

BOARD OF SUPERVISORS MEETING MINUTES OF JULY 23, 2007

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, July 23, 2007 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; Frank E. Conner, Vice-Chairman; William E. "Eddie" Hale; Ranny L. Akers; and Dean K. Pratt. Staff members present included: Peter M. Huber, County Administrator; Thomas J. McCarthy, Jr., County Attorney; Robert Hiss, Assistant County Administrator; Shawn Utt, Community Development Director; and Gena T. Hanks, Clerk.

1. Invocation

The invocation was presented by Reverend Danny Collins of the Fairlawn Baptist Church.

2. Presentations - Featured Employees

The Board recognized Kathy Webb of the Registrar's Office and Willie Richardson of the Emergency Management Department. Mr. Sheffey read a description of the job duties and personal interests of each employee. Supervisors presented Shoney's gift certificates to Ms. Webb and Mr. Richardson.

3. Additions to Agenda

Mr. Huber reported two additional items to be added to the "Items of Consent" including a request to schedule an event entitled "Evelyn Alexander Day" to be held on August 20, as well as approval of use of the Third Street Parking lot for auctioning of restaurant equipment in the former Southwest Times building adjacent to the lot.

4. Public Hearings

- a. The petition by the **County of Pulaski** to amend the Pulaski County Zoning Ordinance to include a new section: **Landscaping Requirements as Article 24**, which will impose standards and requirements for landscaping for new construction.

Mr. Sheffey explained the purpose of the public hearing and called on Community Development Director Shawn Utt to provide additional details on the requested amendment to the Zoning Ordinance. Mr. Utt provided Board members with a staff report and advised the Planning Commission recommended approval.

Mr. Sheffey opened the public hearing.

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Bruce Fariss requested the Board give consideration to the need for some standardization as to who has final authorization of similar requests. Dr. Fariss suggested the use of a citizen committee rather than the Zoning Administrator in the decision making process.

Mr. Don Holt advised he was considering moving his business to Pulaski County and requested clarification on landscaping requirements.

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

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved the following text amendments, as recommended by the Planning Commission, with exceptions, including the removal of 24-9, Planting List, and the relocation of wording in 24-8, Unoccupied Lot Areas to 24-10.1, General Provisions:

(Please note that deletions are shown in ~~strikethrough~~, and additions are *shaded and italicized*.):

ARTICLE 1: DEFINITIONS, USE AND DESIGN STANDARDS 1

Landscaping: Lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools

ARTICLE 24: LANDSCAPING, SCREENING AND BUFFER AREAS.

24-1. Statement of Intent

The intent of these requirements is to enhance the appearance and natural beauty of the County and to protect property values through preservation and planting of vegetation, screening and landscaping material. The requirements are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; to prevent the erosion of soil and the excessive runoff of water and the consequent depletion of the groundwater table and pollution of water bodies. With the exception of Single-Family-Detached units and Duplex Residential units, the provisions of this section shall apply to all new development and changes of use, additions and expansions which increase the intensity of existing development a minimum of 3,000 square feet.

24-2. Front landscaped area.

A front landscaped area shall be required for all multifamily and nonresidential uses. The required landscape area shall be contiguous to the front lot line of the property and have an average minimum width of 10 feet. The area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, one tree and 10 shrubs shall be planted within the front landscaped area for each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use of the lot but not to negate access or screen the use from view. Shrubbery should not be located within the vicinity of any entrance (doorway) to any structure located on the parcel.

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24-3. Buffer area.

A buffer area shall be required to separate and screen incompatible land uses from each other. A buffer area shall be required along all boundaries of a multifamily or a nonresidential lot abutting a less intensive use. Such buffer shall comply with the following minimum standards.

- (1) A buffer area shall be located within the boundaries of the subject property. The buffer may be located on abutting property, provided that the owners of all abutting properties agree in writing to the proposal. Agreement must provide stipulations for maintenance and upkeep, as deemed necessary.
- (2) The minimum width of the buffer area shall be as outlined in the buffer matrix below:

<i>Adjacent Use</i> →	Single Family (feet)	Two-Family (feet)	Multi-Family (feet)	Office (feet)	Commercial (feet)	Industrial (feet)
↓ <i>Proposed Use</i>						
Multi-Family	5	5	---	10	10	10
Office	5	5	10	---	5	10
Commercial	10	10	10	5	---	5
Industrial	15	10	10	5	5	---

- (3) The buffer area shall consist of trees and shrubs of such a type, height, spacing and arrangement to effectively buffer the activity on the lot from the neighboring area. At a minimum, the planting shall consist of two trees and 10 shrubs per 100 linear feet for five- to ten-foot buffers, and five trees and 15 shrubs per 100 linear feet for fifteen- to twenty-foot buffers.
- (4) An earthen berm, fence or wall of a location, height, design and material approved by the Zoning Administrator may be substituted for any portion of the required planting and/or buffer area. Fences and walls, if substituted, shall be constructed of materials congruous with the materials of the main building. Trees and shrubs shall supplement earthen berms, fences or wall areas.

24-4. Landscaped main parking area.

- (1) Parking areas shall comply with the following minimum standards.
 - (a) A landscaped area shall be provided along the perimeter of any parking area. The required landscaped area shall have a minimum width of five feet and shall be planted with two trees and 10 shrubs per 100 linear feet of perimeter area.
- (2) Parking areas with 100 or more parking spaces shall comply with following minimum standards.
 - (a) All uses required to have 100 or more off-street parking spaces shall have at least five square feet of interior landscaping within the paved portion of the parking area for each parking space and at least one tree for every 25 parking spaces or fraction thereof.
 - (b) Each interior landscaped area shall contain a minimum of 180 square feet and shall be planted with shrubs and trees.
 - (c) A landscaped area shall be provided along the perimeter of any parking area. The required landscaped area shall have a minimum width of five feet and shall be planted with two trees and 10 shrubs per 100 linear feet of perimeter area.

24.5. Screening of outdoor storage areas and storage buildings.

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- (1) *Outdoor storage areas in industrial zones shall be screened from view of all residentially-zoned properties by a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six feet in height within two years of installation.*
- (2) *Outdoor storage areas in business zones shall be screened from view of adjacent streets and from all residentially-zoned land by a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six feet in height within two years of installation.*

24-6. Screening mechanical equipment.

All nonresidential uses shall screen from the view of public places and neighboring properties all mechanical equipment, such as, but not limited to, ground or mounted air conditioning units and pumps, through the use of features such as berms, fences, false facades or dense landscaping compatible with the site.

24-7. Central solid waste storage area.

All new buildings and uses except for single-family, two-family and townhouse dwellings shall provide facilities for the central storage of solid waste within the lot. Where such facilities are provided outside of the building they shall be screened from the adjacent property by an enclosure constructed of materials congruous with the materials on the exterior wall of the main buildings.

24-8. Unoccupied lot areas

All areas of a developed lot not occupied by buildings, structures, pedestrian and vehicle circulation ways, off-street parking and outside storage shall be appropriately improved with ground cover, trees, shrubbery or mulch.

24-9. General provisions.

- (1) *Shrubbery should not be located within the vicinity of any entrance (doorway) to any structure located on the parcel.*
- (2) *Landscaping, trees and plant material shall be planted in a growing condition, according to accepted horticultural practices, and they shall be maintained in a healthy growing condition. Any landscaping, trees and plant material in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season.*
- (3) *A screening fence or wall area shall be maintained by the property owner, in good condition, throughout the period of the use of the lot.*
- (4) *To the extent possible, existing trees, vegetation and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.*
- (5) *Trees shall be a minimum of six to eight feet in height, with a minimum circumference of 3.50 inches (approximately 1.0 inch in diameter), immediately after planting. Trees shall reach an expected height of 25 to 35 feet at maturity. Trees shall be planted 25 to 35 feet on center depending on species.*
- (6) *Evergreen trees shall be a minimum of six feet immediately after planting.*
- (7) *Shrubs and hedges shall be a minimum of one to two feet in height immediately after planting.*
- (8) *Ground cover may include any plant material that reaches an average height of not more than 12 inches. Alternative materials may be used in lieu of grass, provided that they present a finished appearance and provide reasonably complete coverage at the time of planting.*
- (9) *Plants that restrict sight visibility at intersections of streets or driveways, such as tall shrubs or low branching trees should be avoided.*

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(10) *Where lot size, shape, topography or existing structures make it not feasible to comply with the provisions of this section, the Zoning Administrator may modify these provisions, provided that the alternate proposal will afford a degree of landscaping, screening and buffering equivalent to or exceeding the requirements of these regulations.*

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,
Mr. Pratt.

Voting no: none.

- b. The utilization of eminent domain procedures in acquiring easements only through remaining private properties in the Orchard Hills, Rolling Hills, and Vista subdivisions, whose property owners have not granted easements for public sewer installation, and as necessary for public sewer service.

Mr. Huber explained that f changes in the state code requiring the inclusion of individual properties in the advertisement and that having an additional month to work with property owners would be helpful. Therefore, citizen comments were heard, with no action to be taken at this meeting by the Board of Supervisors.

Mr. Sheffey opened the floor for any citizen comments. There were no citizen comments.

Mr. Sheffey noted the hearing would be re-advertised as appropriate for the August 27 Board of Supervisors meeting.

- c. Implementation of a business, professional, occupation license tax as an alternative to current merchant's capital taxes on businesses in the unincorporated portions of Pulaski County.

Mr. Hale noted his desire to abstain from the discussions regarding this matter.

Mr. Sheffey explained the purpose of the public hearing and called on County Administrator Peter Huber to provide additional details on the proposed ordinance. Mr. Huber provided a brief description of the proposed tax.

Mr. Sheffey opened the public hearing.

Bruce Fariss spoke in opposition to the tax, specifically expressing concerns over the potential of the Town of Dublin to annex a portion of the county, which would result in the loss of additional revenue.

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Dari Jenkins spoke in opposition to the tax, on behalf of her parents who own a business in Hiwassee. Mr. Jenkins advised the tax would cause a hardship on small contractors.

Don Holt spoke in opposition to the tax; however, he advised he would need to research the ordinance further to understand how implementation of the tax would affect his business.

James Gregory of Gregory Seeding and Landscaping spoke in opposition to the tax. Mr. Gregory advised that 90% of his revenue comes from areas throughout Virginia and the Carolinas and his business is already taxed from other areas.

Alan Meek spoke in opposition to the tax and expressed concern that implementation of the tax might cause Pulaski County to lose business.

Commissioner of Revenue Jack Gill provided additional details regarding the tax including if the BPOL tax is paid in other localities by a particular business, then that business would receive a deduction in Pulaski County.

Mr. Sheffey explained the taxes were taxes to fund additional schools and other major projects.

Mike Ratcliff of Conrad Brothers spoke in favor of the tax due being able to purchase the majority of his inventory at the end of the year. Mr. Ratcliff questioned the affects of the tax on wholesalers.

There being no further comments, the hearing was closed.

On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board adopted the following Pulaski County Uniform BPOL Ordinance:

Pulaski County Uniform BPOL Ordinance

BE IT ORDAINED THAT:

A. Overriding Conflicting Ordinances.

Except as may be otherwise provided by the laws of the Commonwealth of Virginia, and notwithstanding any other current ordinances or resolutions enacted by the Board of Supervisors of Pulaski County, Virginia, whether or not compiled in the Ordinances of this jurisdiction, to the extent of any conflict, the following provisions shall be applicable to the levy, assessment, and collection of licenses required and taxes

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imposed on businesses, trades, professions and callings and upon the persons, firms and corporations engaged therein within this locality.

B. Definitions.

For the purposes of this ordinance, unless otherwise required by the context:

"Affiliated group" means:

(a) One or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if:

(i) Stock possessing at least eighty percent of the voting power of all classes of stock and at least eighty percent of each class of the nonvoting stock of each of the includible corporations, except the common parent corporation, is owned directly by one or more of the other includible corporations; and

(ii) The common parent corporation directly owns stock possessing at least eighty percent of the voting power of all classes of stock and at least eighty percent of each class of the nonvoting stock of at least one of the other includible corporations. As used in this subdivision, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends. The term "includible corporation" means any corporation within the affiliated group irrespective of the state or country of its incorporation; and the term "receipts" includes gross receipts and gross income.

(b) Two or more corporations if five or fewer persons who are individuals, estates or trusts own stock possessing:

(i) At least eighty percent of the total combined voting power of all classes of stock entitled to vote or at least eighty percent of the total value of shares of all classes of the stock of each corporation, and

(ii) More than fifty percent of the total combined voting power of all classes of stock entitled to vote or more than fifty percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

When one or more of the includible corporations, including the common parent corporation is a nonstock corporation, the term "stock" as used in this subdivision shall refer to the nonstock corporation membership or membership voting rights, as is appropriate to the context.

"Assessment" means a determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or

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omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer by the assessing official or an employee of the assessing official, or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

"Commissioner of Revenue" or "**assessing official**" means the Commissioner of Revenue of Pulaski County, Virginia.

"Base year" means the calendar year preceding the license year, except for contractors subject to the provisions of §58.1-3715.

"Business" means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (ii) filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

"Contractor" shall have the meaning prescribed in §58.1-3714.B of the Code of Virginia, as amended, whether such work is done or offered to be done by day labor, general contract or subcontract.

"Definite place of business" means an office or a location at which occurs a regular and continuous course of dealing for thirty consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis; and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person is not licensable as a peddler or itinerant merchant.

"Financial services" shall mean the service for compensation by a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is otherwise provided for in this ordinance.

"Broker" shall mean an agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.

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"Commodity" shall mean staples such as wool, cotton, etc. which are traded on a commodity exchange and on which there is trading in futures.

"Dealer" for purposes of this ordinance shall mean any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

"Security" for purposes of this ordinance shall have the same meaning as in the Securities Act (§13.1-501 et seq.) of the Code of Virginia, or in similar laws of the United States regulating the sale of securities.

Those engaged in rendering financial services include, but without limitation, the following:

- Buying installment receivables
- Chattel mortgage financing
- Consumer financing
- Credit card services
- Credit Unions
- Factors
- Financing accounts receivable
- Industrial loan companies
- Installment financing
- Inventory financing
- Loan or mortgage brokers
- Loan or mortgage companies
- Safety deposit box companies
- Security and commodity brokers and services
- Stockbroker
- Working capital financing
- [Guidelines]

"Gross receipts" means the whole, entire, total receipts attributable to the licensed privilege, without deduction, except as may be limited by the provisions of Chapter 37 of Title 58.1 of the Code of Virginia.

"License year" means the calendar year for which a license is issued for the privilege of engaging in business.

"Personal services" shall mean rendering for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under this ordinance, or rendered in any other business or occupation not specifically classified in this ordinance unless exempted from local license tax by Title 58.1 of the Code of Virginia.

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"Professional services" shall mean rendering any service specifically enumerated below or engaged in any occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study is used by its practical application to the affairs of others, either advising, guiding, or teaching them, and in serving their interests or welfare in the practice of an art or science founded on it. The words profession and professional imply attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others as a vocation, and including, but without limitation, such attainments attributed to the following:

- Architects
- Attorneys-at-law
- Certified public accountants
- Dentists
- Engineers
- Land surveyors
- Practitioners of the healing arts (the art or science or group of arts or sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities)
- Surgeons
- Veterinarians

"Purchases" shall mean all goods, wares and merchandise received or offered for sale at each definite place of business of every wholesaler or wholesale merchant, and shall not be construed to exclude any goods, wares or merchandise otherwise coming within the meaning of such word, including such goods, wares and merchandise manufactured by a wholesaler or wholesale merchant and sold or offered for sale as merchandise.

"Real estate services" shall mean rendering a service for compensation as lessor, buyer, seller, agent or broker and providing a real estate service, unless the service is otherwise specifically provided for in this ordinance, and such services include, but are not limited to, the following:

- Appraisers of real estate
- Escrow agents, real estate
- Fiduciaries, real estate
- Lessors of real property
- Real estate agents, brokers and managers
- Real estate selling agents
- Rental agents for real estate

"Retailer" or "Retail Merchant" shall mean any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any

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purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users.

"Services" shall mean things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

"Wholesaler" or "Wholesale Merchant" shall mean any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

C. License Requirement.

(a) Every person engaging in this jurisdiction in any business, trade, profession, occupation or calling (collectively hereinafter "a business") as defined in this ordinance, unless otherwise exempted by law, shall apply for a license for each such business if (i) in the case of professional services, such person (x) maintains a definite office in this jurisdiction, or (y) if such person does not maintain a definite office in the Commonwealth of Virginia but does maintain an abode in this jurisdiction, which abode for the purposes of this ordinance shall be deemed a definite place of business, or (ii) in the case of any other business, such person has a definite place of business or maintains an office in this jurisdiction; or (iii) such person is engaged as a peddler or itinerant merchant, carnival or circus as specified in §§ 58.1-3717, 3718, or 3728, respectively of the Code of Virginia, or is a contractor subject to §58.1-3715 of the Code of Virginia, or is a public service corporation subject to §58.1-3731 of the Code of Virginia. A separate license shall be required for each definite place of business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: (i) each business or profession is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this jurisdiction; (ii) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (iii) the taxpayer agrees to supply such information as the Commissioner of Revenue may require concerning the nature of the several businesses and their gross receipts.

(b) Each person subject to a license tax shall apply for a license prior to beginning business, if he was not licensable in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the current license year if he had been issued a license for the preceding license year. The application shall be on forms prescribed by the assessing official.

(c) The tax shall be paid with the application in the case of any license not based on gross receipts or purchases. If, the tax is measured by the gross receipts or

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purchases of the business, the tax shall be paid on or before March 1 of each year for the previous tax period.

(d) The assessing official may grant an extension of time, not to exceed 90 days, in which to file an application for a license, for good cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax, subject to adjustment to the correct tax at the end of the extension together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, a penalty of ten percent of the portion paid after the due date.

(e) A penalty of ten percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within thirty days the Treasurer of Pulaski County, Virginia, may impose a ten percent late payment penalty. The penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them, if the failure to file or pay was not the fault of the taxpayer. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

"Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

"Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official, who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

(f) Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the

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assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax **paid under this ordinance** from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under §58.1-3916.

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, in event of such adjustment, provided the refund or the late payment is made not more than thirty days from (i) the date of the payment that created the refund, (ii) or the due date of the tax, or **(iii) the date of the taxpayer's application for a refund**, whichever is later.

(g) It shall be unlawful to engage in such business, employment or profession without obtaining the required license. Section 58.1-3700 of the Code of Virginia, 1950, as amended.

(h) No business license under this Ordinance shall be issued until Applicant has provided satisfactory proof that all delinquent business license tax owed by the business, owner, member, manager or operator of the business has been paid which has been property assessed, including real estate taxes, personal property taxes, transient occupancy taxes, food and beverage (meals) taxes or other outstanding fees due the County, and failure to pay such taxes due shall result in the revocation of the current business license.

D. Situs of Gross Receipts.

(a) General rule. Whenever the tax imposed by this ordinance is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a licensable privilege at a definite place of business within this jurisdiction. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one or more definite places of business or offices as follows:

(1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of §58.1-3715.

(2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales

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solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled.

(3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then the definite place of business at which the rental of such property is managed.

(4) The gross receipts from the performance of personal services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then the definite place of business from which the services are directed or controlled.

(b) Apportionment. If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule **[and the affected jurisdictions are unable to reach an apportionment agreement]**, except as to circumstances set forth in §58.1-3709 of the Code of Virginia, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to this jurisdiction in the event the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.

(c) Agreements. The Commissioner of Revenue may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. **In the event the Commissioner of Revenue is notified or becomes aware** that its method of attributing gross receipts is fundamentally inconsistent with the method of one or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than 100% of its gross receipts from all locations in the affected jurisdictions, the Commissioner of Revenue shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved.

4. Limitations, extensions, appeals and rulings. The enforcement of the provisions of this ordinance including limitations with respect thereto, the correction of any assessment hereunder and any appeal by this jurisdiction of a correction made by its assessing official or by any person assessed with taxes hereunder and aggrieved by such assessment shall be pursuant to Chapter 39, Title 58.1 of the Code of Virginia; provided, however:

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(a) any person assessed with a licensing tax under this ordinance as the result of an audit may within the period provided in §58.1-3980 of the Code of Virginia, apply to the Commissioner of Revenue for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayers' contention. The Commissioner of Revenue may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, further audit, or other evidence deemed necessary for a proper and equitable determination of the applications. The assessment shall be deemed prima facie correct. The Commissioner of Revenue shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth its position. Every assessment pursuant to an audit shall be accompanied by a written explanation of the taxpayer's right to seek correction and the specific procedure to be followed in Pulaski County, Virginia, with the name and address to which the application should be directed.

(b) Provided an application is made within 90 days of an assessment, collection activity shall be suspended until 30 days after the final determination is issued by the Commissioner of Revenue, unless the Commissioner of Revenue determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of subsection (f) of Section C of this ordinance, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous, or that a taxpayer desires (i) to depart quickly from the locality, (ii) to remove his property therefrom, (iii) to conceal himself or his property therein, or (iv) to do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

(c) Any taxpayer may request a written ruling regarding the application of the tax to a specific situation from the Commissioner of Revenue. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or (ii) the Commissioner of Revenue notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

5. Recordkeeping and audits.

Every person who is assessable with a license tax shall keep sufficient records to enable the Commissioner of Revenue to verify the correctness of the tax paid for the license years assessable and to enable the Commissioner of Revenue to ascertain what

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is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the Commissioner of Revenue in order to allow the Commissioner of Revenue to establish whether a particular receipt is directly attributable to the taxable privilege exercised within Pulaski County, Virginia. The Commissioner of Revenue shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside Pulaski County, Virginia, copies of the appropriate books and records shall be sent to the Commissioner of Revenue's office upon demand.

E. Exclusions and deductions from "gross receipts."

(a) General Rule. Gross receipts for license tax purposes shall not include any amount not derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of business or profession.

(b) The following items shall be excluded from gross receipts:

(1) Amounts received and paid to the United States, the Commonwealth or any county, city or town for the Virginia retail sales or use tax, or for any local sales tax or any local excise tax on cigarettes, for any federal or state excise taxes on motor fuels.

(2) Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).

(3) Any amount representing returns and allowances granted by the business to its customer.

(4) Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.

(5) Receipts representing the return of principal of a loan transaction in which the licensee is the creditor, or the return of principal or basis upon the sale of a capital asset.

(6) Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror, and which the recipient assigns to the licensee in consideration of the sale of goods and services shall not be considered a rebate or discount to the licensee, but shall be included in the licensee's gross receipts together with any handling or other fees related to the incentive.

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(7) Withdrawals from inventory for which no consideration is received and the occasional sale or exchange of assets other than inventory, whether or not a gain or loss is recognized for federal income tax purposes.

(8) Investment income not directly related to the privilege exercised by a licensable business not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business, and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.

F. Rates of license taxes.

Except as may be specifically otherwise provided by ordinance or other law, the annual license tax imposed hereunder shall be thirty dollars, to those businesses with gross receipts of \$100,000 or less or the rate set forth below for the class of enterprise listed for those businesses with gross receipts of \$100,000 or more, whichever is greater.

1. For contractors and persons constructing for their own account for sale, 14 cents per \$100 of gross receipts;

2. For retailers, 20 cents per \$100 of gross receipts;

3. For financial, real estate and professional services, 7 cents per \$100 of gross receipts;

4. For repair, personal and business services and all other businesses and occupations not specifically listed or exempted in this ordinance or otherwise by law, 15 cents per \$100 of gross receipts;

5. For wholesalers, 5 cents per \$100 of purchases;

6. For savings and loan associations and credit unions, 7 cents per \$100 of gross receipts.

G. Penalty.

It shall be a Class I Misdemeanor to engage in any business, employment or profession covered by this Ordinance without first obtaining the required license.

Voting yes: Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.

Voting no: none.

Abstaining: Mr. Hale.

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- d. Modifications to the Pulaski County Motor Vehicle License Fee ordinance to institute permanent rather than annual decals.

Mr. Sheffey explained the purpose of the public hearing and called on County Administrator Peter Huber to provide additional details on the proposed amendments to the ordinance. Mr. Huber provided specific details as outlined in the proposed ordinance.

Mr. Hale requested an explanation regarding the "DMV Stop". Treasurer Rose Marie Tickle and Deputy Treasurer Melinda Worrell provided explanation regarding the DMV Stop Program.

Mr. Sheffey opened the public hearing.

Bruce Fariss advised he would like to see the county do away with the county decal.

Jean Anderson advised the State of Tennessee had done away with the decal requirements and implemented a "wheel tax".

There being no further comments, the hearing was closed.

Supervisor Akers advised it was his desire to do away with the decals and suggested revisiting the possibility within one year.

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board amended the Motor Vehicle License Ordinance, as follows, with the modifications noted in italics and with the stipulation that the ordinance be revisited in one year:

BE IT ORDAINED BY THE PULASKI COUNTY BOARD OF SUPERVISORS, THAT THE FOLLOWING AMENDMENTS ARE MADE TO THE PULASKI COUNTY MOTOR VEHICLE LICENSE AND TRAILER TAX ORDINANCE AS SHOWN BY THE CHANGES IN EACH SECTION IN BOLD ITALIC PRINT:

AN ORDINANCE ESTABLISHING A MOTOR VEHICLE AND TRAILER LICENSE TAX FOR THE COUNTY OF PULASKI, AND ESTABLISHING ADMINISTRATIVE PROCEDURES FOR SAID ORDINANCE. PURSUANT TO THE AUTHORITY CONTAINED IN TITLE 46.2-752 OF THE 1950 CODE OF VIRGINIA, AS AMENDED

BE IT ORDAINED by the Pulaski County Board of Supervisors:

Section I. Intent and Applicability

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Every motor vehicle and/or trailer operated on the streets, highways or roads within the County, in business or for the private use or benefit of the owner, shall be subject to a license tax as provided in this ordinance. The provisions of this ordinance, however, shall not be construed to apply to engines, locomotive engines, electric cars running on rails; motor vehicles, trailers or semi-trailers owned by the Commonwealth, by any political subdivision of the Commonwealth or by the United States Government; or to vehicles used exclusively for agricultural or horticultural purposes which do not bear license plates issued by the Commonwealth of Virginia; vehicles held for sale by any manufacturer or dealer, or antique motor vehicles duly licensed as antique motor vehicles and not used for general purposes. Nor shall any provisions of this article apply to motor vehicles or trailers of owners resident in any incorporated town in the county, which town imposes a license tax upon owners and motor vehicles in the town. Nothing in this ordinance shall be construed to require a license tax on a person or upon any vehicle exempted from same under the provisions of any of the statutes of the Commonwealth, nor any person who does not actually reside in the County or who does not use his automobile in the County. The word "reside" as used herein shall be construed to mean "to have a place of abode in the County," irrespective of the intention of any person to return to some residence outside of the County at some future date.

Section II. Amount of License Tax

- a. Automobiles and Trucks. *On every automobile and truck to which this ordinance is applicable there shall be a vehicle license fee of twenty-five dollars per annum assessed as part of the personal property tax.*
- b. Motorcycles and trailers licensed by the Commonwealth of Virginia. *On motorcycles licensed by the Commonwealth of Virginia, to which this ordinance is applicable there shall be a vehicle license fee of \$10.00 per annum. On trailers licensed by the Commonwealth of Virginia, and having a gross vehicle weight equal to or greater than is used as the basis for requiring state inspection, (currently 3,000 pounds) there shall be a vehicle license fee of \$10.00 per annum, assessed as part of the personal property tax.*
- c. *Beginning on October 15, 2007, and each and every October 15 thereafter, the vehicle license fee year shall commence on October 15, and expire on October 14 of each year. The annual vehicle license fee for automobiles and trucks shall be \$25.00. The annual vehicle license fee for motorcycles and trailers as defined in the aforementioned session shall be \$10.00. Beginning on October 15, 2007, a permanent decal will be issued and the annual vehicle license fees shall be assessed as part of the personal property tax. Upon payment of all fees, a permanent decal will be issued for automobiles only. Display of decals is required only for automobiles.*

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Section III. Proration of Tax

Whenever any such license tax becomes assessable in any month after the month in which the tax for the full year is assessable, the license tax shall be prorated on a monthly basis, with the tax due equal to one-twelfth of the tax set out above multiplied by the remaining number of months in the tax year from the date of registration of the vehicle in the applicant's name. Each license issued upon the payment of the license tax thereon shall expire at the end of the license tax year in which such license is issued.

Section IV. Payment of Property Tax Prerequisite to Issuance

No vehicle or trailer taxable under the provisions of this ordinance shall be licensed unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the vehicle to be licensed, which personal property taxes have been assessed or are assessable against such applicant, have been paid.

Section V. Application; issuance generally; display of stickers; loaning, selling, etc., sticker to another prohibited.

Any person coming under the provisions of this ordinance shall make application for a license upon forms supplied by the Treasurer of the County, at the Office of the Treasurer in the Courthouse at Pulaski, Virginia; and, upon payment of required tax, shall be issued, as evidence, a sticker which shall be attached to the front windshield of the vehicle so licensed so as to be readily recognized. Failure to display a sticker shall be considered a violation even though the license tax has been paid. It shall be unlawful for any person to whom a sticker is issued upon the payment of any license tax prescribed in this ordinance, to transfer such sticker to any other vehicle, other than the vehicle for which such sticker was originally issued or to give, loan, rent, sell, assign or transfer such sticker to another or to otherwise permit another to use in any manner such sticker during the license tax year for which the same is issued.

Section VI. Refunds

Any person holding a current registration certificate and license who disposes of the vehicles for which is was issued and does not purchase another vehicle may surrender the license and registration certificate to the Treasurer of the County, with a statement that the vehicle for which the license was issued has been sold, and request a refund for the unused portion of the fee paid. The Treasurer shall refund to the applicant one-half of the total cost of the registration and license if application for such refund is made prior to October 1 of the current license year, but such refund shall be only one-third of such total cost when the application thereof is made subsequent to October 1 of the current license year, but prior to January 1 of the current license year.

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No refund shall be made when application therefore is made after January 1 of the current license year.

Section VII. Duplicate Tags

In the event any license issued under the provisions of this ordinance shall be lost or mutilated or shall have become illegible and only in such case, the person who is entitled thereto shall make immediate application for an obtain a duplicate or substitute therefore, upon furnishing information of such fact satisfactory to the Treasurer and upon payment of one dollar.

Section VIII. Disposition of Taxes and Fees

The revenue derived from all county license taxes and fees imposed under authority of this ordinance shall be applied to general county purposes.

Section IX. Transfer of Tags

In the event any person desires to transfer any license issued under the provisions of this ordinance to another vehicle, such person shall make application for such transfer to the Treasurer of the County, who shall transfer such license upon the payment of a fee of one dollar.

Section X. Violations, Penalties

Violation of any provisions of this ordinance by any person shall constitute a misdemeanor, the penalty for which shall not exceed that of a Class 4 misdemeanor. Each day of violation shall constitute a separate offense. Trial of all violations of this ordinance shall be enforced by proceedings before the General District Court in the manner and with like right of appeal as is provided in misdemeanor cases; and the Sheriff and all deputies and police officers of the County are hereby authorized to issue summons in writing to violators of this ordinance for their appearance before such court. A violation of this ordinance by owner of a vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. All fines collected from any person for violating any provisions of this ordinance, upon conviction thereof, shall be credited to the general fund of the County and deposited by the County Treasurer in the same manner as that prescribed for County monies.

Section XI. Special Exemptions

Each member of any Volunteer Fire Department or Rescue Squad located within Pulaski County, Virginia, shall not be assessed such license fee for one (1) vehicle used by such member, and that a disabled Veteran, as defined by the Code of Virginia, shall not be required to purchase such license.

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Section XII. Severability

Should any section of this ordinance be adjudicated unlawful or unconstitutional by a court of competent jurisdiction, the remaining section shall remain in effect and shall be enforced by officers of the County.

Adopted this 23rd day of July, 2007.

IN ALL OTHER RESPECTS, THE DIVISIONS OF THIS ORDINANCE SHALL BE UNAFFECTED BY THIS AMENDMENT AND SHALL REMAIN IN FULL FORCE AND EFFECT WITHOUT AMENDMENT OR CHANGE, AND THIS ORDINANCE IS REENACTED AS IF SET OUT IN FULL HEREIN.

Voting yes: Mr. Hale, Mr. Sheffey, Mr. Akers, Mr. Pratt.

Voting no: Mr. Conner.

e. Budget Amendment

Mr. Sheffey explained the purpose of the public hearing and called on County Administrator Peter Huber to provide additional details on the proposed budget amendment. Mr. Huber reviewed the proposed budget amendments.

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

On a motion by Mr. Pratt, seconded by Mr. Hale and carried, the Board adopted the following budget amendments:

GENERAL FUND:

REVENUES:

Revenue from Local Sources:

Parks and Recreation Charges	\$	22,043.00
Law Enforcement Charges		1,900.59
Library Charges		5,508.95

Revenue from the Commonwealth:

Clerk's Shared Expenses		27,385.00
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Other Sources:

Use of Reserves		<u>167,752.00</u>
TOTAL GENERAL FUND	\$	224,589.54

EXPENDITURES:

Asst. County Admin.	\$	2,974.00
Electoral Board		2,201.00
General District Courts		137.00
Clerk of the Circuit Court		27,385.00
Law Library		90.00
Victim's Assistance Grant		165.00
Commonwealth Attorney		640.95
Sheriff		1,259.64
Volunteer Fire Departments		289.00
Office on Youth		2,164.00
County Recreation		1,069.00
Randolph Park		18,810.00
Friends of Claytor Lake		1,095.00

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Library	5,508.95
Cooperative Ext. Svcs.	1,425.00
Transfer to Comp. Svcs. Act Fund	158,995.00
Transfer to CIP Fund	154.00
Transfer to Treasurer's Fund	<u>227.00</u>
TOTAL GENERAL FUND	\$ 224,589.54

SCHOOL FUND:

REVENUES:

Revenue from Local Sources:

Rental of Property	\$ 2,000.00
Charges for Education	41,056.88
Miscellaneous	<u>127,263.58</u>
TOTAL SCHOOL FUND	\$ 170,320.46

EXPENDITURES:

Administration	\$ (467,130.00)
Operation and Maintenance	431,012.46
Pupil Transportation	193,313.00
Facilities	<u>13,125.00</u>
TOTAL SCHOOL FUND	\$ 170,320.46

GOVERNOR'S SCHOOL FUND:

REVENUES:

Revenue from Local Sources:

Charges for Education	\$ <u>1,900.00</u>
TOTAL GOVERNOR'S SCHOOL FUND	\$ 1,900.00

EXPENDITURES:

Instructional	\$ (156,355.00)
Administration	<u>158,255.00</u>
TOTAL GOVERNOR'S SCHOOL FUND	\$ 1,900.00

SCHOOL CAFETERIA FUND:

REVENUES:

Revenue Federal Government:

School Food Reimbursements	\$ <u>64,306.00</u>
TOTAL SCHOOL CAFETERIA FUND	\$ 64,306.00

EXPENDITURES:

Food Services	\$ <u>64,306.00</u>
TOTAL SCHOOL CAFETERIA FUND	\$ 64,306.00

CAPITAL IMPROVEMENTS FUND:

REVENUES:

Other Sources:

Transfer from General Fund	\$ <u>154.00</u>
TOTAL CIP FUND	\$ 154.00

EXPENDITURES:

Comprehensive Plan Update	\$ <u>154.00</u>
TOTAL CIP FUND	\$ 154.00

COMPREHENSIVE SERVICES FUND:

REVENUES:

Other Sources:

Transfer from General Fund	\$ <u>158,995.00</u>
TOTAL CSA FUND	\$ 158,995.00

EXPENDITURES:

CSA Admin.	\$ 14,200.00
CSA Client Services	<u>144,795.00</u>
TOTAL CSA FUND	\$ 158,995.00

SCHOOL CONSTRUCTION FUND:

REVENUES:

Revenue from Local Sources:

Interest on Investments	\$ <u>125,607.91</u>
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TOTAL SCHOOL CONST. FUND \$ 125,607.91

EXPENDITURES:

Fairlawn Elementary School \$ 125,607.91
TOTAL SCHOOL CONST. FUND \$ 125,607.91

TREASURER'S ACCOUNTABILITY FUND:

REVENUES:

Other Sources:

Transfer from General Fund \$ 227.00
TOTAL TREASURER'S ACCT FUND \$ 227.00

EXPENDITURES:

NSF Checks \$ 227.00
TOTAL TREASURER'S ACCT FUND \$ 227.00

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,
Mr. Pratt.

Voting no: none.

5. Citizen Comments

Lisa Viers presented pictures of a dilapidated structure currently housing the Hiwassee rescue squad vehicle and requested the county provide assistance in repairs to the structure, including submittal of a grant application. County staff confirmed the grant application had been prepared for submittal to Rural Development in the fall of 2007. Mr. Sheffey assured Ms. Viers that the REMSI Board is working to address the matter related to the dilapidated structure. Ms. Viers also requested a reduction in the speed limit on this road.

Dari Jenkins requested an update as to any assistance that could be provided by the county to repair the structure. Mr. Huber advised REMSI staff is reviewing the matter.

Mr. Huber advised the completion of the new Hiwassee building should take place by August, 2008. Mr. Sheffey requested a summary be provided in the weekly update on the status of any action to be taken by REMSI as it relates to the repairs to the building structure.

6. Highway Matters:

Mr. David Clarke, VDOT Resident Engineer, met with the Board and discussed the following matters:

a. Follow-up from Previous Board Meeting - Review of Highway Matters Section of Key Activity Timetable (KAT)

A Key Activity Timetable was not provided. However, Mr. Clarke advised VDOT is concentrating on big projects, including, but no limited to, the Pulaski County High School turn lane.

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Mr. Clarke advised speed study updates should be available at the August Board meeting.

b. Recreational Access Fund Resolution – Allisonia- New River Trail State Park

Mr. Jimmy Elliott of the New River Trail State Park advised the proposed resolution would allow for another access to the river upstream of the Allisonia access. Mr. Clarke confirmed the road would be state maintained when it was completed. Further, VDOT reported adoption of the resolution does not bind the county, but is the first step in the process and that funding was limited to \$400,000.

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board adopted the following resolution:

**NEW RIVER TRAIL STATE PARK RECREATIONAL
ACCESS ROAD PULASKI COUNTY BOARD OF
SUPERVISORS**

WHEREAS, the New River Trail State Park is owned and is to be developed by the Commonwealth of Virginia and serves as a recreational facility serving the residents of Pulaski County and adjoining localities; and

WHEREAS, the facility is in need of adequate access; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.1-223 of the Code of Virginia requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational areas or historical sites; and

WHEREAS, the Pulaski County Board of Supervisors has duly adopted a zoning ordinance pursuant to Article 7 (Section 15.2-2280 et seq), Chapter 22, Title 15.2 of the Code of Virginia; and

WHEREAS, it appears to the Board of Supervisors that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate the

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New River Trail State Park as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the Code of Virginia; and

WHEREAS, the Pulaski County Board of Supervisors agrees, in keeping with the intent of Section 33.1-63 of the Code of Virginia, to use its good offices to reasonable protect the aesthetic or cultural value of this road; and

WHEREAS, the Pulaski County Board of Supervisors acknowledges that the State Environmental Review Process (SERP) must be completed prior to any construction activity on this project as a condition of the use of the Recreational Access Fund.

WHEREAS, the County of Pulaski hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

WHEREAS, the property on which the facility will be located has no access to a public street or roadway and will require the construction of a new roadway which will connect to Route 693.

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors hereby requests the Director of the Department of Conservation and Recreation to designate the New River Trail State Park as a public recreational area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said park; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

BE IT FURTHER RESOLVED THAT, the Pulaski County Board of Supervisors hereby agrees that the new roadway so constructed will be added to and become a part of the secondary highway system serving Pulaski County.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,
Mr. Pratt.

Voting no: None.

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c. Request for Speed Limit Postings on Route 830, Parrott

Board members reviewed a citizen petition submitted by Ms. Anita Giles requesting speed limit postings on Route 830 in Parrott. Mr. Clarke advised VDOT would review the request and provide a recommendation at a future meeting. Mr. Clarke advised VDOT does not post speed limits less than 25 mph.

d. Citizen Comments

Dr. Bruce Fariss questioned the status of improvements to the landscaping on Route 100. Mr. Huber advised the standards have become strict in incorporated areas and reported staff is working to put together a landscaping plan which would conform with VDOT standards. Further, a cost estimate may be available for the next Board meeting.

Ms. Jean Anderson advised of brush needing to be trimmed back which is covering speed limit signs on roads from King Tire to Hardees in the Town of Pulaski.

e. Board of Supervisors Concerns

Mr. Pratt expressed concern over water washing under the asphalt at the low water bridge at Sayers Road. Mr. Clarke agreed to have VDOT review the matter.

Mr. Pratt advised of the destruction of his fence along Delton Road as a result of VDOT pushing fallen trees and limbs up to the fence. Supervisor Pratt requested VDOT use caution when removing trees/limbs from storms. Mr. Clarke agreed to have VDOT monitor the situation in the future.

Mr. Akers advised of several large trees that have died and are on the verge of falling on Little River Dam Road near Walker Farms.

Mr. Akers advised of trees overhanging on Farris Mines Road. Mr. Akers expressed concern over turning lanes off of Interstate 81 to Route 100 and onto Alexander Road.

Mr. Conner expressed appreciation to VDOT for the progress being made on the turn lane at PCHS.

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Mr. Sheffey expressed appreciation for paving Round House Road.

Mr. Sheffey expressed concern over the poor quality of the mowing on Route 624 and expressed a desire to see mowing done prior to the start of school.

Mr. Sheffey presented a request from Doris Waddell of Fairlawn regarding safety concerns along Route 600 between Route 11 and 114 and would like to propose either closing the spur to two-way traffic or installing speed bumps. Mr. Sheffey asked for suggestions from VDOT to slow folks down. Mr. Clarke suggested having VDOT place larger signs on both sides might remedy the matter.

Mr. Huber commented on the continued request on the Hiwassee Fire Department entrance permit. Mr. Clarke advised VDOT would continue to review the matter.

7. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly report to the Board of Supervisors.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable (KAT)

Board members reviewed the Key Activity Timetable in detail.

Mr. Sheffey requested changing the "target" date for the Hiwassee Fire and Rescue addition to August 08.

Mr. Sheffey asked if the new Randolph Park picnic shelter would be completed by the end of July. Staff suggested changing the target date to August 07.

b. Appointments – Indoor Wellness Committee

Mr. Huber advised Anthony Akers had been receiving comments suggesting the need for an indoor wellness center and had suggested establishing a citizen committee to evaluate the need, the cost, etc. Mr. Huber also reported discussions are being held with the YMCA Board on ways to work together to best serve the needs of the county. Each Board member agreed to suggest names of a representative and an alternate

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from each district and place those names on the August Board agenda for consideration.

c. Scheduling of Administrator's Evaluation

Board members scheduled the administrator's evaluation for Wednesday, August 15 at 6:30 p.m. at Mr. McCarthy's home on Claytor Lake.

Mr. Huber requested Board members Board participation in an evaluation as part of the ICMA voluntary credential program.

9. Items of Consent:

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the following "Items of Consent".

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.
Voting no: none.

a. Approval of Minutes of June 25, 2007

On a motion by Mr. Hale, seconded by Mr. Akers and carried, the Board approved the minutes of the June 25, 2007 meeting.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.
Voting no: none.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 29178 through 29549, subject to audit.

c. Interoffice Transfers

The Board approved Interoffice Transfer #1 totaling \$52,561.06 as well as the following monthly appropriations:

GENERAL FUND #1	
Revenues:	
014010-2000 – Court Restitutions	\$ 260.00
016030-1000 – Seized Assets-Commonwealth Attorney	63.00
016030-1100 – Seized Assets- Sheriff	252.00
033010-2030 – Local Law Enforcement Block Grant	1,806.00
041010-0100- Insurance Recoveries	941.06
041999-0000 – Use of fund balance	89,633.57

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TOTAL	\$ 92,955.63
Expenditures:	
021600-3170 – Circuit Court Clerk’s Office–Other Cont. Prof. Svcs (Carry-over)	\$ 1,405.00
021600-8101 – Circuit Court Clerk’s Office-Machinery and Equipment (Carry-out)	25,980.00
022100-6017 - Commonwealth Attorney-Seized Assets	63.00
022100-6017 - Commonwealth Attorney-Seized Assets (Carry-Over)	7,761.93
031200-3310 – Sheriff-Repair and Maintenance	941.06
031200-6010 – Sheriff-Police Supplies	1,806.00
031200-6017 – Sheriff-Seized Assets	512.00
031200-6017- Sheriff-Seized Assets (Carry-over)	5,149.75
032230-8112 – Hiwassee Vol. Fire Dept. Bldg Improvements (Carry-over)	35,741.99
035500-8101 – Emergency Services-Furniture and Equipment (Carry-over)	1,709.17
035520-8103 – Domestic Prep. Grant-Communications Equip. (Carry-over)	6,347.48
035530-8101 – Homeland Security Grant-Machinery and Equip. (Carry-over)	5,538.25
TOTAL	\$ 92,955.63
GENERAL FUND #15	
Revenues:	
016130-0400 – Charges for Office on Youth	\$ 2,164.00
016130-0200 – Swimming Pool Fees	19,879.00
016030-1000 – Commonwealth Attorney-Seized Assets	640.95
016030-1100 – Sheriff-Seized Assets	1,259.64
016150-0700 – Library RIF revenue	1,201.50
016150-0500 – Library Donations	4,307.45
023080-0100 – Shared Expenses-Clerk’s Technology Funds	27,385.00
041999-0000 – Use of fund balance	8,376.00
TOTAL	\$ 65,213.54
Expenditures:	
012120-1110 – Asst. County Administrator-Salaries	\$ 2,974.00
013100-3320 – Electoral Board/Elections-Maint. Svc. Contracts	2,201.00
021200-8101 – General District Court-Machinery and Equipment	137.00
021600-3170 – Circuit Court Clerk’s Office- Other Cont. Prof. Svcs	1,405.00
021600-8101 – Circuit Court Clerk’s Office-Machinery and Equipment	2,5980.00
021800-6012 – Law Library-Books and Subscriptions	90.00
021900-5120 – Victim’s Assistance-Heating Services	165.00
022100-6017 – Commonwealth Attorney-Seized Assets	640.95
031200-6017 – Sheriff-Seized Assets	1,259.64
032210-4602 – Dublin Fire Department-Central Garage/Parts	289.00

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053500-1310 – Office on Youth-Salaries	1,958.00
053500-6013 – Office on Youth-Educational and Recreational	206.00
071110-8130 – County Recreation-Rec. Equipment	1,069.00
071320-5110 – Randolph Park-Electrical Svcs	18,810.00
071360-1382 – Friends of Claytor Lake-Salaries	1,095.00
073100-5699 – Library RIF-Expenses	1,201.50
073100-6012 – Library-Books and Subscriptions	4,307.45
083500-1110 – Coop. Ext. Svcs.-Salaries	1,425.00
TOTAL	\$ 65,213.54
SCHOOL FUND 34, 35, 36, 1, 3	
Revenues:	
015020-0100 – Rental of Property	\$ 2,000.00
016120-1100 – Substitute Teacher	41,056.88
018030-0300 – Refunds/Overpayments	309.15
018990-0200 – Misc. School Revenue	10,672.25
018990-3201 – E-Rate	108,986.12
018030-0320 – School Nurse Services	872.59
018030-0330 – School Activity Fund Reimbursement	6,423.47
TOTAL	\$ 170,320.46
Expenditures:	
064200-5110-900 – Operations Maint. Electricity	\$ 170,320.46
TOTAL	\$ 170,320.46
SCHOOL CONSTRUCTION FUND #3	
Revenues:	
015010-0200 – Interest on Investments	\$ 125,607.91
041040-0700 – Proceeds from Indebtedness	-0-
TOTAL	\$ 125,307.91
Expenditures:	
066500-8265 – Fairlawn Elementary School	\$ 125,307.91
TOTAL	\$ 125,607.91
INTER-FUND TRANSFER #9	
Revenues:	
3-302-041050-1000 – CIP Fund-TRANSFER FROM GENERAL FUND	\$154.00
3-999-041050-0100 – Treasurer’s Fund-TRANSFER FROM GENERAL FUND	227.00
3-100-041999-0000 – General Fund-Use of fund balance	159,376.00
3-210-041050-1000 – CSA Fund-TRANSFER FROM GENERAL FUND	158,995.00
TOTAL	\$ 318,752.00

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Expenditures:	
4-100-093000-9211 – General Fund-Transfer to Treasurer’s Fund	\$ 227.00
4-999-092110-5841 – Treasurer’s Fund –NSF Checks	227.00
4-100-093000-9206 – General Fund-Transfer to CIP fund	154.00
4-100-093000-9203 – General Fund-Transfer to Comp. Svcs. Act	158,995.00
4-302-081400-3800 – CIP Fund Comp. Plan Update	154.00
4-210-053190-5530 – CSA Fund-Meals and Lodging	1,000.00
4-210-053190-8101 – CSA Fund-Machinery and Equipment	4,500.00
4-210-053190-8102 – CSA Fund-Furn. And Fixtures	8,700.00
4-210-053530-5727 – CSA Fund-Client Services	144,795.00
TOTAL	\$ 318,752.00

d. Ratification of Contracts, Change Orders & Agreements

1. 2007-08 Highway Safety Grant Budget

The Board ratified submittal of the 2007-08 Highway Safety Grant budget.

2. Memorandum of Understanding – Department of Emergency Management

The Board approved a Memorandum of Understanding between the Virginia Department of Emergency Management and Pulaski County as part of the 2006 Homeland Security Grant Program.

3. Community Corrections & Pre-trial Services Grant Acceptance

The Board approved the Acceptance of the Statement of Grant Award and Statement of Grant Award Special Conditions for the Victim Witness Program.

4. Standard Wireless Micro-Cell Site Lease Agreement

The Board approved the wireless micro-cell site lease agreement with Draper Valley Golf Club.

e. Personnel Changes

The Board reviewed recent personnel changes as prepared by Ms. Spence.

e. Drought Disaster Resolution

As reported in the Board packet, Pulaski County and other parts of Southwest Virginia is very close to getting into an agricultural drought. Patrick and Carroll counties have already made disaster resolutions that have been sent to the US Sec. of Ag for review. Drought conditions combined with the spring freeze damage has had a significant impact on local farms.

The Board adopted the following drought resolution:

PETITION TO THE GOVERNOR OF THE COMMONWEALTH OF VIRGINIA TO DECLARE PULASKI COUNTY A DROUGHT AREA

Whereas, widespread acres of Pulaski County are experiencing severe drought conditions, which have caused crop losses and damaged forage crops on which livestock producers depend; and

Whereas, the year to date rainfall totals are 4-8 inches below average; and

Whereas, Pulaski County has experienced 30-50% losses in pasture, hay, and corn grain due to drought conditions and anticipate very little harvest of any other hay crop for the remainder of the season; and

Whereas, the lack of forages has caused many farmers to feed hay which would normally be reserved for the winter months and/or purchase feed for livestock; and

Whereas, there does not appear to be any relief in the foreseeable future; and

Whereas, these conditions have and continue to cause severe financial loss to the farmers of Pulaski County;

Now, therefore, be it resolved, that the Pulaski County Board of Supervisors hereby petitions the Honorable Tim Kaine, Governor of the Commonwealth of Virginia, to declare Pulaski County a drought area in order to provide the means for those affected to qualify for some relief assistance.

f. Town of Pulaski Funding Request

As reported in the Board packet, joint sponsorship with the Town of Pulaski of a lumberjack contest is recommended as part of this year's PulaskiFest to be held in September. The sponsorship amount is recommended to be the lesser of \$2,500, or an equal amount to the Town of Pulaski contribution, less a proportionate amount of any profits realized from this event.

The Board approved a joint sponsorship with the Town of Pulaski of a lumberjack contest as part of this year's PulaskiFest to be held in September in an amount to be the lesser of \$2,500, or an equal amount to the Town of Pulaski contribution, less a proportionate amount of any profits realized from this event.

g. Enhancement of LEOS Coverage for Law Enforcement Personnel

As reported in the Board packet, Gordon Jones worked with two deputies in the calculation of their retirement benefits and has come up with a more realistic calculation of the impact this change would have. These situations were described as follows:

Disability retirement at age 48 with 26 years 11 months of service and an average pay of \$44,814 over the past three years: increasing the multiplier would result in an additional \$217.07 per month. However, there is a question as to whether the multiplier has any effect on disability retirement.

Normal retirement at age 50 years with 26 years 11 months of service and an average pay of \$46,333 over the past three years: - increasing the multiplier would result in an additional \$166.51 per month.

The cost of increasing the multiplier to be \$24,065 per year to county departments, \$5,245 to the PSA and \$7,795 to the Department of Social Services.

The Board approved an increase in the multiplier factor for LEOS Coverage by adopting the following resolution:

Retirement Multiplier of 1.85%

WHEREAS, by resolution legally adopted and approved by the Pulaski County Board of Supervisors, a political subdivision, participates in the Virginia Retirement System under § 51.1-130 of the Code of Virginia, as amended; and

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WHEREAS, by resolution or resolutions legally adopted and approved by the Pulaski County Board of Supervisors has elected to provided the enhanced benefits described in § 51.1-138, subsection B to selected public safety employee groups, such benefits being referred to collectively as "Section 138 Coverage", and

WHEREAS, the Virginia General Assembly passed legislation effective July 1, 2007, allowing the Pulaski County Board of Supervisors to elect to provide for its employees with Section 138 Coverage a retirement allowance equal to the amount of creditable service multiplied by 1.85 percent of average final compensation as provided in clause (ii) in subsection A (1) of § 51.1-206 (the "1.85 Multiplier"); and

WHEREAS, the Pulaski County Board of Supervisors desires to make this irrevocable election and provide the 1.85 Multiplier to its employees that not have, or may in the future be given, Section 138 Coverage;

NOW, THEREFORE, IT IS RESOLVED, that the Pulaski County Board of Supervisors elects to establish the 1.85 Multiplier for all employees who are now, or who may be in the future, provided Section 138 Coverage, and it is further

RESOLVED, that the Pulaski County Board of Supervisors agrees to pay the employer cost for providing the 1.85 Multiplier to all employees who are now, or who may be in the future, provided Section 138 Coverage, pursuant to this irrevocable election; and it is further

RESOLVED that Pulaski County Administrator Peter M. Huber and Gena T. Hanks, Clerk to the Board of Supervisors are authorized and directed in the name of Pulaski County to execute any required contract to carry out this irrevocable election, and to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The seal of Pulaski County is authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as may be required to be paid by Pulaski County or its employees for this purpose.

This resolution shall be in full affect on August 1, 2007.

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i. Reassessment RFP

The Board authorized soliciting appraisal services for the planned reassessment of real estate properties in 2008.

j. Deregulation Petition

As reported in the Board packet, Verizon is requesting an endorsement of its January 2007, petition the State to deregulate its services on the premise of increased competition (both of wireless and wireline industries) and outdated State restrictions on Verizon's business practices (i.e. filing 30 days in advance of introducing new products and services and operating with a mandated price floor). Verizon reported it has lost 30% of its wireline business in the past six years due to competition and changes within the communication industry.

The Board approved holding a public hearing regarding Verizon's request for an endorsement to deregulate landline services.

k. Emergency Operations Plan

As provided in the Board packet, Board members reviewed a draft of the new emergency operations plan.

The Board adopted the plan and the following resolution:

WHEREAS the Board of Supervisors of Pulaski County, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS Pulaski County has a responsibility to provide for the safety and well being of its citizens and visitors; and

WHEREAS Pulaski County has established and appointed a Director and Coordinator of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pulaski County, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, are tasked and authorized to maintain and revise as necessary this document over the next four (4) year period or until such time be ordered to come before this board.

I. Resolution Designating Pulaski County as Fiscal and Administrative Agent for Community Corrections

The Board adopted the following resolution designating Pulaski County as fiscal and administrative agent for Community Corrections:

RESOLUTION PROVIDING FOR THE IMPLEMENTATION OF THE COMPREHENSIVE COMMUNITY CORRECTIONS ACT FOR LOCAL RESPONSIBLE OFFENDERS, THE PRETRIAL SERVICES ACT AND THE ESTABLISHMENT OF THE NEW RIVER COMMUNITY CRIMINAL JUSTICE BOARD (NRCCJB)

Whereas, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (9.1-173 et. seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

Whereas, 9.1-174 and 19.2-152.2 of the Code of Virginia requires counties and cities approved for a jail project pursuant to 53.1-82. 1 to participate and establish services in accordance with both Acts; and

Whereas, 9.1-178 and 19.2-152.5 of the Code of Virginia requires that each county and city establishing and operating community-based probation and pretrial services establish a Community Criminal Justice Board, and in the case of multi-jurisdictional, efforts, that each jurisdiction mutually agree upon the number of appointments to said board.

BE IT THEREFORE RESOLVED that the County of Pulaski jointly agrees with the Counties and Cities of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe, Galax, Radford to implement the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act with Pulaski County, pursuant to 9.1-183, acting as the administrator and fiscal agent on behalf of the participating localities.

BE IT FURTHER RESOLVED that the County of Pulaski jointly establishes the New River Community Criminal Justice Board that said board shall fulfill its responsibilities pursuant to 9.1-180, and shall be composed of the following members pursuant to 9.1-178 of the Code of Virginia.

- One representative of the governing bodies of each participating jurisdiction.
- A circuit court judge representing the 27th Judicial Circuit as agreed upon by the judges of said circuit.

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- A judge of general district court, representing the 27th Judicial District as agreed upon by said judges of the district.
- A judge of the juvenile and domestic relations district court representing the 27th Judicial District as agreed upon by the judges of the district.
- The Chief Magistrate.
- A Commonwealth's Attorney representing all Commonwealth's Attorneys of the participating jurisdictions.
- An attorney experienced in the defense of criminal matters who is a current member of the Virginia State Bar, and a public defender each representing the participating localities where applicable.
- The administrator of the New River Valley Regional Jail.
- The Sheriff of Montgomery County.
- A Chief of Police and/or a Sheriff in a jurisdiction not served by a police department to represent all law enforcement agencies of the participating jurisdictions.
- A Community Services Board Administrator representing all agencies providing such services to participating jurisdictions.
- A representative of a local adult education representing all agencies providing such services to participating jurisdictions.

BE IT FURTHER RESOLVED that this resolution supersedes and replaces all prior resolutions approved by the locality relating to the establishment of required services and the formation of the New River Community Criminal Justice Board.

BE IT FURTHER RESOLVED that the County of Pulaski continues its appointment of Anthony Akers as its governing body representative.

Resolved this 23rd day of July 2007.

m. Indoor Recreation

Board members approved forming a citizens committee to look into the feasibility of developing an indoor fitness center.

n. Sponsorship of NRV Leadership Program

As recommended by staff, Board members approved a sponsorship of the New River Valley Leadership program in an amount of \$1,500, in addition to paying for the participation of Robert Hiss, Shawn Utt and other Department Heads or Board of Supervisors members interested in attending.

o. Donation of Vehicles to NRV Community Services Board

The Board approved the Community Services Board utilizing surplus vehicles currently owned by the county in the operation of Fairview Home, with the Community Services Board to assume all maintenance, insurance and operating cost. Authorization was given for the transfer of these vehicles to the Community Services Board with a return to Fairview Home if operation of the home by NRVCS ceases.

p. Southern Rivers Watershed Enhancement Program

Board members approved a letter of support and resolution as follows for an application to the Southern River's Program:

**Resolution Supporting the NRV Southern Rivers
Wastewater Evaluation Project**

WHEREAS, the County of Pulaski is a member of the New River Valley Planning District Commission (NRVPDC), and;

WHEREAS, the NRVPDC has been partnering with the County of Pulaski on numerous projects in the past that improve the quality of life for the County's residents, and:

WHEREAS, through an extended partnership with the NRVPDC, the County of Pulaski wishes to participate in a regional application for \$150,000 from the Southern Rivers Watershed Enhancement Program (SRWEP) fund for the "New River Valley Southern Rivers Watershed Evaluation Project", and;

WHEREAS, the funding from the SRWEP program will be used to evaluate existing septic systems within that may have an adverse impact on the surrounding streams and rivers within the County, and;

NOW THEREFORE, BE IT RESOLVED THAT, it is the will of the Board of Supervisors of the County of Pulaski to support the NRVPDC's funding application and authorize the County Administrator to sign and submit all appropriate documentation necessary for the application for funding.

Adopted this 23rd day of July, 2007.

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q. Modification to Livestock Compensation

As reported in the Board packet, the livestock compensation committee recommends the establishment of set reimbursement of rates as an alternative to the current determination of value on a case-by-case basis. Thus, advertisement of a public hearing to amend the livestock claim policy is recommended with the amendment to reflect a standardized means of compensation where livestock is killed by a dog whose ownership cannot be determined. Currently a schedule of values would be as follows:

Lambs	\$100
Ewes	\$175
Rams	\$350
Nanny goats	\$100
Billy goats	\$150
Market goats	\$ 75

Registered or breeding stock (with papers) is proposed to still be determined on a case by case basis.

The Board approved scheduling a public hearing for the August Board meeting to amend the livestock claim policy, with the amendment to reflect standardized compensation where livestock is killed by a dog whose ownership cannot be determined.

r. Evelyn Alexander Day

The Board approved honoring the life of Evelyn Alexander by designating August 20, 2007 at Randolph Park as "Evelyn Alexander Day".

s. Use of Washington & 3rd Street Parking Lot

The Board approved use of the parking lot besides the former Southwest Times building by the Regency Real Estate Auction Company when auctioning the restaurant equipment in the former Southwest Times building adjacent to the lot.

10. Citizen Comments

Dr. Bruce Fariss questioned Board action to confirm a public hearing would be held regarding item 9j – "Deregulation Petition".

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11. Other Matters from Supervisors

There were no other matters at this time from Board members.

12. Closed Session - 2.2-3711.A.1.3.5.7

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

It was moved Mr. Conner, 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 2.2-3711(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- New River Trail Extension
- Maple Shade Property Leases
- Powerline Easement

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

- Drug Testing
- Appointments

Prospective Industry – Pursuant to Virginia Code Section 2.2-3711(A)5 discussion concerning a prospective business or industry, or the expansion of an existing business and industry, where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

- Slaughter House Facility
- Project WT Proposal
- Pulaski Furniture Prospect
- Revenue Sharing

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

- Erosion and Sediment Control Court Matter

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Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.
Voting no: none.

Return to Regular Session

It was moved by Mr. Hale, seconded by Mr. Pratt and carried, that the Board return to regular session.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,
Mr. Pratt.

Voting no: none.

Certification of Conformance with Virginia Freedom of Information Act

It was moved by Mr. Conner, seconded by Mr. Akers 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 a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

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

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,
Mr. Pratt.

Voting no: none.

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13. Adjournment

On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board of Supervisors adjourned its regular meeting to reconvene at a special meeting scheduled for Wednesday, August 15, 2007 at 6:30 p.m. at Tom McCarthy's residence on Claytor Lake for the purpose of conducting the annual evaluation of the County Administrator and to a picnic for local elected officials planned for 1:00 p.m. on Sunday, August 26, 2007 at Randolph Park.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.

Voting no: none.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator