

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2014

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 28, 2014 beginning with a Closed Session at 5:30 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; and Danny Wilson, Acting Community Development Director. 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.1.3.5.7 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. 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

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:

- Loving Field

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:

- Loan from IDA to West Main Development, LLC
- Dalton Building
- Mebane House

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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:

- Update on Stellar One Suit

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. O'Dell, seconded by Mr. McCready 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. Pratt and carried, the Board of Supervisors adopted the following resolution certifying conformance with the Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Pulaski County, Virginia hereby certifies to the best of each members' knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in this motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors.

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

Voting no: None.

2. Welcome, Pledge and Invocation

a. Welcome

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

b. Pledge of Allegiance

Supervisor Bopp led the Pledge of Allegiance.

Mr. Sheffey called for a moment of silence in memory of the loss of Julie and Ginger Simpkins from Snowville.

c. Invocation

The invocation was led by Pastor Dave Farris of the North Star Church in Pulaski.

3. Presentations and Recognitions:

➤ Featured Department

The Honorable Mike Fleenor, Commonwealth Attorney, and Bill Demere, Victim Witness Coordinator, provided a summary of the Victim Witness Program.

Mr. Sheffey thanked the Commonwealth Attorney and staff for the presentation.

4. Additions to Agenda

Mr. Huber requested Ms. Hanks provide an update on the BoardDocs program, specifically as it relates to logging on to the public site.

Mr. Huber called on Josh Tolbert, Emergency Management Coordinator, to describe a slide presentation related to "cleaning up after mice infestations". Mr. Huber also described steps taken by county staff in disposing of material removed from a mobile home where mice infestation was suspected. Mr. Tolbert advised that a report was expected from the Center for Disease Control for materials taken from the mobile home.

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Board members commended county staff for efforts in addressing the issue as it relates to removal of debris from the site of the mobile home.

Staff was requested to provide a copy of the PowerPoint presented by Mr. Tolbert in the weekly update.

Mr. Hiss described the protocol for speakers during the public hearings and Citizen Comments sections on the agenda.

5. Public Hearings

a. Special Use Permit Petition by Korona Candles, Massie District

Mr. Huber explained the request to issue a special use permit to allow an above ground tank farm (up to 12 tanks) for storage of liquid paraffin and/or vegetable oil.

Mr. Huber provided a summary of the following staff report included in the Board of Supervisors agenda packet:

Above Ground Storage Tanks greater than 10,000 gallons are a use that is specifically identified in the I-1 District as allowable by Special Use Permit, and according to Section 17-3.6 of the Zoning Ordinance, "In the governing body's consideration to grant, deny, or grant conditionally a Special Use Permit (SUP), the governing body shall consider the following guidelines and standards:

17-3.6.1 The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate;

17-3.6.2 The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property."

As this property is within an industrial park and has historically been used for industrial purposes, this Special Use Permit request appears to fit in with the character of the area and should not have an adverse impact to neighboring properties. The tanks will be placed behind the building, so they will not be visible from public roadways and, most likely, will not be visible from adjacent properties due to the topography of the subject property (there is a cliff on the rear of the property that will limit views from the rear). In addition, Phoenix Packaging, which is located across the street from Korona Candles, has several above ground storage tanks for their raw materials, supporting the assessment that this request will fit in with the character of the surrounding properties.

According to the MSDS sheets provided to staff, the materials to be stored in the above ground storage tanks are not particularly hazardous and do not

pose a significant health risk. The Pulaski County Emergency Management Coordinator has reviewed the application and MSDS sheets and did not see any safety issues with allowing the tank farm to be built. The tanks will also be reviewed by County staff during building permitting and site plan review.

After careful review of the application materials and the property, staff does not foresee any major issues with issuing the Special Use Permit, as the tanks fit in with the character of the surrounding properties, the subject property is located in the I-1 District, the tanks will be placed so that they are not visible from public roadways, and there are no residential properties nearby.

Mr. Huber advised the Planning Commission unanimously recommended approval of the request.

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

On a motion by Mr. Bopp, seconded by Mr. McCready and carried, the Board unanimously approved issuance of a special use permit to Korona Candles to allow for an above ground tank farm (up to 12 tanks) for storage of liquid paraffin and/or vegetable oil.

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

Voting no: None.

b. Special Use Permit (SUP) Petition by Dundee South, Robinson District – WITHDRAWN BY APPLICANT

Mr. Sheffey advised the applicant had withdrawn the application; however, comments would be received from the public since the hearing had been publicly advertised. Mr. Sheffey also clarified that no action would be required by the Board.

Mr. Clarence Hobbs advised he lived behind the area of the withdrawn SUP and expressed concern over the traffic, specifically excessive speeding on Rt. 11. Mr. Sheffey suggested that Mr. Hobbs generate a petition to be signed by residents in the area and submit said petition to the Board of Supervisors, which would in turn be submitted to VDOT for review and follow-up. Mr. Sheffey also advised that the Board of Supervisors had no authority over changing in speed limit limits.

c. Right-of-Way (ROW) Vacation Petition by Melvin Lester, Draper District

Mr. Huber explained the request to vacate 20 feet of a 40 foot unimproved right-of-way for a distance of approximately 240 linear feet and a recommendation by the County Attorney for the Board to pass a formal

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ordinance. Mr. Huber also described the location of the property and advised a meeting of property owners had been held in February and that those in attendance at that meeting were in favor of the ROW vacation.

Mr. Sheffey opened the public hearing.

County Attorney Tim Kirtner recommended adoption of the ordinance presented to the Board.

There were no citizen comments and the hearing was closed.

On a motion by Mr. McCready, seconded by Mr. Pratt, the Board adopted the following ordinance:

ORDINANCE OF VACATION

WHEREAS, a map of Evergreen Acres Subdivision, in Pulaski, Virginia was recorded April 4, 1959 in the Clerk's Office of the Circuit Court of Pulaski, Virginia in Plat Book 3, Page 61;

WHEREAS, the map depicts a certain forty (40) foot road or right-of-way running south/southeast from Evergreen Drive and intersecting with Four Seasons Lane;

WHEREAS, Melvin R. and Kathy H. Lester, the owners of a parcel of real estate located at the of corner of Evergreen Drive and the aforesaid unimproved right-of-way have petitioned for vacation of a portion of said right-of-way; to-wit: a twenty (20) foot wide section of the right-of-way lying adjacent and abutting the Lesters' property and extending approximately 240 feet south/southeast along the boundary of a portion of the Lesters' property;

WHEREAS, the aforesaid section of right-of-way is not presently, nor has it ever been, a common means of ingress and egress for the general public, nor has it ever been paved, improved or regularly used for purposes of vehicular travel by the general public, and as such the aforesaid section of the right-of-way is not necessary for the benefit of the subdivision;

WHEREAS, the other adjacent property owners have not objected to the Lesters' petition;

WHEREAS, the Pulaski County Planning Commission has voted unanimously to approve vacation of the section of right-of-way as submitted by the Lesters;

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NOW, THEREFORE, BE IT ORDAINED, that in accordance with the provisions of Virginia Code Section 15.2-2272(2), that portion of the map of Evergreen Acres Subdivision showing a 20 foot section of right-of-way running south/southeast from Evergreen Drive, extending approximately 240 feet and adjacent to and abutting the boundary of Tax Map Parcel No. 74-8-11 (being a portion of the property owned by the Lesters) shall be and the same hereby is, vacated, a public hearing thereon having been duly advertised in accordance with Section 2-12.5 of the Pulaski County Subdivision Ordinance and Virginia Code Section 15.2.2204; and

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance of Vacation shall be recorded after the expiration of 30 days from the date hereof, unless appealed to the Circuit Court of Pulaski County, Virginia, and thereafter, if this Ordinance of Vacation is affirmed by said Court, in the Clerk's Office of the Circuit Court of Pulaski County, Virginia.

This Ordinance shall be effective immediately upon adoption.

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

Voting no: None:

d. Newbern Through Truck Traffic Prohibition

Mr. Huber advised a public hearing had been scheduled to allow for citizen comments on the proposed prohibition of truck traffic through Newbern.

Mr. Sheffey opened the public hearing.

Julia Kriss spoke in favor of the prohibiting of truck traffic through Newbern citing concerns over the volume of trucks traveling through Newbern and the damage being caused to the road and the museum by the weight of the trucks. Ms. Kriss also expressed concern over the effects on the overall tourism in Newbern due to the volume of trucks, as well as the weight of the trucks passing through Newbern.

Becky Gunn spoke in favor of the prohibiting of truck traffic through Newbern describing the historical designation of Newbern. Ms. Gunn also described concerns related to speeding by VDOT trucks and other trucks traveling the road, the overall damage being caused by the weight of the trucks and the affects of the trucks on the road and the museum.

Tom McGohey expressed concern over the volume of truck traffic through Newbern and advised VDOT had recently erected crosswalk signs. Mr. McGohey expressed concern over truckers speeding through Newbern.

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Mr. McGohey also referenced the large volume of visitors to the historic jailhouse and expressed concern over the potential negative impact on the overall tourism efforts.

Barry Hunter expressed concern over the damage to the road in Newbern due to the heavy trucks, as well as concerns over the safety of pedestrians walking the road.

Carolyn Mathews spoke in favor of the prohibiting of truck traffic through Newbern citing concerns over the potential impact of the historical designation of Newbern, the damage to the road and museum and the overall safety of residents and pedestrians in Newbern. Ms. Mathews expressed appreciation for the sign welcoming bikers to Pulaski County.

Joyce Crowder spoke in favor of prohibiting through truck traffic in Newbern and expressed concerns over the noise from the trucks, the volume of trucks and the rumble and vibrations caused by the trucks when passing through Newbern.

Cheryl Morris expressed concern over the danger posed by the heavy volume of trucks traveling through Newbern, as well as the excessive speed and damage to roads due to the weight of the trucks.

Tony Landreth of Holston River Quarry described the plans for the new entrance off of Exit 101 to the Holston River Quarry. Mr. Landreth advised trucks traveling to and from Holston had been and continued to be encouraged to bypass traveling through Newbern. Mr. Landreth suggested consideration to "not recommended" signage be erected in Newbern.

Doug Meade spoke in opposition to prohibiting through truck traffic in Newbern and expressed concern that prohibiting through truck traffic would affect the overall business of truckers.

Bob Sowers spoke in opposition to prohibiting through truck traffic in Newbern and expressed concern that prohibiting trucks would make it difficult for the delivery of stone and materials, should the intersection be blocked.

Mr. Sheffey shared emails from Miller Farris and Courtney Hamblin which described concerns over prohibiting through truck traffic in Newbern.

Mr. Sheffey closed the public hearing.

Board members discussed the following: the potential for erecting "not recommended" signage; speed enforcement issues; potential for use of speed limit radar signage (similar to that used at Pulaski County High School); and the need to have more information before taking steps to restrict through truck traffic.

On a motion by Mr. McCready, seconded by Mr. Bopp and carried, the Board approved the purchase of two speed limit radar signs to be erected at the Museum, noting the signs could also be moved and used elsewhere if needed.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Sheffey, Mr. Bopp.
Voting no: Mr. Pratt

e. Six Year Plan Public Hearing

Mr. Sheffey advised the public hearing to hear citizen comments on the six year plan would be held at the May 19, 2014 Board meeting, with VDOT advertising said hearing.

6. Presentations and Citizen Comments

Mr. Sheffey explained that this "Citizen Comments" allowed for comments specifically pertaining to items currently on the agenda.

There were no citizen comments at this time.

7. Highway Matters:

Chris Price, Assistant Resident Engineer for the Virginia Department of Transportation (VDOT) met with the Board in Dave Clarke's absence.

a. Follow-up from Previous Board meeting:

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

Mr. Price provided updates as follows: pipe installation on Rt. 686; efforts on patching areas throughout the county, including Kent Farm Road and Lizzie Hollow Road; start up of contract paving on Alexander Drive; posting of 25 mph signage on Harris Street, Rt. 1045, 1047, 1048 and off Rt. 11; additional signage on Viscoe Road (both ends); continued review by VDOT of a previous request for "No U Turn" signage on Bob White Boulevard in the vicinity of the Newbern Heights Subdivision entrance; review of options related to a request for curb warning signage on Robinson Tract Road; continued brush cutting; plans by Anthony Barnes to contact Mr. Pratt regarding a

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recent request to review the deterioration of a culvert on Old Baltimore Road; and continued review by VDOT of a request by Mr. McCready for guardrail on Rt. 11.

Mr. Sheffey inquired regarding the status of VDOT's review of a drainage problem on Highland Road. Mr. Price advised he would confirm the work has been scheduled and provide county staff with an update for forwarding to the Board.

Mr. Price provided an update on the following ongoing and new VDOT projects: ditching operation on Rt. 11 from Radford City limits to Rt. 100 in Dublin; approval of guardrail replacement on Draper's Mountain Road, as well as shoulder repairs, within the next two weeks; continued work on gravel roads; ongoing paving projects including pavement ramps at intersection of Rt. 11 and 100, section of Rt. 100 from Exxon Station beyond bridge on F047; and several secondary routes including Rt. 693; Rt. 683 (from Rt. 643 to Rt. 11), Rt. 1075 and subdivision street off Rt. 643.

Mr. O'Dell inquired as to the impact on funds as a result of the winter snow removal. Mr. Price advised VDOT had stayed close to the funds budgeted for snow removal. Mr. O'Dell commended VDOT staff for a good job in addressing snow removal during a particularly difficult winter.

Mr. Sheffey requested Mr. Price provide county staff with timeframes for all projects, if available.

d. Citizen Comments

There were no citizen comments.

e. Board of Supervisors Comments

Mr. McCready referenced the public hearing held on the request for "no through truck traffic" in Newbern and the comments by citizens related to excessive speeding by trucks. Mr. McCready requested Mr. Price convey to VDOT truck drivers of the need for drivers of the trucks to abide by the speed zone when traveling through Newbern.

Mr. McCready described his research in preparation for the public hearing on the "no through truck traffic" issue in Newbern and referenced State Code sections that allows counties to mount some signage. Mr. McCready requested Mr. Price determine if the county could mount directional signage in the general area of the Volvo/James Hardie plants, in an effort to avoid problems related to inaccurate GIS directional information. VDOT was requested to work with county staff to review the regulations and options available to the county.

Mr. O'Dell inquired if the permit is still active on Rt. 694. Mr. Price offered to review the matter and provide an update to Mr. O'Dell.

Mr. O'Dell advised of large boulders and rocks in ditches on Rt. 672, at the old lighthouse bridge.

Mr. Pratt requested the Board consider "not recommended for truck traffic" signage in Newbern.

Mr. Sheffey shared an email from Trina Rupe requesting review of the intersection of Dunlap Road and the Locust Ave Ext. as it relates to heavy traffic and the need for additional signage. Staff was requested to forward to Mr. Price the email received from Ms. Rupe.

Mr. Sheffey expressed appreciation to VDOT for the paving on Belspring Road.

Mr. Sheffey inquired as to the status of the reopening of the Rt. 11 bridge. Mr. Price advised it was his understanding the date had been moved up from November 2014 to possibly June 2014. Mr. Price advised larger posts were being placed at the intersection of Rt. 114 and Viscoe Road.

Mr. Huber inquired as to the potential for a "bridge opening" celebration. Mr. Price offered to review the feasibility of such an event and advise county staff and Board.

8. Treasurer's Report

Treasurer Melinda Worrell provided the monthly report. Ms. Worrell also advised that real estate tax tickets were set to be mailed the week of April 28th.

Mr. McCready noted the machinery and tools tax continues to grow. Ms. Worrell advised sales tax was up 3% in February.

Mr. Sheffey inquired as to the meals taxes generated from the opening of "Roca's", the new Mexican restaurant in Fairlawn. Ms. Worrell offered to provide county staff with the information to be forwarded to the Board via weekly update.

9. Reports from the County Administrator & Staff:

a. Appointments

On a motion by Mr. Pratt, seconded by Mr. O'Dell and carried, the Board approved the following action on appointments.

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1. Industrial Development Authority

The Board appointed Sheila Smith to fill a vacancy and unexpired term ending January 31, 2017.

2. Ninth District Financing Committee

The Board reappointed Dallas Cox for an additional term ending June 30, 2015.

3. New River Valley Community Services Board

The Board appointed Lynn Chenault to fill the unexpired term of Robert Hiss, with said term ending June 30, 2014.

4. New River Community College

The Board requested staff invite Lane Penn to consider serving when Tom McCarthy's term expires June 30, 2014 and place update on the May 19, 2014 agenda.

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

Voting no: None.

b. Four-Year Goals

The Board reviewed the electronic version of the Four Year Goals spreadsheet and requested the electronic version included in future BoardDocs be presented in "PDF".

c. Unsafe Structures

Mr. Huber described the unsafe structures located at 6419 and 6415 McClothlin Lane Cloyd District, and 6450 Church Street, Cloyd District. Mr. Huber also advised the owners had not been responsive to any contacts by the county.

Mr. Sheffey expressed concern over the location of a playground in the vicinity of the unsafe structure on Church Street.

On a motion by Mr. O'Dell, seconded by Mr. Bopp and carried, the Board approved staff proceeding forward with applying the steps called for in the Unsafe Structure Ordinance for the properties located at 6419 and 6415 McClothlin Lane Cloyd District, and 6450 Church Street, Cloyd District.

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

Voting no: None.

d. Max Creek Right-of-Way Vacation

Mr. Huber described the history of the matter, including information included in the Board packet which included a chronology of events prepared by Danny Wilson.

Mr. Kirtner requested the Board authorize staff to give notice of the Board's intention to abandon this right-of-way section, noting a public hearing could only be held, if requested by a citizen(s).

Mr. Sheffey inquired as to the method used for notifying the public of the proposed abandonment. Mr. Kirtner advised signs would be posted in the section of the right-of-way, as well as appropriate advertisements in the local newspapers.

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved staff to move forward with the 30 day public advertisement for the vacation/abandonment of approximately 885 linear feet of the Max Creek Road right-of-way that is located solely on the Blue Ridge Mountains Council property.

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

Voting no: None.

e. Virginia Stormwater Management Program(VSMP) Adoption

Jared Linkous, County Engineer, summarized a report included in the Board packet in which staff recommended notifying the Department of Environmental Quality (DEQ) of the county's intention to "opt out" of the VSMP, while continuing to monitor the situation.

Board members discussed the potential to "opt in" in the future, certifications and trainings for staff, and the acreage included in the regulations.

On a motion by Mr. Pratt, seconded by Mr. O'Dell and carried, the Board accepted and approved staff recommendation for opting out of the VSMP.

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

Voting no: None.

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f. Joint Communications Center Agreement

Mr. Huber explained the process leading to the presentation of the final Joint Communications Center Agreement. Mr. Huber described the dispatcher duties, the plans for town dispatchers to transfer to the Sheriff's office and the plans for the joint operation center.

Mr. McCready provided additional background information and summarized the benefits of the joint operations.

Mr. Sheffey commended Mr. Bopp and Mr. McCready for serving on the Joint Communications Committee.

Mr. Kirtner advised the Board would need to adopt a formal ordinance enacting the agreement.

On a motion by Mr. O'Dell, seconded by Mr. Bopp and carried, the Board approved the Joint Communications Center Agreement by adopting the following Ordinance:

ORDINANCE ADOPTING AND ENACTING
JOINT DISPATCH AGREEMENT WITH
THE TOWN OF PULASKI, VIRGINIA

WHEREAS, among the responsibilities of the Board of Supervisors of Pulaski County is ensuring public safety;

WHEREAS, an important element of public safety is the ability of fire, law enforcement and rescue agencies throughout Pulaski County to respond to citizen needs in a timely and efficient manner;

WHEREAS, in order to provide these services in a timely and efficient manner it is necessary to maintain a coordinated and well-equipped dispatch center to receive citizen calls and communicate citizen needs to the appropriate agency to respond to those needs; and

WHEREAS, a collaboration of dispatch efforts with the Town of Pulaski serves these public interests of the citizens of Pulaski County;

NOW, THEREFORE, be it ORDAINED by the Board of Supervisors of the County of Pulaski, Virginia, that pursuant to *Code of Virginia*, Section 15.2-1300, et. seq., this Joint 911 Communication Center Agreement, by and among the COUNTY OF PULASKI, VIRGINIA ("County"), the TOWN OF PULASKI, VIRGINIA ("Town of Pulaski"), the PULASKI COUNTY SHERIFF'S OFFICE, REGIONAL EMERGENCY MEDICAL SERVICES INCORPORATED ("REMSI"), and the PULASKI COUNTY FIRE PROTECTION COMMITTEE, is enacted by vote of the Board of Supervisors of the County of Pulaski, Virginia, on April 28, 2014.

WITNESSETH:

I. BACKGROUND

The County and the Town have studied the benefits, problems and costs associated with the establishment of a centralized 911 communications facility to serve all area law enforcement, fire and EMS personnel under an Enhanced, Next Generation 911 emergency telephone system. In this Agreement, the Town, the County, the Sheriff's Office, the Police Departments, Fire and EMS wish to confirm the terms upon which such a Joint 911 Communications Center will be established. In consideration of the mutual benefits and obligations contained herein, the parties therefore do agree to the following terms.

II. JOINT 911 COMMUNICATIONS CENTER AND RECORDS CENTER ESTABLISHED:

- A. The County and Town will establish a Joint 911 Communications Center and a Joint Records Center (herein after collectively referred as the "Center") at 802 East Main Street, Pulaski, Virginia (Pulaski County Sheriff's Office). The Center will become operational as soon as practically possible and are created for the purpose of performing all necessary public safety dispatching and criminal records keeping functions for the County and the Town.
- B. The name of the Joint 911 Center shall herein be known as the **PULASKI COUNTY JOINT 911 COMMUNICATIONS CENTER** ("Communications Center").
- C. The initial staffing levels for the Center shall be a minimum of eighteen (18) communications officers and one (1) Director for a period of three (3) years. Upon the end of the third year, staffing levels may be reevaluated annually to ensure they are meeting performance standards established by the Board.
- D. The Center shall be governed by an independent board, herein known as the **PULASKI COUNTY EMERGENCY COMMUNICATIONS BOARD** ("Board").
- E. The Board shall be comprised of the following representatives:
 - a. Sheriff
 - b. Regional Emergency Medical Services Incorporated Director.
 - c. One (1) representative of the Pulaski County Fire Protection Committee.

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- d. Three (3) representatives of the Town of Pulaski (One (1) MUST be the Chief of Police, up to one (1) elected official from the Town Council, and the Town Manager).
 - e. Three (3) representatives of the County of Pulaski (One (1) MUST be the Emergency Management Coordinator, up to one (1) elected official from the Pulaski County Board of Supervisors, and the County Administrator)
 - f. There shall be no more than one (1) elected official from each governing body.
 - g. Each Board member shall have a designated alternate approved by the appointing body. The alternate is encouraged to attend and participate in meetings but can only vote in the absence of the primary representative.
 - h. Service terms for board members shall be determined by the appointing body for each member, except for the Sheriff, REMSI Director, Town Police Chief, Emergency Manager, and Fire Protection Committee Representative who are permanent positions and shall not be substituted or altered.
 - i. Elected officials who are also employees of agencies served by the Joint Center may not also serve as a Board member or alternate except for the Sheriff.
- F. Liability** – The members (or alternates) of the Board shall incur no individual or personal liability for actions taken in good faith by them as members of the Board.
- G. Chair and Vice Chair** – The membership shall select a Chair, Vice Chair and Secretary. Neither of the Town Councils' nor Board of Supervisor's representatives shall serve as an officer of the Board.
- H. Voting** – The Board shall use a majority rule and Robert's Rules of Order for all matters of voting.
- I. The Board shall operate the Center in accordance with any bylaws adopted by the Town and County and shall establish operating procedures and policies for the center and shall include compliance with applicable standards promulgated by the Virginia Law Enforcement Professional Standards Commission accreditation specific to the Town of Pulaski's accreditation requirements. The 911 Emergency Communications Board and/or the Center shall not be responsible for any additional costs associated with a member agency's accreditation.**

- J. The Board shall submit annually to the Town and the County an operating budget and report of activities. The Board shall contract for an independent audit annually.
- K. The Board will be directly responsible for line and staff decisions, including the hiring, supervision, and if necessary the termination of a Center Director. The County and Town hereby delegate to the Board the power to hire, discipline and remove the Director and recommend compensation of all employees. Further, the County and Town hereby delegate to the Director the right to hire, manage, discipline and remove employees of the Center (within the limits of the County's established personnel policies). All persons employed by the Center, shall be considered to be employees of the County and eligible to receive all rights and benefits of County employees.
- L. Joint Records Center Definition – The establishment of a central location whereby all records such as criminal and civil warrants are to be located for the purpose of record keeping and to ensure prompt access to such records upon required need. The Emergency Communications Board along with assistance from the Center Director, will be responsible for establishing procedures and protocols for the purpose of handling records from the agencies represented in this agreement; and shall include compliance with applicable standards promulgated by the Virginia Law Enforcement Professional Standards Commission accreditation specific to the Town of Pulaski's accreditation requirements. In addition, all procedures and protocols shall be developed in compliance with applicable state and federal requirements, specifically FBI and DCJS requirements as they pertain to law enforcement records and Virginia Criminal Information Network (VCIN)/ National Criminal Information Network (NCIC) record keeping procedures.
- M. The operation of the Joint Records Center shall be governed by an agreement between the Sheriff and Town Police Chiefs. Member agencies agree to use the same Computer Aided Dispatch (CAD) and Records Management System (RMS). If at any time, a member chooses to change their RMS system, then the Board shall approve such change prior to moving forward. All software and licenses shall remain the property of the member agency making the purchase.
- N. **ADDITIONAL MEMBERSHIP**
Should, at any time, an additional agency/locality desire to become a member and receive all rights and responsibilities, they may be offered membership under terms substantially similar to those contained in this agreement and subject to their execution of an addendum incorporating those terms..

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O. STAFF SALARIES & BENEFITS FOR EMPLOYEES WHO TRANSITION

Employees who transition from their individual member agency into the Center shall do so without any loss to their current salary, sick leave, comp-time, vacation and holiday time accruals. In addition, they will retain their years of service and will be provided all fringe benefits currently offered to County employees. Employees who join the Center will be employees of the County. Employee health insurances contributions will be transitioned to match the amount currently being paid by County employees for a particular insurance plan. Titles will not transition into the Center as it will be the responsibility of the Center Director to assign position titles within the Center. Employees who transition to the Center shall not serve any probation period unless they are currently under a probation period with their agency.

III. FISCAL AND ADMINISTRATIVE AGENT; COST SHARING

- A. The County of Pulaski is hereby designated as fiscal agent for the Center. The County shall be responsible for furnishing, purchasing, personnel and payroll functions for the Center, as well as legal counsel. If, in the opinion of the County Attorney, outside counsel is necessary for the provision of legal services to the Center, the cost for such services shall be divided among the County and Town based on the established cost sharing method contained forthwith.
- B. Initial cost allocation will based solely on population. Population data will be obtained through the most recent U.S. Census. Once an accurate population has been obtained, a population percentage for each locality will be calculated and each locality will be responsible for their percentage of the total operational cost of the Center. The County's population will not include the Town's population in its overall calculation.

The Town and the County are committed to the most fair and accurate cost allocation model. The Board may determine a better method for cost allocation once the Center is operational. If a more fair and accurate cost allocation method is determined, the governing bodies of the Town and County will both be required to approve before its implementation.

Costs associated with licensing or accreditation of any agency served by Joint 911 Communications Center will be the responsibility of the agency receiving or requesting such services. Neither the Communications Center nor the Board will be responsible for an individual agency's licensing or accreditation costs.

The Board shall have the ability to decide billing method based on usage after the initial five year operational period. At any time, this method may be modified at the request or recommendation of the Board to the Town and County elected officials who must vote in agreement to make such modifications.

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IV. LIABILITY

A. The County and Town acknowledge that the Pulaski County Emergency Communications Board will act as agents for them in carrying out the dispatching functions of the law enforcement, fire and EMS activities. The Board shall incur no individual or personal liability for actions taken in good faith by them as members of the Board.

In the event that the Center operations would not be covered by the County's liability insurance, then the Board shall obtain liability insurance adequate to protect the interests of the Town and County and itself from claims arising out of its performance of these functions. The purchase of such insurance shall in no way constitute a waiver of any defenses, included but not limited to the defense of sovereign immunity, which may be available to the Board of Directors, the Town, or the County, with respect to any claim against any or all of them. The Town and County will be named as additional insureds under any policy obtained by the Board.

V. EXECUTION, DURATION, JOINT EXERCISE OF POWERS:

The County and Town intend this Agreement as a joint exercise of their respective powers, as authorized by § 15.2-1300 of the Code of Virginia. The County Board of Supervisors and Town Council have therefore caused this Agreement to be executed for them by the Chairman of Board of Supervisors and the Mayor of the Town, respectively, as of the respective dates indicated below. The portions of this agreement affecting the creation, duties and powers of the Board, and authorization for hiring of the Director, will take effect upon its final execution. It is anticipated that each body shall prepare its budgets for Fiscal Year 2014-15 in the anticipation that this agreement will be effective within the Fiscal Year 2014-15. All other portions of the agreement shall be effective upon the operational date of the Center. Thereafter, this Agreement shall be continually in force and effect, until modified or dissolved by mutual agreement, except outlined under Section VII herein.

VI. SEVERABILITY OF PARTS OF AGREEMENT:

It is hereby declared to be the intention that the sections, paragraphs, sentences, and clauses of this Agreement are severable. If any section, paragraph, sentence, or clause shall be found to be invalid for any reason, such invalidity shall not affect any of the remaining portions of the Agreement.

VII. AGREEMENT TERM

This agreement shall be for a term of twenty (20) years from the date of signing by all parties. Upon expiration, the agreement shall automatically renew for an additional twenty (20) year period provided there are no objections from any participating members.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2014

Objections shall be conveyed to the Board one hundred eighty (180) days prior to the expiration of the Agreement for review, revision and if necessary, changes.

VIII. CANCELLATION OF AGREEMENT AND DISPOSITION OF PROPERTY

Notwithstanding any other provision of this Agreement, or any related Agreement, or any representation made during the course of any negotiation or any other matter without limitation, this Agreement may be canceled by any of the parties involved upon three hundred sixty (360) days written notice to the Board and the "supermajority vote" of the governing body wishing to separate. Separation is not allowed within years 1-9 to ensure a minimum of 10 years joint partnership. Notices to separate will only be accepted during June 1 thru June 30 of any given calendar year thereafter.

Refunds to the entity separating shall include the percentage of "ownership" remaining in capital reserve that has not been expended at the time of notice to separate. The Board, at its discretion, may allow equipment to be transferred back to the separating locality based on the remaining value. Any assignment of CAD licenses or similar to the Center will be returned to the contributing entity upon separation. Radio frequencies shall remain the property of the agency providing them, the Center will be a sub-user under the contributing agencies license. In the event that a member agency elects to separate from the Center, the County will provide the departing agency with two repeated UHF frequencies to continue their UHF radio operations as well as continued use of the UHF radio infrastructure. The departing agency will NOT be released from this Agreement with no means to continue basic radio communications.

IX. JURISDICTION AND LEGAL REMEDIES

This agreement shall be governed by the law of the Commonwealth of Virginia. Any disputes arising from this agreement must be handled in the Pulaski County Court System.

X. ADDITIONS AND MODIFICATIONS

The **EMERGENCY COMMUNICATIONS BOARD** reserves the right to change or modify this agreement through parliamentary procedure including a super majority vote of the original signing parties.

Adopted: April 28, 2014

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. O'Dell, seconded by Mr. Bopp and carried, the Board approved the following Items of Consent:

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

a. Approval of Minutes of March 24 and April 7 and 14, 2014 meetings

The Board approved the minutes of the March 24, and April 7 and 14, 2014 Board meetings as presented.

b. Accounts Payable

The Board approved accounts payable for checks numbered 2038116 through 2038629, subject to audit.

c. Interoffice Transfers and Budget Adjustments

The Board approved the interoffice transfer #10 totaling \$75,971.04 and budget adjustments as follows:

GENERAL FUND #2014-16

Account Number	Account Title		Amount Increase (Decrease)
REVENUES:			
100-016030-1000	Commonwealth Attorney State Seized Property	\$	314.42
100-016030-1100	Sheriff State Seized Property		208.25
100-041010-0100	Insurance Proceeds		12,773.29
100-033010-2032	Byrne Justice Assistance Grant		2,465.00
100-016010-0200	Sheriff's Fees		120.00
		TOTAL \$	15,880.96
EXPENDITURES:			
100-022100-6017	Commonwealth Attorney State Seized Property	\$	314.42
100-031200-6017	Sheriff State Seized Property		208.25
100-091100-5950	Miscellaneous Expenditures		11,232.56
100-091400-9301	Contingency Funds		(1,250.00)
100-031200-4603	Sheriff Central Garage Parts		2,790.73
100-031200-6001	Sheriff Office Supplies		120.00
100-031200-6010	Sheriff Police Supplies		2,465.00
		TOTAL \$	15,880.96

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YEAR ENDED JUNE 30, 2014

GENERAL FUND #2014-17

Account Number	Account Title	Amount Increase (Decrease)
REVENUES:		
100-041999-0000	Transfer from Reserves	\$ 140,000.00
		TOTAL \$ 140,000.00
EXPENDITURES:		
100-093000-9206	Transfer to CIP Fund	\$ 140,000.00
100-081230-8101	Visitors Center Computer Equipment	1,738.00
100-081230-3600	Visitors Center Advertising	(1,738.00)
		TOTAL \$ 140,000.00

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

The Board approved the Intrado Next Gen agreement for caller identification and Text to 911 services, for a ten year term.

e. Personnel Changes

There were no personnel changes to report for the month of March 2014.

f. Scheduling of Public Hearing – Adoption of Grass Cutting Ordinance

The Board approved scheduling a public hearing for the July 28, 2014 Board meeting to consider adoption of a Grass Cutting Ordinance, with said ordinance to include new legislation passed by the Virginia General Assembly.

g. Adoption of Ordinance Vacation

The Board adopted the following ordinance authorizing right-of-way vacation adjacent to the Rush F. and Diane G. Pruitt property in the Fair Acres Subdivision, with said ordinance being adopted following a public hearing previously held by the Board of Supervisors at its January 27, 2104 Board meeting.

ORDINANCE OF VACATION

WHEREAS, a map of the Fair Akers Subdivision, in Dublin, Virginia, dated October 1947, and revised June 1, 1954, is of record in the Clerk's Office of the Circuit Court of Pulaski County, Virginia in Cabinet 1, Slide 113;

WHEREAS, the map or maps showing the Fair Akers Subdivision depict a certain 50 ft. road or right-of-way designated as "Orchard Street", running from Panorama Drive adjacent to Lot 1 of Block 8, Section 2 of the aforesaid subdivision;

WHEREAS, the aforesaid right-of-way is not presently, nor has it ever been, a common means of ingress and egress for the general public, nor has it ever been paved, improved, or regularly used for purposes of vehicular travel by the general public, and, as such, the aforesaid right-of-way is not necessary for the benefit of the subdivision;

WHEREAS, Rush F. Pruitt and Diane G. Pruitt, being the owners of Lot 1, Block 8, Section 2 of the Fair Akers Subdivision, which adjoins the right-of-way, have petitioned for the vacation of the aforesaid 50 ft. right-of-way;

WHEREAS, the other adjacent property owners have provided their written support for the Pruitts' petition in accordance with the Pulaski County Subdivision Ordinance;

WHEREAS, the Pulaski County Planning Commission has voted unanimously to approve the right-of-way vacation as submitted by Mr. and Mrs. Pruitt; and

NOW, THEREFORE, BE IT ORDAINED, that in accordance with the provisions of Virginia Code Section 15.2-2272(2), that portion of the map(s) of the Fair Akers Subdivision showing a 50 ft. right-of-way designated as "Orchard Street" and running from Panorama Way adjacent to Lot 1, Block 8, Section 2 of the subdivision, shall be and the same hereby is, vacated, a public hearing thereon having been duly advertised in accordance with Section 2-12.5 of the Pulaski County Subdivision Ordinance and Virginia Code Section 15.2-2204;

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance of Vacation shall be recorded after the expiration of 30 days from the date hereof, unless appealed to the Circuit Court of Pulaski County, Virginia, and thereafter, if this Ordinance of Vacation is affirmed by said Court, in the Clerks Office of the Circuit Court of Pulaski County, Virginia; and

BE IT FURTHER ORDAINED, that, in accordance with Virginia Code Section 15.2-2274, the recordation of this Ordinance of Vacation shall operate

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to destroy the force and effect of that portion of the plat so described above and so vacated and shall vest fee simple title in the owners of the abutting lots as set forth in Section 15.2-2274, free and clear of any rights of the public or other owners of lots shown on the aforesaid plat, but subject to the rights of any public utility installations which have been previously erected thereon.

This Ordinance shall be effective immediately upon adoption.

Ordinance Adopted: April 28, 2014 *(following a public hearing held by the Pulaski County Board of Supervisors on Monday, January 27, 2014)*

h. Health Insurance Rates

The Board approved health insurance rates as presented, which results in a \$21,200 increase in costs. An electronic copy of said rates is filed with the BoardDocs agenda for the records of this meeting, as well as in the Office of the County Administrator.

i. REMSI Surplus Ambulance

Mr. Huber reported plans by REMSI for surplusizing a 1995 Ford E350 van-style ambulance, noting the Special Operations Team's interest in using the vehicle to quickly transport their equipment into the field when responding to an emergency situation. Mr. Huber also described plans for housing the vehicle and of a mobile radio and exterior decals.

The Board approved an appropriation of \$1,000 for the installation of a mobile radio and exterior decals.

j. Resolution Commending Service of Thomas J. McCarthy, Jr.

The Board authorized county staff to draft resolution honoring Mr. McCarthy for his service to the county with formal adoption of resolution, along with a presentation to Mr. McCarthy, to be placed on a future agenda.

11. Citizen Comments

Ms. Layda Hamblin presented to the Board pictures of property adjacent to her home where construction equipment was being held. Ms. Hamblin expressed concern over the unsightliness of the property, as well as concerns over trash around an existing pond on the property.

By consensus, the Board directed county staff to review the area and provide an update to Ms. Hamblin and to the Board via the weekly update.

12. Other Matters from Supervisors

Mr. McCready shared an inquiry by a law enforcement officer asking if the Board of Supervisors had the ability to regulate or prohibit the use of mopeds on roads with speeds of 55 mph or higher. The County Attorney was requested to review current laws/regulations and provide update to Board at a future meeting.

Mr. Sheffey recognized Robert Hiss's plans to leave employment with the county on May 23, 2014 to take employment in Georgia. Board members authorized staff to draft a resolution of appreciation to Mr. Hiss for adoption and presentation at the May 19, 2014 Board meeting.

Mr. Sheffey reminded the Board of an invitation for Board members to attend the dedication of the naming of the Ratcliff Museum to be held on Wednesday, April 30 at 4:30 p.m., and noting the potential for there to be three or more Board members present.

Mr. Sheffey advised the next meeting of the Board would be a budget work session scheduled for Monday, May 5th at 6:00 p.m. in the IT Training Room located on Commerce Street.

Mr. Huber advised a tentative budget work session was also on the calendar for Monday, May 12th at 6:00 p.m.

Mr. Pratt inquired regarding the status of the demolition of an old trailer at Baskerville. Mr. Huber described the notification process, and advised if the property owner continues to be unresponsive, a hearing could be held at the June Board meeting, with the use of CDBG money to tear down the building.

BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 28, 2014

13. Adjournment

On a motion by Mr. O'Dell, seconded by Mr. McCreedy and carried, the Board of Supervisors adjourned its regular meeting. The next meeting of the Board of Supervisors will be held on Monday, May 5, 2014 at 6:00 p.m. in the IT Training Facility on Commerce Street in the Town of Pulaski for the purpose of conducting a joint meeting with the Pulaski County School Board. The next regular Board of Supervisors meeting is scheduled for Monday, May 19, 2014 beginning with a Closed Session at 5:30 p.m. and the regular meeting at 7:00 p.m. with said meeting to be held in the County Administration Building.

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



Peter M. Huber, County Administrator

Joseph L. Sheffey, Chairman