

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, July 27, 1998 at 7:00 p.m. at the Pulaski 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; Charles E. Cook; and Frank R. Conner. Absent: Dr. Bruce L. Fariss. Staff members present included: County Administrator, Joseph N. Morgan; Assistant County Administrator, Peter Huber; County Attorney, Thomas J. McCarthy, Jr.; Management Services Director, Nancy M. Burchett; and Executive Secretary, Gena T. Hanks.

1. Invocation

Reverend Randy Frye of the New First United Methodist Church gave the invocation.

2. Public Hearings

- a. A Request by Kendall O. Clay, Trustee, for rezoning from Agricultural (A-1) to Commercial (CM1) of approximately 30 acres of property identified as tax map parcel 028-001-0000-020A, 80.3230 total acres, located on the north side of Peppers Ferry Blvd. (Rt. 114) approximately 600 ft. west of Belspring Rd. (Rt. 600) intersection, Cloyd District.

County Administrator, Joseph N. Morgan, advised the Planning Commission had recommended approval of the above rezoning request.

Chairman Sheffey opened the public hearing on this matter for comments.

The following citizens of the City of Radford appeared before the Board and expressed concerns regarding the rezoning requests: Kate Brennan, Maurice Hall, Charles Krugler and Laurie Bechwald. Concerns expressed included increase in traffic, location of site on sensitive geological formation, drainage problems and impact on existing businesses.

Mr. F. B. Greene, a resident of the Fairlawn area advised the rezoning will change the character of the area and will hurt other businesses.

Mr. Marvin Powers, a member of the Pulaski County Life Saving Crew, inquired regarding aspects of emergency responses from the existing squad directly across from the rezoning site.

Mr. Kendall Clay, Trustee for the property, advised VDOT had been requested to install a second traffic light which should add an element of safety in the area. He advised the proposed facility for the site would add an additional \$300,000 to \$400,00 in sales tax revenues for the county annually. He reported there would be additional jobs created to include some management jobs. Regarding the geological formulation, Mr. Clay advised there would be no risk to the environment. He further reported the proposed facility would benefit the consumer.

In response to Mr. Powers question regarding the rescue squad, Mr. Clay advised the entrance to the proposed facility would be off of Route 614 and not off of Route 600.

Mr. James Price, representative for the purchaser of the property, advised that the proposed shopping facility will consist of 10 to 11 stores, will have a need for 18,000 to 20,000 gallons of sewer flow, trees will line the facility, the ponds will be fenced and a traffic study has taken place and plans are to comply with VDOT regulations on road and traffic. Mr. Price requested the Board to approve the rezoning request as the developers are anxious to proceed.

Chairman Sheffey inquired regarding the existing duck pond. Mr. Price advised the duck pond would be moved to the back of the proposed shopping facility.

No further public comments were heard; therefore, the Chairman closed the public hearing.

Chairman Sheffey inquired regarding the sales tax revenue and if the proposed shopping facility would be included in the sales tax agreement with the City of Radford. County Administrator, Joseph N. Morgan, advised the proposed shopping facility was not in the area of the sales tax agreement with the City of Radford.

On the motion of Mr. Conner, seconded by Mr. White and carried, the Board of Supervisors approved the above rezoning request per the Planning Commission recommendation.

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

Voting no: none.

Absent: Dr. Fariss.

- b. A request by Gene D. and Betty M. Sutphin for rezoning from Agricultural (A1) to Conditional Commercial (CM1) to allow a medical health care supply company on property identified as tax map parcel 107-001-0000-0002, 0.25 acres, located on the northwest intersection of Wysor Rt. (Rt. 100) and Old Baltimore Rd. (Rt. 654, Draper District.

County Administrator, Joseph N. Morgan, advised the Planning Commission had recommended approval of the above rezoning request.

Chairman Sheffey opened the public hearing on this matter.

Ms. Betty Sutphin, co-owner of the property, advised plans were to use the property as a warehouse. She requested the Board to approve the rezoning request.

Mr. Greg New advised there would be no increase in the traffic at this location.

No other public comments were heard; therefore, the Chairman closed the public hearing on this matter.

Staff noted there had been no public opposition to this request at the Planning Commission meeting.

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors approved the above rezoning request per the Planning Commission recommendation.

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

Voting no: none.

Absent: Dr. Fariss.

- c. An Ordinance Creating the Virginia's First Regional Industrial Facilities Authority.

County Administrator, Joseph N. Morgan, advised after the public hearing was held, the Board could join the other counties and cities expressing an interest to create a regional industrial facilities authority. He noted the only commitment required with membership would be a \$5,000 contribution to allow initial planning to begin. Those jurisdictions to date expressing an interest to join such an authority included the counties of Wythe,

Pulaski, Montgomery, Giles, Floyd, Roanoke and Franklin, the cities of Radford and Roanoke, and the towns of Dublin, Pulaski, Christiansburg, Narrows and Pearisburg.

Chairman Sheffey opened the public hearing on this matter.

No public comments were heard; therefore, the Chairman closed the public hearing.

On the motion of Mr. Cook, seconded by Mr. White and carried, the Board of Supervisors approved the following ordinance created the Virginia's First Regional Industrial Facilities Authority:

AN ORDINANCE CREATING VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITY AUTHORITY

WHEREAS, pursuant to the Virginia Regional Industrial Facilities Act, Chapter 64 of Title 15.2 of the Code of Virginia, 1950 as amended (the 'Act'), the Board of Supervisors of Pulaski County, Virginia after public hearing, duly advertised, has determined that the economic growth and development of the region and the comfort, convenience and welfare of its citizens required the development of facilities and that joint action through a regional industrial facility authority will facilitate the development of the needed facilities; and,

WHEREAS, the County of Pulaski is authorized by the Act to participate in such Regional Authority and the Board of Supervisors of Pulaski County, Virginia in conjunction with other governing bodies hereby proposes to create the Western Virginia Regional Industrial Facilities Authority, a public body politic and corporate created pursuant to the Act; and,

NOW, THEREFORE BE IT ORDAINED, that there hereby is created an Authority pursuant to the Virginia Regional Industrial Facilities Act, Chapter 64 of Title 15.2 of the Code of Virginia, 1950 as amended, whose name shall be "Virginia's First Regional Industrial Facilities Authority" and whose member localities shall be as follows:

The County of Bland, Virginia
The County of Craig, Virginia
The County of Floyd, Virginia
The County of Franklin, Virginia
The County of Giles, Virginia
The County of Montgomery, Virginia
The County of Pulaski, Virginia
The County of Roanoke, Virginia
The County of Wythe, Virginia
The City of Radford, Virginia
The City of Roanoke, Virginia
The City of Salem, Virginia
The Town of Christiansburg, Virginia
The Town of Dublin, Virginia
The Town of Narrows, Virginia
The Town of Pearisburg, Virginia
The Town of Pulaski, Virginia
The Town of Wytheville, Virginia

each of which is a political subdivision of the Commonwealth of Virginia, authorized to participate as members of the Authority by the Act and collectively are the “Member Localities”.

BE IT FURTHER ORDAINED, that as provided by the Act, the Board of Supervisors of Pulaski County, Virginia, after due consideration, hereby makes the following findings:

- a. The economy of Western Virginia has not kept pace with those of much of the rest of the Commonwealth. Individual localities in the region often lack the financial resources to assist in the development of economic development projects. Providing a mechanism for localities in the region to cooperate in the development of facilities will assist the region in overcoming this barrier to economic growth. The creation of a regional industrial facility authority will assist this are of the Commonwealth in achieving a greater degree of economic stability.

The purpose of the regional industrial facility authority is to enhance the economic base for the member localities by developing, owning, and operating, one or more facilities on a cooperative basis involving its member localities.

- b. The exercise of the powers granted by the Act shall be in all respects for the benefit of the inhabitants of the region and other areas of the Commonwealth, for the increase of their commerce, and for the promotion of their safety, health, welfare, convenience and prosperity.
- c. That the economic growth and development of this locality and the comfort, convenience and welfare of its citizens require the development of facilities and that joint action through a regional industrial facility authority by the localities which are to be members of the proposed authority will facilitate the development of the needed facilities.

In the furtherance of this Ordinance, the Chairman of the Board of Supervisors is hereby authorized to execute an agreement in the form attached to this Ordinance establishing the respective rights and obligations of the member localities with respect to the Authority.

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

Voting no: none.

Absent: Dr. Fariss.

3. Additions to Agenda

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

4. Highway Matters:

There was not a Virginia Department of Transportation (VDOT) representative at this meeting of the Board of Supervisors. However, the Board reviewed the following VDOT matters:

a. Follow-up from Previous Board Meetings:

1. Waiting List Update

The Board reviewed a waiting list of six year plan projects as prepared by staff. Mr. Morgan suggested the Board schedule a work session to determine priorities on the waiting list and to check the list for accuracy. The Board requested staff to place this on the August supervisors agenda.

2. Rt. 626, Hazel Hollow Road, Replacement of Rumble Strips

The Board requested this matter be carried over for discussion at the August supervisors meeting.

3. Rt. 1131, Mountain View Drive No Parking Signs and Patching

Supervisor Conner advising the paving/patching had been completed; however, the no parking signs still needed to be installed.

4. Rt. 658, Delton Road, Installation of Delineators

The Board requested this matter be carried over for discussion at the August supervisors meeting.

5. Rt. 693, Fariss Mines Road, Flooding Along Reed Island Creek

The Board requested this matter also be carried over for discussion at the August supervisors meeting.

b. Draper Mountain Overlook Sign Erection

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors approved the installation of a sign by VDOT labeled "Draper Mountain Overlook".

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

Voting no: none.

Absent: Dr. Fariss.

c. New River Industrial Access Road

The Board of Supervisors requested staff to prepare a letter to Jim Givens of VDOT for Chairman Sheffey's signature regarding the New River Industrial access road. Said letter to be delivered to Mr. Givens at the Local Government Officials' Conference in Charlottesville in August, 1998 by Supervisor Cook.

d. Ritter Farm Townhouses Private Road Status, off of Rt. 622, Dudley Ferry Road

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors approved private road status for the Ritter Farm Townhouses, off of Rt. 622, Dudley Ferry Road with the understanding the road would have to be brought up to state standards if ever in the future taken into the secondary road system.

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

Voting no: none.

Absent: Dr. Fariss.

e. Guarantee of Right-of-Way over Fairgrounds For Rural Addition

On the motion of Mr. White, seconded by Mr. Cook and carried, the Board of Supervisors guaranteed to VDOT any necessary right of way to accomplish the construction of the previously approval rural addition over the fairgrounds to the property behind the fairgrounds in the vicinity of the New River Trail Park.

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

Voting no: none.

Absent: Dr. Fariss.

f. Lakeland Subdivision Entrance Improvements at the State Park Entrance

County Administrator, Joseph N. Morgan, advised the Resident Engineer was needed to discuss the above matter. The Board directed staff to carry this matter over to the August meeting. Further, the Board instructed staff to contact VDOT for an update on this matter and share said response with Mr. Bill Cunningham, Carl Epley and Richard Johnson of the State Park.

g. Request of Speed Limit Signs – Rt. 600, Dry Branch Road

The Board requested this matter be carried over to the August supervisors meeting.

h. Response to I-81 Plans

The Board reviewed a copy of the I-81 Plan. Supervisor Cook advised that rumble strips needed to be placed at Exit 98 off I-81 onto Wilderness Road. The Board requested this matter be carried over to the August meeting of the Board for discussion.

i. Board of Supervisors Concerns

Supervisor Conner requested placement of no parking signs by VDOT on Mountain View Drive prior to school starting.

j. Citizen Concerns

Ms. Doris Henley requested paving of Route 708, Bethel Church Road.

Mr. Don Rainey, member of the Planning Commission, addressed the Board regarding sinkhole drainage guarantee to VDOT to allow development in areas with sinkhole drainage. Mr. Rainey suggested that there are non-monetary guarantees and criteria that could apply in appropriate cases.

Chairman Sheffey inquired if any other localities have similar policies pertaining to sinkhole drainage. Mr. Rainey advised he was not aware of any other localities having such a policy.

Staff suggested this matter be referred to the Planning Commission for review.

Ms. Brenda Blackburn, Mr. Jeff Haga, Mr. Melvin Greene and Ms. Alice Altizer addressed the Board of Supervisors regarding the blockage at the end of Route 655 at Max's Creek. All expressed concerns regarding the need for public access to Floyd County along the extension of Route 655. Ms. Blackburn presented letters from state officials of VDOT, Mr. Ken Smith and Mr. Jim Givens regarding this matter.

Mr. Donald Williams addressed the Board and contested the existence of a public right-of-way through his property and the Boyd Scout property at Route 655 to Floyd County from the Max Creek area.

The Board requested the County Attorney, Thomas J. McCarthy, Jr., to provide clarification regarding the status of a

public right-of-way at the above property at the September regular supervisors meeting.

Mr. George Page presented to the Board a citizen petition requesting improvements to Route 600, Dry Branch Road. The Board requested this be carried over to the August meeting to discuss with VDOT for a possible informal study first by VDOT.

Mr. Melvin Powers spoke regarding the delay on the Route 600 bridge replacement. He advised the bridge was only one lane and the weight limit on the bridge was below the recommended weights of a fire truck pumper/tanker.

5. Treasurer's Report

The Board reviewed the monthly trial balance report, sales tax distribution report, and certificates of deposit as prepared by County Treasurer, Rose Marie Tickle. The Board accepted the reports as presented.

6. Citizens' Comments

No citizen comments were heard at this time.

7. Magnet School for Technology Presentation

Dr. Edwin Barnes, President of New River Community College, gave a presentation to the Board of Supervisors regarding a possible magnet school for technology being developed by New River Community College and located on property previously donated by Pulaski County. Dr. Barnes reported on the need for such a technology school. He also advised, in order to facilitate the development process of the magnet school, the property previously donated to the college by the county might need to be transferred back to the county. The property requested to be returned to the county would be four (4) acres of campus land which will be used only for the construction of a New River Valley Magnet School for Technology.

8. New River Valley Community Services Board

Andy McCready, Chairman of the New River Community Services Board appeared before the Board of Supervisors and introduced Ms. Cheri Warburton, Coordinator of Access Services for the Community Services Board.

Ms. Warburton gave a brief presentation to the Board regarding the services offered by the New River Valley Community Services Board. She reviewed a brochure outlining all the services provided to the citizens by the Community Services Board. She advised the number one substance abuse problem in the New River Valley is alcohol.

9. Reports from the County Administrator & Staff:

a. Key Activity Timetable:

The Board reviewed the Key Activity Timetable (KAT) as presented by staff.

b. Appointments

1. Social Services Board

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors reappointed H. W. Huff, III to the Pulaski County Board of Social Services for a term ending August 31, 2001.

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

Voting no: none.

Absent: Dr. Fariss.

c. Resolution – Issuance of \$3,500,000 General Obligation Bonds

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors approved the following resolution regarding the issuance of \$3,500,00 General Obligation Bonds:

**RESOLUTION AUTHORIZING THE
ISSUANCE OF NOT TO EXCEED \$3,500,000
GENERAL OBLIGATION REFUNDING BONDS,
SERIES 1998, OF PULASKI COUNTY, VIRGINIA,
AND PROVIDING FOR THE FORM, DETAILS AND
PAYMENT THEREOF AND THE DEFEASANCE
OF CERTAIN PRIOR BONDS AND
AUTHORIZING CERTAIN RELATED ACTIONS**

Pulaski County, Virginia (the “County”) has previously issued its \$4,000,000 General Obligation Public Improvement Bonds, Series 1986 and its \$2,900,000

General Obligation Courthouse Facilities Bonds, Series 1992 (collectively, the “Prior Bonds”).

The Board of Supervisors of the County (the “Board of Supervisors”) desires to reduce debt service costs of the County or to restructure its debt service, or a combination thereof, by refunding some or all of the Prior Bonds.

The Board of Supervisors desires to provide for the issuance of its refunding bonds, the proceeds of which will be used to refund the Prior Bonds to be refunded, and pay the costs of issuing the refunding bonds, to provide for the form, details and payment of the refunding bonds and the defeasance of the Prior Bonds and to authorize certain related actions.

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

Section 1.1. Authorization of Bonds. It is hereby determined to be advisable, necessary and expedient for the County to borrow an amount not to exceed \$3,500,000 to provide funds, together with other funds that may be available, to refund the Prior Bonds to be refunded and to pay the costs of issuing the bonds authorized by this resolution. Pursuant to the Constitution of Virginia and the Public Finance Act of 1991, there are hereby authorized to be issued and sold general obligation bonds of the County in an aggregate principal amount not to exceed \$3,500,000 (the “Bonds”). The Bonds shall be designated the “Pulaski County, Virginia, General Obligation Refunding Bonds, Series 1998.”

The Bonds shall be general obligations of the County, the principal of, premium, if any, and interest on which are payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the County subject to taxation, to the extent other funds of the County are not available and appropriated for such purpose, and a pledge of the full faith and credit of the County.

To the extent permitted by Section 15.2-2601 of the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the “Act”), the Board of Supervisors hereby elects to issue the Bonds under the

provisions of the Act without regard to the requirements, restrictions or other provisions contained in any charter or local or special act.

Section 1.2. Details of Bonds. The Bonds shall be issued upon the terms established pursuant to this resolution and upon such other terms as may be determined by the County Administrator prior to the issuance of the Bonds. The Bonds shall be issued in fully registered form. The Bonds shall be dated, shall be in such denomination or denominations and in such aggregate principal amount, shall mature at such time or times, shall be subject to redemption or repurchase, at such price or prices and under such terms and conditions, and may contain such other provisions, all as determined by the County Administrator before the issuance of the Bonds. Despite anything contained in this resolution to the contrary, the Bonds shall be in an aggregate principal amount not to exceed \$3,500,000 and shall have a final maturity not to exceed 20 years from the date of the Bonds, and no Bond shall bear interest at a per annum rate greater than eight percent (8%).

Section 1.3. Execution of Bonds. The Bonds shall bear the manual signature of the Chairman or Vice Chairman of the Board of Supervisors and shall bear a manually impressed or imprinted facsimile of the seal of the County, attested by the manual signature of the Clerk of the Board of Supervisors. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of the Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. Any Bond may be signed by such persons as at the actual time of the execution thereof shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

Section 1.4. Registrar, Paying Agent and Authentication Agent. The County Administrator is hereby authorized and directed to appoint any Registrar, Paying Agent and Authentication Agent for the Bonds.

Section 1.5. Preparation and Sale of Bonds. The Board of Supervisors hereby determines that it will be in the best interest of the County and the Commonwealth of Virginia to sell the Bonds by private sale to Craigie

Incorporated-Governmental Finance (the "Purchaser") in accordance with the terms of the Purchaser's letter dated June 22, 1998, a copy of which has been presented to the Board of Supervisors. The County Administrator is hereby authorized to negotiate the sale of the Bonds to the Purchaser on the terms and conditions stated in such letter or such other terms and conditions as he deems best, provided that (a) the price for the Bonds shall not be less than ninety-eight percent (98%) of the principal amount of the Bonds, plus accrued interest from the date of the Bonds to the date of their delivery to the Purchaser and (b) the County's financial advisor advises the County that the true interest cost of the Bonds does not exceed 8% per annum.

The Chairman, Vice Chairman and the Clerk of the Board of Supervisors are hereby authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms.

Section 1.6. Designation of the Prior Bonds to Be Refunded. The Board of Supervisors hereby authorizes and directs the County Administrator to determine which maturities of the Prior Bonds will be refunded with proceeds of the Bonds.

Section 1.7. Determinations of the County Administrator. The determinations authorized by this Resolution to be made by the County Administrator may be evidenced by a certificate or certificates of the County Administrator filed with the Clerk of the Board of Supervisors at any time before the issuance of the Bonds. The determinations so evidenced shall be conclusively presumed to have been authorized by this resolution.

ARTICLE II

PARTICULAR COVENANTS

Section 2.1. Payment of Bonds. The County shall pay promptly, as provided herein, the principal of, premium, if any, and interest on each of the Bonds. Nothing in the Bonds or in this Resolution shall be deemed to create or constitute an indebtedness of the Commonwealth of Virginia or any political subdivision thereof other than the County, or a pledge of the full faith

and credit of the Commonwealth of Virginia or of any political subdivision thereof other than the County.

Section 2.2. Tax Rate Covenant. The Board of Supervisors hereby covenants and agrees that so long as any of the Bonds are outstanding, to the extent other funds are not lawfully available and appropriated for timely payment of the Bonds, the Board of Supervisors will levy and collect annually over and above all other taxes authorized or limited by law, an ad valorem tax, without limitation as to rate or amount, on all the taxable property in the County in an amount sufficient to pay principal of, if any, and interest on the Bonds as the same become due and payable.

Section 2.3. Maintenance of Tax-Exempt Status.

(a) No Adverse Action: The County shall not take any action that would adversely affect the exemption of interest on the Bonds from Federal income taxation. The County shall, to the extent permitted by Virginia law, take all actions necessary to maintain the tax-exempt status of interest on the Bonds under Federal or Virginia law, including all actions necessary to comply with Section 103 or Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code") or the regulations promulgated by the Treasury Department with respect thereto. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law.

(b) Arbitrage/Investment: The County shall not take or approve any action, investment or use of the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the regulations thereunder. The County, barring unforeseen circumstances, shall not request or approve the use of the proceeds of the bonds other than in

accordance with the County's "non-arbitrage" certificate delivered at the time of the issuance of the Bonds.

(c) Tax Compliance Agreement. Each of the Chairman, Vice Chairman and County Administrator is hereby authorized and directed to execute and deliver a tax compliance agreement regarding any matters described in Section 2.3(a) and (b), which agreement shall be in such form and content as may be required by bond counsel to the County.

Section 2.4. Designation As Qualified Tax-Exempt Obligations. The Bonds are hereby designated by the Board of Supervisors as "qualified tax-exempt obligations," as defined in Section 265(b)(3) of the Code. The Board of Supervisors hereby represents and covenants as follows:

(i) The County will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in the current calendar year, including the Bonds, for the purpose of Section 265(b)(3) of the Code;

(ii) The County and all the County's "subordinate entities," within the meaning of Section 265(b)(3) of the Code, and all entities which issue tax-exempt bonds on behalf of the County and such subordinate entities have together not issued more than \$10,000,000 of tax-exempt obligations in the current calendar year (not including "private activity bonds," as defined in Section 141 of the Code, other than "qualified 501(c)(3) bonds," as defined in Section 145 of the Code), including the Bonds;

(iii) Barring circumstances unforeseen as of the date of delivery of the Bonds, the County will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the County and such other entities in the current calendar year, result in the County and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in such year (not including private activity bonds, other than qualified 501(c)(3) bonds), including the Bonds; and

(iv) The County has no reason to believe that the County and such other entities will issue tax-exempt obligations in an aggregate amount that will exceed such \$10,000,000 limit; provided, however, that if the County receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (i) or (iii) above is not required for the Bonds to be qualified tax-exempt obligations, the County need not comply with such restriction.

ARTICLE III

MISCELLANEOUS

Section 3.1. Contract with Bondholders. The provisions of this resolution shall constitute a contract between the County and the holders of the Bonds for so long as any of the Bonds are outstanding.

Section 3.2. Authority of Officers and Agents. The officers and agents of the County shall do all acts and things required by them of this resolution and the Bonds for the complete and punctual of all the terms, covenants and agreements contained therein. The appropriate officers of the County are further authorized and empowered to take such other action as they may consider necessary or desirable to carry out the intent and purpose of this resolution, and the issuance of the Bonds.

Section 3.3. Limitation of Liability of Officials of County. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an officer, employee or agent of the County in his or her individual capacity, and no officer of the County executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No officer, employee or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this resolution, provided he or she acts in good faith.

Section 3.4. Conditions Precedent. Upon the issuance of the Bonds all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this resolution to have happened, exist and to have been performed precedent to or

in the issuance of the Bonds shall have happened, exist and have been performed.

Section 3.5. Non-Arbitrage and Other Certificates. The Chairman and Vice Chairman and such other officers as may be requested are hereby authorized to sign appropriate certificates setting forth, among other things, the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and regulations issued pursuant thereto, applicable to “arbitrage bonds”. Such certificates may also contain certain elections with regard to Section 148 of the Code and such officers are hereby authorized to make such elections on behalf of the County and the Board of Supervisors.

Section 3.6. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 3.7. Severability. If any court of competent jurisdiction shall hold any provision of this resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

Section 3.8. Effective Date. This resolution shall take effect immediately. All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed.

Section 3.9. Filing of Resolution. The Clerk of the Board of Supervisors is hereby authorized and directed to see to the immediate filing of a certified copy of this resolution with the Clerk of the Circuit Court of Pulaski County, pursuant to Section 15.2-2607 of the Public Finance Act of 1991.

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

Voting no: none.

Absent: Dr. Fariss.

10. 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: Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.

Voting no: none.

Absent: Dr. Fariss.

a. Minutes of June 22, 1998

The Board approved the minutes of June 22, 1998, as presented.

b. Accounts Payable

The Board approved the accounts payable listing for checks numbered 20057 through 20384.

c. Appropriations & Transfers

The Board approved the following additional appropriations and transfers as follows:

1. Interoffice Transfers #1 - \$33,779.13

The Board approved Internal Service Fund Transfer #1 in the amount of \$33,779.13, as presented and filed with the records of the Director of Management Services.

2. General Fund Appropriation #15 – \$283,472.35

Revenues:

2404-30 Victims Assistance Grant	\$ 22,023.00
1615-07 Library RIF	1,675.00
1615-01 Library – Mem. Books	181.35
2404-19 Jurors Comp. Reimbursed	<u>3,384.00</u>
Total	\$ 27,263.35

Expenditures:

1201-5804 Co. Admin. – Other Misc.	\$ 2,340.00
1204-3002 Co. Attorney – Prof. Services	4,456.00
1209-4001 Comm. of Revenue – Data Proc.	3,860.00
1215-1003 Man. Serv. – Part-time Salaries	915.00
2101-1007 Circuit Ct. – Jurors Comp.	3,384.00

2106-3009	Clerk's Off. – Purchase of Govt. Serv.	4,800.00
3304-6001	NRV Juvenile Detention Home	8,176.00
5338-5606	Victim's Witness State Grant	22,023.00
7115-5604	Friends of Claytor Lake – Opr. Exp.	2,741.00
7301-5604	Library – RIF Program	1,675.00
7301-5411	Library – Books	181.35
8110-3002	Industrial Park – Prof. Services	1,433.00
8110-3037	Industrial Park – Mowing	555.00
8110-5101	Industrial Park – Electricity	9.00
8140-3007	Zoning – Advertising	991.00
8140-5305	Zoning – Motor Vehicle Insurance	300.00
9303-9101	Transfer to Internal Service Fund	3,756.00
9303-9104	Transfer to VPA	221,631.00
9310-5824	Expenditure Refunds – Co. Decals	246.00
	Total	<u>\$283,472.35</u>

3. Internal Service Fund Appropriation #2 – \$34,904.00

Revenues:

1650-01	Copy Charges – Non-County	\$ 240.00
1640-02	Garage Parts – Non-County	7,508.00
1641-02	Garage Parts – County Depts.	14,260.00
1641-05	Mileage Charges	9,140.00
5102-00	Transfer from General Fund	<u>3,756.00</u>
	Total	\$ 34,904.00

Expenditures:

1224-3010	Co. Garage – Other Contracted Serv.	\$ 14,285.00
1224-5101	Co. Garage – Electrical Services	3,100.00
1224-5408	Co. Garage – Veh. & Power Equip. Supp.	17,279.00
1225-5401	Communications – Office Supplies	<u>240.00</u>
	Total	\$ 34,904.00

4. Capital Improvements Fund Appropriation #13 – \$103,144.80

Revenue:

5102-00	Transfer from General Fund	<u>\$103,144.80</u>
	Total	\$103,144.80

Expenditures:

220-702208	Data Processing – PC's	\$ 77.00
4308-7142	Old Courthouse – 3 rd Floor Ren.	2,685.26
7130-7070	Harry DeHaven Park – Land Acq.	24,523.85
8120-3002	NR Ind. Park – PUD – Prof. Serv.	44.69
8105-7155	Economic Dev. – Econ. Stimulus	<u>75,814.00</u>
	Total	\$103,144.80

5. Comprehensive Services Act #2 – \$197,142.87

Revenue:

1611-04	Public Assistance Recoveries	\$ 48,507.87
2401-29	State – CSA Reimbursement	148,635.00
	Total	<u>\$197,142.87</u>

Expenditures:

9140-5827	Payments Other Governments	\$197,142.87
	Total	<u>\$197,142.87</u>

6. Budget Adjustments – REMSI

3231-5410	REMSI – Field Staff – Uniforms	\$ + 3,503.00
3232-5410	Recruitment & Training – Uniforms	- 3,503.00
3230-3010	REMSI Admin. – Contracted Services	+ 4,162.00
3231-1002	REMSI – Field Staff –Wages–Overtime	- 4,162.00
3235-4005	Equip. & Stations – Garage Labor	- 4,095.00
3235-4006	Equip. & Stations – Garage Parts	+ 4,095.00
3235-7005	Equip. & Stns. – Motor Veh. & Equip.	+32,700.00
3232-5410	Recruitment & Training – Uniforms	- 22,362.00
3232-7001	Recruitment & Trng. – Mach. & Equip.	- 7,850.00
3232-6012	Recruitment & Trng. – Bks.& Subscrip.	- 4,235.00
3232-6013	Recruitment & Trng. – Educ. Instr.	- 2,135.00
3235-7148	Equip. & Stations – Bldg. Repairs	+ 3,052.00
3235-5407	Equip. & Stns. – Repair & Maint. Supp.	<u>+230.00</u>
	Total	-0-

7. General Fund Appropriation #1 – \$15,151.06

Revenue:

1899-60	Office on Youth–Donation–Dublin Lions	\$ 359.00
	Total	<u>\$ 359.00</u>

Expenditures:

3208-7001	Dublin Fire Dept. – Mach. & Equip.	\$ 1,970.00
3209-7001	Fairlawn Fire Dept. – Mach. & Equip.	8,000.00
5362-5401	VJCCCA – Office Supplies	359.00
7301-5604	7301-5604 Library – RIF	<u>4,827.06</u>
	Total	<u>\$ 15,151.06</u>

d. Ratification:

1. Contracts

*Synthons and Heron’s Nest Water & Sewer
Extension at New River Industrial Park

The Board ratified a contract with Anderson
& Associates for Synthons and Herons Nest water

and sewer extension at the New River Industrial Park in the amount of \$58,133.

2. Change Order:
*Pulaski County Water System Improvements
Change Order #2 - \$4,000

The Board approved Change Order #2 in the amount of \$4,000 for the Pulaski County Water System improvements with Central Builders, Inc.

3. Agreements:

- a. *NRV Community Corrections

The Board ratified an agreement with the NRV Community Corrections accepting Comprehensive Community Corrections grant funds in the amount of \$246,888 and agreed to act as fiscal agent for the disbursement of said funds.

- b. FY 99 Fire Programs Fund Disbursement Agreement

The Board ratified the FY 99 Fire Fund Disbursement Agreement with the Virginia Department of Fire Programs, a copy of which is filed with the records of this meeting.

4. Other:

- a. NRV Aids Coalition – Certification of Local Approval

The Board of Supervisors approved local government certification regarding the availability of services from the New River Valley Aids Coalition to Aids infected individuals.

- b. Harry DeHaven Park Purchase

The Board of Supervisors approved the final payment for the Harry DeHaven Park prior to October 1998.

c. Personnel Changes

The Board of Supervisors reviewed recent personnel changes as reported by Nancy Burchett, Management Services Director. In addition, the Board ratified a pay change for Michea Prescott, Data Processing Technician, to the maximum pay range of \$19,835 effective July 1, 1998.

e. Approval of Critzer and Snowville Elementary Schools

The Board of Supervisors reviewed a memo from School Superintendent, Dr. Asbury, regarding the construction bids for Snowville and Critzer Elementary Schools. Said memo advised the apparent low bidder for the Snowville School project was Avis Construction in the amount of \$5,140,000 and the apparent low bidder for the Critzer School was Branch & Associates in the amount of \$2,980,000.

Supervisor Cook expressed concerns regarding the bids being received much higher than had been anticipated by the engineers.

The Board of Supervisors authorized the School Board to award the construction projects for the Snowville and Critzer Elementary Schools to the low bidders in the amounts as stated above. The Board further requested the School Board to inform the Board of Supervisors on the progress of the construction projects and that any significant cost overrun be dealt with as a matter of overall school funding in FY 99-00.

Further, the Board of Supervisors adopted the following resolution regarding use of the Industrial Development Authority to enter into and service interim school construction debt.

RESOLUTION OF THE BOARD OF
SUPERVISORS OF PULASKI COUNTY,
VIRGINIA REGARDING THE LEASE
FINANCING OF CERTAIN PUBLIC SCHOOL
IMPROVEMENTS

The Board of Supervisors of Pulaski County, Virginia has determined it necessary and convenient to construct and equip expansions, renovations and improvements (the "Project") to public schools in Pulaski County, Virginia (the "County"), and to finance the cost of the Project through the issuance of a lease revenue note in the principal amount of \$6,500,000 (the "Note") to be issued by the Industrial Development Authority of Pulaski County (the "Authority").

It is anticipated that the Note will bear interest at the rate of 4.14% per annum, payable monthly beginning the first month after the date the Note is issued and that the Note will mature on December 15, 2000.

The Note will be payable from revenues derived by the Authority from a lease (the "Lease") between the Authority and the County by which the Authority will lease the Project to the County for rental payments sufficient to pay the principal of and interest on the Note.

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

1. The Chairman or Vice Chairman of the Board of Supervisors of Pulaski County, Virginia (the "Board of Supervisors"), is hereby authorized and directed on behalf of the County to execute and deliver the Lease to the Authority. The Lease 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 such officer executing the Lease, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

2. The Board of Supervisors of Pulaski County, Virginia agrees to pay to the Authority amounts sufficient to pay the rental payments and other amounts to be paid to the Authority under the Lease, subject to annual appropriation by the Board of Supervisors. It is anticipated that the principal of the Note will be paid from the proceeds of a loan from the Literary Fund to the Pulaski County School Board. The County Administrator is directed to submit for each fiscal year a request to the Board of Supervisors for an appropriation to the Authority, separate from all other appropriations to the Authority, for an amount equal to the rental payments coming due under the Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this resolution and the Lease shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Note or the Lease shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

3. The Note is to be designated by the Authority as a "qualified tax-exempt obligation," as defined in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). The Board of Supervisors hereby represents and covenants as follows:

(i) The County will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in the current calendar year, including the Note, for the purpose of Section 265(b)(3) of the Code;

(ii) The Authority, the County, all the County's "subordinate entities," within the meaning of Section 265(b)(3) of the Code, and all entities which issue tax-exempt bonds on behalf of the County and such subordinate entities have together not issued more than \$10,000,000 of tax-exempt obligations in the current calendar year (not

including “private activity bonds,” as defined in Section 141 of the Code, other than “qualified 501(c)(3) bonds,” as defined in Section 145 of the Code), including the Note;

(iii) Barring circumstances unforeseen as of the date of delivery of the Note, the County will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the County and such other entities in the current calendar year, result in the County Authority and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in such year (not including private activity bonds, other than qualified 501(c)(3) bonds), including the Note; and

(iv) The County has no reason to believe that the County and such other entities will issue tax-exempt obligations in an aggregate amount that will exceed such \$10,000,000 limit; provided, however, that if the County receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (i) or (iii) above is not required for the Note to be a qualified tax-exempt obligation, the County need not comply with such restriction.

4. The County Administrator and such officers, employees and agents of the County as he may designate are each authorized and directed to execute and deliver any and all instruments, certificates and other documents required to carry out the purposes of this resolution.

5. This resolution shall take effect immediately upon adoption.

The Board of Supervisors further authorized the Chairman and the Clerk of the Board of Supervisors to execute a lease agreement with the Pulaski County Industrial Development Authority pertaining to the \$6,500,000 Pulaski County Industrial Development Lease Revenue Note (School Construction Project)

Series 1998. A complete copy of said lease shall be filed with the Office of the County Administrator.

f. Resolution Opposing Increase in Interstate Long Distance Changes by AT&T

The Board of Supervisors adopted the following resolution opposing an increase in interstate long distance charges by AT&T:

WHEREAS, an increase in interstate long distance service charges is planned by long distance carrier, AT&T and;

WHEREAS, such an increase would impose a financial hardship on Pulaski County citizens;

NOW, THEREFORE, BE IT RESOLVED that the Pulaski County Board of Supervisors hereby goes on record opposing any increase in the interstate long distance charges by AT&T and

BE IT FURTHER RESOLVED that this resolution be sent to the State Corporation Commission.

g. Debt Restructuring Documents

The Board of Supervisors approved the debt restructuring documents as reflected under "Reports from the County Administrator, Item C.

11. Citizen Comments

Ms. Ruth Lancaster inquired regarding the payment due on the Harry DeHaven Park.

12. Other Matters from Supervisors

There were no other matters from the Supervisors at this time.

13. Executive Session – 2.1-344(A)

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

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

Voting no: none.

Absent: Dr. Fariss.

Return to Regular Session

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

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

Voting no: none.

Absent: Dr. Fariss.

Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Mr. Conner, 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:

WHEREAS, Section 2.1-344.1 of the 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 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 executive meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in this motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors.

Voting yes: Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none.
Absent: Dr. Fariss.

14. Adjournment

On the motion of Mr. Conner, seconded by Mr. White and carried, the Board of Supervisors adjourned to reconvene on August 19, 1998 at the lake home of Supervisor Charles Cook at 6 p.m. The next regularly scheduled meeting of the Board of Supervisors is set for Monday, August 25, 1998 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, N.W. in the Town of Pulaski, Virginia.

Voting yes: Mr. Cook, Mr. Sheffey, Mr. White and Mr. Conner.
Voting no: none
Absent: Dr. Fariss.

Joseph L. Sheffey, Chairman

Joseph N. Morgan, Clerk