

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, November 23, 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; Karen Thompson, Assistant County Administrator, Management Services; Tim Kirtner, County Attorney; Michael Soloman, Economic Development Director; and Joseph Guthrie, Supervisor Elect. Joining the regular session at 7:00 p.m. were; Anthony Akers, Assistant County Administrator, Human Services 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. Pratt and carried, the Board of Supervisors entered a Closed Session for discussion of the following:

Personnel – Pursuant to Virginia Code Section 2.2-3711(A)1 discussion for consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees, regarding:

- Appointments
- Thomas J. McCarthy, Jr.

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:

- Additional Industrial/Community Use Property
- Former School Board Office/House
- Randolph Park Property
- Former Draper Elementary School

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:

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- Project Honey
- Falls Stamping

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

Return to Regular Session

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

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

Certification of Conformance with Virginia Freedom of Information Act

On a motion by Mr. Pratt seconded by Mr. McCreedy 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. McCreedy, 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 to the Board meeting.

B. Moment of Silence and Remembrance of Thomas J. McCarthy, Jr.

Mr. Sheffey shared that Thomas J. McCarthy had served Pulaski County for more than thirty years as attorney and in other various capacities. He could be known as Mr. Pulaski County for his love of Pulaski County. Mr. Sheffey called for a moment of silence in memory of Mr. McCarthy.

C. Pledge of Allegiance

Supervisor O'Dell led the Pledge of Allegiance.

D. Invocation

Mr. Sheffey advised that citizens in the audience were under no obligation to stand during the invocation.

David Kester of Anderson Memorial Presbyterian Church provided the Invocation.

3. Presentations and Recognitions

A. Resolution of Appreciation for Mrs. Gena Hanks

Mr. Sheffey shared that he would like to recognize Mrs. Gena Hanks who had been an employee of Pulaski County for thirty-eight years was retiring. He related how Gena had been a guiding force for board meetings and had served the county with dignity. He presented the following resolution of appreciation:

RESOLUTION OF APPRECIATION***Gena Hanks***

WHEREAS, Gena Hanks has dedicated her professional life by serving the County of Pulaski as an employee for thirty-eight years, faithfully serving as the Executive Secretary for thirty-seven of those years, and diligently serving as the Clerk to the Board of Supervisors for eleven years; and

WHEREAS, Gena Hanks served as a steady and faithful right hand, valued mentor, fount of information, blessing, inspiration and friend to Board members, the County Administrator and County employees; and

WHEREAS, Gena Hanks' thoroughness, work ethic, efficiency, promptness, and professionalism has tremendously enhanced the services provided to all citizens and organizations conducting business with the County of Pulaski; and

WHEREAS, Gena Hanks has worked with 22 members of the Board of Supervisors, all four County Administrators, having prepared agendas and minutes for approximately 350 Board meetings, and 1,300 weekly updates; and

WHEREAS, numerous employees and colleagues have expressed their appreciation and gratitude for Gena Hanks' loyal commitment to Pulaski County; and

WHEREAS, Gena Hanks has demonstrated the utmost of professionalism with citizens, business professionals, and in dealing with the staff and citizens of Pulaski County; and

WHEREAS, Gena Hanks' enthusiasm, integrity, efficiency, commitment, professionalism, and longstanding dedication to Pulaski County is deeply appreciated; and

WHEREAS, Gena Hanks' vast amount of knowledge of the County operations is irreplaceable and her expertise has proven to be beneficial to current staff charged with working in the evolving local government structure; and

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its sincerest appreciation for the tremendous dedicated service of Gena Hanks to the county and its citizens; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors this 23rd day of November 2015, in permanent testimony of its appreciation to the exemplary service of Gena Hanks.

*Joseph L. Sheffey, Chairman
Pulaski County Board of Supervisors*

On a motion by Mr. O'dell, seconded by Mr. McCreedy and carried, the Board adopted the said resolution recognizing Ms. Gena Hanks as presented.

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

Voting no: None.

The Board members presented Ms. Hanks with gifts representative of Pulaski County as mementos of her service as follows: a framed print of the Pulaski Courthouse, a brick honoring her years of service to be placed in the Raymond F. Ratcliffe Memorial Transportation Museum Brick Garden, a Pulaski County Golf Shirt with a County lapel pin, a wooden Pulaski County shaped plaque, a framed copy of Southwest Times article on Ms. Hanks' retirement, a framed copy of the resolution passed by the Board honoring her service and from the Chairman and his wife, miniature Volkswagen cars for her love of Volkswagons. Following a standing ovation, Mr. Huber introduced Gena's family present and presented Gena with her personal nameplate, and items of years gone by; old computer discs, office 97 "how to" disc, antique Dictaphone, headsets for the Dictaphone, cassettes and instructions for Dictaphone usage.

4. Additions or Changes to the Agenda

Mr. Huber advised of the following additional agenda items:

- Recommendation to adjust the agenda to allow Indoor Plumbing Rehab presentation as item 11d.
- Recommendation to add item g under Reports from County Administrator and Staff.

5. Public Hearings:

Mr. Sheffey described the protocol for citizens speaking during public hearings:

A. Petition by Earnest Hutton of 5229 State Park Road to Rezone Property from Residential/Agricultural to Commercial

Mr. Sheffey called on Danny Wilson, Zoning Administrator, to provide a report on this matter.

Mr. Wilson advised the subject property is located at the corner of State Park Road and Wilderness Road. The applicant requests a rezoning in order to modify lot lines and prevent having split zoned parcels. One parcel would be Low Density Residential (LR) and the other parcel would be Agricultural (A). Currently there are two parcels, one zoned A the other zoned (LR). He noted that any time lot lines are revised, a rezoning is required.

Mr. Wilson shared the Unified Development Ordinance Intent of Agricultural (A) District and the Intent of the Low Density Residential (L) District; indicating the proposed rezoning meets the Intent of the A and LR districts, as the properties being modified shift the agricultural operations onto property to be zoned A and the residential operations onto the property zoned LR. This rezoning request will also prevent having split-zoned parcels via a lot line revision plat. The property is located near other properties that are zoned a mixture of Low Density Residential and Agricultural, so there are no conflicts with the zoning classifications.

Mr. Wilson stated the Future Land Use Map depicts the subject property as Commercial; however, as this rezoning request keeps the same zoning that exists today and only shifts what land is included in what zone, staff does not believe a Future Land Use Map Amendment is warranted at this time. Therefore, staff did not foresee any issues or potential conflicts with this rezoning request and recommends approval as submitted by the

applicant with one condition, that the proposed Lot Line Revision plat must be recorded within 6 months of the rezoning request otherwise, staff will bring this matter back to the Planning Commission and Board of Supervisors to change the zoning back to the current configuration. Mr. Wilson stated the Planning Commission recommended unanimous approval of the request with the condition of Lot Line Revision Plat being recorded within 6 months as previously stated.

Mr. Sheffey clarified if the request was denied, they would have to wait one year to resubmit.

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 approved the petition of request by Ernest Hutton of 5229 State Park Road to rezone property from Residential/Agricultural to Commercial.

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

Voting no: None.

B. Petition for Special Use Permit – Swim Area in Claytor Lake

Mr. Wilson advised the petition was for a Special Use Permit for a Swim Area in Claytor Lake was property adjacent to Hidden Valley Camping Club; to place buoys and floating rope to designate a swim area near the community docks for the Hidden Valley Camping Club. The dock and the public boat ramp in the area result in heavy boat traffic in the vicinity of the proposed swim area.

Mr. Wilson stated that Article 8 of the Pulaski County Zoning Ordinance consists of provisions for the Claytor Lake Surface District and allows buoys via a Special Use Permit where needed for safety of boat traffic in the vicinity of parks or waterfront business activities. In addition, both AEP and the Virginia Department of Game and Inland Fisheries (DGIF) must be consulted prior to approval and placement of buoys.

Mr. Wilson reported in the governing body's consideration to grant, deny, or grant conditionally a Special Use Permit, they shall consider the following guidelines and standards:

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

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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.

Mr. Wilson explained the proposed placement of buoys and swim areas is not a land use matter, therefore did not have a bearing on the review and consideration of the application. However, the purpose of requiring a Special Use Permit for the installation of buoys is to ensure public participation in the decision and to meet the requirements set forth by the Federal Energy Regulatory Commission that AEP must follow to manage Claytor Lake.

According to conversations with the Department of Game and Inland Fisheries, all boaters are required to travel at idle speed within 50 feet of any dock, otherwise DGIF has the ability to ticket these boaters. It is DGIF policy to evaluate all applications, once the governing body approves the petition, based on the specific conditions and request. Their goal is to provide safe waterways for all users. The location of the public boat ramp in relation to the proposed swim area is the main reason DGIF does not support this Special Use Permit. The DGIF attended the Planning Commission meeting and stated that they would deny the request to install the swim area buoys/ropes if it was approved by the County. Mr. Wilson explained that the Unified Development Ordinance does not regulate buoys or swim areas in Claytor Lake; however, since the application was received prior to the UDO Adoption, the Zoning Ordinance is used to evaluate the request.

Mr. Wilson reported the Planning Commission recommended unanimously to deny this Special Use Permit Request.

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

Mr. Sheffey clarified if the Board should deny the request, they could reapply. Mr. Wilson stated they can reapply with a new site and will have to reapply for a Special Use Permit.

Mr. Pratt who also served as a member of the Planning Commission stated the Commission felt it was not a safe place for children to swim and the area was very congested.

Mr. McCready stated that this area was too close to the boat ramp for the swimming area and was too dangerous. Mr. McCready also asked would the applicant consider another location on his property. Mr. Wilson stated the applicant had been asked that, but did not want it at another location on his property.

On a motion of Mr. McCready, seconded by Mr. O'Dell and carried, the Board denied approval of the Special Use Permit Request for Swim Area in Claytor Lake.

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 the first "Citizen Comments" section was to allow citizens to speak to any item on the current agenda only, except for Highway matters, as well as to allow those agencies funded by the Board of Supervisors an opportunity to speak. There were no citizen comments.

7. Highway Matters:

A. Follow-up from previous Board meetings:

• Review of Highway Matters Section of Key Activity Timetable

Mr. Clarke advised Hatcher Road posting of speed limit may be extended up to ½ mile to Moses Drive as the curve is posted at 25 mph, and in the other direction speed needed to be reposted. His recommendation was favorable to extend 25 mph speed limit ½ mile which would extend 25 mph around the curve to Moses Drive.

On a motion by Mr. McCready, seconded by Mr. Pratt and carried, the Board recommended Hatcher Road speed limit of 25 mph be reposted in both directions and extended to Moses Drive.

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

Voting No: None

Mr. Sheffey had previously inquired as to the status of a request for a stop sign at Advance Auto in Fairlawn, noting that the property was private property. Placing a stop sign was a matter of Mr. Huber notifying them of their responsibility.

Mr. McCready inquired as to Exit 98 signage and Mr. Clark indicated they would have to wait for more favorable weather and place the sign at the

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same time as repaving; however, lighting would not be done any time soon. Mr. McCready stated this item could be added back under Highway Matters in the December meeting agenda.

B. Citizen Comments on Highway Matters

Mr. Frank Leonetti, Miller Ridge Road, Dublin, Virginia presented a request that his road, a private road, be taken over as part of VDOT State maintenance System. Following discussion of funding sources, Mr. Clark indicated that funds must be taken from construction funding allocations. Mr. Anthony Akers, Assistant County Administrator for Human Services will coordinate a meeting with Mr. Leonetti to look at specifications for private roads to be taken under VDOT maintenance.

C. Board of Supervisors Comments

Mr. Clark stated he had received calls regarding Little River Dam Road brush cutting and Red Bud Lane, drainage on Little Creek Road, and Cole Mountain flood damage.

Mr. Pratt spoke regarding request to lower the speed limit on Lowman's Ferry and the need for rock in ditch on Route 100 South.

Mr. Bopp spoke regarding Little Walker Mountain area where ditches were eroded and dangerous if you were to run off the road. Also, the right of way is grown up near Brookmont and several roads in the Robinson District.

Mr. O'Dell spoke regarding area where Rt. 672 and 693 came together; there was an area where children get on the bus and there needed to be a posting of "school bus stop ahead".

Mr. McCready spoke regarding status of the Newbern Heights No U-Turn posting. Mr. Clark indicated he should have an update in a week or so. Mr. McCready reported the Little Creek low water bridge was getting clogged. He also noted there was a big tree down in the creek and the recent floods had brought the tree downstream toward the swinging bridge. Mr. McCready requested VDOT look at this. Mr. Clark noted the Army Corp. of Engineers may look at the culverts at the low water bridge at Little Creek. Mr. McCready noted at Exit 98 coming out of the Fatz restaurant entrance, it was hard to determine where the right shoulder is and there is a need for delineators. There was discussion of the paving issues and number of accidents occurring whenever an Interstate 81 bridge lane is closed. Mr. Clark stated VDOT was patching when they could and would have to wait until warmer weather for paving.

Mr. Sheffey spoke regarding flooding of Burruss Road off Highland Road; washing out the roadway toward Rt. 100 because of a tree and leaves that had fallen into the creek.

Mr. Huber stated he had one item called in on Rt. 11 toward Fairlawn on Hubbard Way, request for a guardrail. There is a 50' drop. Mr. Clark stated they would look at the situation and prioritize.

8. Treasurer's Report

Melinda Worrell, Treasurer, had no further comments regarding the Trial Balance, Statement of Investments and Sales Tax Receipts reports presented to the Board of Supervisors.

9. Reports from the County Administrator & Staff:

Mr. Wilson distributed copies of the Total Action for Progress (TAP) Report of the Energy Conservation and Housing Rehab projects showing that Pulaski County was recipient of \$108,670.00. Mr. Rick Sheets reported the project was focused on indoor plumbing. The Pulaski County applicant had a residence that was not rehab-able. The existing house and outhouse were removed and a new 676 sq. ft. house built, new alternative septic system installed and the new house was connected to the public water system. He explained there were no new applications for this upcoming year; however, should there be interest to forward the information to the Department of Housing and Community Development (DHCD); Mr. Wilson could provide the leadership.

Mr. Huber questioned the funds available for Pulaski County and Mr. Sheets indicated there was an incentive pool of funds in the amount of one million dollars. Application is made to the incentive pool. Mr. Sheffey inquired as to carry over funds availability and Mr. Sheets indicated it was unknown.

A. Appointments

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved the following action related to appointments: Draper Community Board of Directors; Gail Kiser, Barbara Cain, Fran Streff, John Hawley, Carolyn Foltz, Carol Smith and Beulah Webb

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

Voting no: None.

B. Four-Year Goals

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Mr. Sheffey referenced 2.1.1 – “Renovate and/or Expand Dublin Elementary School” and inquired regarding a planned Grand Opening for Dublin Elementary School. Mr. Joe Guthrie stated the School Board was working on a date before the end of the year. Mr. Huber and Dr. Brewster to confer on dates. Mr. McCready reported VA Tech is working on the landscaping as part of a class landscaping project that was not part of the architectural plans. Design is first part of the project and installing walkways in the spring; all part of hands-on learning experience.

Mr. McCready referenced 6.4.1 – “Repair DeHaven Park Shoreline” and described the shoreline had been stabilized with 700 tons of rock and 9 yards of concrete as well as the swim area back wall repaired. Mr. Anthony Akers spoke about the repairs and improvements and presented photos of the new shoreline and swimming area.

Mr. O’Dell referenced 8.3.2 – “Large Items Drop Centers in Dublin and Pulaski” and inquired as to status. Mr. Huber indicated they were looking for a site maybe near the Hiwassee school.

Mr. Sheffey inquired as to questions on page 5 of 6; 4 year goals. Mr. Sheffey noted that first quarter of 2016 would have revisions.

C. Firewise Virginia Community Hazard Mitigation Grant

Mr. Huber advised that he had been asked to serve with Mr. Ed Belcher as part of a citizens group cooperating with the Pulaski Fire Department in the removal of downed timber on Draper Mountain. The Fire Department would apply for and receive grant funding for this project as a fundraiser with the work to be done by the fire department members. He would serve as neighborhood contact and wanted to fully disclose that a portion of the work would be done on property owned by him and his wife.

On a motion by Mr. McCready, seconded by Mr. Pratt and carried, the Board concurred with the Mr. Huber’s service related to the Firewise Virginia Community Hazard Mitigation Grant.

Voting Yes: Mr. McCready, Mr. O’Dell, Mr. Sheffey, Mr. Bopp,
Mr. Pratt

Voting No: None

D. Adoption of Emergency Operations Plan

Mr. Huber reported that the Emergency Operations Plan as presented for Pulaski County must be reviewed and updated every five years.

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On a motion of Mr. Pratt, seconded by Mr. McCready, and carried, the Board accepted the revised Emergency Operations Plan for adoption as presented.

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

E. Legislative Agenda

Mr. Huber presented legislative agenda items for the Board's consideration for the 2016 session as follows: 1. Authorize the local option of adopting a 25-cent per pack tax on cigarettes sold in the unincorporated portions of the Pulaski County with the proceeds to be used for school maintenance and construction. The Commonwealth has stopped funding school facilities and the proposed tax would put Pulaski County on an equal footing with Fairfax, Arlington and cities in Virginia (including the adjacent City of Radford) in having the ability to tax cigarettes as a way of funding school facilities, 2. Implement a program by which non-violent offenders can reduce jail time through local public service by reducing jail sentences by one day for each day worked. This would provide a ready source of labor for public works projects, reducing state and local incarceration costs, and motivate improved inmate behavior, 3. Grant localities the authority to implement local ordinance controlling Canadian thistle and bamboo and similar weeds matching current authorization for the control of musk thistles, 4. Utilize brown interstate signage to promote state parks. In effect, utilize the existing state maintained highway system as an asset to encourage utilization of the state maintained park system. Currently, State Park signage must be paid for by localities or the State Park system and costs through the Virginia Logos program are significantly higher than would seem reasonable, 5. Fully fund the State standards of quality in our secondary education systems.

Mr. McCready reported his discussion with legislators indicated the cigarette tax proposal would be dead on arrival. Mr. McCready indicated that it was clear from the Speaker of the House, Mr. Howell, that legislation was probably doomed for failure as such. Mr. McCready suggested the Board consider taking a unified position with the Virginia Association of Counties and place number 5; fully funding the State standards of quality in our secondary education system as item 1.

On a motion by Mr. McCready, seconded by Mr. Pratt and carried, the Board approved the Legislative list as presented with the fifth item: "Fully fund the State standards of quality in our secondary education systems" moved as the top priority followed by the items one through four.

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

Mr. McCready brought up the use of a lobbyist to lobby on behalf of the local cigarette tax. Mr. McCready made the point he did not think it was appropriate to spend any county tax dollars to pay for a lobbyist for this in Richmond. Mr. McCready made a motion to not hire a lobbyist in Richmond for the Board, seconded by Mr. Bopp, and carried.

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

F. Scheduling of Board of Supervisors Organizational Meeting

Mr. Huber presented the organizational meeting of the Board four years ago and suggested the Board consider January 18, 2016 at 7:00 p.m.

On a motion by Mr. Pratt, seconded by Mr. Bopp, and carried, the Board selected January 18, 2016 at 7:00 p.m., as the Organizational Meeting to be held at the County Administration Building, 143 Third Street, Pulaski, Virginia in the Board Room.

Voting Yes: Mr. McCready, Mr. O'Dell, Mr. Sheffey, Mr. Bopp,
 Mr. Pratt
 Voting No: None

Mr. McCready gave a review of the advertisements and attempts for solicitation of bids to remove the Old School Board Building. Mr. Huber indicated that he had received a quote for salvaging some of the item. There was discussion to move forward with the demolition project and to expedite the process within thirty (30) days.

On a motion of Mr. McCready, seconded by Mr. Bopp and carried, the Board authorized demolition of the Old School Board Office and authorized the County Administrator to enter into a salvage contract based on bids received.

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

10. Items of Consent

On a motion by Mr. McCready, seconded by Mr. Pratt and carried, the Board

approved the Items of Consent as follows:

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

A. Approval of Minutes of October 26, 2015 Meeting

B. Accounts Payable

The Board approved accounts payable for checks numbered 2047650 through 2048126, subject to audit.

C. Interoffice Transfers and Budget Adjustments

The Board approved monthly interfund transfer #5 in the amount of \$45,285.91. The following listing of budget adjustments were also approved: Capital Improvements Fund #2016-05 - \$40,000.00; General Fund #2016-08 - \$14,585.36; General Fund #2016-09 – (Transfer from Reserves to CIP - \$160,000.00); School Fund #3 – \$25,000.00; and Capital Improvements Fund #2016-06 - \$260,000.00

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 October 22, 2015 through November 19, 2015.

F. Endorsement of Regional Approach to Tourism Marketing

The Board approved endorsement of the November 20, 2015 correspondence from the New River Valley Regional Commission regarding tourism marketing connections between New River Valley, Roanoke, and Southwest Virginia.

G. Falls Stamping/IDA Support Agreement

The Board approved the Moral Obligation Support Agreement between the Industrial Development Authority and the Pulaski County Board of Supervisors allowing for revisions and improvements to the existing financing as follows as well as the Board of Supervisors Resolution for Virginia Small Business Financing Authority Loan.

**SUPPORT AGREEMENT BETWEEN THE COUNTY OF PULASKI,
VIRGINIA AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
PULASKI COUNTY, VIRGINIA**

THIS SUPPORT AGREEMENT is dated as of the ____ day of _____, 2015, between the **COUNTY OF PULASKI, VIRGINIA**, a political subdivision of the Commonwealth of Virginia and the **INDUSTRIAL DEVELOPMENT AUTHORITY OF PULASKI COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "Authority").

RECITALS:

WHEREAS, in order to finance, in part, the sale to Falls New River Stamping Company, LLC, an Ohio limited liability company ("Falls NRV") and the purchase of equipment at, and renovation of real property and improvements briefly described as, 28 Jefferson Avenue, Pulaski, Virginia 24301, the Authority made incurred indebtedness from Community Capital Bank of Virginia (the "Bank") in the amount of One Million Eight Hundred Thousand Dollars (\$1,800,000.00) (the "Falls NRV Loan"); and

WHEREAS, the Authority has secured a commitment for up to One Million Eight Hundred Thousand Dollars (\$1,800,000.00) in financing from the **Virginia Small Business Financing Authority ("VSBFA")** (collectively, the "Financing") in order to refinance the Falls NRV Loan, conditioned upon the Board of Supervisors of Pulaski County, Virginia (the "Board") first agreeing to be morally obligated to repay the Financing should the Authority fail to make the required payments to VSBFA; and

WHEREAS, the Financing will, among other things, allow the Authority to reduce its interest costs with respect to such indebtedness; and

WHEREAS, in order to promote economic development in the County, the Board desires to support the Authority in its efforts to enter into the Financing; and

WHEREAS, Section 15.2-953 of the Code of Virginia of 1950, as amended, provides that any locality may appropriate money to an industrial development authority for the purpose of promoting economic development; and

WHEREAS, on May 18, 2015, the Board adopted a resolution authorizing the execution of this Support Agreement providing for a non-binding moral obligation of the County to consider certain appropriations in support of the Financing of the Facility.

NOW, THEREFORE, the parties hereto covenant and agree as follows:

1. The Authority proposes to secure the Financing and to pledge the revenues and receipts received from leasing the Facility toward payment of the debt service under the Financing. Should other funds of the Authority not be available for such purpose, the Authority shall request an appropriation from the County sufficient to allow the Authority to make such debt service payments (**the "Deficiency Amount"**).

2. No later than March 1 of each year, beginning March 1, 2015, the Authority shall notify the County Administrator of the County (**the "County Administrator"**) of any anticipated Deficiency Amount which the Authority desires the County to pay in accordance with Section 1 above during the County's fiscal year beginning the following July 1.

3. The County Administrator shall include such Deficiency Amount requested pursuant to paragraph 2 above in the budget submitted to the Board for the following fiscal year as an

amount to be appropriated to or on behalf of the Authority. The County Administrator shall deliver to the Chairman of the Authority and the VSBFA within ten (10) days after the adoption of the County's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated to or on behalf of the Authority the Deficiency Amount requested.

4. If at any time the Authority believes there is a Deficiency Amount or that amounts appropriated by the Board are insufficient to allow the Authority to fulfill its debt service obligations under the Financing, the Authority shall notify the County Administrator of the amount of the Deficiency Amount or such insufficiency and the County Administrator shall request a supplemental appropriation from the Board in the amount necessary to make such payment.

5. The County Administrator shall present each request for appropriation pursuant to paragraph 4 above to the Board, and the Board shall consider such request, at the Board's next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Administrator shall notify the Authority as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the County Administrator shall add the amount of such requested appropriation to the amount requested from the Authority and reported to the County by the County Administrator for the County's next fiscal year.

6. The Board hereby undertakes a non-binding moral obligation to appropriate such amounts as may be requested from time to time pursuant to paragraphs 3, 4 and 5 above, to the fullest degree, and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise.

7. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Authority or VSBFA or to any other person or entity, and nothing herein contained is or shall be deemed to be a pledge of the full faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described herein.

8. For and in consideration of VSBFA extending the Financing to the Authority, and to further secure the repayment of the Financing, the Authority hereby assigns, grants and conveys to VSBFA all of its right, title and interest, now existing or hereafter arising, in and to all moneys received from the County pursuant to the provisions of this Agreement. The Authority and the County shall make, execute and deliver any papers, instruments and documents that may be required by VSBFA to effectuate the purpose intended by this assignment. This Authority waives any right, legal or equitable, now existing or hereafter arising, to offset against, attach, levy upon, enjoin or otherwise delay the payment of such moneys hereby assigned on account of any claim or obligation between the Authority and the County.

9. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (i) if to the County, to County Administrator's Office, , Attention: County Administrator and (ii) if to the Authority, to ,

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Attention: . Any party may designate any other address for notices or requests by giving notice in like fashion.

10. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the County and the Authority have each caused this Agreement to be executed as of the date first above written.

COUNTY OF PULASKI, VIRGINIA

By: _____
Chairman, Board of Supervisors

INDUSTRIAL DEVELOPMENT AUTHORITY OF PULASKI COUNTY, VIRGINIA

By: _____
Chairman

The undersigned authorized representative of VSBFA has executed this Agreement on its behalf as of the date first written above for the sole purpose of accepting the assignment to it made therein.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

By: _____
Scott E. Parsons
Executive Director

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 of up to \$1,800,000 (**the "Loan"**), which will be evidenced by a promissory note in a principal amount not to exceed the amount of the Loan for a term of approximately ten (10) years earning interest at 2.44% (**the "Note"**), by the pledging of County's 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 are to be used (i) to refinance existing indebtedness of the Authority to Community Capital Bank of Virginia incurred for the renovation, development and equipping of a commercial and industrial manufacturing facility located in Pulaski County, Virginia and more particularly described in the Loan Agreement related to the Loan (**the "Project"**), and (ii) to pay the costs of issuance of the Note from the proceeds of the Loan, 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 up to \$1,800,000 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 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

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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.

PASSED AND ADOPTED this 23rd day of November, 2015.

11. Citizen Comments and Presentations

A. Presentation by Smart Beginnings of New River Valley

Mr. David Moore presented an update on services of Smart Beginnings and the improvements of the foundation since 2009. The foundation is State funded and is focused on the early childhood development and is a coordination and collaboration with programs such as the head start.

B. Citizen Comments

There were no citizen comments

12. Other Matters from Supervisors

Mr. McCready reviewed the Virginia Association of Counties Briefing information on the Economic and Budget Trends to Localities presented by Fiscal

Analytics, Ltd., dated November 9, 2015, noting the continued decline of State funding and the fact that localities have not bounced back from the recession as fast as States have. All trends are leading to concerns for the local school system funding. Mr. Sheffey noted when there are State funding shortfalls, the localities are expected to pick up the shortfalls.

Mr. Sheffey advised of the following upcoming meetings where there was the potential for three or more Board members present:

- December 4th at 7:00 a.m., Annual Employee Recognition Awards and Breakfast;
- Veterans Remembrance Tree Lighting and Reception on December 5, 2015 from 3-5 p.m., New River Room;
- December 11, Pulaski Area Transit's 11th Annual Celebration and Awards Dinner at 6:00 p.m., at the Pulaski Country Club; and
- December 12th, at 1:00 p.m., the 3rd Annual Wreath Laying Ceremony at the Southwest Virginia Veterans Cemetery.

Mr. Sheffey advised at the next meeting of the Board's Regular meeting scheduled for December 21 at 5:30 p.m., at the County Administration Building, in lieu of a Closed Session there will be a celebration of both Gena Hanks and his retirements.

13. Adjournment

On a motion of 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, December 21, 2015 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.



Joseph L. Sheffey, Chairman



Peter M. Huber, County Administrator