

## BOARD OF SUPERVISORS MEETING MINUTES OF OCTOBER 22, 2007

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, October 22, 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; Gordon Jones, Finance Director; Shawn Utt, Community Development Director; and Gena T. Hanks, Clerk.

### 1. Invocation

The invocation was presented by Reverend Vickie Houcke of Christ Episcopal Church.

### 2. Presentations - Featured Employees

The Board recognized Mia Catron of the Free Memorial Library in Dublin for the Pulaski County Library System. Mr. Sheffey read a description of the job duties and personal interests for Ms. Catron. Supervisors presented Shoney's gift certificates to Ms. Catron.

### 3. Additions to Agenda

Mr. Huber advised of one additional agenda item to be included under the "Items of Consent" related to the transfer of surplus Social Services telephones to the Smyth County Department of Social Services.

### 4. Public Hearings

#### a. Transportation Enhancement Projects

Mr. Utt provided a summary of two projects being submitted for the Transportation Enhancement Program. The first project, Newbern Area Enhancements, is requesting the remaining money to complete the three phase project previously advertised. The second project is requesting the remaining construction funds for the first phase to extend the New River Trail from the Town of Pulaski towards the City of Radford.

Mr. Utt requested the Board conduct two separate public hearings.

#### Wilderness Road Regional Museum Support

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. Akers and carried, the Board approved the following "Resolution in Support of the Wilderness Road Regional Museum – Transportation Exhibit Project Application (Phase 4)":

**Resolution in Support of the Wilderness Road Regional Museum – Transportation Exhibit Project Application**

**Whereas**, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in the County of Pulaski, Virginia and,

**Whereas**, the Wilderness Road Regional Museum has received funding from the Virginia Department of Transportation for the past 3 fiscal years through the Transportation Enhancement Act for the 21<sup>st</sup> Century program to fund a Transportation Exhibit on the Wilderness Road as well as related improvements necessary for the exhibit and,

**Whereas**, the funding of the current request will fully fund the proposed project and will allow for the construction to move forward on the Transportation Exhibit, related parking lot and side walk facilities and the proposed walking trail.

**Now, Therefore, Be It Resolved**, that the County of Pulaski, requests the Commonwealth Transportation Board to establish a project for the improvement of the Wilderness Road Regional Museum and Transportation exhibit and related projects.

**Be It Further Resolved**, that the County of Pulaski hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the County of Pulaski subsequently elects to cancel this project the County of Pulaski hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

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

Voting no: none.

New River Trail Expansion

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

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the following "Resolution in Support of the Proposed Extension of the New River Trail" and as well as the contract with Anderson and Associates in the amount of \$3,000.00 for the preparation of the grant application and supporting documentation, subject to review and approval of said contract by the County Attorney:

**Resolution in Support of the Proposed Extension of the New River Trail**

**Whereas**, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in the County of Pulaski, Virginia and,

**Whereas**, the New River Trail is located in the County of Pulaski and has been identified as one of the most visited State Park in Virginia and,

**Whereas**, the County of Pulaski is working with localities through out the region to extend the New River Trail into Montgomery County, via the City of Radford's River Way Trail Network and ultimately connect it to the Huckleberry Trail system in order to provide for additional commuting opportunities for residents of the New River Valley and,

**Whereas**, the Engineering portion of the project was partially funded in FY07 in the amount of \$54,000 and the County wishes to request additional funds for the Engineering phase of the project with this FY08 funding request.

**Now, Therefore, Be It Resolved**, that the County of Pulaski, requests the Commonwealth Transportation Board to establish a project for the improvement of the New River Trail extension.

**Be It Further Resolved**, that the County of Pulaski hereby agrees to pay a minimum 20 percent of the total cost for planning

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and design, right of way, and construction of this project, and that, if the County of Pulaski subsequently elects to cancel this project the County of Pulaski hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

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

Voting no: none.

- b. The petition by **A T & T Mobility, LLC** for a Special Use Permit (SUP) to allow construction of 195' communications tower on property owned by **Charles Edward Woodfin ETAL**, located at 5692 Bagging Plant Rd., (Rt. 1030), Ingles District.

Mr. Sheffey reported the applicant had requested the Planning Commission table this matter. The Planning Commission recommended the Board of Supervisors table the matter until the Board of Zoning Appeals interprets allowable uses.

On a motion by Mr. Hale, seconded by Mr. Akers and carried, the Board tabled the petition by AT&T Mobility, LLC for a Special Use Permit, until the Board of Zoning Appeals interprets allowable uses.

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

Voting no: none.

- c. The petition by the **County of Pulaski** to amend the following section(s) of the Pulaski County Zoning Ordinance:

- Article 5E Townhomes: Section 5E-8 Rear Yard Regulations.
- Article 1: Definitions, Use and Design Standards; Accessory Building.

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

- Article 5E Townhomes: Section 5E-8 Rear Yard Regulations.

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

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board accepted the Planning Commission's recommendation to amend the following sections of the Zoning Ordinance:

ARTICLE 5E: TOWNHOUSES 1

5E-8 Rear Yard Regulations

There shall be a minimum rear yard of thirty (30) feet or more on all lots. Rear yards shall be screened with a privacy type fence or wall of seven (7) feet minimum height and extending not less than twelve feet from the rear building wall. An accessory building not exceeding ten (10) feet by ten (10) feet and not exceeding twelve (12) feet in height may be constructed in any rear yard. *An earthen berm with the height, design and material approved by the Zoning Administrator may be substituted for any portion of the required screening area. Trees and shrubs shall supplement earthen berms, fences or wall areas.*

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

Voting no: none.

d. Comcast Franchise Agreement – Proposed non-exclusive cable television franchise

Mr. Huber explained the purpose of the meeting was to consider approval of an agreement allowing for the renewal of services to cover the western portion of Pulaski County. Mr. Huber the proposed non-exclusive franchise without limitation deals with construction and maintenance of the cable televisions system, customer service standards, bills and privacy protection, oversight of regulations, transfer on change of control, system description, enforcement and other miscellaneous provisions. A public hearing has been scheduled to consider the franchise agreement most of which is specified by state and federal code with limited option for local input.

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

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board approved the Comcast Franchise Agreement as presented, a copy of which is filed with the records of this meeting.

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

Voting no: none.

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5. Citizen Comments

Mr. John Phillips expressed concern over noise from truck traffic on Newbern Road, specifically noise from truck engine brakes. Mr. Phillips requested the county assist by erecting signs prohibiting jake break usage. Mr. Conner advised he had visited Mr. Phillips residence and concurred that there was a significant problem with the noise from engine brakes.

VDOT Resident Engineer David Clarke advised VDOT regulations did not allow for erected signage on state maintained roads.

Mr. Sheffey directed county staff to contact the Institute of Government requesting a poll of other localities to determine how other localities are addressing this matter. Board members suggested consideration of installing signage at the James Hardie plant location.

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

1. Review of Highway Matters Section of Key Activity Timetable (KAT)

The Board reviewed the highway matters portion of the Key Activity Timetable.

Mr. Sheffey expressed appreciation to VDOT for the brush cutting that has taken place throughout the county.

Mr. Clarke advised he would review and update the Key Activity Timetable and provide an update to the Board at a future meeting.

Mr. Pratt advised item #55 on the KAT referencing Cherry Branch Road should be "potholes" and not "brush".

2. Draft Secondary Six Year Plan

Mr. Clarke presented a draft plan for review by the Board and reported he didn't expect to move any roads from the current "Waiting List" to the proposed Six Year Plan. Mr. Clarke advised to pave one mile of road cost approximately \$500,000 to \$2 million depending upon the terrain. He also

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advised it would take at least 50 years to address all of the roads listed on the existing six year plan waiting list and six year plan.

Mr. Conner suggested legislators be contacted to express concern over road funding.

Mr. Clarke reported VDOT would schedule a public hearing for the Board's November meeting to hearing citizen comments on the six year plan.

- Kent Farm Road

Mr. Huber reported Mr. Robert Hurst is requesting consideration to improvements to Kent Farm Road. Mr. Clarke advised the request can be considered at the November six year plan hearing.

b. Request for Paving of Lewis Lane

Mr. Huber advised the right-of-way issue had been addressed through correspondence directly to Ms. Clarke from the County Administrator's Office.

c. Road Access to New Riverlawn Elementary School and Hiwassee Fire Department Sites

As reported in the Board packet, there is a potential need to close Mills Avenue in order to meet VDOT standards for the entrance into the school.

Mr. Akers expressed concern that the matter had not been called to the Board's attention prior to the planning stages for the new school.

The Board directed staff to schedule a community meeting with the neighbors in the vicinity of Mills Avenue and its intersection with Viscoe Road to discuss the potential need for the closing of Mills Avenue and provide recommendations to the Board following the community meeting.

Mr. Huber advised the Hiwassee Fire Department is reviewing the potential location for a second entrance on Route 693.

d. Madison Street Abandonment Resolution

Mr. Clarke requested the Board adopt a slightly revised resolution from that previously adopted by the Board which would approve the

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abandonment of Madison Street. Mr. Clarke advised the resolution is needed at the request of VDOT's Right-of-Way section in Richmond.

On the motion of Mr. Akers, seconded by Mr. Hale and carried, the Board approved the following resolution, with the date to be inserted showing the date when the resolution was originally adopted:

WHEREAS, a public notice was posted as prescribed under §33.1-151, Code of Virginia, announcing a public hearing on May 26, 2007 to receive comments concerning abandoning the section of road described below from the secondary system of state highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of the Board's intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 715 from Route 11 to 0.15 miles north of Route 11, a distance of 0.15 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above described section of road and removes it from the secondary system of state highways, pursuant to §33.1-151, Code of Virginia.

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

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

Voting no: none.

e. Citizen Comments

Mr. John Phillips expressed concerns over Exit 98 where trucks are moving from the right lane to the far left lane while attempting to travel to Volvo. Mr. Utt reported the county had been awarded a grant to study areas in the Town of Pulaski and Town of Dublin, along with all areas in between, with the majority of the work to be done in the spring of 2008.

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Mr. Keith Boyd, representing a church in Fairlawn near Mills Avenue, advised he welcomed a public meeting at the church; however, no official concurrence from the church board had been given regarding plans for the closing of Mills Avenue.

Mr. E. W. Harless expressed concern over potential additional costs related to the road matters at the new Riverlawn Elementary School and advised these issues should have been addressed prior to finalizing the construction of the new school. Mr. Harless requested the Board hold someone accountable for the problems not being detected sooner.

Mr. Huber advised the School Board has addressed all issues referenced in the correspondence from Olver, Inc. except for the road matter.

f. Board of Supervisors Concerns

Mr. Conner expressed concern over the drop off on Traveler's Way at the Shoney's/Sunshine Tours entrance. Mr. Huber advised staff had advised the owners of the property on several other occasions with no improvements being made to the road. Board members directed staff to advise the owners of the Board and citizen concerns.

Mr. Sheffey expressed concern over potholes throughout the county. Mr. Clarke advised VDOT was reviewing the matter.

7. Treasurer's Report

Treasurer Rose Marie Tickle presented a monthly report. Mr. Akers commended Ms. Tickle for the hard work and devotion by her and others in making the Dublin High School Reunion a success.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable (KAT)

Board members reviewed the Key Activity Timetable in detail. Mr. Conner inquired as to the status of the placement of the picnic tables at the new shelter at Randolph Park. Mr. Sheffey advised the tables have been installed in the shelter and the final sealer on the floor is scheduled to be completed during the week of October 22.

b. Code Enforcement Update

Mr. Jamie Radcliffe, Code Enforcement Officer, provided an update on cleanup efforts in the county. He also presented pictures of various

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cleanups that had occurred. Mr. Sheffey and Mr. Conner commended Mr. Radcliffe on the excellent job in his efforts to clean up the county.

c. Wilderness Road Tourism Initiative

Mr. Benny Keister, Ms. Harriett Anderson and Dr. Fess Green presented details on the Wilderness Road initiative, as well as the Virginia Tourism Corp efforts. Ms. Anderson advised plans were underway for the filming of a trailer describing the project. Ms. Anderson requested the Board adopt a resolution of support for the project, as well consider providing support through in-kind funding in the amount of \$1,000 which would be used towards the supporting the film crew, security and technical support, etc.

On the motion of Mr. Conner, seconded by Mr. Akers and carried, the Board adopted the following resolution, pending review by the County Attorney. The Board also approved providing \$1,000 as in-kind support to be used towards the development of a movie trailer, specifically towards security and/or technical support, lodging, and food for film crew. Mr. Huber confirmed no additional allocation would be required, due to existing funding in Visitor Center budget.

**Resolution in support of the designation of a driving route entitled The Wilderness Road: Virginia's Heritage Migration Route from Winchester to Cumberland Gap in Western Virginia including the two spurs of The Carolina Road and the Fincastle/Cumberland Gap Turnpike.**

WHEREAS: From 1775-1810 an estimated 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant part of Virginia history and had far reaching effects on the development of the United States of America. Today, an estimated 43 million Americans can trace their ancestors to the migration through Virginia along the *Wilderness Road: Virginia's Heritage Migration Route*.

WHEREAS: The historical migration of early settlers and pioneers to Virginia followed closely to what is now Route 11, 58 and 23 from Winchester to Cumberland Gap.

WHEREAS: This driving route is developed to preserve, interpret and promote the history, heritage and culture of the early pioneer settlement and migration through Virginia, and the role that Virginia played in the migration of settlers through the Cumberland Gap and the development of the nation.

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WHEREAS: The Wilderness Road Committee has been working for two years under the leadership of the Virginia Tourism Corporation in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners to develop the driving route of the Wilderness Road: Virginia's Heritage Migration Route, and spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike, connecting with the Daniel Boone Wilderness Trail, and individual community loops for each locality.

WHEREAS: The mission of the committee is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the committee is to promote *The Wilderness Road: Virginia's Heritage Migration Route* from Winchester to Cumberland Gap in a way that preserves and interprets the heritage of the migration era from the 1700s to the mid 1800s to increase tourism visitation and economic impact of tourism spending.

WHEREAS: This state designation delineates the route and recognizes the driving route as *The Wilderness Road: Virginia's Heritage Migration Route*. This shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof.

WHEREAS: Designation of this driving route allows for the further development of tourism as a vital part of economic development, building on the tourism assets of the westward migration and stimulating new tourism growth to Western and Southwestern Virginia.

THEREFORE BE IT RESOLVED that the County of Pulaski expresses its support to the General Assembly of the Commonwealth of Virginia to provide state designation for the Wilderness Road: Virginia's Heritage Migration Route.

BE IT FURTHER RESOLVED, that the County of Pulaski expresses its support of directional signs along the corridor to direct tourists along the driving trail and to the Pulaski Visitor Center.

FINALLY BE IT RESOLVED, that the County of Pulaski fully supports the efforts of the Wilderness Road Committee to develop the Wilderness Road: Virginia's Heritage Migration Route as a national and international tourism product to increase visitation to Western Virginia.

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Adopted this 22<sup>nd</sup> day of October 2007 by the Pulaski County Board of Supervisors.

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

Voting no: none.

b. Appointments

Action on appointments was deferred to Closed Session.

9. Items of Consent:

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved the following "Items of Consent" including the additional item regarding the transfer of surplus Social Services telephones to the Smyth County Department of Social Services.

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

a. Approval of Minutes of September 24, 2007 Meetings

The Board approved the minutes of the September 24, 2007 Board meetings, as presented.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 30501 through 31002, subject to audit.

c. Interoffice Transfers

The Board approved Interoffice Transfer #4 totaling \$56,165.89, as well as the following monthly appropriations:

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
023080-0100	Clerk's Technology Funds	\$ 10,720.00
024040-1200	State Fire Funds	10,595.00
	Total	<hr/> 21,315.00
<u>Expenditures:</u>		
021600-8101	Circuit Court Clerk's Office-Machinery and Equipment	\$ 10,720.00
032200-5650	Draper Vol. Fire Dept.-State Fund Allocation	1,765.84

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032220-5650	Fairlawn Vol. Fire Dept.-State Fund Allocation	1,765.84
032230-5650	Hiwassee Vol. Fire Dept.-State Fund Allocation	1,765.84
032240-5650	Newbern Vol. Fire Dept.-State Fund Allocation	1,765.83
032250-5650	Snowville Vol. Fire Dept.-State Fund Allocation	1,765.83
032260-5650	Twin Community Vol. Fire Dept.-State Fund Allocation	1,765.83

Total                       
\$ 21,315.00

Resolution No. \_\_\_\_\_

Cover Sheet For School Fund

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
024020-2950	State- Jail Grant	\$ 2,025.00
024020-4200	State- Gear-up	1,478.37
016120-1100	Substitute Teacher	25,131.85
018991-0200	Property Damage Recoveries	659.88
033010-4330	Federal- AP Grant	583.00
	Total	<u>                    </u> \$ 29,878.10

Expenditures:

061100-6023-301-100	Instructional- Other Operational Supplies	\$ 583.00
061100-1621-200-100-339	Instructional- Salaries	1,478.37
062130-1121-900-200-336	Administration, Health and Attendance-Salaries	2,025.00
062140-1125-900	Administration, Health and Attendance-Salaries	10,137.00
062160-5800-900	Administration, Health and Attendance-Miscellaneous	15,624.73
064200-6007-900	Operations and Maintenance- Repair Supplies	30.00
	Total	<u>                    </u> \$ 29,878.10

School Construction Fund # 3

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
015010-0200	Interest on Investments	\$ 59,848.35
041999-0000	Use of Fund Balance	
	Total	<u>                    </u> \$ 59,848.35

Expenditures:

066500-8265	Fairlawn Elementary School	\$ 59,848.35
	Total	<u>                    </u> \$ 59,848.35

Inter-Fund Transfer #3

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		

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3-302-041050-1000	CIP Fund – Transfer From General Fund	\$	38,145.15
3-100-041999-0000	Use of Fund Balance		38,145.15
	Total	\$	76,290.30

Expenditures:

4-100-093000-9206	General Fund- Transfer to CIP Fund	\$	38,145.15
4-302-066200-8125	CIP Fund- PCHS Entrance		38,145.15
	Total	\$	76,290.30

d. Ratification of Contracts, Change Orders & Agreements

▪ Safe Air Systems Agreement

The Board approved a service agreement with Safe Air Systems for the county’s current air testing program.

e. Personnel Changes

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

e. Sponsorship of Tote Bags

As reported in the Board packet, Dublin Rotary Club President Ron Powers is requesting the county participate in the sponsorship of the distribution of environmentally friendly tote bags to elementary students in Pulaski County schools. This request is also being extended by the Rotary Club to the two towns and American Electric Power. The amount being requested is \$200 in order to cover the expense of the County of Pulaski and the Town of Pulaski both of which jointly apply for Litter Grants.

The Board approved the request for sponsorship of \$200 towards the distribution of the tote bags.

f. Purchasing Policy Revisions

As reported in the Board packet, changes to the county’s Purchasing Policy are recommended to add the cleaning coordinator to those authorized to sign purchase orders and to increase the amount that can be purchased without sealed bids from \$11,000 to \$20,000. Due to the complexity of purchasing a tanker load of fuel using sealed bids, the maximum allowable purchase using quotes from at least three vendors has generally been slightly more than the price of a load of fuel (currently approximately \$18,000).

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The Board approved the changes as recommended by staff.

g. Voting Credentials for VACo Annual Business Mtg.

The Board approved designating supervisors Dean Pratt and Ranny Akers, alternate, as having voting rights at the Virginia Association of Counties Annual meeting.

h. Resolution Requesting General Assembly to take Action to Prevent Exploitative Payday Lending Practices

As reported in the Board packet, Staunton City Manager Stephen Owen is requesting localities adopt a resolution asking the General Assembly to cap interest rates at 36% APR on consumer loans such as payday lenders and auto title loans.

The Board approved the following resolution:

WHEREAS, the Board of Supervisors of the County of Pulaski, Virginia, represents the citizens of the County of Pulaski, Virginia;

WHEREAS, the Board of Supervisors of the County of Pulaski, Virginia, senses from the citizens of the County of Pulaski significant concern over what are perceived to be some exploitative payday lending practices in the County of Pulaski and elsewhere in the Commonwealth, including practices which may exploit dedicated, brave women and men who are called for deployment as part of the armed forces of our Nation both in the United States and various parts of our Nation;

WHEREAS, the Board of Supervisors of the County of Pulaski, Virginia, shares these same significant concerns and wishes to express the collective sentiments of the People of the County of Pulaski, Virginia, that the General Assembly and Governor of Virginia, ought to take action to prevent further exploitative payday lending practices; and

WHEREAS, it is vital that the General Assembly and the Governor of Virginia give their earnest attention to these matters at the next regular session of the General Assembly and enact laws that will prevent further exploitative payday lending practices.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Pulaski, Virginia, that the General Assembly and the Governor of the Commonwealth of Virginia are requested to take action in connection with the next regular session

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of the General Assembly of Virginia to enact laws that will prevent further exploitative payday lending practices, including but not limited to:

1. Enactment of an annual interest rate cap of 36% for any consumer loans made in the Commonwealth of Virginia;
2. Prohibition of the use of a personal check or other method by a creditor to gain access to a consumer's bank account or method to gain title to a consumer's motor vehicle as collateral for a payday loan; and
3. Enactment of supplementary and complementary provisions which mirror the provisions of what is commonly referred to as the talent-Nelson Amendment (Senate Amendment 4331), entitled "Terms of Dependent" and referenced on page S6352 of the June 22, 2006 Congressional Record – Senate, a copy of which is annexed to and incorporated by reference in this Resolution.

Adopted this 22<sup>nd</sup> day of October 2007.

### i. Opposition to Revision of Comprehensive Service Act Guidelines

As reported in the Board packet, VACo is requesting opposition to broadening eligibility for Comprehensive Service Act guidelines is recommended based on the following concerns:

The revised guidelines expand the fiscal mandate for services under CSA. The numbers of children eligible to receive mandated services will increase, as well as local and state expenditures. VACo spoke against the expansion at the State Executive Committee meeting and has been opposed to setting up a dual mental health system.

Woody Harris, Emporia City Council and a member of the State Executive Council called for the SEC to recommend that state funding be provided through the Department of Mental Health, Mental Retardation, and Substance Abuse Services to serve children and their families, where the child is deemed to be in need of mental health services but not in need of entry into the traditional foster care or foster care prevention program. Also, speaking against the guidelines was David Canada, Petersburg City Manager and a member of the State Executive Council. Canada pointed out four issues of concern to local governments:

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1. Adopting the guidelines would indeed institute a dual system of public-funded mental health care – one in the Community Services Boards for adults, and one in CSA for children;
2. By adopting the guidelines, the SEC would add its tacit agreement to the continued under-funding of children's mental health services within the existing public mental health system;
3. The new guidelines clearly would increase the fiscal demands on local governments, particularly on those communities least able to pay more to cover a new mandated population; and
4. The SEC's action would open services to additional children as called for under the Attorney General's advisory opinion of December 2006 (this opinion was the impetus for the state creating new guidelines to serve an expanded mandated population). The method chosen to gain access to services (the foster care model), however, still imposed a significant burden on families seeking mental health services for their children.

The Board took action to formally notify the Secretary of Health and Human Resources of its opposition to broadening eligibility for Comprehensive Service Act guidelines based on concerns as noted in the above paragraph.

j. Ban on Outdoor Burning

As reported in the Board packet, the Virginia Department of Forestry and Emergency Management Coordinator Willie Richardson recommend the imposition of a ban on outdoor burning as the current drought has significantly increased the possibility of forest fires.

Based on the above recommendations, the Board implemented an outdoor burning ban for Pulaski County.

k. Early Replacement of Sheriff's Department Vehicle

As reported in the Board packet, staff recommends the purchase of one additional Crown Vic for the Sheriff's Office at a cost of \$23,340.20. This vehicle would replace a 2004 vehicle with 72,000 miles to be removed from law enforcement use due to an ongoing steering problem at speeds over 80 mph. The county garage has been working with Ford factory representatives who have been unsuccessful in correcting the steering problem. While not suitable for high speed pursuit, the vehicle is safe for local travel and would be used by the County Engineer.

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The Board approved the purchase of one additional Crown Vic for the Sheriff's Office at a cost of \$23,340.20 as described above.

I. Resolution of Support – Proposed Intermodal Facility

As reported in the Board packet, the county is being requested to adopt a resolution showing support of the potential location of the Norfolk Southern Intermodal Facility within the county. Further, the New River Valley Alliance has indicated a willingness to pursue the project in order to keep it in the Region. Other locations between the County of Roanoke, Cities of Roanoke and Salem, and Montgomery County are still being evaluated. It is the Alliance's goal to keep the Intermodal Facility in the NRV region due to its perceived positive impact on the Region's economy.

The Board approved the following resolution indicating support of the potential location of the Norfolk Southern Intermodal Facility within the county:

**Resolution of the Pulaski County Board of Supervisors  
In Support of Consideration of Pulaski County as a Site for the  
Proposed Norfolk Southern Intermodal Facility**

**Whereas**, Norfolk Southern Railway seeks to establish an Intermodal Facility to facilitate rail and truck transportation in proximity to the Crescent and Heartland rail corridors and,

**Whereas**, such a facility will greatly enhance the distribution of goods to and from the major Port of Virginia at Hampton Roads to an off-loading Intermodal Facility and,

**Whereas**, localities proximate to the Facility may obtain economic benefit from this distribution of goods and,

**Whereas**, the County of Pulaski offers many potential locations for the proposed Intermodal Facility such as the Radford Army Ammunition Plant property located adjacent to Interstate 81 and the Town of Dublin, the Old Pulaski Furniture property located adjacent to the Crescent Corridor, and the New River Valley Commerce Park located near the New River Valley Airport and its US Customs Office and Port of Entry, of which Pulaski County is a major shareholder and,

**Whereas**, the location of the Intermodal Facility within the County of Pulaski will bring economic benefit to the Pulaski County, the two Towns located within, and the entire New River Valley Region;

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**Now, Therefore, Be It Resolved** by the Board of Supervisors of the County of Pulaski, Virginia, that the County strongly endorses the location of the proposed Intermodal site within the County and,

**Be It Further Resolved** that the Board of Supervisors of the County of Pulaski directs County staff to pursue the establishment of the Intermodal Facility within the County in cooperation with the New River Valley Economic Development Alliance.

This resolution is effective upon adoption and is adopted this 22<sup>nd</sup> day of October, 2007.

m. Asbestos Removal

As reported in the Board packet, staff has received a low quote of \$6,750 from Drewco Enterprises to remove the asbestos in the basement and General Properties area of the County Administration Building. The asbestos removal includes any asbestos insulation around exposed pipes, the boiler jackets, and the ceiling in the room adjacent to the boiler room. This quote does not include the required air monitoring for this size job, but that is anticipated to cost between \$500-\$750. Work will be begin shortly after the required 20 day notice to DEQ.

The Board approved proceeding with asbestos removal at a cost of \$6,750 from Drewco Enterprises.

n. Water Purchase Agreement with the Pulaski County PSA for Central Water and Sewer Project

As reported in the Board packet, Rural Development has requested revisions regarding the pledge of an agreement between the Board of Supervisors and the Public Service Authority for the operation of utilities being installed to serve the residents of the Lee Highway, Polyester, Mabry Court, Tiny Town, and Hidden Valley mobile home parks. These revisions include pledging the water purchase contract as security for the Rural Development Loan and a revision of the rate to be charged for water provided by the PSA should the Board of Supervisors or a creditor elect to operate these systems independently of the PSA.

The Board approved revisions regarding the pledge of agreement between the Board of Supervisors and the PSA, including pledging the water purchase contract as security for the Rural Development Loan and a revision of the rate to be charged for water provided by the PSA should

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the Board of Supervisors or a creditor elect to operate these systems independently of the PSA.

10. Citizen Comments

There were no citizen comments at this time.

11. Other Matters from Supervisors

Mr. Sheffey requested staff prepare a resolution of appreciation for Attorney Randy Eley for adoption and presentation at the Board's November meeting.

Mr. Conner reported the regional jail expansion is proceeding well and the jail has employed 130 new employees.

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. Pratt, seconded by Mr. Conner and carried, that the Board of Supervisors enter Closed Session for discussion of the following:

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

- Appointments

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:

- Apartment Building Status
- Commerce Park
- Dispatch Communications Tower

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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.

- Distribution Center Project

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:

- Notification of Possible Litigation

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

Voting no: none.

Return to Regular Session

It was moved by Mr. Conner, seconded by Mr. Hale 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. Pratt, seconded by Mr. Hale 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

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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.

Personnel

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

a. Pulaski County Sewerage Authority

No action was taken on this matter. Staff was requested to place this item on the November Board agenda.

b. NRV Juvenile Detention Home

No action was taken on this matter. Staff was requested to place this item on the November Board agenda.

c. SW Virginia Economic Development Financing Committee

The Board reappointed Dallas Cox for an additional term on the committee.

d. Library Board

The Board appointed John Freeman and Jill Sandidge for an additional term on the Library Board. Further, staff was directed to extend an invitation to Mike Cox to consider serving on the Library Board to fill a vacant seat effective January 1, 2008.

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. Conner, seconded by Mr. Hale and carried, the Board of Supervisors adjourned its regular meeting to reconvene at a special meeting scheduled for Monday, October 29, 2007 at 6:30 p.m. for the purpose of conducting a joint meeting with the Pulaski County School Board in the Town of Pulaski.

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

Voting no: none.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator