Award". Mr. Sheffey commended Mr. McCarthy for his service as Attorney to the School Board and County.

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### 4. Additions to Agenda

Mr. Huber advised of the addition of the following agenda items:

- a. Items of Consent: Acceptance of 2012 Audit Report; and
- b. Items of Consent: Application for grant funding of School Resource Officers.

### 5. Public Hearings

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

#### a. Six-Year Secondary Road Plan Hearing

Mr. Sheffey advised a public hearing had been scheduled to receive comments on the proposed 2013-14 six-year plan.

David Clarke, VDOT Resident Engineer, described the purpose of the six-year secondary road plan, advising that in the last three years there had not been an opportunity to add roads to the existing plan due to lack of additional funding beyond that committed to roads already on the plan. Mr. Clarke advised the new transportation bill expected to provide more funds to localities, allowing for adding of road project(s). Mr. Clarke indicated where a majority of road funding had been generated through a 17.5% gas tax, it was anticipated the new bill would generate funds by adding "partial percentages" to the sales tax, increasing fees to allow for additional road funding.

Board members discussed the current method by the state for generating road funding.

Mr. Sheffey advised the citizens in attendance that the Board values the comments of citizens making road requests. Mr. Sheffey also shared information describing Pulaski County's road funding in 2000 to be \$1.6 million, with the current funding at its lowest amount of \$82,000. Mr. Sheffey indicated the potential for the new transportation bill to generate new funding for roads.

Mr. Clarke advised VDOT has very strict regulations related to where funds can be spent, further advising that maintenance funds cannot be spent on new construction. Mr. Clarke reviewed the draft six-year road plan and discussed potential changes to reducing the scope of the Lead Mine Road project, elimination of an unpaved road (Rock Creek) and the addition of one road.

Mr. O'Dell requested consideration to the addition of Wilson Grove Road and Bethel Church Road. Mr. Clarke advised the "road committee"

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consisting of supervisors O'Dell and Pratt, along with county staff, would need to review roads and provide an update at the May meeting. Mr. Pratt suggested the Board review the six-year road plan "waiting list" before adding any new roads to the six-year plan.

Mr. Sheffey opened the public hearing.

Mr. Bill Greever requested the addition of Bethel Church Road, which is currently unpaved. Mr. Greever advised a petition had been presented in 1988 from residents along the road, resulting in being added to the waiting list of the six-year plan. Mr. Greever also described the erosion of the road following rain events.

Mr. Todd Lewis presented a petition on behalf of residents along Hedge Lane, requesting surface treatment due to continued growth of vegetation.

There being no further comments, the hearing was closed.

Mr. Clarke advised that following the meeting of the road committee, a recommendation would be made to the Board at a future meeting.

- b. Petition by Draper LLC & David L. & Patricia C. Worrell to rezone 0.2298 acres from Agricultural (A1) to Commercial (CM1) & 0.7501 acres from Commercial (CM1) to Agricultural (A1), (Map #'s 098-013-0000-0008, 9A), Kirby Road, Draper District.

Mr. Utt described the rezoning request as noted in the following staff analysis:

The owners are requesting rezoning of the properties as listed above in an effort for Draper LLC to obtain a better ingress and egress to Lot 8 of Ridgeview Estate Subdivision that was purchased in 2006. Both owners have agreed to rezone the small portions. The parcel owned by Draper LLC is listed on the market.

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

Mr. Sheffey opened the public hearing.

Mr. Dallas Cox spoke in favor of the petition.

There being no further comments, the hearing was closed.

On a motion by Mr. McCready, seconded by Mr. O'Dell and carried, the Board approved a petition by Draper LLC & David L. & Patricia C. Worrell to

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rezone 0.2298 acres from Agricultural (A1) to Commercial (CM1) & 0.7501 acres from Commercial (CM1) to Agricultural (A1), (Map #'s 098-013-0000-0008, 9A), Kirby Road, Draper District, as recommended by the Planning Commission.

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

Voting no: None.

- c. Petition by Pulaski County for revisions to the Pulaski County Comprehensive Plan – Future Land Use Map 0.2298 acres from Residential to Commercial & 0.7501 acres from Commercial to Residential, (Map #'s 098-013-0000-0008, 9A), Draper District.

Mr. Utt described the purpose for the request is to allow for revisions to the future land use map, as further described in the following staff analysis:

These properties have been shown in the County's Comprehensive Plan's Future Land Use Map as Residential and Commercial Uses. The owners are requesting revision to the Future Land Use Map for the portions as shown on the Lot Line Revision. Staff in reviewing the future land use map noticed that during the rezoning in September 2010 for parcel 9A staff failed to ask for a revision to the map, therefore, the remainder of the parcel will be advertised for May.

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

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 revisions as presented and as recommended by the Planning Commission.

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

Voting no: None.

- d. Petition by Clifford Charles & Julie M. Potter to Conditional rezoning from Residential (R) to Agricultural (A1) with voluntary proffers, (Map #'s 020-015-0000-0016, 17), 7673 Cedar Grove Ln., Cloyd District.

Mr. Sheffey advised staff had received a letter from the petitioners withdrawing the application and therefore, no public hearing would be held; however, since the request had been advertised at least once, citizen

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comments would be allowed, with the understanding the Board would take no action on the matter.

Mr. Utt advised the request, prior to withdrawal, was to allow for a private kennel. Mr. Utt advised following a public hearing by the Planning Commission, the Commission had recommended denial of the request, resulting in the applicant's withdrawal of the petition. Mr. Utt advised the use is not in conformance with the zoning ordinance.

Mr. Sheffey opened the floor for comments.

Mr. Jack Murphy spoke in opposition to the initial request and described his understanding of the current status of the kennel. Mr. Murphy expressed his desire for the county to continue to enforce zoning and code requirements related to the petitioner's property. Mr. Murphy thanked county staff for their efforts provided in guidance on the matter.

Ms. Denise Wills questioned the age of the dogs allowed to stay on the property.

Mr. Don Hall expressed concern that the kennel is located in a residential area and operating without a business license.

Mr. McCready requested clarification as to his understanding that if a resident has more than four dogs, then a kennel license is required. Mr. Utt advised that puppies do not count towards that number until the puppies reach eight weeks. Mr. Utt also advised the Zoning Ordinance refers back to the County's Animal Control Ordinance, noting staff is working with the Animal Control Officer.

Mr. Sheffey inquired as to policies in other localities. Mr. Utt offered to provide an update on this matter in an upcoming weekly update.

- e. Petition by Pulaski County for revisions to the Pulaski County Comprehensive Plan – Future Land Use Map Residential to Agricultural, (Map #'s 020-015-0000-0016, 17), Cloyd District.

Mr. Utt advised the petition has been withdrawn due to the requested revisions being related to item 5d.

- f. Petition by County of Pulaski to amend the following section(s) of the Pulaski County Zoning Ordinance - Article 1, Definitions, Use and Design Standards – remove sign definitions

Mr. Utt explained the revised sign ordinance, noting the text amendments are a follow-up to the March 2013 sign revisions. Mr. Utt

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advised staff is requesting removal of the sign definitions from Article 1, noting the definitions are now part of Article 15, Sign Regulations which were approved by the Board at their March 25, 2013 meeting.

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

Mr. Utt advised the Planning Commission recommended approval of the proposed amendments.

On a motion by Mr. McCready, seconded by Mr. O'Dell 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 – remove sign definitions, as recommended by the Planning Commission and noted as follows:

### ~~Sign, General<sup>1</sup>~~

~~Sign: Any works, lettering, parts of letters figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.~~

~~Sign Area: The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports. However, if the supports, uprights, or structure are designed to form an integral part of the sign or sign background, they shall be calculated in the determination of sign area. Please see drawings in Article 15 for a depiction of signage calculations.<sup>2</sup>~~

~~Sign Face: The area or display of a sign used for the message.<sup>3</sup>~~

~~Sign Structure: A structure, including the supports uprights, bracing and framework be it single faced, V type, or otherwise, which is located on the ground or on top of another structure and which supports no more than two (2) signs.~~

~~Sign Structure Facing: The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.~~

### ~~Sign, Construction Types<sup>4</sup>~~

~~Canopy Sign—A sign which is painted on or attached directly to an architectural canopy, or similar freestanding roofed structure without walls, the face of which sign is parallel to the canopy edge.~~

~~Façade Sign—see Wall Sign.<sup>5</sup>~~

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**Freestanding Sign**— A sign not attached to nor printed on a building but which is supported by upright structural members or by braces on or in the ground.

**Monument Sign**— A ground mounted on premises freestanding sign, not attached to any other structures or building, incorporating one or more architectural elements such as wood, decorative block or masonry, unusual metal such as copper or brass, or other elements designed to appear natural.—<sup>6</sup>

**Portable Sign**— A sign that is not permanently affixed to a building, structure or the ground. A vehicular sign is considered a portable sign when it remains within fifty (50) feet of any street for a period of five (5) days or more.—<sup>7</sup>

**Projecting Sign**— A sign, which is, attached nominally perpendicular to a building, wall, roof, facade, canopy, marquee, or porch.

**Roof Sign**— A sign which is suspended nominally parallel from a building, wall roof, facade, canopy, marquee, or porch by means of brackets hooks, chains, or the like.

**Temporary Sign**— Any sign, banner pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than sixty (60) consecutive days.

**Wall Sign**— A sign which is painted on or attached directly to an outside building wall, the face of which is parallel to the wall.

### **Sign, Use Types**<sup>8</sup>

**Agricultural Product Sign**— A temporary or permanent sign displayed on a farm to advertise agricultural produce available thereon.

**Billboard (Outdoor Advertising) Sign**— A structural poster, panel, or painted sign, either free standing or attached to a building for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located. All outdoor advertising shall comply with the Laws of Virginia Relating to Outdoor Advertising the latest edition.

**Business Sign**— A sign painted, electrical, or otherwise, erected for the purpose of conveying information, knowledge, or ideas to the public a subject related to the premises upon which it is located.

**Construction Sign**— A temporary sign for the purpose of advertising the use to the make of the building or structure and the business or firms developing the business or structure.

**Development Sign**— A permanent sign located at the entrance of a subdivision, housing development, farm, estate, or an industrial park, which displays the name of same.

**Directional Sign**— A directional sign is one (one end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called giving only the name of the firm or business responsible for the erection of same and distance.

**General Advertising Sign**— An off premise sign, which directs attention to a product, commodity or service.

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~~**Home Occupation Sign** – A sign directing attention to a product, commodity or service available on the premises; but which product, commodity or service is clearly a secondary use of the dwelling.~~

~~**Identification Sign** – A permanent sign announcing the name of a church, school, park, historical site, or other public or quasi public use.~~

~~**Locational Sign** – An off premise sign which directs attention to the approximate location of a public or private establishment by naming from which an advertised product or service may be obtained.~~

~~**Menu Board Sign** – A sign at the entrance lane of a drive through establishment having a sound system associated with the sign for the purpose of placing an order to be picked up at the drive through window.~~

~~**Office Complex Sign** – A sign for a group of business offices: (1) designed as a single group of offices or buildings whether or not in the same parcel; or (2) under one common ownership or management or has one common arrangement for the maintenance of buildings or grounds; or (3) connected by party walls to form one continuous structure; or (4) otherwise the grouping clearly presents the appearance of one continuous office grouping.~~

~~**Political Sign** – A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election. The size limitations for political signs do not apply to signs utilizing existing, commercial sign structures.~~

~~**Professional Name Plate Sign** – A permanent wall sign announcing the name of a professional, business, or similar occupant, the total area of which does not exceed six (6) square feet.~~

~~**Real Estate Directional Sign** – A temporary off premise sign for the purpose of directing the way to premises which are for sale, lease, or rent.~~

~~**Real Estate Sign** – A temporary on-premise sign for the purpose of advertising the sale or lease or the completion of the sale or lease of real estate when erected or displayed on the property.~~

~~**Shopping Center Sign** – A sign for a group of enterprises which is (1) designed as a single group, whether or not on the same parcel; or (2) under one common ownership or management or has one common arrangement for the maintenance of buildings or grounds; or (3) connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; or (4) otherwise the grouping clearly presents the appearance of one continuous commercial area.~~

~~**Temporary Sign** – A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.~~

~~**Temporary Development Sign** – A temporary (less than one year) on premises sign advertising subdivision or housing development or sites in an industrial park. Temporary development signs that remain for a period of more than one (1) year must be approved by Special Use Permit.<sup>9</sup>~~

~~**Vehicular Sign** – A sign painted on or attached to a vehicle not customarily and regularly used to transport persons or properties. Any signs displayed on a truck, bus, or other vehicle parked for display purposes within, or the use of such a vehicle as a portable sign will be considered a portable sign. Additionally, any vehicle parked within fifty (50) feet of any public or private street for a period of more than five (5) consecutive days will be considered a portable sign.<sup>10</sup>~~

~~**Wall Sign** – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms that background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.<sup>11</sup>~~

~~**Sign, Types of Copy<sup>12</sup>**~~

~~**Changeable Copy, Sign** – A sign whose message is continuously changed.~~

~~**Changeable Copy, Electronic\*** – A sign whose message is continuously changed by electronic means and is displayed in an electronic format. The following use and design standards shall be used for each Electronic Changeable Copy Sign:~~

- ~~1. Electronic changeable copy message shall be displayed for a minimum of five (5) seconds prior to changing the message.~~
- ~~2. Electronic changeable copy messages may be displayed only during the hours which the restaurant/business is open for operations.~~
- ~~3. Electronic changeable copy sign must comply with all Virginia Department of Transportation (VDOT) requirements.~~
- ~~4. Electronic changeable copy message shall not create a glare onto to adjacent properties or onto any right of way.~~
- ~~5. No animated messages (text or objects) shall be displayed.<sup>13</sup>~~

~~**Changeable Copy, Manual Sign** – A sign designed so that the characters or letters can be changed or rearranged without altering the underlying face or size of the sign.~~

~~**Double Faced Sign** – A sign with two parallel or nearly parallel faces, which are placed back to back and are separated by not more than twenty four (24) inches.~~

~~**Multiple Sign** – A freestanding sign structure on which more than one single-faced or double faced sign may be mounted within an overall frame.~~

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~~Single-Faced Sign – A sign on which a message is displayed on one side thereof only.~~

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

Voting no: None.

Mr. McCready advised that the recent fertilizer explosion in Texas had created the need for review of the county's zoning ordinance as it relates to allowing fertilizer plants only by special use permit. Mr. McCready requested staff review the county's zoning ordinance, and provide an update at a future meeting.

### 6. Presentations and Citizen Comments

Mr. Sheffey explained that this Citizen Comments allowed for comments only on those items currently on the agenda.

Mr. Brian Bomgard, representing "stopthebuoys.com", spoke in opposition to the installation of buoys. Mr. Bomgard expressed concern over the lack of safety data by the Virginia Department of Game and Inland Fisheries, no test period for the buoys, the potential for setting a precedent if the buoys are allowed to be installed and the need for AEP to provide other alternatives.

Mr. Bud Foster described Claytor Lake as a recreational lake and expressed concern that the installation of buoys would narrow the channel on the lake and take away from the aesthetic value, as well as creates safety hazards for swimmers, boaters and fishermen.

Ms. Liz Parcell and Mr. Ken Stump, both representing AEP, described the history of the process for AEP's request to the Board of Supervisors for the installation of buoys.

Ms. Parcell described AEP's final presentation of three options, which included the installation of eight buoys, with one being lit. Ms. Parcell advised having the buoys would help identify impacts to flows and icing. Ms. Parcell indicated the final decision as to the installation of buoys would be made by the Department of Game and Inland Fisheries.

Mr. Sheffey advised he had received numerous emails in opposition to the installation of buoys. Mr. Sheffey inquired of AEP as to any documentation which shows incidents or accidents on Claytor Lake resulting in the need for buoys. Ms. Parcell advised she was not aware of any data related to accidents.

Ms. Parcell advised it was AEP's goal is to continue to be a good corporate citizen of Pulaski County, with a goal of encouraging safety.

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Mr. O'Dell inquired as to the purpose of installing a lighted buoy at the boat ramp. Ms. Parcell responded that the lit buoy was for testing purposes only. Mr. O'Dell expressed concern that heavy rains leading to flooding would cause debris to wash away the buoys. Ms. Parcell advised the test buoys would determine if the buoys would withstand flooding.

Ms. Parcell also advised the relicensing process allowed for numerous hearings at which the public had been given opportunities to comment on the matter.

Mr. McCready recalled at the Board's public hearing regarding the installation of buoys that the representative of the Department of Game and Inland Fisheries had attended the meeting and commented that there were no documented cases of any accidents on the lake that would have been prevented if the navigational buoys had been in place.

Mr. McCready questioned AEP as to the next step, should the Board take action to support the installation of the eight buoys. Ms. Parcell advised if the buoys do not work as intended during the test period, the Board would have an opportunity to review the matter in the future.

Mr. McCready referenced previous correspondence indicating the Board would not have further opportunity to comment, should the test buoys not prove to be beneficial. Ms. Parcell reaffirmed that the Board would have an additional opportunity to comment on the matter.

Mr. McCready advised he had received numerous calls and emails from residents opposed to the installation of buoys. He described the history of the request by AEP for Board support of the installation of buoys. Mr. McCready further advised he had not received any information that the lack of buoys would contribute to accidents on the lake and expressed concern over the lack of any ability by the Board to have the buoys removed, once they are installed. Mr. McCready expressed concern over potential problems from a legal standpoint.

Ms. Parcell asked the County Attorney Tom McCarthy if a legal opinion could be provided. Mr. McCarthy responded that as county attorney he could not advise AEP, but could advise the Board of Supervisors upon request.

Ms. Parcell advised if the Board recommends denial of the installation of buoys, would not hinder AEP's ability to continue its work with the Board.

Mr. Cecil King commended the Board on its efforts to date towards consideration of a proposed wellness center and requested the Board take action within the next few months to move forward with the development of a wellness center.

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Ms. Laura Easter referenced Board action at its April 25, 2011 Board meeting to authorize VDOT to install "no throughway" signage for tractor trailers on Highland Road. Ms. Easter also described an accident in which her daughter had been forced off the road by a tractor trailer hauling cattle.

Ms. Tara Fowlkes advised she was a landowner at Claytor Lake and expressed concern that the installation of buoys on the lake would detract from the serenity of the lake. Ms. Fowlkes requested the Board not support the installation of buoys on the lake.

Mr. Steve Booth expressed concern that test buoys were being considered for installation when there was no support by residents of the lake and noted buoys would limit the channel by boaters and pose a distraction and risk to skiers.

Mr. McCready clarified the money being used to install the proposed buoys was from AEP and not the county.

Mr. Carl Lambert requested an explanation of item 10d5 – Items of Consent – Hazard Mitigation Grant Application Assistance. Mr. McCready advised the Grant funds would allow for focusing on flooding and flash flooding in the New River Valley. Mr. Huber also advised the total project cost to be \$30,700, with the Planning District Commission doing the first phase inventory of roads, driveways and culverts.

Mr. Lambert expressed concern that Board of Supervisor members sit on various boards/commissions where issues are brought before the Board of Supervisors for review and consideration, specifically that Board members are allowed to vote on those issues in their capacity as a Board of Supervisor member. Mr. Sheffey advised the State Code allows for Board members to serve on other boards/commissions and therefore vote on any issues brought before the Board of Supervisors. Mr. Lambert requested a ruling from the Commonwealth Attorney on his concern. Staff was directed to send a request to Mike Fleenor, Commonwealth Attorney and provide an update to the Board and Mr. Lambert, once received from Mr. Fleenor.

Mr. Ken Jones spoke in opposition to the installation of buoys, noting the two AEP representatives are from Smith Mountain Lake, which is a much larger lake than Claytor Lake.

Mr. Gary Gibbs advised of being a frequent boater on Claytor Lake and expressed concern that the installation of navigational buoys would be impacted by ice flows on the lake, take away from the beauty of the lake, impact the environment due to solar panels containing chemicals and that the buoys would not be properly maintained.

Ms. Genie Zunic inquired if the process being taken by AEP was a requirement of the Federal Emergency Regulatory Commission (FERC). Ms. Parcell responded

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the process being taken was a licensing requirement by FERC. Ms. Zunic posed several questions to Ms. Parcell at which point Mr. Sheffey requested Ms. Zunic take a seat due to Ms. Zunic's questioning of the audience and her time limit to speak having been exhausted.

### 7. Highway Matters:

#### a. Follow-up from Previous Board meeting

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

(Mr. Clarke advised he did not have any additional updates on speed studies)

Mr. Clarke explained the process for requesting "Watch for Children" signage which included signing an agreement to be provided by VDOT, VDOT's issuing of permit and determination of location of signage. Mr. Clarke offered to provide agreement to county staff to begin process for submitting requests for "Watch for Children" signage to VDOT.

##### 2. Pond Lick Hollow Guardrail

Mr. Huber shared pictures of Pond Lick Hollow with the guardrail installed and expressed appreciation to Mr. Clarke for working to have the guardrail installed.

Mr. Bopp expressed appreciation to Mr. Clarke for his efforts in working towards the installation of guardrail at Pond Lick Hollow.

##### 3. Status of "Not Recommended" Signage on Highland Road

Mr. Clarke advised VDOT had not received an application or request from the Board of Supervisors to proceed with signage. Mr. Huber recommended prohibiting tractors along Highland Road from Rt. 617 to Rt. 100.

Mr. O'Dell inquired if the Sheriff's Office could issue tickets. Mr. Huber advised the Sheriff's office could not issue tickets as it stands now.

Mr. McCready inquired if a public hearing had previously been held. Mr. Clarke advised that due to the time elapsed since the public hearing in April 2011 and the lack of a proper application to VDOT, an additional public hearing would need to be held. Mr. McCready suggested the signage indicate "not recommended" in two locations.

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By consensus, the Board approved advertising for a May 20, 2013 public hearing on the signage prohibiting through truck traffic.

### 4. No Dumping signs on McFall Hollow Road

Mr. Huber shared concerns over the potential for dumping on McFall Hollow Road, since PSA is no longer able to accept brush at the Dora Highway site and requested consideration to "No Dumping" signage on McFall Hollow Road.

Mr. Sheffey inquired if the county, or VDOT, would determine the signage location, as well as preparing signage. Mr. Clarke advised VDOT can prepare the signage depending upon the location and County staff was requested to work with VDOT on suggested locations for signage.

Mr. McCready expressed concern over the potential for the road to return to a dumping area.

### b. Viscoe Road Brush

Mr. Huber reported staff is working to use inmates to cut brush along Viscoe Road but may need VDOT assistance with traffic control. Mr. Sheffey advised he had talked with Anthony Barnes of VDOT and because of weather conditions VDOT had not had an opportunity to address the matter. Mr. McCready advised that Deputy Jamie Radcliffe and Mr. Barnes had direct communications.

### c. Citizen Comments

There were no citizen comments.

### d. Board of Supervisors Comments

Mr. Bopp advised of potholes on Robinson Tract Road. Mr. Clarke advised VDOT staff could review the matter and provide an update at a future meeting.

Mr. Bopp also thanked VDOT for placement of guardrail on Pond Lick Hollow.

Mr. O'Dell advised of brush on Rt. 693. Mr. Clarke advised VDOT would be picking up brush throughout the area.

Mr. McCready inquired regarding the potential for placement of guardrail on Rt. 11, near Darrell Bird's house. Mr. McCready advised he would communicate with Anthony Barnes of VDOT regarding the matter.

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 22, 2013

Mr. Sheffey advised of potholes on the road leading to the landfill. Mr. Clarke advised VDOT staff could review the matter and provide an update at a future meeting.

Mr. Sheffey advised of potholes on Hazel Hollow Road, as well as breaking of edges on the pavement.

Mr. Sheffey inquired as to the status of the opening of asphalt plants. Mr. Clarke responded that asphalt plants were expected to open soon.

Mr. Sheffey inquired as to the possibility of VDOT's reconsidering the installation of guardrail on Old Rt. 11, in the direction from Dublin towards Fairlawn at bridge. Mr. Clarke advised his recollection of the reason for VDOT being unable to install guardrail was due to not being able to block entrance. Mr. Clarke advised VDOT staff could review the matter and provide an update at a future meeting.

Mr. Huber advised of poor road conditions in the Corporate Center, specifically potholes and deteriorating pavement edges. Mr. Clarke advised VDOT staff could review the matter and provide an update at a future meeting.

Mr. Sheffey inquired if VDOT staff would initiate contact with the county's "road viewers" committee. Mr. Clarke advised VDOT would make the initial contact to coordinate a meeting of the county's road viewers.

### 8. Treasurer's Report

Treasurer Melinda Worrell provided the monthly report to the Board and clarified information regarding kennels. Ms. Worrell also advised that a homeowner can have up to five dogs and a kennel can have up to 20 adult dogs. Mr. Sheffey also advised the zoning ordinance is also a consideration when addressing the matter.

### 9. Reports from the County Administrator & Staff:

On a motion by Mr. Pratt, seconded by Mr. McCready and carried, the Board approved the following listed appointments:

#### a. Appointments:

- Library Board

The Board took no action regarding this appointment. Staff was directed to send information to the local papers for solicitation of an appointee.

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- Community Policy and Management Team

The Board adopted the following resolution appointing team members by "title" or "agency" rather than by name. Thus, instances of employee changes would result in the automatic appointment of person filling the resulting vacancy:

The Board of Supervisors affirms its continued administration of the Comprehensive Services through a joint Community Policy and Management Team with Pulaski County; however, maintains responsibility and fiscal control over its appropriations; expenditures; and revenues for administration of services funded through the Act in their locality. In taking this action, the Board confirms appointments to the Community Policy and Management Team as follows:

Director, New River Health District (or designee)  
Executive Director, New River Community Services (or designee)  
Director, 29<sup>th</sup> District Court Service Unit (or designee)  
Director, 27<sup>th</sup>, District Court Service Unit (or designee)  
Superintendent, Giles County Public Schools (or designee)  
Superintendent, Pulaski County Public Schools (or designee)  
Director, Giles County Department of Social Services (or designee)  
Director, Pulaski County Department of Social Services (or designee)  
Jenny Clay McCoy (Giles County)  
Robert Hiss (Assistant County Administrator-Pulaski County)  
Sarah Burkett, Senior Extension Agent (parent/provider)  
Beverly Walters, Executive Director, NRV Cares (provider)

- New River Community Action

The Board took no action regarding this appointment. Staff was directed to send information to the local papers for solicitation of an appointee.

- Claytor Lake Festival Committee

The Board confirmed the following appointees and approved changes as noted below: Judy Ison, 2013 Festival Chair & Arts & Crafts; Chris Doss, Claytor Lake State Park Manager; Anthony Akers, Pulaski County; Rebecca Yearout; and Everett Lee Yearout, Fishing Tournament.

The Board approved the following changes to the committee: Jeff Saunders, Southwest Regional Coordinator, to replace Nollie

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 22, 2013

Neil who is retiring; and Michael Gay appointed as the Car Show representative.

- Tornado CDBG Appointment

The Board took no action on this matter. Staff was directed to place this matter on the May Board agenda under Closed Session.

b. Four-Year Goals

Board members discussed the following items on the Four-Year Goals listing: "1.7.1 Encourage economic development through Development of shovel ready sites for 20,000 to 40,000 square foot buildings", "8.1.1 Replacement of galvanized water pipes through grant or loan funding" (Mr. Sheffey expressed appreciation for replacement of pipes in the Cloyd District), "10.5.11 Review of long-term capital Debt" (Mr. McCready requested further review at an upcoming budget work session), and "10.6.7 Set up paid internship program".

c. Request for Support for Navigational Buoys on Claytor Lake

Mr. Huber described the variety of information presented to the Board related to AEP's request for support of installation of test buoys and recommended the Board consider some navigational markings. Mr. Huber also noted AEP's flexibility in looking at options for review by the county.

Mr. Sheffey advised he had received numerous emails, calls and had conversations with citizens all in opposition to the installation of buoys. Mr. Sheffey advised his concern is that historically a need for the buoys had not been shown.

Mr. McCready expressed appreciation to AEP for assisting in the relicensing process and indicated the drawdowns had not been effective and he would not support the installation of buoys.

Mr. Pratt expressed appreciation to AEP for the efforts put forth during the process; however, he would not support the request for installation of buoys.

Mr. Bopp advised he had received numerous emails from citizens in opposition to AEP's request.

Mr. O'Dell indicated he had not received any show of support from the citizens to AEP's request.

On a motion by Mr. McCready, seconded by Mr. O'Dell and carried, the Board voted to "not support the installation of any navigational buoys on

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Claytor Lake" and directed staff to send a letter to the Department of Game and Inland Fisheries to that affect.

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

Voting no: None.

d. Presentation by OWPR – Indoor Wellness Center

Mr. Randy Jones, architect with OWPR, provided a PowerPoint presentation detailing the two options for an indoor wellness center, specifically the renovation of the TMD facility and a new facility at the Randolph Park location.

Mr. Sheffey requested staff provide a complete copy of the PPT presentation to the Board via the weekly update.

Chairman Sheffey called for a five minute recess.

e. Commerce Park Refinancing/Red Sun Grading

Mr. Joe Morgan, Executive Director of Virginia's First Regional Industrial Facilities Authority, Courtney Rogers, Vice President of Davenport and Co., and Paul Jacobson, Attorney, provided background information regarding the Commerce Park financing. Mr. Rogers also described in detail the bond rating process.

Mr. McCready advised that the bonds are being issued by the Industrial Development Authority and therefore no public vote is required. County Attorney Tom McCarthy confirmed Mr. McCready's statement.

Mr. Jacobson provided information on the structure of public sale of bonds.

Mr. McCready indicated that the Commerce Park staff and Board had spent months working towards the refinancing, which will benefit economic development activities of Red Sun Farms.

On a motion by Mr. McCready, seconded by Mr. O'Dell and carried, the Board accepted Preliminary Official Statement, Support Agreement, Bond Purchase Agreement, Continuing Disclosure Agreement and Projection of Grading Grant Cash Flow as background information and approved the following refinancing resolution as presented:

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**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
PULASKI COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors (**the "Board of Supervisors"**) of Pulaski County, Virginia (**the "County"**) desires to request the Industrial Development Authority of Pulaski County (**the "Authority"**) to issue, offer and sell its Revenue Bonds (Commerce Park Project), Taxable Series 2013 in a principal amount not to exceed \$7,500,000 (**the "Bonds"**) for the purposes set forth below; and

WHEREAS, the Authority is authorized and empowered under and pursuant to the provisions of the Virginia Regional Industrial Facilities Act, Chapter 49 of Title 15.2 of the Code of Virginia of 1950, as amended (**the "Act"**) to borrow money to promote economic development and finance facilities for use by, among others, a governmental organization such as the Virginia's First Regional Industrial Facility Authority ("**Virginia's First RIFA**") for the benefit of Pulaski County, Virginia (**the "County"**) and to otherwise promote industry and develop trade in the Commonwealth of Virginia; and

WHEREAS, Virginia's First RIFA has previously issued its \$2,083,500 Revenue Bond (Commerce Park Project), Taxable Series 2002A (**the "2002A Bond"**), its \$1,376,831 Revenue Bond (Commerce Park Project), Taxable Series 2004 (**the "2004 Bond"**) and its \$2,300,000 Revenue Bond, Series 2005 (Commerce Park Project) (**the "2005 Bond" and, together with the 2002A Bond and the 2004 Bond, the "Bonds to be Prepaid"**); and

WHEREAS, the proceeds of the Bonds to be Prepaid were used to finance costs of land acquisition, site grading and development of water supply, wastewater disposal and access road infrastructure and related capital expenditures as part of the development of the New River Valley Commerce Park located in the County (**the "Project"**); and

WHEREAS, the Board of Supervisors hereby requests the Authority to issue, offer and sell the Bonds and to cause the proceeds thereof to be used to prepay the Bonds to be Prepaid (**the "Prepayment"**), finance additional development of the Project for the benefit of Red Sun Farms (**the "Additional Project Development"**) and pay other necessary expenses incidental thereto, to fulfill certain purposes of the Act, and the County will provide its moral obligation in support of the payment of the Bonds; and

WHEREAS, the Bonds will be issued pursuant to a Trust Indenture, dated as of May 1, 2013 (**the "Indenture"**), between the Authority and Regions Bank, Richmond, Virginia, as trustee (**the "Trustee"**) and payable from payments from the County pursuant to a Support Agreement, dated as of May 1, 2013 (**the "Support Agreement"**) between the County and the Authority and assigned to the Trustee and certain funds held under the Indenture; and

WHEREAS, the Bonds will be initially purchased by Raymond James and Associates, Inc. and Sterne Agee, as underwriters (**the "Underwriters"**), pursuant to a Bond Purchase Agreement, dated the date of its execution and delivery (**the "Bond Purchase Agreement"**), among the Authority, the County and the Underwriters, and the Bonds will be offered for sale pursuant to a Preliminary Official Statement, dated the date of its distribution (**the "Preliminary Official Statement"**); and

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WHEREAS, the forms of the Indenture, the Bonds, the Support Agreement, the Bond Purchase Agreement, the Preliminary Official Statement and the Continuing Disclosure Agreement, to be dated the date of its execution and delivery by the County and the Authority (**the “Continuing Disclosure Agreement” and, together with the Indenture, the Bonds and the Support Agreement, the “Documents”**), were made available to the Board of Supervisors at this meeting.

### **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PULASKI, VIRGINIA:**

1. It is hereby found and determined that the Prepayment and the Additional Project Development will be in the public interest, will benefit the inhabitants of the County, will increase commerce and will promote the safety, health, welfare, convenience and prosperity of the County and its citizens.
2. The issuance and sale by the Authority of the Bonds, pursuant to and upon the terms and conditions set forth herein and in the Indenture, the Support Agreement and the Bond Purchase Agreement, the Prepayment and financing of the Additional Project Development in accordance with the following plan of financing are hereby approved and authorized. The Authority shall use the proceeds from the issuance of the Bonds to cause the Prepayment of the Bonds to be Prepaid and finance the Additional Project Development and costs related to issuance of the Bonds. The obligation of the Authority to pay principal and interest on the Bonds will be limited to payments received from the County under the Support Agreement. The obligation of the County to make payments under the Support Agreement will be subject to the Board making annual appropriations for such purpose.
3. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved with such completions, omissions, modifications, insertions and changes, including, but not limited to rates, redemption premium, payment dates, amounts, prices, maturities, as may be approved by the Chairman or in his absence, the Vice Chairman, of the Board (**together, the “Chairman”**), the County Administrator or the other officers executing them, their execution to constitute conclusive evidence of his or her approval of any such completions, omissions, changes, insertions and changes. The Chairman or the County Administrator and all other appropriate officers of the County are each hereby authorized and directed to execute the Documents and to deliver the Documents to the other parties thereto and to execute all certificates and documents, and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Bonds, the Prepayment and redemption in full of the Bonds to be Prepaid and financing the Additional Project Development. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
4. The Preliminary Official Statement in the form presented to this meeting is approved with respect to the information contained therein pertaining to the County. The Underwriters are authorized to distribute to prospective purchasers of the Bonds, the Preliminary Official Statement in form deemed to be “near final,” within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (**the “Rule”**), with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman or the County Administrator. Such distribution shall constitute conclusive evidence that the County has deemed the Preliminary Official Statement to be final as of its date within the meaning of the Rule, with respect to the information therein pertaining to the County. The Chairman or the

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 22, 2013

County Administrator is authorized and directed to approve such completions, omissions, insertions and other changes to the Preliminary Official Statement that are necessary to reflect the terms of the sale of the Bonds, determined as set forth in paragraph 6, and the details thereof and that are appropriate to complete it as an official statement in final form (**the “Official Statement”**) and distribution thereof by the Underwriters shall constitute conclusive evidence that the County has deemed the Official Statement final as of its date within the meaning of the Rule, with respect to the information contained therein pertaining to the County.

5. The Chairman or the County Administrator is authorized and directed to enter into the Bond Purchase Agreement containing the terms and the price or prices upon which the Bonds shall be sold to the Underwriters, which terms and prices shall be established by the Chairman or the County Administrator, upon negotiation with the Underwriters and not inconsistent with the provisions of this Resolution. The Bonds shall mature not later than December 31, 2045, with such shorter maturities and sinking fund and optional redemption provisions as the officers of the County approving such terms shall deem appropriate (but any redemption premium shall not exceed two percent (2%)), and shall be sold initially at a purchase price (exclusive of original issue discount) of not less than 98% of the face amount of the Bonds plus interest accrued thereon to the date of issuance of the Bonds, if any, in any case so as to produce an annual true interest cost of the Bonds of not to exceed 5.75%.
6. The Chairman, the County Administrator, County Attorney, County Treasurer and County Finance Director and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the Trustee, the Underwriters, counsel to the various parties related to issuance of the Bonds and the financial advisor to perform all services and prepare all documentation necessary to bring the Bonds to market and to issue the same in accordance with the Documents and to otherwise carry out the intent of this Resolution. In addition to the plan of financing set forth above for the Prepayment and the Additional Project Development, in further support of the Additional Project Development and the County's participation in Virginia's First RIFA, the Board hereby authorizes the transfer to Virginia's First RIFA and appropriates the sum of not to exceed \$400,000 upon certification and documentation presented by Virginia's First RIFA of work performed for Additional Project Development site grading purposes.
7. Nothing in this Resolution, the Bonds or the Documents shall constitute a debt or a pledge of the faith and credit of the Authority or the County, and the Authority shall not be obligated to make any payments under the Bonds or the Documents except from payments made by or on behalf of the County under the Support Agreement pursuant to annual appropriation thereof in accordance with applicable law. The Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Support Agreement and hereby recommends that future Boards do likewise during the term of thereof.
8. All other acts of the officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds, the Prepayment and the financing of the Additional Project Development are ratified and approved.

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9. This Resolution shall take effect immediately.

(NOTE: This resolution was amended at the April 29, 2013 Board meeting.)

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

Voting no: None.

f. Sheriff's Office Dispatch of Pulaski Fire Dept. Calls

Mr. Huber explained a request to authorize Sheriff's dispatchers to accept Pulaski Fire Department calls, noting this change was separate from the joint dispatch of law enforcement services being reviewed.

Mr. Sheffey commended supervisors McCready and Pratt for their services on the Newbern and Draper volunteer fire departments.

Mr. McCready advised the town runs approximately 450-500 calls per year but does not have the ability to track emergency 911 call locations.

On a motion by Mr. Pratt, seconded by Mr. McCready and carried, the Board approved an agreement allowing for Sheriff's dispatchers to receive fire calls for the Pulaski Fire Department.

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

Voting no: None.

g. Reassessment Contract

Mr. Huber described the process for soliciting requests for proposals for reassessment of real estate and also described receiving one proposal from Wampler and Eanes and advised the proposed cost was in line with the 2009 reassessment proposal costs.

Board members discussed the real estate software issue.

Trina Rupe advised when the RFP was issued, it was noted in the RFP the possibility of use of new software.

Mr. McCready described his service as a former member of the Board of Equalization during the county's last reassessment. Mr. McCready advised one of the issues in the last reassessment was that the public was not provided a reassessment report for review. Mr. McCready suggested the Board consider holding a public hearing in September 2013 to educate the public on projected sales numbers to be used during appraisal. Staff was directed to contact Wampler and Eanes representatives to determine if a public meeting could be held to provide information to the public.

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On a motion by Mr. Pratt, seconded by Mr. McCready and carried, the Board approved the reassessment contract with Wampler and Eanes, pending review by legal counsel.

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

Voting no: None.

### h. Joint Meeting with Town of Pulaski

Mr. Huber advised a joint meeting had been scheduled between the Board of Supervisors and Pulaski Town Council for Monday May 13, 2013 at 6:00 p.m. at the Pulaski Train Station for the purpose of receiving a report on the Pulaski Redevelopment Plan.

## 10. Items of Consent

Mr. McCready requested the pulling of items "j" and "k" from the overall approval to allow for separate review and approval, as appropriate.

On a motion by Mr. O'Dell, seconded by Mr. Bopp and carried, the Board approved all Items of Consent, except for items "j" and "k", which action will be taken by separate vote.

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

### a. Approval of Minutes of March 18 & 25 and April 1, 2013 Meetings

The Board approved the minutes of the March 18 & 25, and April 1, 2013 Board of Supervisors' meetings.

### b. Accounts Payable

The Board approved accounts payable for checks numbered 2032587 through 2033024, subject to audit.

### c. Interoffice Transfers & Appropriations

The Board approved the interoffice transfers #10 totaling \$35,413.28 and budget adjustments as follows:

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 22, 2013

GENERAL FUND #16		
Account Number	Account Title	Amount Increase (Decrease)
<b>REVENUES:</b>		
100-024040-1200	State Fire Programs Funds	\$ 4,953.00
100-016030-1100	Asset Forfeiture Sheriff	500.44
100-016030-1000	Asset Forfeiture Commonwealth Attorney	476.89
100-016150-0500	Library Donations	61.21
100-014010-2000	Court Restitution	90.00
100-016010-0200	Sheriff's Fees	36.00
	TOTAL	\$ 6,117.54
<b>EXPENDITURES:</b>		
100-032200-5650	Draper State Fire Allocation Funds	\$ 787.50
100-032220-5650	Fairlawn State Fire Allocation Funds	787.50
100-032230-5650	Hiwassee State Fire Allocation Funds	787.50
100-032240-5650	Newbern State Fire Allocation Funds	787.50
100-032250-5650	Snowville State Fire Allocation Funds	787.50
100-032260-5650	Twin Community State Fire Allocation Funds	787.50
100-091400-9301	Transfer from Contingency Funds	228.00
100-031200-6017	Sheriff Asset Forfeiture Expenditures	500.44
100-022100-6017	Commonwealth Attorney Asset Forfeiture Expenditures	476.89
100-073100-5650	Library Donations Expenditures	61.21
100-031200-6011	Sheriff Uniforms	90.00
100-031200-6001	Sheriff Office Supplies	36.00
	TOTAL	\$ 6,117.54

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GENERAL FUND #17		
Account Number	Account Title	Amount Increase (Decrease)
<b>REVENUES:</b>		
100-041999-0000	Transfer from Reserves	\$ 33,791.08
	TOTAL	\$ 33,791.08
<b>EXPENDITURES:</b>		
100-093000-9209	Transfer to IDA (Maple Shade)	\$ 375,000.00
100-093000-9206	Transfer to Capital Improvements Fund	(350,000.00)
100-053700-5699	Beans & Rice IDA/Ties Programs	2,300.00
100-081535-5699	Beans & Rice Microenterprise Program	9,500.00
100-044100-3320	Engineering Maintenance Service Contracts	1,335.00
100-091400-9301	Contingency Funds	(4,343.92)
	TOTAL	\$ 33,791.08

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GENERAL FUND #18		
Account Number	Account Title	Amount Increase (Decrease)
<b>REVENUES:</b>		
	<b>TOTAL</b>	<b>\$ -</b>
<b>EXPENDITURES:</b>		
100-012220-1110	Personnel Employee Salary Increase/Comp Study	\$ (165,211.00)
100-012110-various	County Administrator Personnel & Benenfits	7,095.00
100-012120-various	Assistant County Administrator Personnel & Benefits	3,527.00
100-012250-various	Operations Personnel & Benefits	5,286.00
100-012260-various	Management Services Personnel & Benefits	16,375.00
100-012310-various	Commissioner of Revenue Personnel & Benefits	5,781.00
100-012410-various	Treasurer Personnel & Benefits	1,204.00
100-012420-various	Finance Director Personnel & Benefits	3,593.00
100-013200-various	Registrar Personnel & Benefits	(233.00)
100-021100-various	Circuit Court Personnel & Benefits	(12,844.00)
100-021600-various	Clerk of Circuit Court Personnel & Benefits	29,872.00
100-021900-various	Victim Witness Personnel & Benefits	3,802.00
100-022100-various	Commonwealth Attorney Personnel & Benenfits	(25,261.00)
100-031200-various	Sheriff Personnel & Benefits	\$ 104,186.00
100-031400-various	E911 Personnel & Benefits	2,300.00
100-034100-various	Building Inspector Personnel & Benefits	6,818.00
100-034410-various	Code Enforcement Personnel & Benefits	2,145.00
100-035100-various	Animal Control Personnel & Benefits	7,166.00
100-035500-various	Emergency Management Personnel & Benefits	651.00
100-043200-various	General Properties Personnel & Benefits	3,569.00
100-043250-various	General Properties Grounds Personnel & Benefits	(58,852.00)
100-043300-various	Cleaning Services Personnel & Benefits	(2,651.00)
100-044100-various	Engineering Personnel & Benefits	1,371.00
100-053510-various	VJCCCA Personnel & Benefits	6,741.00
100-071100-various	Recreation Personnel & Benefits	2,331.00
100-071320-various	Randolph Park Personnel & Benefits	1,062.00
100-073100-various	Library Personnel & Benefits	30,563.00
100-081200-various	Planning Personnel & Benefits	7,697.00
100-081400-various	Zoning Personnel & Benefits	894.00
100-093000-9204	Transfer to Internal Service Fund	11,023.00
		127,014.00

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SCHOOL FUND #6

Account Number	Account Title	Amount Increase (Decrease)
<u>REVENUES:</u>		
3-205-18990-3201	E-Rate	\$ 160,000.00
		TOTAL \$ 160,000.00
<u>EXPENDITURES:</u>		
4-205-068200-8103-950-100	Technology Instr. Support - Replacement Communication:	\$ 160,000.00
		TOTAL \$ 160,000.00

CAPITAL IMPROVEMENTS FUND #7

Account Number	Account Title	Amount Increase (Decrease)
<u>REVENUES:</u>		
302-041050-1000	Transfer from General Fund	\$ (350,000.00)
		\$ (350,000.00)
<u>EXPENDITURES:</u>		
302-043200-8245	General Properties Building Needs	\$ (350,000.00)
		TOTAL \$ (350,000.00)

CAPITAL IMPROVEMENTS FUND #8

Account Number	Account Title	Amount Increase (Decrease)
<u>REVENUES:</u>		
302-024040-5802	E911 Services Board PSAP Grant	\$ 150,000.00
		\$ 150,000.00
<u>EXPENDITURES:</u>		
302-031200-8103	E911 Telephone System Replacement	\$ 150,000.00
		TOTAL \$ 150,000.00

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INTERNAL SERVICE FUND #3		
Account Number	Account Title	Amount Increase (Decrease)
<b>REVENUES:</b>		
600-041050-1000	Transfer from General Fund	\$ 11,023.00
		\$ 11,023.00
<b>EXPENDITURES:</b>		
600-012510-1100	IT Salaries	\$ 8,394.00
600-012510-2100	IT FICA	642.00
600-012510-2210	IT VRS Retirement	1,048.00
600-012510-2220	IT VRS Health Insurance Credit	10.00
600-012510-2400	IT VRS Life Insurance	(103.00)
600-012560-1100	County Garage Salaries	(27,572.00)
600-012560-2100	County Garage FICA	(2,109.00)
600-012560-2210	County Garage VRS Retirement	(1,819.00)
600-012560-2220	County Garage VRS Health Insurance Credit	(17.00)
600-012560-2400	County Garage VRS Life Insurance	(97.00)
600-012560-3800	County Garage Payments to Other Governments (Joint Services)	32,646.00
	TOTAL	\$ 11,023.00

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

1. Bulletproof Vest Partnership FY 2013 Application

The Board approved making application for funding available from the Bureau of Justice Assistance.

2. Codification Contract

The Board approved a contract with Municipal Code, pending further legal review of the contract by Tim Kirtner.

3. Fairview District Home Board Agreement

The Board approved an agreement releasing Craig County from ownership of Fairview District Home.

4. Citizens Commercial Services Agreement

The Board approved a contract for the provision of Internet services by Citizens Cooperative.

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### 5. Hazard Mitigation Grant Application Acceptance

As reported in the Board packet this Hazard Mitigation Grant focuses on flooding and flash flooding in the New River Valley. The proposal is a two-year project totaling \$30,700.00. The NRVPCDC is proposing a two-phase hazard mitigation project under FEMA's 5% Initiative. Phase I will be an inventory of vulnerable roadways, driveways, bridges and culverts in 100-year floodplains and flash flood prone areas. This inventory will result in the creation of maps, GIS shapefiles and coordinates of vulnerable locations. The data will be available to localities for planning purposes and incorporated into the 2016 plan update. To assist in data collection, the PDC will host community meetings so residents can identify areas of concern. The inventory product is anticipated to be highly useful for emergency personnel, planners and the public. Phase II will be flood hazard education, likely incorporating the National Oceanic and Atmospheric Administration Turn Around-Don't Drown TM program, to target citizens who rely on vulnerable infrastructure identified in Phase I. The proposed project will accomplish two regional projects identified in the 2011 NRV Hazard Mitigation Plan.

The Board approved formal acceptance of the Hazard Mitigation Grant, along with a \$500 match and maintenance agreement.

### e. Personnel Changes

The Board reviewed a report of recent personnel changes.

### f. Resolution in Support of Full-Time Staffing of Port of Entry #1412

The Board approved the following resolution requesting continuation of a Customs Office presence at the NRV Airport:

#### **Resolution in Support of Full-Time Staffing of Port of Entry #1412**

Whereas, an essential responsibility of the New River Valley Economic Development Alliance is to foster job creation, to facilitate new investment, and to nurture and improve quality of life in the Valley, and;

Whereas, having a staffed and functional Port of Entry is vital to the economy and commerce of Pulaski County and the greater Roanoke and New River Valleys, and;

Whereas, there is no other immediate Customs and Border Protection presence within a reasonable distance (2 hours or less) of the greater Roanoke and New River Valleys, and;

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Whereas, the International community has a significant impact on the local economy and requires equal international access to the rest of the World as found throughout the U.S., and;

Therefore be it resolved, that the Pulaski County Board of Supervisors requests that U.S. Customs and Border Protection provide full-time staffing to Port of Entry #1412 that will allow for continued and future international development and commerce for the greater Roanoke and New River Valley regions of Virginia.

g. Skyview Subdivision Sewer Phase II – DHCD CDBG Federal Regulatory Documents

The Board approved the following documents, copies of which are filed with the records of this meeting, as well as the following Fair Housing Certification, Compliance with Title VIII of the Civil Rights Action of 1968, all documents which are part of the Department of Housing and Community Development, Community Development Block Grant funding for the Skyview Subdivision Sewer Project - Phase II:

- Section 3 (Local) Business and Employment Plan
- Non-Discrimination Policy
- Anti-Displacement Plan
- Development of a Section 504 Self Assessment and Grievance Procedure; and
- Fair Housing Certification:

WHEREAS, Pulaski County has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing;

Therefore, Pulaski County agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

h. Health Department Space

As reported in the Board packet, Mr. Huber and Mr. Hiss met with Dr. Molly O'Dell regarding the need for additional space for the Health Department's Women Infants and Children (WIC) program which is administered out of the Health Department clinic on 4<sup>th</sup> street. This program

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has been exempted from federal sequestration efforts and is anticipated to continue growing. Four offices are needed for use two days per week. Options reviewed include the unused rear portion of the Safe Havens/former School Board offices, space in the First United Methodist Church, the former Office on Youth facility now owned by Tom Douthat directly across fourth street from the Health Department, and part of the Court Services expansion area in the Maple Shade facility.

Staff reported while it is anticipated that evaluation of other options is being pursued, authorization to offer the rear of the Safe Havens/former School Board space is recommended as this is the least desirable but most readily available space and the offer would be made as a last resort should other options not work out. Dr. O'Dell is exploring options for payment of rent for this space or other space.

The Board authorized the offering of the rear of the Safe Havens/former School Board space.

### i. Randolph Park Concessions

As reported in the Board packet, Robert Hiss and Sarah Burkett, Extension Agent, worked with Anthony Akers in reviewing the interested vendors. Board members were provided with questions and rankings of interested vendors.

The Board accepted the staff rankings, a copy of which is filed with the records of this meeting, and authorized proceeding with award of the proposal to Mor/Mak.

### j. School Carryover Policy

Mr. Sheffey described the policy with recommended amendment to the school capital fund that no money may be used for the capital funds to purchase or acquire real estate and that no money from the school capital fund be used to renovate, repair or replace central offices without the approval of the Board of Supervisors.

The Board approved the following policy which includes the amendment as stated above:

**Board Policy DAA:  
USE OF YEAR END BALANCE IN THE SCHOOL OPERATING FUND**

A. Background

At the end of a fiscal year, unspent expenditure appropriations and revenues in excess of budget generally lapse and revert to a reserve or fund balance within the fund in which the appropriations originated. Given the level of uncertainty associated with public school funding in the Commonwealth of Virginia, it is desirable to reappropriate these funds to establish and maintain certain Accounting Funds separate from the Operating Fund. The Pulaski County Board of Supervisors has historically supported these prudent fiscal practices via a process of carry-forward and reappropriation on a case-by-case basis.

The National Advisory Council on State and Local Budgeting (NACSLB) has issued guidelines representing standards of excellence in governmental budgeting that include the preparation of policies and plans for capital asset acquisition, maintenance, and replacement (Principle 2; Element 5; Practice 5.2); and preparation of policies and plans for other reserve funds (Principle 2; Element 4; Practice 4.1). This policy addresses these standards.

B. Purpose

This policy establishes a formal and less cumbersome process for the utilization of year-end school operating balances. This policy also establishes guidelines for funding school capital reserves and textbook adoptions. Encouraging sound fiscal management practices will provide opportunities for funding large, planned capital expenditures and for costly textbook purchases.

C. Performance Standard

Departments will not engage in practices for the purpose of solely generating savings that will adversely affect the quality of service delivery, unless approved by the Superintendent and/or the School Board.

D. Policy Guidelines for Use of Year-End Balances

1. When the school division operating fund is closed out at the end of each fiscal year, unexpended Textbooks specific appropriations will be transferred to the School Textbook Fund.
2. The remaining year-end school operating fund balance, as determined on the cash basis of accounting, will be transferred to the School Capital Fund for capital projects listed on the School Capital Improvements Plan as adopted by the School Board.

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3. Given that appropriations lapse in the Commonwealth of Virginia at the conclusion of each fiscal year, the Board of Supervisors shall reappropriate to the School Board the amounts transferred to the School Capital Fund and the School Textbook Fund at the beginning of the subsequent fiscal year or as soon thereafter as feasible.

Legal Ref.: Code of Virginia, 1950, as amended, section 22.1-100.

### **Board Policy DAB: SCHOOL CAPITAL FUND**

#### A. Background

The Pulaski County School Board recognizes one of the keys to sound financial management is the development of a systematic way to fund capital projects.

The National Advisory Council on State and Local Budgeting (NACSLB) has issued guidelines representing standards of excellence in governmental budgeting that include the preparation of policies and plans for capital asset acquisition, maintenance, and replacement (Principle 2; Element 5; Practice 5.2). This policy addresses this standard.

#### B. Purpose

This policy establishes a School Capital Fund and guidelines to set aside reserves to fund school capital projects.

#### C. Policy Guidelines for School Capital Fund

1. The School Board hereby establishes a School Capital Fund for the purpose of accumulating funds for school capital projects identified in the School Capital Improvements Plan as adopted by the School Board.
2. Funds will be deposited into the School Capital Fund from the following sources:
  - a. As specified in Board Policy DAA, year-end school operating balances (excluding Textbook funds) will revert to the School Capital Fund.
  - b. Any additional funds that the Board of Supervisors appropriates to the School Capital Fund.
3. Funds may be allocated from the School Capital Fund for the following purposes:
  - a. Cash outlay for projects identified in the School Capital Improvements Plan as adopted by the School Board.
  - b. Architectural and engineering services for all capital projects whenever possible. However, no money may be used from the capital funds to purchase or acquire real estate nor to renovate, repair or replace central offices without the expressed approval of the Board of Supervisors.

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4. The School Capital Fund balance shall not exceed \$2,000,000 unless otherwise approved by the Board of Supervisors.

### **Board Policy DAC: SCHOOL TEXTBOOK FUND**

#### A. Background

The Pulaski County School Board recognizes one of the keys to sound financial management is the development of a systematic way to fund large textbook adoptions. Textbook funds required for county-wide adoption are not available in any one budget year. A School Textbook Fund, into which unexpended funds could be allocated, would enable saving for future textbook adoptions from year-to-year rather than attempting to fund adoptions through reallocations in the operating budget, additional funding requests, and/or purchasing textbooks piecemeal.

The National Advisory Council on State and Local Budgeting (NACSLB) has issued guidelines representing standards of excellence in governmental budgeting that include the preparation of policies and plans for other reserve funds (Principle 2; Element 4; Practice 4.1). This policy addresses this standard.

#### B. Purpose

This policy establishes a School Textbook Fund and guidelines to set aside reserves to fund school textbook purchases.

#### C. Policy Guidelines for School Textbook Fund

1. The School Board hereby establishes a School Textbook Fund for the purpose of long-term planning and accumulating funds for textbook adoptions in accordance with the *Regulations Governing Local School Boards and School Divisions (8 VAC 20-720)*.
2. By definition, "textbooks" means print or electronic media for students' use that serve as the primary curriculum basis for grade-level subject or course.
3. Funds will be deposited into the School Textbook Fund from the following sources:
  - a. As specified in Board Policy DAA, unexpended Textbooks specific appropriations will be transferred to the School Textbook Fund.
  - b. Any additional funds that the Board of Supervisors appropriates to the School Textbook Fund.
4. Funds may be allocated from the School Textbook Fund for the following purposes:
  - a. Large county-wide textbook adoptions

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- b. Other non-consumable, instructional materials used in the classroom for instructional purposes including, but not limited to workbooks, software, and other electronic media.
5. The School Textbook Fund balance shall not exceed \$1,000,000 unless otherwise approved by the Board of Supervisors.

k. Award of Bid for County Garage Grading – Phase I

Mr. McCready described receipt of bids on the project had come in much lower than the engineer's estimate of \$401,010, with the low bidder withdrawing due to a numerical error, and with the next lower bid from Simpson Construction at \$294,750. Mr. McCready commended Jared Linkous for the savings on the project.

The Board approved award of the County Garage Grading – Phase 1 bid to Simpson Construction at a cost of \$294,750.

11. Citizen Comments

Mr. Vernon Landreth, Chaplain for the Sheriff's Department, described his work with the Sheriff's Department and commended the Sheriff's staff for the services provided to Pulaski County citizens. Mr. Landreth thanked Sheriff Jim Davis for the opportunity to serve the Sheriff's Department and Pulaski County citizens.

Mr. Huber advised that Mr. Landreth volunteers his services to the Sheriff's Department and does not receive payment for his services.

Board members thanked Mr. Landreth and the entire Sheriff's Department for their service in protecting the citizens of Pulaski County.

Staff was directed to review the current listing of ministers providing the Invocation for 2013 to determine if a vacancy exists to allow for Mr. Landreth to provide the Invocation at a future meeting and to contact Mr. Landreth if a vacancy exists.

Mr. Carl McNeil expressed appreciation to Mr. McCready for comments regarding the upcoming reassessment. Mr. McNeil described events related to a musical event held in the past on his property and receipt of a letter from the Building Department related to issues surrounding the event on Mr. McNeil's property. He also described efforts to obtain information as to the complainant in the matter and denial of this request. Mr. McNeil indicated that Attorney Rod Layman was also reviewing the matter.

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Mr. Huber advised that county staff had the occupancy permit ready for pickup by Mr. McNeil; however, Mr. McNeil had indicated he did not intend to pick up the occupancy permit since there is a 299 person occupancy limitation by the Fire Marshall. Mr. McCready noted it was up to the property owner to control the number of persons attending the event. Mr. Huber advised of the potential liability if the occupancy limit is exceeded.

### 12. Other Matters from Supervisors

Mr. Sheffey advised of a budget work session to be held on Monday, April 29, 2013 at 6:00 p.m. in the basement of the County Administration Building; a joint meeting with the Pulaski Town Council on Monday, May 13, 2013 at 6:00 p.m. at the Pulaski Train Station; and the next regular meeting on Monday, May 20, 2013, beginning with a Closed Session at 6:00 p.m. and regular meeting at 7:00 p.m. in the County Administration Bldg..

### 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 budget work session scheduled for Monday, April 29, 2013 at 6:00 p.m. in the County Administration Building in the Town of Pulaski. The next regular Board of Supervisors meeting is scheduled for Monday, May 20, 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.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator