

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, May 18, 2015 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; and Karen Thompson, Assistant County Administrator. Joining the regular session at 7:00 p.m. were Gena Hanks, Clerk to the Board; Diane Newby, Finance Director; and Danny Wilson, Zoning Administrator.

1. Closed Session – 2.2-3711.A.1.3.5.7

Chairman Sheffey called the meeting to order and advised a Closed Session would need to be held as follows:

A Closed Session is requested pursuant to Section 2.2-3711.A.1.3.5.7 of the 1950 Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition, and prospective industry matters.

On a motion by Mr. Bopp, seconded by Mr. McCready 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:

- NRV Packaging

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

- None

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

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

Voting no: None.

Return to Regular Session

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

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

Voting no: None.

Certification of Conformance with Virginia Freedom of Information Act

On a motion by Mr. McCready, seconded by Mr. Bopp 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.

Mr. Sheffey described the purpose of the Closed Session and action needed to return to open session.

2. Welcome, Pledge and Invocation

A. Welcome

Mr. Sheffey welcomed those in attendance at the Board meeting.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

B. Pledge of Allegiance

Supervisor Bopp led the Pledge of Allegiance.

C. Invocation

Mr. Huber led the Invocation.

D. Other Matters

Mr. Sheffey shared two tokens provided by Korona which included a crystal vase and a special decanter from Poland, both of which will be on display in the County Administration Building.

Mr. Sheffey shared a new publication "Discover Pulaski County" which is available to the public by contacting the Visitors Center.

3. Presentations and Recognitions - Featured Department

Ronnie Nichols, Director of Operations, Transportation and Maintenance, described a PowerPoint which provided details on the operations of the Public Service Authority Refuse Collection Department.

Board members shared receiving many compliments about the employee at the Dora Highway Drop site, as well as the overall cleanliness of the Dora Highway site and other drop sites in the County.

Board members also discussed the opportunities provided the PSA in use of inmates on the trucks for garbage collection. Board members also requested staff review the current method of communicating information related to trash collection schedules on holidays.

Mr. Nichols also described recycling procedures in the County.

4. Additions to Agenda

There were no additional agenda items.

5. Public HearingsA. Special Use Permit – Red Sun Farms Above-Ground Storage Tank

Mr. Wilson advised that, for the purpose of full disclosure, that he serves as the Executive Director for Virginia's First Regional Industrial Facility Authority (VFRIFA), the current property owner of the subject property (lease-purchase is in place with Red Sun Farms).

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

Mr. Wilson described the location of Red Sun Farms, as well as a request by Red Sun Farms for a 13,000 gallon above-ground storage tank for carbon dioxide. Mr. Wilson advised a Special Use Permit is required for any above-ground storage tank that exceeds 10,000 gallons, regardless of what is being stored in the tank. Mr. Wilson also provided a summary of the staff analysis, a full copy of which is filed in the BoardDocs agenda for this meeting.

Mr. Wilson advised that the Planning Commission recommended unanimous approval of the Special Use Permit.

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

On a motion by Mr. McCready, seconded by Mr. O'Dell and carried, the Board of Supervisors approved a Special Use Permit request by Red Sun Farms to install a 13,000 gallon above-ground storage tank on property owned by Virginia's First Regional Industrial Facility Authority, and as recommended by the Planning Commission.

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

B. Special Use Permit – Sirgy Dock

Mr. Wilson described the applicant's request for a Special Use Permit to build a dock that is 1,200 square feet in size. Mr. Wilson advised the Zoning Ordinance Section 8-8 specifies that a Special Use Permit is required for docks exceeding 1,000 square feet, with the Claytor Lake Shoreline Management Plan allowing for docks up to 1,300 square feet. Further, that this application is also under review by APCO for compliance with the Claytor Lake Shoreline Management Plan.

Mr. Sheffey opened the public hearing.

Mr. McCready described concerns related to the potential for the property owner to subdivide the property. Mr. McCready also expressed concern that a future landowner could subdivide the property, causing safety issues for fire and rescue vehicles attempting to access said properties.

Mack Sirgy and Pam Jackson, applicants, advised that there were no plans to subdivide the property.

Mr. Jamie Riggins, Virginia Shoreline, advised the proposed dock was within the shoreline management plans.

Mr. Sheffey closed the public hearing.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

Mr. McCready offered a motion to approve the application subject to the following conditions: 1) No further subdivision of 11.4 acre tract; 2) There will be no roof constructed over the sundeck; 3) The dock will not be any closer than 35 feet from AEP's side lot; and 4) Subject to approval by AEP and FERC under the shoreline management plan.

Mr. Kirtner requested clarification as to the intent of the motion. Mr. McCready responded the motion was intended to note that the SUP would be invalidated if lots are subdivided.

Mr. McCready's original motion was seconded by Mr. O'Dell and carried, and the Board of Supervisors approved a request by Mack and Pamela Sirgy for a Special Use Permit to build a dock that is 1,200 square feet in size, subject to the following conditions: 1) No further subdivision of 11.4 acre tract; 2) There will be no roof constructed over the sundeck; 3) The dock will not be any closer than 35 feet from AEP's side lot; and 4) Subject to approval by AEP and FERC under the shoreline management plan.

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

6. Presentations and Citizen Comments

Mr. Sheffey explained the purpose of this first "Citizen Comments" section was to allow citizens to speak to any item on the current agenda only, as well as to allow those agencies funded by the Board of Supervisors an opportunity to speak.

Ms. Brenda Blackburn complimented the PSA Refuse Collection staff on doing a "fantastic" job. Ms. Blackburn expressed concern that the PSA Refuse Collection staff were underpaid and requested the Board look at the salaries of the PSA Refuse Collection staff. Mr. Sheffey thanked Ms. Blackburn for the comments and also clarified that PSA Refuse Collection salaries are determined by the PSA Board of Directors.

7. Highway Matters:

Mr. Sheffey advised that David Clarke would be unable to attend the Board meeting due to a previous commitment.

A. Follow-up from previous Board meetings:

- Review of Highway Matters Section of Key Activity Timetable

There were no changes.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

B. Request for Speed Limit Posting – Camp Ottari

Board members reviewed a request from Greg Harmon of the Boy Scouts of America for a 35 mph speed limit signage on the Snowville side of Camp Ottari.

On a motion by Mr. O'Dell, seconded by Mr. McCreedy and carried, the Board of Supervisors requested the Virginia Department of Transportation (VDOT) conduct an informal speed study on Simpkinstown Road for the area specifically located on the Snowville side of Camp Ottari.

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

Voting no: None.

C. Request for "Watch for Children" Signage

Board members reviewed a request from Jacoby Mills for "Watch for Children" signage on Church Hill Lane.

On a motion by Mr. McCreedy, seconded by Mr. O'Dell and carried, the Board of Supervisors approved a request for "Watch for Children" signage on Church Hill Lane located in Parrott, Virginia.

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

Voting no: None.

D. Owens Road

Board members reviewed concerns from Jackson Beamer of DeHaven Park about the amount of fallen and hanging trees along side of Owens Road in Snowville. VDOT was requested to review the matter and provide an update at a future meeting.

E. Request for Signage – Church Street and Falling Branch Road

Board members reviewed a request from Chester Manns for a "Yield" sign at the intersection of Church Street and Falling Branch Road. VDOT was requested to review the matter and provide an update at a future meeting.

F. Citizen Comments on Highway Matters

There were no citizen comments on highway matters.

G. Board of Supervisors Comments

Mr. Bopp requested VDOT staff contact Fred Pickett regarding the status of a request for guardrail along Alum Spring Road, across from Jordan's Chapel Church.

Mr. O'Dell expressed appreciation to VDOT for addressing potholes on F047, Possum Hollow Road, noting the need for VDOT to continue to review pothole issues throughout the County.

Mr. McCready advised of having previously contacted Anthony Barnes, VDOT, directly regarding concerns related to potholes, including near the Newbern stop light on Rt. 611.

Mr. McCready expressed concern over the recent tractor trailer usage of Possum Hollow Bridge during a stoppage on I-81 due to paving, noting specific concerns that continued use of tractor trailers in similar situations will contribute to the rapid deterioration of the bridge. Staff was directed to request VDOT to notify the State Police office when paving is occurring on I-81. Further, the Board requested staff contact State Police Sgt. Mike Honaker and request that State Police enforce the tractor trailer weight limit on bridges, particularly during VDOT scheduled paving of interstate.

Mr. Sheffey expressed appreciation to VDOT for addressing the pothole issue on Hazel Hollow Road.

Mr. Sheffey also expressed appreciation to VDOT for mowing in the County.

Mr. Huber advised of a steep drop off on Rt. 611 between James Hardie and Volvo. VDOT was requested to review the matter and provide an update at a future meeting.

8. Treasurer's Report

A. Monthly Report from Treasurer

Ms. Worrell provided the monthly reports and also advised that tax tickets were anticipated to be received from the printing company to allow for mailing to residents, with a due date of June 19, 2015.

Mr. Sheffey advised that Mike Williams was unable to attend the meeting due to a family illness.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

9. Reports from the County Administrator & Staff:A. Appointments1. Library Board

Staff was requested to place the appointment of Megan Pratt to the Library Board on the June 22nd Board agenda.

2. Tourism Advisory Board

Staff was requested to place an update on the status of the Tourism Advisory Board on the June 22nd agenda.

3. New River Community Action

The Board reappointed Sally Quesenberry for an additional two-year term ending June 30, 2017.

4. NRV Community Services Board

Staff reported the term of Sally McCarthy is set to expire on June 30, 2015 and further that Ms. McCarthy is not eligible for reappointment due to having served a third consecutive term. The Board requested staff invite Anthony Akers to consider serving.

5. NRV Planning District Commission

The Board approved the reappointment of Supervisor Bopp to the New River Valley Planning District Commission.

6. Ninth District Development Financing, Inc.

The Board reappointed Colonel Dallas Cox to the Ninth District Development Financing, Inc.

7. Agriculture Advisory Committee

The Board requested staff to provide an update at the June 22nd Board meeting as to the status of individuals invited to serve.

B. Four-Year Goals

Mr. McCready referenced 2.1.1 – “Renovate and/or expand Dublin Elementary School” and requested consideration to changing to “Construction/Expansion”, as well as contacting school staff to determine anticipated date of completion.

Mr. Sheffey inquired regarding the status of 2.3.3 – “Demolish Old Hiwassee School”. Mr. Huber advised the project would probably take 60 days or longer to complete, due to using County crews, with a goal to have the project completed by the end of August in time for the Hiwassee Days event.

Mr. McCready referenced 2.1.3 “Rebuild Middle schools starting with Pulaski Middle in stages as may be necessary” and advised that Dr. Brewster had indicated an anticipated draft design for the scope design for air conditioning for the two middle schools to be back by June 15, 2015.

Mr. Sheffey inquired as to status of 2.3.6 – “Make physical repairs, alterations and/or demolition of Draper Elementary for use as a community center”. Mr. Huber advised the Draper project would begin following work on the old Hiwassee school.

Mr. McCready referenced 3.3.0 – “Corrections” and requested County staff nominate as part of the Virginia Association of Counties (VACo) Achievement Awards, the County’s usage of inmates as workforce for painting of schools, construction projects, etc. Mr. McCready indicated Pulaski County was unique in its ability to use inmates for workforce labor.

Mr. McCready requested an update be provided (via the weekly update) on the status of the bathrooms at Loving Field.

Mr. McCready inquired as to the status of 9.1.4 – “Align benefit and personnel policies between PSA, County and school administrative employees or create a full joint services”. Mr. Huber advised there had been progress in closing the differences between the Schools and County; however, two existing gaps continue to be related to health insurance and the earning of compensatory time.

Mr. Sheffey referenced 10.3.1.0 – “Existing Facility Maintenance” and requested staff provide an update on the status of maintenance of County buildings and parking lots. Mr. Huber advised a quote of \$12,500 had been received to refurbish the columns in front of the CAB. Mr. McCready requested consideration to the potential for replacing columns in lieu of refurbishing the columns. Mr. Bopp expressed a desire to maintain the integrity of the front of the CAB. Board members requested staff contact

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

Spectrum to determine if Spectrum would provide options and costs associated with replacing the columns with a steel synthetic, fiber glass, etc.

C. CDBG Pre-Planning Grant-Housing Study

Mr. Huber advised it was reported at last month's Board of Supervisors meeting that Pulaski County received a \$5,000 CDBG pre-planning grant to perform a County-wide housing study to determine a potential future planning grant, and ultimately a CDBG construction grant. Further, that the NRV Planning District Commission was contracted for \$5,000 to perform this study, with the goal of this project to provide the County with some baseline data to begin working towards addressing critical housing needs for low-to-moderate income residents. Mr. Huber reviewed in detail the draft portion of the housing study.

Mr. McCready requested the area in brown on the map, which includes Newbern Road and Bob White Boulevard, be included in the study.

Board members and staff discussed the following: any matching funds by the County; the project costs; and the overall process of the study, specifically noting the work to be done is rehabilitative in nature and not replacement of a home.

Mr. Sheffey thanked Mr. Wilson for the ongoing work on the project.

D. Noise Control Ordinance

Mr. Huber described the two draft ordinances provided to the Board, one of which included the "Temporary Exemption Permit" and the second which included "No Temporary Exemption Permit".

Board members discussed consideration to the following revisions/changes: moving time from 11:00 p.m. to midnight; inclusion of "tent revivals" as part of church services; staff concerns about application of the provision for temporary exemption permits; guidance needed on when a temporary exemption permit would apply; how many permits per year would be allowed; holiday hours; addressing "undue hardship" issues, specifically related to noise from industries; addressing barking dog complaints; farming related noises; and method for issuing citations by CCounty Administrator and/or Sheriff.

Mr. McCready requested the CCounty Attorney review the draft ordinance and incorporate suggested changes into the ordinance followed by providing the Board with a "clean" copy (no red lines) for review at the June 15, 2015 special Board meeting.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

E. Technical Assistance from New River Valley Planning District Commission (NRVPDC) Staff

Staff shared a solicitation from the NRVPDC regarding possible technical assistance on Pulaski County projects.

Mr. McCreedy suggested including items previously discussed by the Board as follows: the need for another "ready-to-work" shell building to be in the Corporate Center and consideration to extending existing spur in the industrial park to Korona.

10. Items of Consent

Mr. McCreedy referenced item H – Virginia Small Business Financing Authority Agreements noting the interest rate to be 2.44% and was in support of Falls Stamping.

On a motion by Mr. McCreedy seconded by Mr. O'Dell and carried, the Board approved the Items of Consent, as follows:

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

A. Approval of Minutes of April 13, 20, 27 and May 4, 2015 Board meetings

The Board approved the minutes of the April 13, 20, 27 and May 4, 2015 Board meetings, as presented.

B. Accounts Payable

The Board approved accounts payable for checks numbered 2044976 through 2045307, subject to audit.

C. Interoffice Transfers and Budget Adjustments

The Board approved interoffice transfer #11 in the amount of \$41,200.04. There were no budget adjustments.

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

There were no items presented.

E. Personnel Changes

The Board ratified approval of personnel changes that were presented in weekly updates from April 16, 2015 through May 7, 2015.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

F. Concurrence with Christiansburg Application of Biosolids

The Board concurred with the Town of Christiansburg's planned notification process of planned land application sites for providing biosolids.

G. Flexible Spending Account Extension

Staff reported that last year, FSA sent the CCounty information on either electing a \$500 rollover option, or a 2.5 month grace period extension on Flexible Spending Accounts, with the County electing the 2.5 extension.

The Board approved the following resolution adopting an extension that took place July 1, 2014, as well as approval of participation agreement, a copy of which is filed with the BoardDocs agenda for this meeting.

Adopting Resolution

The undersigned authorized representative of Pulaski County Board of Supervisors (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on May 18, 2015 and that such resolutions have not been modified or rescinded as of the date hereof.

RESOLVED, that the form of amended Cafeteria Plan including a Health Flexible Spending Account and Dependent Care Flexible Spending Account effective July 1, 2014, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of Pulaski County Public Schools Flexible Benefit Plan as amended and restated, and the Summary Plan Description approved and adopted in the foregoing.

Original signed by appropriate representative

H. Virginia Small Business Financing Authority Agreements

The Board approved the following resolution in support of the purchase and equipping of the Falls Stamping facility:

RESOLUTION OF THE BOARD OF SUPERVISORS OF PULASKI COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of Pulaski County, Virginia (the "Board of Supervisors") has determined that it is in the best interests of the County of

Pulaski, Virginia (**the "County"**) to lend its assistance to the Industrial Development Authority of Pulaski County, Virginia (**the "Authority"**) in the issuance of the Authority's promissory note in the original principal amount of up to \$_ bearing interest at 2.44% per annum and due and payable in full in approximately 15years (**the "Note"**), by the pledging of its moral obligation to pay any amounts due on the Note that are not paid when due by the Authority; and

WHEREAS, the proceeds of the Note and the loan evidenced thereby (**the "Loan"**) are to be used (i) to fund the costs of acquisition, renovation, development and equipping of Falls Stamping New River Valley, an industrial facility located in Pulaski County, Virginia (**the "Project"**) and (ii) to pay the costs of issuance of the Note, all to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the "Act"**); and

WHEREAS, there has been presented to the Board of Supervisors a plan for the financing of the Project involving the issuance of the Note by the Authority and the pledge of the moral obligation of the County, which would not create debt of the County for purposes of the Virginia Constitution and would promote industry and increase commerce in the County and the Commonwealth of Virginia; and

WHEREAS, the Authority has received a proposal from the Virginia Small Business Financing Authority (**"VSBFA"**) for purchase of the Note, pursuant to a Loan Agreement among the Authority and VSBFA providing for the purchase of the Note and the loan of the monies from the sale of the Note to pay the cost of the Project (**the "Loan Agreement"**), payment of which Note is secured by a lien on and security interest in the Project granted pursuant to a deed of trust (**the "Deed of Trust"**) and an Assignment of Rents and Leases assigning to VSBFA leases and rental payments received from the Project (**the "Assignment"**), and in connection therewith, VSBFA has requested a moral obligation support agreement be entered into between the Authority and the County; and

WHEREAS, there has been presented to this meeting a draft of a Support Agreement between the County and the Authority to undertake a non-binding obligation to appropriate from time to time monies in connection with payments due on the Note (**the "Support Agreement"**);

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

1. The following plan for financing the Project is hereby approved. The Authority will be requested to issue the Note in the maximum amount of \$___ and to use the proceeds therefrom to finance a portion of the Project and pay costs of issuance. The Authority will sell the Note to VSBFA and agree to repay the same pursuant to the Loan Agreement. The obligation of the County to make any payments under the Support Agreement will be subject to the Board of Supervisors making appropriations for such purpose from time to time. It is expected that the Note will be secured by the

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

Assignment, the Loan Agreement, the Deed of Trust, and the Support Agreement. The issuance of the Note maturing in approximately ten years from the issuance date at a per annum interest rate of 2.44% is hereby approved.

2. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement.

3. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent, as necessary, to the provisions of the Support Agreement and any other agreements, instruments, certificates or other documents required to be executed by the County in connection with the issuance of the Note, and to designate and confirm the final provisions and other terms of the Note.

4. The Support Agreement shall be in substantially the form submitted to this meeting, which is hereby approved, with such completions, omissions, insertions, and changes as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

5. The Board of Supervisors, 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 due under the Note pursuant to the Support Agreement to the extent such payments are not made when due by the Authority and hereby recommends that future Boards of Supervisors do likewise during the term of the Note.

6. All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Note and the financing of the Project are hereby approved, ratified and confirmed.

7. 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.

8. The County hereby agrees to the extent permitted by law to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Note and the financing of the Project.

9. Nothing in this Resolution or the Support Agreement, the Note or any related documents shall constitute a debt or a pledge of the faith and credit or the taxing power of the County with respect to any sums which are or may become payable under the Support Agreement. All obligations of the County and the Board of Supervisors under the Support Agreement are subject to and dependent upon annual appropriation of funds by the Board of Supervisors, and the Board of Supervisors shall have no legally binding obligation under this resolution or in the Support Agreement to make any such appropriation or the payments provided for in the Support Agreement, the Support Agreement being a statement only of the present intent of the Board of Supervisors.

10. This resolution shall take effect immediately.

I. Group Health Insurance & Retiree Health Coverage Policy Update

The Board approved the following policy updates for the Group Health & Dental Insurance and Retiree Health Care Coverage:

F1. GROUP HEALTH & DENTAL INSURANCE

Employee group health insurance is provided to all full time employees as defined per the Affordable Health Care Act.. A percentage of the cost is paid by the County. Premiums and plan designs may vary from year to year.

Group dental insurance is also offered to all full time employees. Dental is not governed by the Affordable Health Care Act. Employees may choose whether they wish to participate in the dental plan. Premiums and plan designs may vary from year to year.

F1a. RETIREE HEALTH CARE COVERAGE

Employees retiring on or after July 1, 1997, may remain on the County of Pulaski's employee health care insurance group beyond the Consolidate Omnibus Budget Act of 1985 (COBRA) regulations. This will apply to both service or disability retirements. Once a retired employee is eligible for Medicare, the retiree will be required to enroll under a Medicare Supplement Plan. Retirees may also elect to remain on the County's dental plan. There is no age limitation for dental. The following guidelines must be met by the employee in order to be eligible for these benefits:

1. the employee must have been on the County's health care plan for a minimum of twelve (12) continuous months prior to the last day of employment;
2. the employee must pay one hundred percent (100%) of the total premium for said coverage of both health and dental premiums after retirement;
3. service retirement is defined as an employee's permanent separation from full time employment and immediate receipt of retirement benefits, on a regular monthly basis, through the Virginia Retirement System; and

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

4. disability retirement is defined as an employee's permanent separation from full time employment and immediate eligibility for disability payments from the Virginia Retirement System and/or Social Security Administration. In lieu of a disability award and with a pending application for disability benefits, a complete medical report documenting a permanent disability will meet requirements of this paragraph for a period of twelve (12) months or until a disability award decision is received.

In addition, once a retired employee has terminated or cancelled their health care coverage under the County's health care plan, the retired employee shall not be eligible for enrollment under the County's health care plan at any time in the future.

Payments for health care coverage after retirement shall be made at the County of Pulaski Administrator's Office monthly by the 20th of each month. Failure to remit payment by this deadline will result in termination of insurance. o

J. Family Medical Leave Act Revisions

The Board approved the following revisions, subject to final review by County Attorney:

F11. FAMILY AND MEDICAL LEAVE ACT

I. Objective

It is the objective of Pulaski County to provide eligible employees with up to 12 weeks of unpaid family or medical leave because of the birth of a child or the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, or because the employee's own serious health condition makes him or her unable to do his or her job.

II. Definitions

A. Eligible employees

1. Covered employees identified in Section I above who have been employed by the County for: (1) at least 12 months; and (2) at least 1,250 hours during the 12 months before the start of the leave.

Employees hired after January 1, 2014 and designated as participating in the VRS Hybrid Retirement Plan, may be eligible for disability benefits after the employee has satisfied a 1 year waiting period, and may concurrently be eligible for leave in accordance with FMLA, when leave is related to the employee's personal medical condition.

NOTE: The required 1,250 hours do not have to be worked during consecutive months. However, the 1,250 hours of work requirement applies to the 12 months immediately preceding the start of the leave.

B. Employment benefits

All benefits provided by the County to salaried employees including group life insurance, health insurance, annual and sick leave, educational benefits, and retirement contributions.

C. Family and medical leave

A leave without pay (or use of an employee's accrued leave) for up to 12 workweeks during a 12 month period for the reasons specified in this policy in conformance with the federal Family and Medical Leave Act (FMLA) of 1993. The 12 workweek limitation shall be based on a rolling 12-month period beginning with the date of the initial absence from work.

D. Health care benefits

The health insurance program covering eligible employees.

E. Health care provider

Health care providers include the following:

1. Doctors of medicine or osteopathy that are authorized to practice medicine or surgery (as appropriate) by the state in which the doctors practice;
2. Any other person determined by the Secretary of the Department of Labor to be capable of providing health care services; and
3. others capable of providing health care services to include only podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners and nurse-midwives authorized to practice in the state and performing within the scope of their practice as defined under state law. This also includes Christian Scientist practitioners listed with the First Church of Christ, Scientist in Boston, although an employee or family member may be required to submit to a medical examination for a second or third opinion (not treatment) from a non-Christian Science practitioner.

F. Parent

Biological parent or individual who stood in place of the parent of the employee and was charged with the duties and responsibilities of the parent.

G. Son or daughter

A biological, adopted or foster child, a stepchild, or legal ward, or a child of a person standing in place of the parent. The child must either be under age 18 or be age 18 or older and incapable of self-care because of a mental or physical disability.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

H. Spouse

As recognized under the laws of the Commonwealth for the purpose of marriage.

I. Serious health condition/illness

An illness, injury, impairment or physical or mental condition that involves: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider.

III. When Family and Medical Leave AllowedA. Time frames for use of FMLA

Eligible full-time employees may take up to 12 workweeks (60 workdays; 480 work hours) of family and medical leave (FMLA) in a 12 month period. The time missed from work due to FMLA cannot exceed 12 weeks in a 12 month period. The 12 workweek limitation shall be based on a rolling 12-month period beginning with the date of the initial absence from work.

B. FMLA for full-time employees

Eligible full-time employees may take up to 12 workweeks (60 workdays; 480 work hours) of unpaid family and medical leave per 12 month period for the following reasons:

1. the birth of a child (to be taken within 12 months of the child's birth);
2. the placement of a child with the employee for adoption or foster care (to be taken within 12 months of date of placement);
3. in order to care for a child, a dependent son or daughter over 18 years of age who is incapable of self-care because of a mental or physical disability, a spouse, or a parent who has a serious health condition that involves:
 - a. in-patient care in a hospital, hospice, or residential medical care facility; or
 - b. continuing treatment by a health care provider.
4. Because of a serious personal health condition that renders the employee unable to perform the functions of his or her position. Departments may request certification that the employee is unable to work at all or is unable to perform any of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act.

C. FMLA for eligible part-time employees

Eligible part-time employees may take up to 12 weeks of family and medical leave in a 12 month period for the reasons listed in III (B) above. Actual hours taken will be counted on a prorated basis corresponding to the percentage of hours they normally are scheduled to work during a 12 month period.

EXAMPLE:

A part-time employee works 25 hours per week year-round. During any 12-week period, she works a total of 300 hours. Therefore, if intermittent leave is taken, she may take up to 300 hours of family and medical leave in a 12 month period.

D. FMLA for Military Employees – Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties in which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

IV. Restricted Use of Family and Medical Leave

- A. Family and medical leave may not be used for short-term conditions for which treatment and recovery are brief, such as minor illnesses and out-patient surgical procedures with expected brief recuperating periods. It does not provide for the intermittent care of a child for such commonplace illnesses as colds and flu.
- B. When both parents of a child work for the County in the same facility, the full amount of leave may be limited to a combined total of 12 workweeks in a 12-month period when the leave is for the birth, adoption, or foster care placement of a child.

V. Paid Leave

- A. Employees are required to use paid leave, as appropriate under each particular leave policy, for absences covered under family and medical leave. A department may designate such leaves as family and medical leave, if it meets the conditions of sections III (A) and (B) above.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

- B. If employees use their accrued paid leave balances for purposes described in this policy, then the County is required to provide only the number of unpaid workdays which, when combined with the number of days of other leave taken, equal a total of 60 workdays or 480 work hours.

EXAMPLE:

An employee uses six days of sick leave and 15 days of annual leave to care for a parent who has a serious health condition. The County must allow him to take 39 days of unpaid leave.

VI. Intermittent Leave or Leave on Reduced Schedule

Employees may take intermittent leave or work a reduced schedule, not to exceed 480 hours for full-time employees, as follows:

- A. When medically necessary because of an eligible employee's own serious health condition or the serious health condition of a child, spouse or parent, an employee may take family or medical leave on an intermittent leave basis or a reduced schedule as indicated below.

1. Intermittent leave schedule - a leave schedule permitting the employee to take leave periodically for a few hours a day (less, than eight hours), or for a few days, on an as-needed basis.

NOTE:

Employees may be required to provide medical certification that intermittent leave is necessary.

2. Reduced schedule - a leave schedule permitting the employee to reduce his or her usual number of hours worked per workweek or per workday.
- B. Employees who must take intermittent leave or work a reduced schedule may either use their available paid leave balances as permitted by each specific leave policy or take unpaid family and medical leave. A department may designate such leave as family and medical leave, if it meets the conditions of Sections III (A) and (B) above.
- C. Employees do not accrue annual and sick leave when they are on leave without pay status during family and medical leave.
- D. When an employee takes leave to care for a newborn child, or because of the placement of a son or daughter with him or her for adoption or foster care, the employee may take leave intermittently or on a reduced schedule, if departmental management agrees on such an arrangement beforehand.

- E. When the conditions noted in Section VI (A) above are applicable, the department can temporarily transfer the employee to another position that better accommodates the intermittent leave or reduced schedule as long as the new position carries equivalent pay and benefits.

VII. Family and Medical Leave Notification/Scheduling

A. Employee responsibility

1. An employee should submit a written request for family and medical leave at least 30 days before the anticipated beginning of the family and medical leave, unless emergencies or unforeseen events preclude such advance notice.
2. The County (or its department) requires certification for leave that is requested for an employee's serious health condition or for his or her family member's serious health condition before granting family and medical leave.

B. County actions

The County requires that a request for family and medical leave be supported by a health care provider's certification of the medical condition of the person affected to include the date when the serious condition began, the probable duration of the condition, and other appropriate facts as detailed below.

1. A family illness request requires a statement that the employee is needed to care for a child, spouse or parent, and must include the estimated time needed.
2. A personal illness request requires a statement that the employee is unable to perform the essential functions of his or her job as defined by the Americans with Disabilities Act.
3. An intermittent leave or reduced schedule request necessitated by an employee's own health condition must include a statement of the medical necessity for the leave and the expected duration.
4. An intermittent leave or reduced schedule requested for the care of an employee's family member requires a statement that the employee's leave is "needed to care for" the family member, the expected duration, the expected treatment dates and the schedule of intermittent leave or reduced leave. The term "needed to care for" includes:
5. The medical certification provisions encompassing both physical and psychological care, and it includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance which would be beneficial to a seriously ill child or parent receiving inpatient care;

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

- a. situations where the employee may be needed to fill in for others who are caring for the family member, or to make arrangements for changes in care, such as transfer to a nursing home; and
- b. An employee's intermittent leave or a reduced schedule necessary to care for a family member includes not only a situation where the family member's condition itself is intermittent, but also where the employee is only needed intermittently, such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party.

NOTE:

When possible, the employee should provide certification in advance of, or at the commencement of, the requested leave. When that is not possible, certification must be provided reasonably soon after the leave begins.

C. Second and third opinions

1. The County may require, at its own expense, a second opinion from its designated or approved health care providers. (This health care provider cannot be one who is employed by the County on a regular basis.)
2. When the second opinion differs from the first, the County may, at its own expense, require a third opinion from a health care provider designated or approved jointly by the employee and the County. The opinion of the third health care provider shall be considered final and binding upon the employer and the employee.
 - A. The County requires an employee to report periodically during the leave period on his or her leave status and intention to return to work, and to provide subsequent re-certifications on a reasonable basis (every 4 to 6 weeks).

VIII. Restoration to Position

- A. At the end of family and medical leave, employees normally are to be reinstated as follows:
 1. Original position - departments normally must restore employees to the positions they held (or to equivalent positions) when the leave began.
 2. Equivalent position - if previous positions have been filled, employees are entitled to restoration to equivalent positions.

-standard of equivalence: requires comparability and correspondence to duties, terms, conditions, and privileges of employees' previous positions.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

- 3. Conditions upon restoration of job position – Human Resources can require their employees to report periodically on their status and intent to return to work, and can require certification from health care providers that employees are able to return to work.

IX. Status of Benefits During Family and Medical Leave

A. The County will continue to contribute to the health insurance premiums of eligible employees who are on leave under the Family and Medical Leave Act as discussed below:

- 1. When employees are using paid annual or sick leave under the provisions of FMLA, the payroll deductions of their portions of the premiums continue.
- 2. When employees are on leave without pay under the provisions of FMLA, their premium contributions will be handled as if they were on leave without pay.

B. Employees who are on leave under FMLA will pay the same portion of their health insurance premiums as they would if they were not on leave.

- 1. Premiums are due to the County by the 20th of each month of coverage.
- 2. If employees fail to make premium payments, the County will follow the same procedures to terminate coverage as they would if employees failed to pay premiums while on leave without pay.
- 3. If employees fail to return to work at the end of leave under FMLA, the County may recover from them the County's share of premiums paid during the period of leave. However, there will be no recovery of premiums if employees fail to return to work as a result of:

- a. the onset, recurrence, or continuation of a serious health condition that entitles them to leave to care for themselves or for a family member; or
- b. other circumstances beyond the employee's control.

EXAMPLES:

- If an employee fails to return to work secondary to a disabling condition, the department will not seek reimbursement for the County's contributions for health insurance coverage during the period of leave.
- If an employee fails to return to work at the end of FMLA leave because of his or her acceptance of other employment, the County will seek to recover the County's contributions for health insurance coverage during the period of leave.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

C. Life insurance

The County will continue to pay VRS life insurance premiums while employees are on family and medical leave.

D. Leave accrual

Employees will not accrue annual or sick leave hours during any period of leave without pay.

E. Retirement

1. Retirement contributions (including the component to fund the health credit) will be made for any period in which qualifying compensation has been received by the employee.
2. Retirement contributions will not be made for any pay period in which no qualifying compensation has been received by the employee (i.e., the employee was on leave without pay for the entire pay period).

X. Management of FMLA Records

- A. The County must make, keep and preserve records pertaining to their obligations under FMLA.
- B. Records must be kept for at least three years.
- C. Required records must include the information listed below:
 1. Basic payroll and identifying employee data, including: name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.
 2. Leave designated as FMLA leave, both paid and unpaid, and the dates employees took it. (If FMLA leave is taken in increments of less than a day, the hours must be noted.)
 3. Copies of employees' notices of leave furnished to the County.
 4. Any documents (including written and electronic records) describing employee benefits or policies and practices regarding the taking of paid and unpaid leaves.
 5. Records of premium payments
 6. Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members are to be

maintained in separate files/records and treated as confidential medical records except:

- a. supervisors and managers may be informed regarding necessary restrictions on work duties and necessary accommodations;
- b. first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and
- c. government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

XI. Use of County Forms

Employees shall request family/medical leave through use of the leave request form with certification attached. It is the employee's responsibility to secure all appropriate information and submit this information to the County as required. A request cannot be considered until complete information (in a clear format) is received. Incomplete information or information that is unclear will be returned to the employee.

XII. Approval of Family Medical Leave:

Family Medical Leave shall be approved by Human Resources.

K. Approval of Budget Advertisement

The Board approved advertising the draft budget for the scheduling of a public hearing to be held on June 15, 2015, with a copy of the draft budget filed in the BoardDocs agenda for this meeting.

11. Citizen Comments

Angela Clevinger requested the Board address tent revivals as a part of the revised Noise Control Ordinance.

Walter Viers described ongoing issues with bamboo growing on his property and throughout the County. Mr. Viers advised of having contacted state legislators to request assistance in addressing issue

Staff was requested to contact the Virginia Association of Counties (VACo) to inquire if other localities have shared similar concerns related to bamboo growth in the County. In addition, staff was requested to advise Extension Agent, Morgan Paulette, of the concerns regarding bamboo growth in the County and request assistance in reviewing the matter, as well as ask Tedd Povar to poll localities as to how other localities are addressing the matter.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 18, 2015

Board members also discussed ongoing issues throughout the County with musk thistle.

Mr. McCready thanked the Board and citizens for patience while the Board worked through the revisions to the Noise Control Ordinance.

12. Other Matters from Supervisors

Mr. Sheffey advised of the potential for there to be three or more Board members at the following events: PCHS Awards Ceremony, PCHS, May 22, 8:45 a.m.; and PCHS Graduation, PCHS, May 29, 8:00 p.m.

Mr. Sheffey advised the next meeting of the Board was a public hearing regarding the FY 16 budget to be held on Monday, June 15, 2015 beginning at 7:00 p.m. in the Board Room of the County Administration Building with the regular meeting scheduled for June 22, 2015.

(Note: During the week following the May 18th Board meeting, a special Board meeting was scheduled for Tuesday, June 2, at 7:00p p.m. at the Town Municipal Building for a joint meeting with Pulaski Town Council to conduct a public hearing on the Loving Field land exchange.)

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 regular Board of Supervisors meeting is scheduled for Monday, June 22, 2015 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. McCready, Mr. O'Dell, Mr. Sheffey, Mr. Bopp, Mr. Pratt.

Voting no: None.



 Joseph L. Sheffey, Chairman



 Peter M. Huber, County Administrator