

## BOARD OF SUPERVISORS MEETING MINUTES OF OCTOBER 27, 2008

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, October 27, 2008 beginning with a Closed Session at 6:00 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 R. Conner, Vice-Chairman; Ranny L. Akers; Charles Bopp; and Dean K. Pratt. Staff members present included: Peter M. Huber, County Administrator; Robert Hiss, Assistant County Administrator; Diane Newby, Finance Director; Shawn Utt, Community Development Director; and Thomas J. McCarthy, Jr., County Attorney. Joining the regular session at 7:00 p.m. was Gena T. Hanks, Clerk to the Board of Supervisors.

### 1. Closed Session– 2.2-3711.A.1.3.5.7

Mr. Sheffey called the meeting to order and advised a Closed Session would need to be held as follows:

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 by Mr. Conner, seconded by Mr. Akers 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:

- New River Property Trade

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.

- None

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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:

- Stone Ridge Subdivision
- PSA Discrimination Suit
- Property Assessment

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

Voting no: None.

Return to Regular Session

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

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

Voting no: none.

Certification of Conformance with Virginia Freedom of Information Act

It was moved by Mr. Pratt, 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.

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

Voting no: none.

2. Invocation

Reverend Terrie Sternberg of Trinity Lutheran Church presented the invocation.

3. Featured Employees

The Board recognized Kristi Anderson of the Library and Brad Nester of the Sheriff's Department as the featured employees to serve during the month of November. Mr. Sheffey read a description of the job duties and personal interests for both employees. Supervisors presented a Fatz Cafe gift certificate to Ms. Anderson and Mr. Nester.

4. Additions to Agenda

Mr. Huber noted the following additional agenda items:

- a. Items of Consent – Advertisement of Public Hearing to consider Revisions to BPOL Ordinance
- b. Items of Consent – Reauthorization of Funding Through the Secure Rural Schools Act
- c. Closed Session – Condemnation of Right-of-Way for Hubbard Way cul-de-sac)

5. Public Hearings:

- a. **Petition by the following individuals to rezone from Residential (R1) to Commercial (CM1) located at 5250 Alexander Rd. (Draper District); Bandy, Lewis and Mary – 056-002-006A-000B and Chrisley, James and Judith K – 056-002-006A-000A**

Mr. Utt presented staff comments and advised the Planning Commission recommended approval of the rezoning request.

Mr. Sheffey opened the public hearing.

Comments were heard from Robert and Nancy Taylor expressing opposition to the rezoning petition, specifically describing concerns related to the potential for additional commercial development and deterioration of the character of the neighborhood if the rezoning is approved. Mr. Taylor inquired if there was a long range plan for the area in question. Mr. Utt advised the area in question is currently undergoing review as part of the comprehensive plan.

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There being no further comments, the hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board approved the rezoning request, as recommended by the Planning Commission, including the three proffers as follows:

1. Property owners agree to the vacation of the lot line between 056-002-006A-000A and 056-002-006A-000B as a contingency prior to the sale of said properties in order to combine the properties into one.
2. The property will be relegated to applying for a VDOT entrance permits for said property along Alexander Road (Rt. 683) only, and an entrance onto the property from Woodlyn Drive (Rt. 1028) will not be allowed.
3. Future purchaser will be required to meet Article 24 Landscaping of the Pulaski County Zoning Ordinance regardless of size of the structure/development.

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

Voting no: Mr. Bopp, Mr. Pratt.

- b. Petition by **Kathleen Sledd** to rezone 5232 Wilderness Road from Commercial (CM1) to Residential (R1). (065-001-0000-0082), (Draper District).

Mr. Utt presented staff comments and advised the Planning Commission recommended approval. He advised of receipt of letters of support from surrounding property owners.

Mr. Akers inquired if rezoning the area would have any affect on the current historic district. Mr. Utt advised the historic district would not be affected.

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. Bopp and carried, the Board approved the rezoning request, as recommended by the Planning Commission.

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

Voting no: none.

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- c. Petition by the following individuals to rezone from Residential (R1) to Agricultural (A1) located at 4367 Hurston Road and 4306 Jennings Road, (Draper District); **Jennings, Dallas G. & Margarethe K - 074-001-0000-0059; 074-001-0000-027A and Morehead, Wanda J. & James A. - 074-001-0000-0027; 074-001-0000-027B**

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

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 rezoning request, as recommended by the Planning Commission.

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

Voting no: none.

- d. Petition by **Danny R Williams** to rezone 4044 Hogans Place from Residential (R1) to Agricultural (A1). (080-001-0000-0048; 080-001-0000-048A) (Robinson District).

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

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

On a motion by Mr. Bopp, seconded by Mr. Conner and carried, the Board approved the rezoning request, as recommended by the Planning Commission.

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

Voting no: none.

e. Petition by Jason Phillips to amend the following section (s) of the Pulaski County Zoning Ordinance:

- **Article 1: Definitions, Use and Design Standards;**  
add definition for Small Scale Salvage Yard with Standards;
- **Article 2, Agricultural (A1), to allow Small Scale Salvage Yard as Special Use Permit, with standards;**
- **Article 3, Conservation (C1), to delete Salvage Yard by Special Use Permit.**

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

Mr. Huber presented a letter from Dr. Randy Vaughn in opposition to the request.

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

On a motion by Mr. Bopp, seconded by Mr. Conner and carried, the Board approved the petition to amend the Pulaski County Zoning Ordinance, as follows, and as recommended by the Planning Commission:

**ARTICLE 1: DEFINITIONS, USE AND DESIGN STANDARDS <sup>1</sup>**

*Salvage Yard, Small Scale: Any lot or parcel one (1) acre or less, or portion thereof, where a salvage vehicle as defined in section 46.2-1600 of the Code of Virginia, or parts thereof, are located for the purposes of resale as parts or as salvage only.*

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- **Amend Article 2, Agricultural (A1), to allow Small Scale Salvage Yard as Special Use Permit, with standards;**

**ARTICLE 2: AGRICULTURAL DISTRICT (A-1)**

2-3 Uses Permitted by Special Use Permit (SUP) Only<sup>2</sup>

*Small Scale Salvage Yard \**

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- **Amend Article 3, Conservation (C1), to delete Salvage Yard by Special Use Permit**

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<sup>1</sup> Title amended 04/25/2005

<sup>2</sup> Section 2-3 revised 12/16/1991, 06/28/1993, 05/24/1999, 06/28/1999, 03/26/2001 Use deleted: Second Single-Family Dwelling; All CUP's converted to SUP's 07/22/2002. Use deleted: "Commercial Radio Broadcast Towers" 06/28/2004

**ARTICLE 3: CONSERVATION DISTRICT (C-1)**

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

- ~~Salvage Yard~~<sup>3</sup>

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

Voting no: none.

- f. Petition by **Cox, Dove H (Life Estate)** for Special Use Permit (SUP) at 4010 Hogans Place, for a small scale salvage yard. (080-001-0000-042A), (Robinson District).

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

Mr. Sheffey opened the public hearing.

Supervisor Akers questioned vehicle transportation to the site. Mr. Utt advised no large commercial vehicles would be able to travel on the site due to the condition of the road. Mr. Sheffey questioned who would be enforcing the number of vehicles that are allowed on the property, as outlined in item number seven of the conditions. Mr. Utt advised it would be the responsibility of the Zoning Administrator to enforce the conditions.

Mr. & Mrs. Phillips spoke in favor of the request and explained the request in detail.

Mr. E. W. Harless asked who would monitor the proper disposal of the oil and fuels from the property. Mr. Utt advised the Code Enforcement Officer would be visiting the property routinely and could monitor the proper disposal of the fuels and oils. Mr. Huber advised there were locations, such as Advance Auto, that could serve to document proper oil disposal.

There being no additional citizen comments, the hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board approved the "Salvage Yard, Small Scale" as a Special Use Permit (SUP), with conditions, as follows and as recommended by the Planning Commission:

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<sup>3</sup> Use added 07/22/2002

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1. *A structure related to the small scale salvage operation, not to exceed 2,000 sq. ft. will be allowed.*
2. *Building use to include the removal, storage and testing of used automotive parts.*
3. *The oils and other fluids shall be removed, identified, and stored in proper containers and taken to an appropriate disposal site. All oils and other fluids shall be removed from the premises within one (1) week to an appropriate disposal site.*
4. *The project is required to meet Article 14, Off-Street Parking and Loading.*
5. *The setback of the small scale salvage yard shall be at least seventy-five (75) feet from the nearest offsite dwelling in place at the time of establishment of the small scale salvage operation.*
6. *All materials being temporarily stored for scrap automobiles on the premises shall be fully screened from surrounding views. Screening may be accomplished by installation of an 8ft. opaque solid wood fence and maintained in good condition approved by the zoning administrator, or by planting a double row, staggered, of 6 ft. white pines planted 10 ft. on center. Exceptions to the requirements of this section may be granted by the zoning administrator if he/she deems it appropriate. The scrap automobiles will be stored no longer than fourteen (14) days and taken to a local scrap yard for recycling.*
7. *A maximum of fifteen (15) vehicles shall be allowed on the property at any given time.*
8. *Rebuilt auto parts will be sold strictly to automobile repair and service garages, and by internet sales. Parts will be delivered to the automobile repair and service garages. Internet sales will be shipped by courier. On-site sales shall not be allowed.*
9. *Hours of operation will be Monday through Friday 7:00 a.m. to 7:00 p.m.; Saturday 8:00 a.m. to 4:00 p.m.; closed Sunday.*
10. *There will be no more than five (5) employees including owner/operator.*
11. *The vehicles shall be transported to the site by car trailer or roll-back to and from said location. No large commercial vehicles, such as tractor trailer trucks, shall be allowed.*
12. *The project will have minimal lighting that will be reflected away from adjacent properties and the public street.*
13. *Must comply with any other local, state or federal regulations.*

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

Voting no: none

- g. Petition by **Tarasidis Limited Partnership** for Special Use Permit (SUP) at 5787 Ferry Point Farm Road, to allow exception to limitations. (075-001-0000-018B), (Ingles District).

Mr. Utt presented staff comments and advised the Planning Commission recommended approval, with conditions, which would minimize the impact of any special use permit request. Mr. Utt advised American Electric Power (AEP) did have comments which indicated no

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objections to the request, provided that the applicant abides by all county regulations.

Mr. Sheffey opened the public hearing.

Supervisor Akers requested clarification on the length of the dock the site.

There being no further comments, the hearing was closed.

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board approved the Special Use Permit (SUP), with the following recommendations by American Electric Power and as recommended by the Planning Commission, the overall length of the pier cannot exceed fifty (50') feet and no boat slips may be added to the dock.

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

Voting no: none

h. Petition by **Mark D. Kinser** for Special Use Permit (SUP), to allow dwelling, commercial apartments. (029-001-033A), (Cloyd District)

Mr. Utt presented staff comments and advised the Planning Commission recommended approval.

Mr. Sheffey inquired if the project would proceed, if financial assistance is not available from the Virginia Housing Development Authority. Mr. Utt advised VHDA financial assistance would be a factor in the project proceeding as planned.

Mr. Sheffey opened the public hearing.

Mr. Brad Nester inquired regarding planned fire/water capabilities for the site, specifically asking about fire hydrant accessibility. Mr. Nester recommended that several more fire water points be available within the area of the proposed complex. Mr. Utt advised part of the site plan review included requirements for adequate water service. Mr. Sheffey requested county staff relay this request to the Public Service Authority.

There being no further comments, the hearing was closed.

On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board approved the Special Use Permit (SUP) to allow dwelling, commercial apartments as recommended by the Planning Commission:

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

Voting no: none

i. Through truck restriction on Miller Lane (Rt 644) from Bob White Boulevard (Rt 611) to Old Route 100 (Rt F-047)

Mr. Huber explained the purpose of the hearing was to consider requesting VDOT prohibit vehicles with a gross weight of over 7,500 lbs from traveling on Miller Lane from Bob White Boulevard to Old Route 100. Vehicles over 7,500 lbs would be allowed to use Miller Lane for local pick-up and/or deliveries only. Mr. Huber provided the following as potential alternate routes: Alternative routing from Rt 611/Rt 644 intersection to Rt F-047/Rt 644 intersection - west on Bob White Boulevard (Rt 611) and north on Old Route 100 (Rt F-047). Alternative routing from intersection of Rt F-047/Rt 644 intersection to Rt 611/Rt 644 intersection is the reverse of the above.

Supervisor Akers requested an upgrade on the general area as it relates to the proposed restrictions.

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. Akers and carried, the Board approved requesting the Commonwealth Transportation Board authorize a through truck restriction on Miller Lane (Rt 644) from Bob White Boulevard (Rt. 611) to Old Route 100 (Rt F-047).

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

Voting no: none.

j. Reassessment schedule and related ordinance setting required Deadlines

Mr. Huber advised a public hearing had been scheduled to consider a proposed ordinance setting forth a schedule for implementation of the real estate reassessment.

Mr. Sheffey asked Commissioner of Revenue Trina Rupe if she had any concerns regarding the proposed ordinance. Ms. Rupe advised she was satisfied with the ordinance as proposed.

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

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On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board adopted the following Reassessment Ordinance setting the schedule for implementation of the real estate reassessment, as well as compensation for the Board of Assessors:

### **REASSESSMENT ORDINANCE**

Be it ordained pursuant to Section 58.1-3378 of the 1950 Code of Virginia, as amended, that the Pulaski County Board of Supervisors does establish the following dates regarding the current reassessment of real estate in Pulaski County:

1. The date by which applications must be made by property owners of lessees to the Board of Equalization for relief from the proposed real estate assessment values effective on January 1, 2009 will be Friday, February 27, 2009.
2. The Board of Supervisors does also establish the deadline by which all applications for relief from the Board of Equalization must be finally disposed by the Board of Equalization as Wednesday, March 11, 2009.

This ordinance is to take effect immediately upon adoption. The above deadlines are based on the following schedule for completion of the 2009 reassessment:

### **SCHEDULE FOR COMPLETION OF REASSESSMENT EFFECTIVE JANUARY 1, 2009**

<b><u>DATE</u></b>	<b><u>ACTIVITY</u></b>
<b>October 27, 2008</b>	<b>Board of Supervisors adoption of reassessment schedule</b>
October 30, 2008	Mail date of reassessment notices
November 3, 2008	Reassessment hearings by Wingate begin (with some night hearings advertised)
November 13, 2008	Reassessment hearings by Wingate end
<b>November 24, 2008</b>	<b>Board of Supervisor completes nominations to Circuit Court for appointment of 3 to 5 member Board of Equalization per Code of Virginia 58.1-3374 and sets compensation for Board members (Recommended \$250 per day for maximum of 15 days plus office mailing, mileage and advertising expenses)</b>

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December 1, 2008 – January 23, 2009	Training of Board of Equalization nominees by Virginia Department of Taxation per Code of Virginia 58.1-206
Week of December 15, 2008	Deadline for use value taxation notification (state law Requires this to take place 30 days after mailing of Reassessment notices)
By January 23, 2009	Circuit Court appointment of Board of Equalization
January 23, 2009	Beginning of appeals period to Equalization Board
<b>January 26, 2009</b>	<b>Board of Supervisors to authorize scheduling public hearing to consider real estate tax rate revision</b>
By February 4, 2009	Equalization Board sets schedule of hearings
February 8, 2009	Equalization Board advertises hearing schedule in local newspapers
February 6, 2009	Sheriff posts notification of Equalization Board hearings at all voting places and both libraries per 58.1-3378
February 8, 2009	Tax rate adjustment public hearing advertised
February 15, 2009	Tax Rate adjustment public hearing advertised
February 16, 2009	Equalization Board begins hearing appeals
<b>February 23, 2009</b>	<b>Public hearing on adjustment of tax rate</b>
February 27, 2009	Deadline for submittal of appeals to the Equalization Board
March 11, 2009	Deadline for completion of Equalization Board decisions
<b>Monday March 23, 2009</b>	<b>Tax rate adjusted by Board of Supervisors</b>
April 1, 2009	Deadline for completion of Equalization Board Determinations
April 1, 2009	Deadline for tax relief for the elderly
April 15, 2009	Land book finalized

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April 20, 2009

Deadline for mailing revised tax bills

June 5, 2009

Deadline for payment of real estate taxes for first half of 2009 based on revised assessment and revised rate

**Bold dates denote action to be considered at meetings of the Board of Supervisors**

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

Voting no: none.

6. Citizen Comments

Mr. Bill Benson advised of his attendance at a recent School Board meeting in which he requested the School Board consider televising monthly Board meetings. Mr. Benson indicated the School Board planned to review his request. He requested the Board of Supervisors also consider televising Board of Supervisors meetings. Supervisor Akers advised cable service is more limited to developed areas. The County staff was requested to review the options for televising Board meetings and provide an update at a future meeting.

E. W. Harless requested Board consideration to asking Radford Army Ammunition Plant (RAAP) to consider raising the height of the Dublin train trestle bridge to the minimum allowed in other areas. He cited the development of Commerce Park as a factor in making this request. Mr. McCarthy offered to contact the Corps of Engineers and the County staff was directed to also contact RAAP regarding the matter.

7. 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 KAT

Mr. Sheffey advised Falling Branch Road needs to have "Watch for Children" signage at its intersection with New River Road.

2. Highland Road Speed Limit

Mr. Clarke advised VDOT would review the area of Highland Road from Route 100 to Neck Creek for possible speed limit reductions.

Mr. Sheffey requested a response be forwarded to Mr. Phillip Hawks as a follow-up to Mr. Hawks request for a speed limit reduction on Highland Road.

b. Request for Paving of Meadowview Drive

As noted in the Board packet, Board members were presented with a petition from residents of Meadowview Drive requesting paving of the road. Board members directed staff to place this request on the six year secondary road waiting list. Mr. Clarke agreed to review the matter for potential use of six year plan overlay funds.

c. Request for Guardrail Installation and Informal Speed Study on Old Mines Road (at end)

Mr. Bopp advised Mr. Leroy Early had made a previous request for guardrail installation and an informal speed study at the end of Old Mines Road.

On a motion by Mr. Bopp, seconded by Mr. Pratt and carried, the Board approved an informal speed study being conducted at the end of Old Mines Road.

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

Voting no: none.

d. Hazel Hollow Road Speed Reduction Request

Mr. Huber explained a speed reduction request for Hazel Hollow Road noting a reduced speed limit would be required in order for an entrance permit to be granted for a proposed subdivision, as well as a possible county park.

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved an informal speed study being conducted from within 500' of the entrance to undeveloped property between the rail trestle and Route 11.

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

Voting no: none.

e. Speed Study Request Along Viscoe Road

Mr. Huber explained a speed study request for Viscoe Road, from the Polyester Mobile Home Park entrance to the River Company Restaurant. VDOT agreed to determine if the area in question (entrance to Polyester Mobile Home Park to River Company) is covered by a 40 mph speed zone.

f. Replacement of Brown I-81 Sign for the Fine Arts Center (FAC)

Staff advised of a request by the Fine Arts Center (FAC) for the Board to share in the costs with the Town of Pulaski and FAC to replace signage on I-81. Board members posed several questions regarding the status of the signage. Staff was directed to: determine if signage is located on I81 north or south bound; extent of damage to sign; request pictures from FAC; and contact contractor to determine exact cost for replacement of signage. The Board approved the expense and requested an update be placed on the November Board agenda.

g. Citizen Concerns

Jean Anderson questioned the speed limit crossing Memorial Bridge, specifically who is the enforcement authority. Mr. Clarke advised the City of Radford sets the speed limit across the bridge, which is currently 25 mph. He also advised the City of Radford is responsible for patrolling the bridge. Mr. Clarke agreed to review the potential for changing the speed limit.

h. Board of Supervisors Concerns

Mr. Bopp advised of a request from Mr. A. J. Peak related to Extension Street, specifically asking for VDOT's review of the bank on the road which has eroded and is a dangerous drop off. Mr. Clarke agreed to review the matter and provide an update at a future meeting.

Mr. Conner inquired as to the time frame for a speed study on Hatcher Road. Mr. Clarke advised a speed study would be conducted, once the road is paved and improvements completed.

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Mr. Akers advised of several spots near Hazelwood Drive where the road has sunk, noting an overlay had been done several years ago. Mr. Clarke agreed to review the matter and provide an update at a future meeting.

Mr. Akers requested guardrail, or pavement markings, on Viscoe Road at the curve due to a severe drop off where AEP has cut trees. Mr. Clarke agreed to review the matter and provide an update at a future meeting.

Mr. Sheffey inquired as to the schedule of the Rt. 114 bridge improvements. Mr. Clarke confirmed an advertisement schedule of September 09.

Mr. Clarke advised general maintenance is taking more VDOT funds. He noted reductions by VDOT is inevitable and funding is going down for road construction costs.

Mr. Clarke reminded the Board of the need to hold a public hearing on the six year plan, noting the hearing is typically held in November of each year; however, he suggested the Board may want to consider holding the hearing in the Spring of 2009 to allow ample time in determining what VDOT funding will be available. By consensus, the Board agreed to hold the six year plan hearing in November, with completion of the six year plan to take place in the spring of 2009. Mr. Clarke advised VDOT will prepare the advertisement for the six year plan hearing for the November 24 Board meeting.

Mr. Huber expressed appreciation to VDOT for contacting the County Engineer regarding design improvements to the Route 114 bridge as it relates to the utility line/construction at the bridge.

### 8. Treasurer's Report

Melinda Worrell, Treasurer, presented the monthly report.

Mr. Akers commended Treasurer's Office staff for diligence in dealing with the public during tax season.

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

#### a. Appointments

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

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1. Library Board

The Board appointed Martha Jackson and Danny Collins for terms ending December 31, 2010.

2. New River Valley Alcohol Safety Action Program (NRVASAP)

The Board appointed Sheriff Jim Davis for a one year term.

3. Wireless Authority

There was no action on this matter. Staff was directed to place consideration of this matter on the November Board agenda.

4. New River/Mount Rogers Workforce Investment Board

The Board appointed Ronnie Martin to the PEP Steering Committee.

5. Clean Community Council

The Board reappointed Al Davis for a term ending November 23, 2011, Gary Roche for a term ending November 6, 2011, and Irene Morrison for a term ending October 28, 2011.

6. Appointment of an Assessor

The Board appointed Donald Thomas as the county's assessor.

Voting Yes: Mr. Akers, Mr. Conner, Mr. Sheffey, Mr. Bopp,  
Mr. Pratt

Voting No: None

b. Key Activity Timetable

Mr. Sheffey inquired as to the target date for completion of the raw water pump station road. Mr. Huber advised completion was expected in December 2008.

c. Reassessment Status - Presentation by Mr. Wingate

Mr. Harold Wingate provided an update on reassessment work to date, advising that notices will go out at the end of the week of October 31. Mr. Wingate advised training of the Board of Equalization members

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will be required by the Department of Taxation, with the Board of Equalization members to be appointed by the Circuit Court after the first of the year (2009). Mr. Donald Thomas was introduced as the county's assessor. Mr. Wingate suggested the Board consider a four-year reassessment in the future.

d. Regional Wireless Authority Fiber Installation

As reported in the Board packet, Giles County has committed to the funding of a portion of a proposed \$2.5 million Economic Development Administration grant. Staff plans to ask for consideration to funding an amount of debt service equal to what the school system and county operations are spending to provide high speed connections to various county facilities along the path of a proposed publicly owned fiber optic network serving the region.

By consensus, the Board of Supervisors agreed with the concept as presented. Staff was requested to confirm a commitment by the Giles County Board and the School Board and place specific details on the November Board agenda.

e. Christmas Cards

By consensus, the Board committed to continuing with the paper version of the Christmas card with a reduction in the number of cards sent out to focus on thanking county residents for volunteering time to the County.

f. Jefferson School Tax Abatement

As reported in the Board packet, the Landmark Group, who are interested in the renovation of the Jefferson School, are asking for consideration to a 15 year abatement related to the increase in real estate tax which may result from their renovation of the building. Staff suggested consideration to exempting 50% of the increase in value resulting from renovation for a period of 15 years with the possibility of phasing the exemption out in the last 5 years.

On a motion by Mr. Akers, seconded by Mr. Conner and carried, the Board approved exempting 50% of the increase in value resulting from the renovation for a period of 15 years with phasing out of the exemption in the last five years.

Voting Yes: Mr. Akers, Mr. Conner, Mr. Sheffey, Mr. Bopp,  
Mr. Pratt

Voting No: None

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10. Items of Consent

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved the following items of consent, except for item "f" which was removed and item "p" which was voted on as a separate item:

Voting Yes: Mr. Akers, Mr. Conner, Mr. Sheffey, Mr. Bopp, Mr. Pratt  
 Voting No: None

a. Approval of Minutes of September 22 & October 6, 2008 Minutes

The Board approved the minutes of the September 22 and October 6, 2008 Board meeting with a correction to the October 6 minutes related to an improper voting designation.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 2004652 through 2005141, subject to audit.

c. Interoffice Transfers & Appropriations

The Board approved Interoffice Transfer #4 totaling \$55,734.45 and appropriations and transfers as follows:

General Fund # 4

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
041999-0000	Use of Fund Balance	\$ 32,815.00
018030-1300	Expenditure Refunds	50.00
014010-2000	Courtroom Restitution	25.00
0148990-4400	Dare Donations	25.00
		<hr/>
	Total	\$ 32,915.00
 <u>Expenditures:</u>		
012310-5540	Comm. of Revenue Travel Convention and Education	\$ 50.00
031200-6010	Sheriff Police Supplies	25.00
031200-6018	Sheriff Dare Supplies and Materials	25.00
031200-6010	Sheriff Police Supplies Carryover from FY 2008	16,600.00
011010-6002	Board of Supervisors Food Supplies	600.00
011010-5410	Board of Supervisors Equipment Rental	600.00
053600-5699	Fairview Home Operating Expenses	15,015.00
		<hr/>
	Total	\$ 32,915.00

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School Fund # 7

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
3-205-18030-2000	Reimburse Joint Service	\$ (56,404.00)
3-205-18991-0200	Property Damage	(30.00)
		<hr/>
	Total	\$ (56,434.00)
 <u>Expenditures:</u>		
4-205-061100-6001-200-1009	Office Supplies	\$ 53,084.00
4-205-62240-6014-900	Other Operating Supplies	3,350.00
		<hr/>
	Total	\$ 56,434.00

General Fund Transfer # 2

<u>Account Number</u>	<u>Account Title</u>	<u>Amount Increase (Decrease)</u>
<u>Revenues:</u>		
	Total	<hr/> \$ -
 <u>Expenditures:</u>		
33425	Community Corrections	\$ 10,733.00
33420	Pretrial Services	(10,733.00)
		<hr/>
	Total	\$ -

d. Ratification and/or Approval of Contract, Change Orders & Agreements, Etc.:

1. Auditing Services Agreement & Cost Allocation Plan Agreement

The Board approved contracting with Robinson, Farmer, Cox for auditing services at a cost of \$36,810 for the 2008-2009 audit report, increasing by 5% a year thereafter and contracting with Maximus for the cost allocation plan at a fixed cost of \$2,000 per year.

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2. Contracting for SAS 112 Audit Preparation

The Board ratified the hiring of Goodman and Company at a cost of \$18,500, plus out of pocket expenses, to prepare the audit report for review by Robinson, Farmer, Cox Associates, with any additional services needing to be performed to reconcile between departments being billed at their standard hourly rates.

3. Virginia Early Childhood Foundation Grant Application

The Board authorized applying for a Virginia Early Childhood Foundation grant in the amount of \$50,000 which will allow Pulaski County and other partners in the New River Valley to plan a comprehensive strategy to school readiness and could pave the way for a future \$500,000 implementation grant.

4. Fairview Home Furnaces

The Board ratified administrative approval for funding in the amount of \$1,320 as Pulaski County's portion of costs to purchase two furnaces.

e. Personnel Changes

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

f. Donation of Breathing Air Compressor to Dublin Fire Dept.

This item was removed from consideration by the Board.

g. Change in Road Name Signage

As reported in the Board packet, staff provided three options for consideration by the Board in an effort to upgrade the county's current system of making signs.

The Board approved increasing the annual sign line item from \$1,500 to \$15,000 annually and replacing old signs with the new signage when a request for replacement is received.

h. Virginia Freedom of Information Act & Conflict of Interest Act

The Board acknowledged acceptance of both the Virginia Freedom of Information and Conflict of Interest acts.

i. Boy Scouts Resolution

The Board adopted the following resolution supporting Industrial Development Authority financing of the Boy Scouts improvement to Pulaski County facilities:

WHEREAS, the Industrial Development Authority of Pulaski County (the "Authority") has considered the application of Blue Ridge Mountains Council, Incorporated, Boy Scouts of America (the "Borrower") requesting the issuance of one or more of the Authority's revenue bonds or notes in an amount not to exceed \$3,000,000 (the "Bonds") to assist in financing (1) the construction of the Borrower's aquatics facility at Claytor Lake, including buildings, docks and other structures, which will be located on an approximately 68-acre tract at 4100 Adventure Base Road in the southeastern portion of Pulaski County, Virginia (the "County"), (2) the construction and renovation of buildings and structures located or to be located on the Borrower's Blue Ridge Scout Reservation in the southeastern portion of the County, and (3) the acquisition and installation of equipment to be used on such Reservation and at such aquatics facility (such aquatics facility, buildings, structures and equipment being referred to herein as the "Project"), the Project will be owned and operated by the Borrower and will be used in the Borrower's Scouting program, and the Authority has held a public hearing thereon; and

WHEREAS, it has been requested that the Board of Supervisors (the "Board") of the County approve the financing of the Project and the issuance of the Bonds, and such approval is required for compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code");

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

1. The Board approves the financing of the Project and the issuance of the Bonds by the Authority for the benefit of the Borrower to the extent required by Section 147(f) of the Code, to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds, as required by Section 147(f) of the Code, does not constitute an endorsement of the Bonds or the creditworthiness of the Borrower or otherwise indicate that the Project possesses any economic viability. The Bonds shall provide that neither the Commonwealth of Virginia (the "Commonwealth") nor any

political subdivision thereof, including the County and the Authority and their officers and directors, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and receipts pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the County and the Authority and their officers and directors, shall be pledged thereto.

3. The Bonds are hereby designated as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code, but only to the extent the Bonds are issued during 2008. The County has not designated, and will not designate, more than \$10,000,000 of obligations to be issued during 2008 as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.
4. This Resolution shall take effect immediately upon its adoption.

j. Identity Theft Prevention Program

The following Identity Theft Program was adopted:

**Identity Theft Prevention Program**

**Purpose**

The purpose of the program is to establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

**Definitions**

**Covered account** means:

1. An account that a creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include utility accounts; and
2. Any other account that the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

**Credit** means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

**Creditor** means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit.

**Identifying information** is any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, Social Security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol (IP) address, or routing code.

**Identity theft** means fraud committed or attempted using the identifying information of another person without authority.

**Red flag** means a pattern, practice or specific activity that indicates the possible existence of identity theft.

### **The Program**

The Commissioner of the Revenue Office, Pulaski County, establishes an Identity Theft Prevention Program to detect, prevent and mitigate identity theft. The Program shall include reasonable policies and procedures to:

1. Identify relevant red flags for covered accounts it offers or maintains and incorporate those red flags into the program;
2. Detect red flags that have been incorporated into the Program;
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
4. Ensure the Program is updated periodically to reflect changes in risks to customers and to the safety and soundness of the creditor from identity theft.

The program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks.

### **Identification of Relevant Red Flags**

In order to identify relevant Red Flags, the locality considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts and its previous experience with Identify Theft. The locality identifies the following red flags, in each of the listed categories:

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### A. Notifications and Warnings From Credit Reporting Agencies

- Report of fraud accompanying a credit report;
- Notice or report from a credit agency of a credit freeze on a customer or applicant;
- Notice or report from a credit agency of an active duty alert for an applicant; and
- Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

### B. Suspicious Documents

- Identification document or card that appears to be forged, altered or inauthentic;
- Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
- Application for service that appears to have been altered or forged.

### C. Suspicious Personal Identifying Information

- Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on the credit report);
- Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- Social Security number presented that is the same as one given by another customer;
- An address or phone number presented that is the same as that of another person;
- A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
- A person's identifying information is not consistent with the information that is on file for the customer.

### D. Suspicious Account Activity or Unusual Use of Account

- Change of address for an account followed by a request to change the account holder's name;

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- Payments stop on an otherwise consistently up-to-date account;
- Account used in a way that is not consistent with prior use (example: very high activity);
- Mail sent to the account holder is repeatedly returned as undeliverable;
- Notice to the locality that a customer is not receiving mail sent by the locality;
- Notice to the locality that an account has unauthorized activity;
- Breach in the locality's computer system security; or
- Unauthorized access to or use of customer account information.

### E. Alerts from Others

- Notice to the locality from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

## **Detection of Red Flags**

### **A. New Accounts**

In order to detect any of the Red Flags identified above associated with the opening of a new account, the city's / town's or county's personnel will take the following steps to obtain and verify the identity of the person opening the account:

- Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
- Verify the customer's identity (for instance, review a driver's license or other identification card);
- Review documentation showing the existence of a business entity; and
- Independently contact the customer.

### **B. Existing Accounts**

In order to detect any of the Red Flags identified above for an existing account, the city's / town's / county's personnel will take the following steps to monitor transactions with an account:

- Verify the identification of customers if they request information, whether in person, via telephone, via facsimile or via e-mail;
- Verify the validity of requests to change billing addresses; and
- Verify changes in banking information given for billing and payment purposes.

## **Response to suspected identity theft**

In the event city's / town's / county's personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk

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posed by the Red Flag:

- Continue to monitor an account for evidence of Identify Theft;
- Contact the customer;
- Change any passwords or other security devices that permit access to accounts;
- Not open a new account;
- Close an existing account;
- Reopen an account with a new number;
- Notify the Program Administrator for determination of the appropriate step(s) to take;
- Notify law enforcement; or
- Determine that no response is warranted under the particular circumstances.

In order to further prevent the likelihood of identity theft occurring with respect to utility accounts, the city / town / county will take the following steps with respect to its internal operating procedures to protect customer identifying information:

- Ensure that its website is secure or provide clear notice that the website is not secure;
- Ensure complete and secure destruction of paper documents and computer files containing customer information;
- Ensure that the office computers are password protected and that computer screens lock after a set period of time;
- Keep offices clear of papers containing customer information;
- Request only the last 4 digits of social security numbers (if any);
- Ensure computer virus protection is up to date; and
- Require and keep only the kinds of customer information that are necessary for utility purposes.

### **Updating the Program**

The Program shall be updated periodically to reflect changes in risks to customers or to the safety and soundness of the organization from identity theft based on factors such as:

- The experiences of the organization with identity theft;
- Changes in methods of identity theft;
- Changes in methods to detect, prevent and mitigate identity theft;
- Changes in the types of accounts that the organization offers or maintains;
- Changes in the business arrangements of the organization, including mergers, acquisitions, alliances, joint ventures and service provider arrangements.

### **Administration of Program**

- Pulaski County Commissioner of the Revenue Office shall be responsible for the development, implementation, oversight and continued administration of the Program in the Commissioner of the Revenue Office.
- The Program shall train staff, as necessary, to effectively implement the Program; and
- The Program shall exercise appropriate and effective oversight of service provider arrangements.

### **Oversight of the Program**

1. Oversight of the Program shall include:

- a. Assignment of specific responsibility for implementation of the Program to the city/town/county manager or administrator;
- b. Review of reports prepared by staff regarding compliance; and

Approval of material changes to the Program as necessary to address changing

c. risks of identity theft.

2. Reports shall be prepared as follows:

- a. Staff responsible for development, implementation and administration of the Program shall report to Pulaski County Commissioner of the Revenue at least annually on compliance by the organization with the Program.
- b. The report shall address material matters related to the Program and evaluate issues such as:

- The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
- Service provider agreements;
- Significant incidents involving identity theft and management's response; and
- Recommendations for material changes to the Program.

### **Oversight of Service Provider Arrangements**

In the event the locality engages a service provider to perform an activity in connection with one or more accounts, it will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft:

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- Require, by contract, that service providers have such policies and procedures in place; and
- Require, by contract, that service providers review the locality's Program and report any Red Flags to the Program Administrator.

### **Duties Regarding Address Discrepancies**

The locality shall develop policies and procedures designed to enable the organization to form a reasonable belief that a credit report relates to the consumer for whom it was requested if the organization receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report.

The locality may reasonably confirm that an address is accurate by any of the following means:

1. Verification of the address with the consumer;
2. Review of the utility's records;
3. Verification of the address through third-party sources; or
4. Other reasonable means.

If an accurate address is confirmed, the locality shall furnish the consumer's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

1. The organization establishes a continuing relationship with the consumer; and
2. The organization, regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.

k. Public Approval Resolution – Virginia Tech

The Board approved the following resolution with suggestions by Mr. McCarthy to include language adding Industrial Development Authority, employees and Board members under the liability section of resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF PULASKI  
COUNTY, VIRGINIA WITH RESPECT TO INDUSTRIAL  
DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA  
REVENUE BOND FINANCING FOR VIRGINIA TECH FOUNDATION,  
INC.**

**WHEREAS**, the Virginia Tech Foundation, Inc. (the "Foundation"), a non-profit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), has submitted an application to the Industrial Development

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Authority of Montgomery County, Virginia (the "Montgomery Authority"), requesting that the Montgomery County issue its revenue bonds or other obligations in an aggregate principal amount not to exceed \$170,000,000 (the "Bonds"); and

**WHEREAS**, proceeds of the Bonds will be used, together with other funds provided by or on behalf of the Foundation, to pay related costs of issuance and costs of financing or refinancing certain facilities located in Montgomery County, Virginia, Pulaski County, Virginia ("Pulaski County") and Arlington County, Virginia (collectively, the "Project"); and

**WHEREAS**, the portion of the Project located in Pulaski County consists of refinancing the costs of the Pete Dye River Course of Virginia Tech, located at 8400 River Course Drive, Radford, Virginia, owned by The River Course, LLC (a wholly owned subsidiary of the Foundation) for use by Virginia Polytechnic Institute and State University (the "University") as a practice and competition facility for its golf team, and as a location for University sponsored special events, and by the general public; and

**WHEREAS**, the Foundation's application to the Montgomery Authority includes a request that the Board of Supervisors of Pulaski County (the "Pulaski Board"), the highest elected governmental unit of Pulaski County, approve the issuance of a portion of the Bonds, in an amount not to exceed \$3,000,000, to pay related costs of issuance and the costs of financing or refinancing the portion of the Project located in Pulaski County (the "Pulaski Plan of Financing"); and

**WHEREAS**, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), sets forth the procedure for such approval;

**WHEREAS**, Section 15.2-4905 of the Act provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted in connection with such financing by the second locality;

**WHEREAS**, the Montgomery Authority adopted an inducement resolution (the "Inducement Resolution") with respect to the issuance of the Bonds on September 16, 2008, held a joint public hearing on behalf of Pulaski County and Montgomery County on October 21, 2008 with respect to, among other things, the issuance of the Bonds and the Pulaski Plan of Financing, and has recommended, pursuant to a resolution adopted on October 21, 2008, that the Pulaski Board concur in the Inducement Resolution and approve the Pulaski Plan of Financing and the issuance of the Bonds by the Montgomery Authority in order to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act; and

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**WHEREAS**, a copy of the Inducement Resolution, the action taken by the Montgomery Authority with respect to the public hearing and a Fiscal Impact Statement have been filed with the Pulaski Board.

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

1. The Pulaski Board concurs in the Inducement Resolution and approves the Pulaski Plan of Financing and the issuance of the revenue bonds or other obligations by the Montgomery Authority for projects located in Pulaski County as required by Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act in order to permit the Montgomery Authority to assist the Foundation in the financing.

2. The Pulaski Board's approval of the issuance of the revenue bonds or other obligations by the Montgomery Authority does not constitute an endorsement to a prospective purchaser of such revenue bonds or other obligations or the creditworthiness of the Foundation. The issuance of revenue bonds or other obligations as requested by the Foundation will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or Pulaski County, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such revenue bonds or other obligations. Pulaski County, its Board of Supervisors, its Industrial Development Authority or their respective officers, board members or employees, shall not be obligated to pay the revenue bonds or other obligations or the interest thereon or other costs incident thereto.

3. This resolution shall take effect immediately upon its adoption.

l. Acceptance of State Homeland Security Program Grant Funds

The Board authorized acceptance of the grant funds in the amount of \$45,700 from the State Homeland Security Program.

m. I-81 Corridor Coalition

As reported in the Board packet, Roanoke County Board Chairman Richard Flora has requested the county's participation in the I-81 Corridor Coalition. The Board endorsed the county's interest in the I-81 Corridor Coalition as requested by Roanoke County.

n. Support for Emergency Home Repair Program

The Board approved providing a letter of support to the Community Housing Partners.

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o. Employee Residency Policy

After discussing the merits of the staff recommendation to extending the time period from six months to one year to allow the person hired to establish residency in the county, the Board approved amending the Personnel Policy as it relates to the Employee Residency Policy, specifically adding the Finance Director position to the list of employees required to reside within Pulaski County, as well as extending the time period from six months to one year to allow person hired to establish residency in the county.

p. Right-of-Way Easement – Alexander Road

As reported in the Board packet, Appalachian Power is requesting Board approval of a right-of-way easement.

Supervisor Akers questioned the exact area in question and suggested action not be taken until at least the November Board meeting to allow for review by county staff and a report back to the Board. Mr. Akers requested county staff provide a picture of the area in question. Mr. Huber offered to arrange a tour of the area for Board members, if desired.

11. Citizen Comments

There were no citizen comments.

12. Other Matters from Supervisors

- Hubbard Way Right-of-Way

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board approved scheduling a public hearing at the November Board meeting allowing for condemnation of right-of-way for the Hubbard Way cul-de-sac.

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

Voting no: none.

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13. Adjournment

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board of Supervisors adjourned its regular meeting. It was noted that more than two Board members planned to attend the Virginia Association of Counties annual meeting and would be discussing items relating to county business. Thus, the press was invited to attend. The next regular meeting of the Board of Supervisors is scheduled for Monday, November 24, 2008 for 6:00 p.m. in the County Administration Building, 143 Third Street, N. W. in the Town of Pulaski.

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

Voting no: none.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator