

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, November 25, 1996 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, N.W., in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Jerry D. White, Vice-Chairman; Dr. Bruce L. Fariss; Charles E. Cook; and Frank R. Conner. Staff members present included County Administrator, Joseph N. Morgan; County Attorney, Thomas J. McCarthy, Jr.; Management Services Director, Nancy M. Burchett; and Executive Secretary, Gena T. Hanks.

1. Invocation

Prior to the invocation, Chairman Sheffey requested a moment of silence in memory of Chris and Stephanie Younce, two students at Pulaski County High School who were recently killed in a vehicle accident. The invocation was then given by Reverend C. R. Conner of the First Pentecostal Holiness Church.

2. Additions to Agenda

Additional agenda items were noted and considered at the appropriate times on the agenda.

3. Public Hearings:

a. Six Year Road Plan

Mr. Dan Brugh, Virginia Department of Highways & Transportation Resident Engineer, appeared and reported on the Six Year Road Plan required public hearing. Mr. Brugh advised the purpose of the hearing is to establish priorities for FY 97-98. At this time Mr. Brugh reviewed with the Board of Supervisors the present road improvement plan and the supplemental road improvement listing.

Chairman Sheffey then opened the public hearing on the Six Year Road Plan for public comments. The following individuals were heard from regarding road improvements:

Mr. Ranny Akers, a resident of the Draper District off Route 835, Ellen Barr Road, appeared and requested that his road be taken into the secondary system. Mr. Akers complained of pot holes and mud during bad weather. He further requested a PSA waterline extension for his road.

Mr. Brugh advised he would add Mr. Akers' request to the rural addition requests for viewing by the Road Viewers.

Mr. David Pohlig, a resident of the Draper District, Route 726, Sayers Road, appeared before the Board to request that the remaining unpaved portion of Sayers Road be paved. He complained of the unpaved portion of Sayers Road being dusty and muddy.

No further public comments were made; therefore, the Chairman closed the public hearing on the six year road plan.

Supervisor Cook requested an explanation from Mr. Brugh as to why the first part of Sayers Road had not been paved. Mr. Brugh advised the portion of Sayers Road paved had been taken into the secondary system as a rural addition and therefore, only that portion not previously in the system was paved.

Supervisor Cook asked the Board to re-prioritize the six year road plan. He reported the majority of improvements would be in the Ingles District.

Dr. Fariss advised the Ingles District has more unpaved roads than any other district in the county.

On the motion of Dr. Fariss, seconded by Mr. White and carried, the Board of Supervisors approved the Six Year Road Plan, as reviewed and presented by Resident Engineer, Dan Brugh, and as noted in the following resolution:

WHEREAS, the Board of Supervisors of Pulaski County in cooperation with representatives of the Virginia Department of Transportation have prepared a proposed Six-Year Plan for Pulaski County listing improvements proposed on the State Secondary Highway System in Pulaski County for which funds are to be budgeted in fiscal years 1997-2003; and

WHEREAS, a duly advertised public hearing was conducted at the County Administration Building in Pulaski, Virginia at 7:00 p.m. on November 25, 1996, for purposes of informing interested citizens of the proposed Six-Year Plan and for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia, as amended; and

WHEREAS, this Board has given due consideration to such input and other factors pertaining to improvement of the State Secondary Highway System in Pulaski County;

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of Pulaski County hereby approves the aforementioned Six-Year Plan for improvement of the State Secondary Highway System in Pulaski County for fiscal years 1997-2003 as presented.

BE IT FURTHER RESOLVED that adoption of this plan also establishes priorities for preparation of the annual budget for the first year, 1997-98, by the Virginia Department of Transportation Resident Engineer.

Voting yes: Dr. Fariss, Mr. Sheffey, Mr. White, and
Mr. Conner.

Voting no: Mr. Cook.

b. A request by Ernest Hutton, Jr. for an amendment to the zoning map

from Residential (R1) to Agricultural (A1) to allow a kennel on property identified on Pulaski County tax maps as parcel 001-0000-007B, located on the west side of State Park Rd. (Rt. 660) near the Wilderness Road (Rt. 611) intersection, in the Ingles District.

County Administrator, Joseph N. Morgan, advised the public hearing on the above matter has been rescheduled for the Board's December meeting due to an advertising error.

- c. A request by Michael Boyer for an amendment to the zoning text to add a "use not provided for" to allow manufactured home parks in Residential (R3) and (R2) districts by Conditional Use Permit, and include manufactured housing (single wide and double wide) in the Planned Unit Development (PUD) district.

The public hearing on the above matter has also been rescheduled for the December Board meeting due to an advertising error. In addition, staff advised this request may be withdrawn by Mr. Boyer.

4. Highway Matters:

Virginia Department of Transportation (VDOT) Resident Engineer, Dan Brugh, met with the Board regarding the following:

- a. Follow-up from Previous Board Meetings:

- 1. Speed Limit Request on Route 806, Ebb Hall Road

- Mr. Brugh advised Route 806 had been reviewed by VDOT and does not qualify for 25 mph.

- 2. Route 600, Parrott River Road

- The Board reviewed correspondence from Norfolk Southern Superintendent, D. A. Brown, denying use of right of way to residents of Route 600 in emergency situations. The Board requested staff to inform residents of response from Norfolk Southern Railroad and to inquire from residents of any written agreement or legal proof of permission from railroad for use of right of way by residents.

- b. Guardrail Request, Route 810

- Staff reported a resident of Route 810, Ms. Tina Hoosier, had requested a guardrail to be placed on Route 810. Mr. Brugh advised he would place this request on the listing of guardrail requests to be reviewed within the next month. He further reported he would send the Board of Supervisors a copy of these requests.

- c. Traffic Signal Approved at Rt. 643, Cougar Trail & Rt. 11, Lee Highway

Mr. Brugh reported Route 643, Cougar Trail & Route 11, Lee Highway, had been reviewed by VDOT and does qualify for a traffic signal light. He further advised since VDOT already had a contractor in the Dublin area, the traffic signal light installation could be installed sooner than expected.

- d. Traffic Signal Request Route 100, Cleburne Boulevard and Route T635, Baskerville St.

The Board requested VDOT to review Route 100, Cleburne Boulevard and Route T635, Baskerville Street, for possible installation of a traffic signal. Safety concerns were expressed by Ms. Emma Dickerson, a resident of the area. VDOT agreed to review and report back to the Board at its December meeting.

- e. Route 643, Thornspring Road, and Route 11, Lee Highway, Intersection Safety

The Board of Supervisors discussed with Mr. Brugh safety concerns on Route 643, Thornspring Road, and Route 11, Lee Highway, at Cougar Express Store. Supervisor White expressed the need for an additional turning lane onto Route 643, Thornspring Road, speed limit reduction possibly and safety concerns regarding vehicles coming onto Route 11 from Cougar Express illegally.

Mr. Brugh advised VDOT would review this area for a possible turning lane onto Route 643, Thornspring Road, from Route 11, Lee Highway.

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors requested VDOT to conduct a speed limit reduction study beginning from the Cougar Trail Road intersection at Route 11 to Cougar Express on Route 11 and review installation of a turning lane from Route 11 onto Thornspring Road, Route 643.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.

Voting no: none.

- f. Board of Supervisors Concerns

Supervisor Fariss inquired about the status of striping for Route 693, Julia Simpkins Road, and Route 607, Boones Furnace Road. Mr. Brugh advised he would check on this and respond directly back to Dr. Fariss.

Supervisor Conner reported the lines had not been painted on Little Creek Road, Route 601, and also reported the ditch line on Little Creek Road is higher than road. VDOT was requested to review this and report back to the Board at its December meeting.

Supervisor Cook expressed concerns regarding Route 682, Newbern

Road, and Route 100, Cleburne Boulevard, intersection at the Dublin Town Center. Concerns expressed included the road not being wide enough for truck traffic, and straightening of the curve in road.

Staff was requested to send a letter to the Town of Dublin officials outlining the Board's concerns regarding Newbern Road and Route 100 intersection.

Chairman Sheffey expressed concerns regarding Route 622, Dudley Ferry Road, in Fairlawn near the new Day Care Center and the additional traffic.

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors requested VDOT to review this area regarding safety concerns and add to supplemental road improvement listing.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.

Voting no: none.

g. Citizens Concerns

Mr. James R. Bowman, Sr., a resident of Route 600, Parrott River Road, appeared before the Board. Mr. Bowman advised he would check with residents of Parrott River Road regarding a past agreement, if any, with the railroad an emergency use of the railroad right-of-way. He reported concerns regarding flooding on Route 600, and the inability of residents to get out when flooding occurs. He further advised some of the problems will be taken care of once the new bridge is constructed.

Mr. Andy McCready appeared before the Board and requested that Route 611, Newbern Road, road improvements be moved from the supplemental listing to six year road plan improvements. Mr. McCready also requested that Route 804, Wurno Road, to Interstate 81 be designated as STAA. The Board requested Mr. Brugh check on the STAA designation and report back to the Board at its December meeting.

5. Treasurer's Report

The Board reviewed the monthly trail balance report and certificates of deposits, as presented by Treasurer, Rose Marie Tickle. The Board accepted the reports as presented.

6. Citizen Comments

Mr. John Wenrich of Staff Village, Dublin, appeared before the Board of Supervisors and reported on the status of the Citizens Advisory Committee recently appointed by the Regional Jail Authority. Mr. Wenrich reported the citizens' major concern is access to the site. Mr. Wenrich requested the Board support access to the regional jail going through the new Dublin Road, by the Town Hall rather than on Route 611, Wilderness

Road, on Route 682, Newbern Road.

The Board requested staff to provide an outline of the road ways for the regional jail facility.

7. Presentation by Dublin Lions Club & Resolution of Appreciation

Mr. Dwight Fralin, Secretary for the Dublin Lions Club, appeared before the Board and gave an overview of the Lions Club efforts in working with the youth of Pulaski County. Mr. Fralin reported the Dublin Lions Club had recently donated \$500.00 to the Office on Youth which had been used to purchase recreation equipment. Mr. Fralin advised the Lions Club intends to donate an additional \$500.00 and challenged the Board of Supervisors to match this donation.

Chairman Sheffey thanked Mr. Fralin for the donation and advised that the Office on Youth Advisory Board funds could be used as the match to the additional \$500.00 donation.

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors adopted the following resolution of appreciation to the Dublin Lions Club for their support of the Office on Youth and youth activities in Pulaski County:

WHEREAS, the Dublin Lions Club has provided assistance to the Pulaski County Office on Youth with recent Office on Youth activities; and

WHEREAS, the Dublin Lions Club has recently donated \$500.00 to the Office on Youth; and

WHEREAS, the donated funds have been used to purchase recreational equipment for the youth of Pulaski County; and

WHEREAS, the Dublin Lions Club has expressed an interest in supporting and assisting the Office on Youth with youth activities in the future,

NOW, THEREFORE, BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its appreciation to the support given by the Dublin Lions Club to the Pulaski County Office on Youth and to the youth of Pulaski County.

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors in permanent testimony of its appreciation for the services and assistance provided by the Dublin Lions Club.

8. Reports from the County Administrator & Staff:

a. NRRA Expansion to Include MRSWA

County Administrator, Joseph N. Morgan, reviewed with the Board a synopsis prepared by the New River Resource Authority staff outlining

the advantages and disadvantages of the New River Resource Authority expanding its membership to include the Montgomery Regional Solid Waste Authority. Mr. Morgan further reviewed action needed by the Board of Supervisors on this issue.

At this time the following individuals addressed the Board of Supervisors pertaining to the above matter:

Mr. W. B. Saunders appeared and expressed concerns regarding the NRRA allowing expansion to include Montgomery County. Mr. Saunders questioned the representation of the NRRA should Montgomery County be allowed to become a member and also expressed concerns regarding inmates and recycling.

Mr. Raymond Wright appeared and expressed opposition to Montgomery County becoming a member of the NRRA.

Mr. Andy McCready appeared and questioned several items contained in the proposed agreement to allow Montgomery County to become a member of the NRRA. Mr. McCready suggested Montgomery County, if allowed to join the NRRA, be required to pay additional tipping fees and this money could be used for educational purposes.

The Board addressed several of the concerns expressed by the above individuals and noted regional cooperation results in dollar savings. Further, it was noted that Montgomery County already has a recycling facility which would be used by the County.

Executive Session - 2.1-344(A)

It was moved by Mr. White, seconded by Dr. Fariss and carried, to enter executive session in accordance with Section 2.1-344(A) of the 1950 Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition, and perspective industry.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and
Mr. Conner.

Voting no: none.

Return to Regular Session

On the motion of Mr. Conner, seconded by Mr. White and carried, the Board returned to regular session.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and
Mr. Conner.

Voting no: none.

Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Dr. Fariss, seconded by Mr. Cook and carried,

that the Board of Supervisors adopt the following resolution certifying conformance with the Virginia Freedom of Information Act:

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

WHEREAS, Section 2.1-344.1 of the 1950 Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

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

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

*NRRRA Expansion to Include MRSWA

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors approved, subject to public hearing, adopting the Agreement for Expansion of the New River Resource Authority and Form of Agreement Between New River Resource Authority and Montgomery Regional Solid Waste Authority and the Amended User Agreement of the New River Resource Authority for Authority Members; authorized staff to advertise for public hearing the expansion of the authority for Monday, January 6, 1997 at 7:00 p.m.; and appointed Jerry White to serve through 1999 and Charles Cook to serve through 2000 as Pulaski County's representatives to the NRRRA; further the Board of Supervisors adopted the following resolution:

WHEREAS, there has been presented to this Board, a proposed "Agreement for Expansion of New River Resource Authority", which Authority was hereto created to develop, own and operate a regional garbage and refuse collection and disposal system, pursuant to the Virginia Water and Sewer Authorities Act (Chapter 28, Title 15.1, Code of Virginia, 1950 as amended), to permit the Montgomery Regional Solid Waste Authority to join the same and providing for other modifications of the original Agreement for the creation of the New River Resource Authority, a copy of which Agreement is filed with the records of this meeting.

NOW, THEREFORE, BE IT RESOLVED, that said Agreement is hereby approved and the proper officials of the County of Pulaski, Virginia

are hereby authorized and directed to execute on the same on behalf said Pulaski County, and the Clerk of this Board is directed to affix and attest the seal; and further said officials are also authorized and directed to execute, on behalf of the County of Pulaski, and to affix and attest the County's seal thereto, any document appropriate to consent of the Joinder of the Montgomery Regional Solid Waste Authority in the New River Resource Authority, and to cause the same to be filed with the State Corporation Commission of Virginia, together with a certified copy of this resolution and such other documents as may be requisite.

FURTHER RESOLVED that said officials are also authorized to join in, execute and deliver, on behalf of the County of Pulaski, such other documents as are approved and authorized in the Agreement attached hereto and/or as may be required to fully implement the terms and provisions thereof.

FURTHER RESOLVED that said officials shall cause the publication of documents required by paragraphs 6 and 7 of such Agreement is approved.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.

Voting no: none.

b. Request for Shooting Range at Old Cloyd's Mountain Landfill

The Board of Supervisors requested staff prepare a study of the costs involved in providing a shooting range to the public at the old Cloyd's Mountain Landfill.

c. Scheduling of Meeting with Legislators

The Board requested staff invite the state legislators to attend either December 16 or the January 6 1997 meeting of the Board of Supervisors to discuss concerns prior to the General Assembly session.

d. Scheduling of Belspring Community Meeting

The Board reviewed bids recently received by staff regarding the demolition of all or a part of the old Belspring School. Chairman Sheffey suggested a meeting could be scheduled in January, 1997 with citizens from the Belspring Community to discuss future use of the old Belspring School. He advised he would review his calendar and get back with staff regarding a date in January for said meeting.

e. Review of Key Activity Timetable

The Key Activity Timetable was not reviewed by the Board due to it not being included in the packet. The Board requested this report be sent out with the next weekly update for the Board to review.

f. Appointments:

On the motion of Mr. White, seconded by Mr. Cook and carried, the Board made the following appointments:

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and
Mr. Conner.

Voting no: none.

1. Office on Youth

The Board appointed James McClanahan to serve on the Office on Youth Board for a term ending November 1, 1999. The terms of new Board members Dave Hart, Janet Nelson and David Coffey also end November 1, 1999.

2. Cable TV Citizens Advisory Committee

The Board requested staff to invite the Towns of Pulaski and Dublin to join the County in appointing a Cable TV Citizens Advisory Committee with one member from each town.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White,
Mr. Conner.

Voting no: none.

g. Scheduling of Utility License Tax Ordinance Hearing

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors authorized staff to schedule for public hearing the Utility License Tax Ordinance compliance with Chapter 37, Title 58.1 for the December 16, 1996 meeting of the Board of Supervisors.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and
Mr. Conner.

Voting no: none.

9. Items of Consent:

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors approved the following items of consent unless otherwise noted.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr.
Conner.

Voting no: none.

a. Minutes of October 28, 1996

The Board of Supervisors approved the minutes of October 28,

1996, as presented.

b. Accounts Payable

The Board of Supervisors approved the accounts payable listing for checks numbered 12761 through 13088.

c. Appropriations & Transfers

1. General Fund Appropriation #8

Revenues:

2301-01 - Commonwealth Attorney Salaries	\$ 1,000.00
2402-80 - VA Preschool Int. - At Risk	30,188.00
2404-15 - Comm. of the Arts - grant	4,000.00
Total	\$35,188.00

Expenditures:

2201-1001 - Commonwealth Attorney Salaries	\$ 1,000.00
5363-5606 - VA Preschool Grant	30,188.00
7205-5606 - Fine Arts Center Grant	4,000.00
9104-5804 - Erroneous Assessments Refunds	50.00
9310-5823 - Revenue Refunds Bldg. Permits	26.00
9310-5824 - Revenue Refunds County Decals	110.00
9310-5827 - Revenue Refunds Other Agencies	4,400.00
Total	\$39,774.00

2. School Fund Appropriation #10

Revenues:

5102-00 - Transfer from General Fund	\$500,000.00
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Expenditures:

6601-3126 - Capital Imp. Architectural/Eng.	\$ 10,000.00
6601-3320 - Capital Imp. Maint. Serv. Contracts	290,000.00
6601-6007 - Capital Imp. Repair & Maint. Supplies	200,000.00
Total	\$500,000.00

3. Internal Service Fund Transfer #5

The Board approved interoffice transfers for the Internal Service Fund as presented and filed with the records of the Director of Management Services.

d. Ratification:

1. Contracts:

a. Administration of Employee Flexible Benefits Plan 96-97

The Board approved the administration of the employee flexible benefits plan for 96-97 with Hunt, Dupree & Rhine. A copy of said agreement shall be filed with the records of the Management Services Director.

b. Data Processing Programmer

The Board approved the contract for a contractual data processing programmer, Richard Theobald, as presented and filed with the records of the Management Services Director.

c. NRV Planning District Comm. Task Order for Zoning and Comprehensive Plan Update

The Board approved the Task Order with the NRV Planning District Commission for the Zoning and Comprehensive Plan update for a maximum cost of \$25,000. A copy of said order shall be filed with the Office of the County Administrator.

d. Emergency Home Repair Grant Agreement

The Board approved the Emergency Home Repair Grant Agreement with the Virginia Department of Housing & Community Development in the amount of \$3,447.22.

e. Computer Software for Meals Tax Program

The Board approved the purchase of computer software for the meals tax program in the amount of \$1,665.00 from Manatron, Inc.

2. Change Order - NRV Police Academy Roof Repair

The Board approved Change Order with Karl H. Frye, Inc. in the amount of \$1,400 for the NRV Police Academy roof repair.

3. RAAP Jurisdiction Modification

The Board approved a jurisdiction modification change on the Radford Army Ammunition Plan and New River Ordinance Work sites noting two concerns as outlined in a letter from County Administrator, Joseph N. Morgan, to Mr. John J. Beall, Jr., Senior Assistant Attorney General.

e. Virginia Juvenile Community Crime Control Act

The Board accepted a grant award in the amount of \$47,713.00 from the Virginia Juvenile Crime Control Act Grant.

. Personnel Changes

The Board reviewed recent personnel changes as presented by Management Services Director, Nancy M. Burchett.

g. 1996 Holiday Schedule

The Board approved granting one-half day on Christmas Eve and one additional day to be scheduled jointly by the employee and supervisor during the month of December, 1996 as additional holidays for employees. County offices to be closed one-half day of Christmas Eve and all day on Christmas Day.

h. Scott Cable Communications, Inc. - Hypothecation Consent

The Board approved the following Hypothecation Consent which will allow reorganization due to bankruptcy for the Scott Cable Communications, Inc:

WHEREAS, SCOTT CABLE COMMUNICATIONS, INC., a Texas Corporation ("Scott Cable") doing business as American Cable Entertainment, currently owns and operates a cable television system (the "system") within the County of Pulaski, Virginia (the "County") pursuant to that certain cable television franchise set forth in the County Ordinance dated April 25, 1978 (which franchise, as amended, modified and extended to the date hereof and ad the same may hereafter be amended, modified, extended or renewed, is herein referred to as the "Franchise");

WHEREAS, Scott Cable has filed a voluntary petition in bankruptcy under Chapter 11 of the Bankruptcy Code, and is seeking to obtain U.S. Bankruptcy Court approval of (and to become a reorganized debtor under the Bankruptcy Code pursuant to) a plan of reorganization;

WHEREAS, in connection with the foregoing reorganization, Scott Cable is obtaining new financing, and may thereafter from time to time obtain alternative, replacement or additional financing, from various commercial and other lenders (collectively, the "Financing");

WHEREAS, in order to obtain the Financing, Scott Cable will need to pledge, grant security interests in and otherwise hypothecate its interests in the System and the Franchise from time to time on and after the closing date(s) of the Financing in order to secure the then present and further indebtedness of Scott Cable (collectively, the "Indebtedness");

WHEREAS, the County Board of Supervisors is willing to permit Scott Cable to secure its Indebtedness with pledges, mortgages, transfers in trust, security interests and other such hypothecations of, in or upon the System and Franchise; and

WHEREAS, the County Board of Supervisors has reviewed, and taken all steps necessary, to adopt and approve this Resolution;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Scott Cable is authorized to pledge, grant security

interests in, mortgage, transfer in trust and otherwise hypothecate the property and assets used or held for use in connection with the collateral security for Scott Cable's Indebtedness, without regard to whether any such pledge, grant, mortgage, transfer in trust or hypothecation shall take the form of, or be accompanied by, a first or subordinated security interest.

2. Each secured party is authorized to exercise its rights as a secured party in the System and/or the Franchise in the event of a default by Scott Cable in the payment of any Indebtedness or the performance of any of Scott Cable's obligations secured thereby, and in such event the County shall accept such secured party's performance of Scott Cable's obligations under the Franchise; provided, that nothing herein shall be deemed to waive any right that the County may have under the Franchise to approve or consent to any further assignment or transfer, whether by Scott Cable or any secured party, of the Franchise.
3. In order to facilitate Scott Cable's arrangements with its lenders for the Financing, the County hereby acknowledges that at the date hereof (i) the Franchise is valid and outstanding and in full force and effect and, to the County's knowledge, without default thereunder by Scott Cable and (ii) the current term of the Franchise is scheduled to expire on April 25, 1999.

i. Public Assembly Ordinance

The Board approved staff preparing a public assembly ordinance draft for the Board to review prior to scheduling a public hearing on said ordinance.

10. Citizen Comments

No citizen comments were heard at this time.

11. Other Matters from Supervisors

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved water, sewer, and street lights installation along Route 100 between Dublin and Newbern.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.

Voting no: none.

Supervisor Fariss inquired about the status of county entrance signs. The Board was advised staff is presently looking for appropriate land off Interstate 81 for signs. The Board requested staff proceed with

a county entrance sign being placed in Fairlawn.

Supervisor Fariss also inquired about status of the proposed Randolph Park. Staff advised the park plans and request for volunteers for a citizens advisory committee are to be placed within the schools for display.

Supervisor Fariss asked about the status of the New River Trail and individuals currently blocking off access to the trail. Staff reported the State is in process of acquiring property from the owners, but Board may want to talk with state legislators about this issue.

Supervisor Fariss inquired about the current status on development of the VDOT grant for improved public access to the trail near Allisonia. Staff reported the county engineer and park superintendent are working with property owners near Reed Island Creek for a site.

Supervisor Fariss expressed safety concerns regarding crossing the New River Trail on Route 693, Julia Simpkins Road. He advised the trail crosses in two places on Route 693.

Supervisor Cook inquired about the report from staff on possible consolidation of efforts by the School Board and the County. Staff advised a draft for the Board to review was planned to be included in the December Board packet.

Chairman Sheffey noted the recent audit report for the New River Valley Juvenile Detention Home did not include member Warner Osborne. It was noted the audit was for the period ending June 30, 1996 and Mr. Osborne's term may not have begun until after June 30, 1996. Chairman Sheffey also requested staff to inquire regarding the budget overrun in actual salaries and equipment expended by the New River Valley Juvenile Detention Home for FY 96.

Supervisor Fariss requested staff provide the Board with a current listing of all appointments of Boards and Commissions made by the Board of Supervisors to include district and ending terms.

12. Executive Session - 2.1-344(A)

No executive session was held at this time.

13. Adjournment

On the motion of Dr. Fariss, seconded by Mr. White and carried, the Board of Supervisors adjourned until the special meeting set for December 3, 1996 at 7:30 p.m. with the Dublin Town Council to be held at the First National Bank Building, Dublin Industrial Park, Dublin, Virginia. The next regular meeting of the Board of Supervisors will be held on December 16, 1996 at 7:00 p.m. at the County Administration Building, Board Room, in the Town of Pulaski, Pulaski, Virginia.

Joseph L. Sheffey, Chairman

Joseph N. Morgan, Clerk