

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, September 25, 2000 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, NW, in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Dr. Bruce L. Fariss, Vice-Chairman; Charles E. Cook; William E. "Eddie" Hale; and Frank R. Conner. Staff members present included Interim County Administrator, Peter M. Huber; Management Services Director, Nancy M. Burchett; and Office Clerk, Sandra C. King.

### 1. Invocation

Reverend David Hoover of the Pulaski Christian Church gave the invocation.

### 2. Additions to Agenda

The Board reviewed additions to the agenda and accepted them as presented.

### 3. Public Hearings:

- a. A request by Virginia's First Regional Industrial Facility Authority for amendment to the Pulaski County Zoning Ordinance to add a zoning district titled Commerce Park Industrial District (CPID)  
and  
A request by Virginia's First Regional Industrial Facility Authority for rezoning from Agriculture (A-1) and Industrial (I-1) to Commerce Park Industrial District (CPID) on property identified as tax map parcels 036-007-0000-0001, 2, 3, and 047-048-0000-0004, 5, owned by Douglas and Emogene Cullip and the County of Pulaski, located south of New River Valley Airport, Cloyd District.

Interim County Administrator, Peter Huber, reported the proposed zoning district and related restrictive covenants had been developed through extensive negotiations with adjacent property owners. Further, considerable debate among the 12 jurisdictions comprising the Virginia's First Regional Industrial Facilities Authority had also been held. Mr. Huber advised that the Planning Commission recommended the adoption of the Planned Industrial District (PID) as amended and the rezoning of the five (5) parcels requested by Virginia's First Regional Industrial Facilities Authority.

Chairman Sheffey opened the public hearing on this matter.

Mr. Pierre LeFlamme requested clarification that one public hearing could be held for these two agenda items. Mr. Huber advised one hearing for both of these matters was appropriate.

Mr. LeFlamme requested the Board to consider the following items regarding this matter:

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

1. Conformity with the Pulaski County Comprehensive Plan;
2. Amendments made after the Planning Commission hearing should go back to the Planning Commission for approval; and
3. Clarification on total number of acres requested for rezoning.

Mr. Dave Rundgren of the Planning District Commission advised that approximately 200 acres had been requested to be rezoned; further, a buffer zone of 300 feet around the property will not be rezoned. Mr. Rundgren then asked James E. Cornwell, Jr., Attorney for the Virginia First Authority, address the Board regarding this matter.

Mr. Cornwell requested the Board approve the creation of the new PID zoning classification, as recommended by the Planning Commission, with consideration of two modifications: striking from the proposed PID zoning district, paragraph 6B-10 (d) and deletion of the additional sentence added by the Commission to paragraph 6B-10 (f). Mr. Cornwell also noted that recording of restrictive covenants has been proffered as part of the rezoning request.

At this time Mr. Cornwell called on engineers for this project, Mr. Bradford Stipes of Anderson & Associates and Mr. Tim Loveday of Olver, Inc. to address the Board regarding groundwater monitoring and storm water management.

Mr. Loveday expressed concerns pertaining to paragraph 6B-10 (d) wording, "Prior to construction or grading, monitoring will be used to determine a baseline for existing groundwater quality". He suggested the perspective industry establish a monitoring plan, which is specific to their operations and to the site conditions. He emphasized the industry will be ultimately responsible and liable.

Supervisor Cook advised the Authority should be held responsible for any groundwater contamination. He suggested water quality sampling be done once per year. Supervisor Fariss stressed the need to know the quality of the groundwater now, before an industry locates in the park.

Mr. Bradford Stipes advised the Authority does not have any problem in sampling existing citizen's wells, but permission from the citizens will be needed in order to do this. He then reviewed with the Board a sketch detailing the storm water run off management plan for the Park. He noted the water runoff outlined on the sketch to be safely and adequately conveyed away from the adjacent property. He pointed out the relief channels and receiving channel running all the way to the New River. He further advised the system had been designed to reduce and minimize run-off with grading and collection devices. Regarding storm water management, he advised the Park would comply with state and local requirements.

## **PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

Dr. Fariss questioned how the storm water run-off could be accomplished from south to north.

Mr. Stipes advised this would be a site planning issue.

Mr. Richard Guthrie, Planning Commission member, expressed concerns regarding the word "consider" in Section 6b-10 (F). He advised this to be meaningless. He suggested that the groundwater be tested now in order to establish a baseline to be used in the future. Mr. Guthrie also made reference to a letter from Terry Brown of the Virginia Department of Environmental Quality to David Rundgren of the NRV Planning District Commission relating to the development of a commerce park in northern Virginia wherein, she stressed the need to establish groundwater data.

Mr. Stipes advised this letter was over a year old and recent contact with Ms. Brown had indicated that the right things are being done. However, he noted her agency would not endorse the project.

Mr. Tom England, resident of Ruebush Road, expressed concerns regarding storm water run-off running onto the resident's back yards. He requested the Board to table this matter.

Ms. Beth Lancaster asked about possible contamination to the residents living near and around the New River since the storm water will flow into the New River.

Mr. Tim Loveday advised the individual industries would be responsible for any contamination and this concern will be addressed as industries locate in the park.

Mr. Don Rainey, resident of the Cloyd District, thanked the Board of Supervisors for delaying action on this matter about six months ago. Mr. Rainey noted the need address groundwater monitoring more often and reduce sole emphasis on storm water management. He further advised this site to be sensitive to spills and run-off. In addition, Mr. Rainey advised that all covenants have to be recorded and questioned whether the covenants could be changed without the approval of the Board of Supervisors.

It was noted that changes to the covenants are subject to approval by the Board of Supervisors and the Virginia First Authority Board.

Mr. LeFlamme advised he was with Ms. Brown of the Department of Environmental Quality in April of this year and she had not indicated any different opinion regarding this matter.

Mr. Guthrie also noted he did not believe the drainage channels had changed since Ms. Brown wrote the original letter.

## **PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

Ms. Beth Lancaster inquired if silt monitoring would be done. She was advised the county ordinance would determine if this type of monitoring is done.

There being no further comments, the Chairman closed the public hearing.

Motion was made by Dr. Fariss, seconded by Mr. Cook and carried, to have two separate actions on this matter.

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

Supervisor Cook advised the Virginia First Authority should be solely responsible for the groundwater quality and run-off. Further, the Authority should also be responsible for the monitoring of all wells that may be affected. He suggested the Authority do this every year.

However, Supervisor Cook noted that the county owns 40% of the Authority and any industry locating in the park has to be approved by the Board of Supervisors.

It was then moved by Mr. Cook, seconded by Dr. Fariss and carried, that the Board of Supervisors approve the following amendment to the Pulaski County Zoning Ordinance to add a zoning district titled Planned Industrial District (PID), with revisions to Section 6-B-10 "Site Plan Review Required" number 4 and 6.

### **ARTICLE 6B: PLANNED INDUSTRIAL DISTRICT (PID)**

#### **Statement of Intent**

This district is established primarily for industrial operations and for heavy commercial operations, which may create some nuisance, and which are not particularly compatible with residential, institutional, or retail commercial uses.

#### **6B-1 Uses Permitted by Right**

Within the Planned Industrial District (PID), the following uses are permitted by right:

- Manufacture or Assembly operations including but not limited to the following: Bio-technological, Bio-informatics, Specialty Fabrication, Semiconductors, Fiber Optics, Wireless devices, Robotics, Electronics, and similar operations;
- Laboratories; Pharmaceutical and/or Medical;

## **PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

- Information Technology Systems and products
- Testing operations of item assembled, manufactured, or produced in Industrial Districts, Permitted Uses by Right, or any other accessory uses required for the operation of an industry allowed under this section;
- Day Care Facilities
- Public utilities, booster generator or relay stations; transformer substations, transmission lines, and towers; communications lines, towers, and receivers; pipes, meters, and other facilities for the provision and maintenance of public water and sewerage utilities, railroad facilities, and other utility installations, including CATV.
- Signs as controlled by the sign section of this ordinance.
- Public Parks

### **6B-2 Uses Permitted by Conditional Use Permit (CUP) Only**

Within the Planned Industrial District (PID), the following uses are permitted by Conditional Use Permit (CUP) only:

- Airport and airport facilities
- Boat Building
- Chemical Manufacturing

### **6B-3 Uses Permitted by Special Use Permit (SUP) Only**

Within the Planned Industrial District (PID), the following uses are permitted by Special Use Permit (SUP) only:

- Private Tanks or Pump Stations (above ground), except Pulaski County public water and sewer utility units shall require only a site plan review.
- Setback Variance

### **6B-4 Area Regulations**

For lots with industrial buildings, the minimum lot area shall be seventy-five (75) acres. For other uses, the minimum lot size shall be two (2) acres, with no minimum lot size for utilities.

### **6B-5 Setback Requirements**

Industrial Buildings or industrial accessory structures shall be located in accordance with the site concept plan and approved development site plans.

### **6B-6 Frontage Regulations**

A minimum street frontage of fifty (50) feet is required.

## **PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

### **6B-7 Yard Regulations**

The following yard requirements apply to all industrial lots in this district: the minimum side and rear yards adjoining a boundary shall be fifty (50) feet.

### **6B-8 Height Regulations**

The following height regulations apply to structures constructed in this district:

1. Buildings may be erected up to forty-five (45) feet in height from grade.
2. A building may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over forty-five (45) feet.
3. Cupolas, monuments, water towers, chimneys, flues, HVAC equipment, and flagpoles, elevator towers, antennae, and aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
4. Airport zoning applies and may limit building height.

### **6B-9 Lot Coverage**

Impervious material shall not cover more than 70% of any lot in this district.

### **6B-10 Site Plan Review Required**

All proposed developments in the Planned Industrial District (PID) shall have a Site Plan Review conducted after public notice has been given in accordance with §15.2-2204.

1. The site plan shall include a landscaping plan, which provides for landscaping and maintenance of the entire parcel being developed.
2. The site plan shall provide information on the design of the proposed buildings, parking, and all other improvements to the site. The approved plan shall control the development of the site, until such time as an amended plan shall be approved.
3. The site plan shall meet all of the County's other site planning requirements described in Article 18, Site Development Plan.
4. Prior to construction or grading, and yearly thereafter, sampling shall be performed on wells of consenting adjoining property owners by the Authority, or its designee, to DEQ standards to establish historical data.
5. Green space shall be provided for all projects to protect adjacent non-industrial uses.
6. The site plan shall address issues pertaining to ground and storm water management and the impact on off-site water sources.

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

### 6B-11 Restrictive Covenants

Protective Covenants shall be recorded in the Pulaski County Circuit Court along with property deeds. The Covenants may be amended in accordance with the process identified in the Covenants.

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

On the motion Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved the request of Virginia's First Regional Industrial Facility Authority to rezone from Agriculture (A-1) and Industrial (I-1) to Planned Industrial District (PID) property identified as tax map parcels 036-007-0000-0001, 2, 3, and 047-048-0000-0004, 5, owned by Douglas and Emogene Cullip and the County of Pulaski, located south of New River Valley Airport, Cloyd District. Said rezoning approval to affect approximately 200 acres.

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

- b. A rezoning request by **Gregory A. and Benny C. Ridpath** from Industrial (I-1) to Residential (R-1) on property identified as tax map parcels 056-001-0000-0033, 35, 5A, 36, 37, 38, located on Dublin Drive (Rt. 1084) south of the Cook's Lane intersection, Draper District.

Peter Huber advised the above rezoning request was recommended by the Planning Commission for approval since the area is primarily residential.

Chairman Sheffey opened the public hearing on this matter.

There were no comments; therefore, the Chairman closed the public hearing.

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

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

#### 4. Highway Matters:

The Board met with Virginia Department of Transportation Resident Engineer, Dan Brugh, regarding the following highway matters:

- a. Follow-up from Previous Board meeting

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

1. Rural Addition Status Report

The Board reviewed a rural addition progress report as prepared by Stan Crigger. Said report included Edgewood Drive, Cooks Lane, School House Lane, Allisonia Road, Sheila Drive and Doral Drive.

The Board of Supervisors requested staff to provide a status of the Cook's Crossing resolution for the October meeting of the Board of Supervisors.

2. Request for Speed Limit Study, Big Valley Drive

Mr. Brugh reported the above area had been informally reviewed again by VDOT, and it had been determined that it cannot be posted at 25 mph due to not meeting VDOT standards. However, Mr. Brugh reported VDOT could install golf cart crossing signs. The Board requested VDOT to do a formal speed study for Big Valley Drive and advise as to the number of golf cart crossing signs needed at the next meeting of the Board of Supervisors.

3. Status of Paving of Old Rt. 100 from Exit 98 to Exit 94

Mr. Brugh advised funding for the above paving would come from federal interstate funds to be requested next year.

4. Status of Rt. 100 Bridge Over Peak Creek

Mr. Brugh advised the deck of the bridge would be replaced in the future as interstate funds became available.

5. Status of Traffic Lights at Rt. 100 Cleburne Blvd., and Wilderness Road

Mr. Brugh advised the notice to proceed on the above traffic light installations had been issued by VDOT. Further, he expected completion within 3 to 4 weeks for each light.

6. Status of Traffic Lights at Rt. 100, Bagging Plant Road

Mr. Brugh reported the notice to proceed on this traffic light installation had been issued by VDOT. He further advised that synching of the lights will most likely be required.

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

b. Scheduling of Six Year Plan Hearing Update

On the motion of Dr. Fariss, seconded by Mr. Hale and carried, the Board of Supervisors approved scheduling the Six-Year Secondary Road update public hearing at the next regular meeting of the Board of Supervisors scheduled for October 23, 2000.

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

c. Request for School Zone 25 mph Flashing Sign on Dudley Ferry Loop (Riverlawn Elementary School)

Mr. Brugh reported he would refer this request to the School Board for a recommendation. He further advised that the cost of the pole and lights for said sign to be approximately \$4,000 to \$5,000.

d. Rt. 757, Beach Drive, Intersection Safety Concerns

Mr. Brugh advised VDOT staff would review the above area for safety improvements and report back to the Board at the October meeting.

e. Status of Requests for Children at Play Signs

The Board discussed the cost of the "Children at Play" signs and the effectiveness of such signs. Mr. Brugh reported the cost of the signs to be \$100 each with the cost coming from secondary system funds.

f. Resolution – Industrial Access Road

On the motion of Mr. Hale, seconded by Mr. Conner and carried, the Board of Supervisors approved the following resolution regarding the New River Industrial Park road access:

WHEREAS, The Virginia Department of Transportation has constructed Project: 0679-077-199, N501 to serve a part of the New River Industrial Park as described below:

Beginning at a point on Route 679, 0.07mi. N. of the End of State Maintenance; and thence extending in an easterly direction, 0.59mi. to a Cul-De-Sac.

**NOW, THEREFORE, BE IT RESOLVED, this Board requests this street to be added to the secondary system of highways, pursuant to section 33.1-229 of the Code of Virginia, as amended:**

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way with necessary easements of cuts, fills, and drainage, as recorded in the Pulaski County clerk's office in Plat Cabinet 1, slide 335, page 2, dated October 5, 1998.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

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

Voting no: none.

Abstaining: Mr. Cook.

### g. Board of Supervisors Concerns

Supervisor Conner requested pedestrian crossing signs be erected at Fairview Home.

The Board requested staff confirm VDOT's commitment to the county entrance sign on the new Memorial Bridge retainer wall.

### h. Citizen Concerns

Michael Dowell, Executive Director of the Fine Arts Center of the New River Valley, commended the Salem Office VDOT staff for the signs on Interstate 81. He advised the signs had resulted in increased patronage to Pulaski County.

## 5. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly trial balance report, the report of certificates of deposits and the sales tax distribution monthly reports. In addition, the Treasurer presented the Annual Settlement report for fiscal year 99-00. The Board accepted the reports as presented.

## 6. Citizens' Comments

No citizen comments were heard at this time.

## 7. Reports from the County Administrator & Staff:

### a. Key Activity Timetable

The Board reviewed the Key Activity Timetable and accepted as presented by staff.

The Board instructed staff to emphasize as a priority the location of a county entrance sign southbound on Interstate 81.

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

b. Revision of Gas and Electric Utility Tax Rates

Staff reported the Consumer Utility Tax Ordinance would need to be changed to conform with new state law effective January 1, 2001. Further, the Board would need to hold a public hearing on these revisions at the October 23, 2000 meeting to allow adequate notice to the utility companies for implementation by January 1, 2001.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved holding a public hearing on the Consumer Utility Tax Ordinance at the October 23, 2000 meeting with the County Attorney requested to review all alternatives for levying this tax. In addition, staff is to determine what percentage of the tax is retained by the individual utility company.

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

c. Code Enforcement Update

The Board discussed the possible creation of a Code Enforcement Committee.

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors agreed to not create a Code Enforcement Committee.

Voting yes: Dr. Fariss, Mr. Hale and Mr. Conner.  
Voting no: Mr. Cook and Mr. Sheffey.

d. Local Enterprise Zone Ordinance pursuant to Section 58.1-3245.8 and 58.1-3245.10 of the Code of Virginia, 1950, as amended, encompassing the Pulaski County Corporate Center and the facilities and property of Volvo Trucks North America, Inc., as a local enterprise zone.

On the motion of Mr. Hale, seconded by Mr. Conner and carried, the Board of Supervisors approved holding a public hearing on the Local Enterprise Zone Ordinance with suggested revisions at the October 23, 2000 meeting of the Board of Supervisors.

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

e. Appointments:

The Board deferred appointments until the closed meeting session of this meeting.

**PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

8. Items of Consent:

It was moved by Mr. Conner, seconded by Mr. Hale and carried, to approve the following items of consent unless otherwise noted:

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

Voting no: none.

a. Minutes of August 28, 2000

The Board approved the minutes of August 28, 2000 as presented by staff.

b. Accounts Payable

The Board approved the accounts payable listing as presented on checks numbered 29139-29516.

c. Appropriations and Transfers:

1. Interoffice Transfer #3 - \$39,690.33

The Board approved interoffice transfer #3 in the amount of \$39,690.33 as prepared by Management Services Director, Nancy M. Burchett.

2. General Fund Appropriations #3 - \$2,009; #4 - \$29,395

Expenditures #3:

5322-5402 Office on Youth Food Supplies	\$	1,000
5322-5412 Office on Youth Ed. & Recreational Supplies		<u>1,009</u>
Total	\$	2,009

Revenues #4:

1899-76 Friends of Claytor Lake Donations	\$	7,095
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Expenditures #4:

1101-5402 Board of Supervisors Food Supplies	\$	800
1215-7002 Management Services Furniture & Fixtures		1,000
2106-7001 Clerk's Office Machinery & Equipment		3,000
7115-4011 Friends of Claytor Lake Central Postage		400
7115-5839 Friends of Claytor Lake Donations		7,095
7208-5804 County History Publications Sales Tax		60
9104-5804 Erroneous Assessments Tax Refund		14,840
9310-5823 Revenue Refunds Building Permits		200
9310-582301 Revenue Refunds State Building Permits Fee		1,000
9310-5824 Revenue Refunds County Decals		<u>1,000</u>
Total	\$	29,395

**PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

3. Capital Improvement Fund Appropriations #3 - \$20,398

Revenues #3:

1899-63 Donations Randolph Park \$ 6,000

Expenditures #3:

3505-7109 Emergency Services Radio Upgrade \$ 398

7116-7165 Randolph Park Phase I 6,000

8105-300212 Economic Development Water/Sewer Studies 14,000

Total \$ 20,398

d. Ratification:

1. Change Order

No changes orders were presented for ratification at this meeting.

2. Agreements, Grants, & Other

a. Randolph Park Grant Application for C. E. Richardson Funds - \$10,000

The Board approved a grant application on behalf of the Randolph Park project to the C. E. Richardson Foundation in the amount of \$10,000.

b. Library Grant Applications for C. E. Richardson Funds \$4,355; and Community Foundation of the NRV - \$500

The Board approved grant applications as prepared by the Library staff to the C. E. Richardson Foundation in the amount of \$4,355, and the Community Foundation of the New River Valley in the amount of \$500.

c. Sheriff's Dept. Grant Application for C. E. Richardson Funds - \$9,000

The Board approved a grant application as prepared by the Sheriff's Office staff to the C. E. Richardson Foundation in the amount of \$9,000.

d. Personnel Changes

The Board approved the recruitment for the following temporary positions with Pulaski County:

Randolph Park Project Coordinator - \$10.00 per hour

Utility Grants & Loan Coordinator - \$10.00 to \$15.00 per hour

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

e. County Funding of Public Internet Access

The Board approved funding of public internet access at the following locations: Pulaski Senior Center, Dalton Computers, Shop Eez at the Lighthouse Bridge and the YMCA per staff recommendation. Said cost to be \$15 per month per location.

f. Amendment to Personnel Policy – Employee Education Policy

The Board approved the an amendment to the Personnel Policy to allow for the adoption of an Employee Education Policy as follows:

### **EMPLOYEE EDUCATION POLICY:**

The purpose of this policy is to encourage employee utilization of educational offerings related to their employment with the County. Utilization of the following benefits is conditional on approval of the employee's supervisor and the County Administrator:

Cost of Tuition – The County will pay tuition costs for education related to present and/or future skills needed by the County. Payment for the first class is dependent on completion of the class. Payment for any additional educational offerings is dependent on maintenance of a C average or, if ungraded, satisfactory completion of previous training. Reimbursement for class tuition shall be made after documentation of grades/completion is submitted to the accounts payable clerk. In exchange for payment of tuition costs, employees are required to share knowledge gained with other employees.

Compensation - Classes must be taken on the employee's personal time

Travel – Travel to and from classes will be at personal expense unless unusual circumstance or distances are involved.

Books and Materials - The cost of books and class related materials or equipment will be paid for by the County if materials purchased are subsequently made available for use by other employees.

g. Adoption of Resolution and Scheduling of Public Hearing Re: Financing of PCHS Chiller & Roof

The Board approved the following resolution regarding the Financing of the Pulaski County High School Chiller and Roof Repairs:

**PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED  
\$900,000 GENERAL OBLIGATION SCHOOL BONDS  
OF THE COUNTY OF PULASKI, VIRGINIA, SERIES 2000 A,  
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.**

**WHEREAS**, in September 1999 the Commonwealth of Virginia Board of Education (the "Board of Education") placed the application (the "Application") of the School Board of Pulaski, County, Virginia (the "School Board"), for a loan of \$1,200,000 (the "Literary Fund Loan") from the Literary Fund, a permanent trust fund established by the Constitution of Virginia (the "Literary Fund"), for the construction, renovation and expansion of school buildings (the "Project") in Pulaski County, Virginia (the "County"), on the First Priority Waiting List;

**WHEREAS**, the Board of Education was to have approved the release of Literary Fund moneys to the School Board and make a commitment to loan such moneys to the School Board (the "Commitment") within one (1) year of placement of the Application on the First Priority Waiting List upon receipt of the Literary Fund of an unencumbered sum available at least equal to the amount of the Application and the approval, by the Board of Education, of the Application as having met all conditions for a loan from the Literary Fund;

**WHEREAS**, the Board of Education was thereafter to have given advances on the amount of the Commitment for the Literary Fund Loan to the School Board, as construction or renovation of the Project progressed, in exchange for temporary notes from the School Board to the Literary Fund (the "Temporary Notes") for the amounts so advanced;

**WHEREAS**, after the completion of the Project and the advance of the total amount of the Commitment, the Temporary Notes were to have been consolidated into a permanent loan note of the School Board to the Literary Fund (the "Literary Fund Obligation") which was to evidence the obligation of the School Board to repay the Literary Fund Loan;

**WHEREAS**, the Literary Fund Obligation was to have borne interest at three percent (3.00%) per annum and mature in annual installments for a period of twenty (20) years;

**WHEREAS**, in connection with the 2000 Interest Rate Subsidy Program (the "Program"), the Virginia Public School Authority (the "VPSA") has offered to purchase general obligation school bonds of the County, and the Board of Education has offered to pay, to the County, a lump sum cash payment (the "Lump Sum Cash Payment") equal to the sum of (i) net present value difference, determined on the date on which the VPSA sells its bonds, between the weighted average interest rate that the general obligation school bonds of the County will bear upon sale to the VPSA and the interest rate that the Literary Fund Obligation

## **PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

would have borne plus (ii) an allowance for the costs of issuing such bonds of the County (the "Issuance Expense Allowance");

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Pulaski, Virginia (the "County"), has determined that it is necessary and expedient to borrow not to exceed \$900,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

**WHEREAS**, the County will hold a public hearing, duly noticed, on October 23, 2000, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

**WHEREAS**, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and, consented to the issuance of the Bonds;

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

1. **Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$900,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.
2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution. The Chairman of the Board, the County Administrator, and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 10, 2000, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").
3. **Details of the Bonds.** The Bonds shall be issuable in fully registered form; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2000 A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2001 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed seven and one tenth percent (7.10 %) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date or Principal Payment Date, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date or Principal Payment Date.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) SunTrust Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. **No Redemption or Prepayment.** The Principal Installments of the Bonds shall not be subject to redemption or prepayment. Furthermore, the Board covenants, on behalf of the County, not to refund or refinance the Bonds without first obtaining the written consent of the VPSA or the registered owner of the Bonds.

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

8. **Execution of the Bonds.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds except as provided below. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure

**PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. **Effective Date.** This Resolution shall take effect immediately.

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EXHIBIT A  
(FORM OF TEMPORARY BOND)

NO. TS-1

\$ \_\_\_\_\_

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
COUNTY OF PULASKI  
General Obligation School Bond  
Series 2000 A**

The **COUNTY OF PULASKI, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** the principal amount of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2001 and annually on July 15 thereafter to and including July 15, 2020 (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 2001 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

For as long as the Virginia Public School Authority is the registered owner of this Bond, \_\_\_\_\_, as bond registrar (the "Bond Registrar"), shall make all payments of principal, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the Board of County Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for two or more temporary bonds or definitive bonds in fully registered form in denominations of \$5,000 and whole multiples thereof, and; in any case, having an equal aggregate principal amount having maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond

**PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond are not subject to redemption or prepayment.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

**IN WITNESS WHEREOF**, the Board of Supervisors of the County of Pulaski has caused this Bond to be issued in the name of the County of Pulaski, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated \_\_\_\_\_, 2000.

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The Board of Supervisors further authorized the publication of the following public hearing notice pertaining to this matter:

**NOTICE OF PUBLIC HEARING  
OF PROPOSED BOND ISSUE  
BY THE COUNTY OF PULASKI, VIRGINIA**

The Board of Supervisors of the County of Pulaski, Virginia (the "Board of Supervisors") will hold a public hearing on the proposed issuance of bonds by the County of Pulaski. The general purpose for which the bonds are to be issued is to provide funds to finance certain capital projects for school purposes, and the estimated maximum amount of such bonds is \$900,000. The public hearing which may be continued or adjourned, and at which persons may appeal and present their views on the proposed bond issue will be held at 7:00 p.m. on October 23, 2000, before the Board of Supervisors in the Board Room of the Pulaski County Administration Building at 143 Third Street, N. W. in Pulaski, Virginia.

For disabled individuals who may require special auxiliary aids or services, reasonable accommodations will be made available by the County upon request. Please contact the County's ADA Compliance Officer at 540-980-7800 (TDD accessible or (540) 980-7705 ten days prior to the above hearing/meeting date to arrange for these special accommodations.

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

- h. Condition of Property Owned by William David Gravely, identified on Pulaski County real estate records as tax map parcel 007-001-0000-0022, zoned Residential (R1), 2.5900 acres, located at 6457 Parrott Mountain Road (Rt. 606), Cloyd District

The Board approved the following recommendations of the Zoning Administrator pertaining to the above property:

- Implement procedures including notifying property of all clean up costs;
- Notify owner of plans by county to place a lien against above listed property;
- And advise property owners that clean-up efforts will begin by the county on December 1, 2000, pending initiation of a concerted effort by the property owners to begin clean-up of the above listed property prior to December 1, 2000.

- i. Courthouse Renovations

The Board heard from Juvenile & Domestic Relations Court Judge Chitwood, regarding a request to renovate an area in the Brick Courthouse for housing of the newly created Clerk's Office for the Juvenile & Domestic Relations Court.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved renovations, as outlined by staff, to the Brick Courthouse to allow for the addition of a Juvenile & Domestic Relations Court Clerk's Office.

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

Voting no: none.

- k. Memorial Bridge Water Line

The Board approved county staff instructing the Virginia Department of Transportation to replace the existing water line crossing the Memorial Bridge. Installation of this line shall enhance the ability of the Public Service Authority to both serve and be serviced by the City of Radford water system.

- l. Resolution – Constitution Week

The Board adopted the following resolution honoring Constitution Week:

WHEREAS, September 17, 2000 marks the two hundred thirteenth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United State of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I Joseph Sheffey, by virtue of the authority vested in me as Chairman of the Board of Supervisors of Pulaski County in the State of Virginia, do hereby proclaim the week of September 17 through 23 as

### CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County of Pulaski to be affixed this 23rd day of September of the year of our Lord two thousand.

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Chairman, Board of Supervisors

#### 9. Citizen Comments

No citizen comments were heard at this time.

#### 10. Other Matters from Supervisors

No other matters were received from the Supervisors at this time.

#### 11. Closed Meeting – 2.1-344.A.1.3.5.7

It was moved by Dr. Fariss, seconded by Mr. Hale and carried that the Board of Supervisors enter closed session for discussion of the following:

Property Disposition or Acquisition – Pursuant to Virginia Code Section 2.1-344(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- Claremont School Replacement

Personnel - Pursuant to Virginia Code Section 2.1-344(A)1 discussion for

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees, regarding:

- County Administrator;
- Employee Buyback of VRS Service Time; and
- Pending appointments as follows:
  1. New River Community Services Board
  2. Code Enforcement Advisory Committee
  3. NRV Agency on Aging
  4. Library Feasibility Committee
  5. Animal Shelter Study Committee

Prospective Industry – Pursuant to Virginia Code Section 2.1-344(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.

- Reed Creek Enterprises; and
- Pulaski Furniture Corporation

Legal Matters – Pursuant to Virginia Code Section 2.1-344(A)7 consultation with legal counsels and briefing by staff for discussion of specific legal matters and matters subject to probably litigation regarding:

- Claremont School Replacement;
- Litigation; and
- Cell Tower Site

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

Voting no: none.

### Return to Regular Session

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors returned to regular session.

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

Voting no: none.

### Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Mr. Conner, seconded by Mr. Hale and carried, that the Board of Supervisors adopt the following resolution certifying conformance with the Virginia Freedom of Information Act.

## PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000

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 2.1-344.1 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: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. Hale and Mr. Conner.  
Voting no: none.

### \*Personnel:

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

1. New River Community Services Board

The Board took no action on this appointment, but instructed staff to continue to seek an appointee.

2. Code Enforcement Advisory Committee

The Board took no action on making appointments to the above noted committee. See previous action on this matter under "Reports from the County Administrator & Staff", item 7c.

3. NRV Agency on Aging

The Board appointed Peter Huber as an alternate member of the New River Valley Agency on Aging Board with a term ending September 1, 2001.

**PULASKI COUNTY BOARD OF SUPERVISORS MINUTES SEPTEMBER 25, 2000**

4. Library Feasibility Committee

The Board appointed the following individuals to serve on the Library Feasibility Committee as recommended by the Pulaski County Library Board of Trustees:

Sandy K. Ferraraccio; Elinor W. Farmer; Mason A. Vaughan, Jr., Vila "Skip" Martin; Bettye H. Steger; William Parker; Lillian L. Clark; Dr. Bruce Fariss, Rachael DeHaven; Joseph Reed and Dorothy M. Ogburn.

6. Animal Shelter Study Committee

The Board appointed Ms. Alisa Krell, President of the Humane Society to serve on the Animal Shelter Study Committee.

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

Voting no: none.

12. Adjournment

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board of Supervisors adjourn until the next regular meeting of the Board set for October 23, 2000 at 7:00 p.m. at the County Administration Building, 143 3<sup>rd</sup> Street, NW, Board Room, in the Town of Pulaski, Virginia.

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

Voting no: none.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, Interim Clerk