

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, August 23, 2010 beginning with a Closed Session at 6:00 p.m. in the Board Room of the County Administration Building located in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Charles Bopp, Vice-Chairman; Dean K. Pratt; Frank R. Conner; and Ranny L. Akers. Staff members present included: Peter M. Huber, County Administrator; Robert Hiss, Assistant County Administrator; Shawn Utt, Community Development Director; and Thomas J. McCarthy, Jr., County Attorney. Diane Newby, Finance Director, and Gena Hanks, Clerk to the Board of Supervisors, joined the regular session at 7:00 p.m.

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

Chairman 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.

On a motion by Mr. Bopp, seconded by Mr. Conner and carried, the Board of Supervisors entered a 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:

- NanoChemonics
- Sheriff's Office
- Shae Dawn Industrial Park

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

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:

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

- Town of Pulaski Proposed Boundary Adjustment

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

Voting no: none.

Return to Regular Session

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board returned 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

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board of Supervisors adopted the following resolution certifying conformance with the Virginia Freedom of Information Act.

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

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

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

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

2. Invocation & Moment of Silence in Honor of Mary Holliman and Larry Amy

Chairman Sheffey called for a moment of silence in memory of the passing of Mary Holliman, a former member of the New River Valley Development Corporation, community advocate and founder of Pocahontas Press, and Larry Amy, an environmental engineer with the City of Radford who was involved in the establishment of the NRRRA landfill and served on the New River Valley Community Sentencing Board, as well as a number of community organizations.

County Attorney Tom McCarthy provided the invocation.

3. Recognitions - Featured Employees

The Board of Supervisors recognized Robbie Smith of the Sheriff's Department and Nathan Davis of the Regional Emergency Medical Services, Inc. as the Featured Employees for the month of September. Job summaries for both employees were read aloud by Mr. Sheffey and gift certificates to Fatz Café were presented in appreciation for their service. Mr. Davis was unable to formally accept the recognition due to being on a REMSI call.

4. Additions to Agenda

Mr. Huber requested the Board defer consideration to the September Board meeting of item "9c – "Application to Unsafe Structures Ordinance to Dilapidated Properties" to allow for adequate notification to property owners of Board consideration of the matters related to unsafe structures.

5. Public Hearings:

Chairman Sheffey explained the public hearing process.

a. Revisions to the Pulaski County Zoning Ordinance to incorporate a full section for the regulation of Wind Energy Systems in Pulaski County.

Mr. Utt explained the New River Valley Planning District Commission, along with the Pulaski County Planning Commission, had spent several months working on the proposed draft Wind Ordinance. Mr. Utt called on Kevin Byrd, Executive Director of the New River Valley Planning District Commission, to details of events leading up to the public hearing by the Board of Supervisors.

Mr. Byrd provided specific details related to the proposed draft Wind Energy Systems Ordinance.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

Mr. Utt advised the Planning Commission recommends approval of the revisions to the Zoning Ordinance allowing for the incorporating of the full section of the regulation of Wind Energy Systems in Pulaski County.

Mr. Sheffey opened the public hearing for comments.

Board members posed various questions and comments to staff and Mr. Byrd related to setback ratios for occupied buildings, height of wind towers, liability issues, restrictions by landowner, and potential for consideration by special use permit than by right.

No additional comments were heard and the public hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Pratt and carried, the Board approved the proposed revisions to the Pulaski County Zoning Ordinance to incorporate the following Pulaski County Wind Ordinance into the Zoning Ordinance, as recommended by the Planning Commission, with revisions to include the elimination of non-property line setbacks and variation in insurance requirements based on the size of the wind energy system:

PULASKI COUNTY WIND ENERGY ORDINANCE

Article 25 of the Pulaski County Zoning Ordinance

AN ORDINANCE OF THE PULASKI COUNTY BOARD OF SUPERVISORS REGULATING WIND ENERGY FACILITIES LOCATED IN PULASKI COUNTY

THE BOARD OF SUPERVISORS IN AND FOR THE COUNTY OF PULASKI ENACTED AND ORDAINS:

1. TITLE

This Ordinance shall be known as the Wind Energy Facility Ordinance for Pulaski County, Virginia

2. PURPOSE

The purpose of the Ordinance is to provide for the construction, operation, and decommissioning of Wind Energy Facilities in Pulaski County, subject to reasonable conditions that will promote and protect the public health, safety, and welfare, while encouraging renewable energy development and deployment within the County.

3. DEFINITIONS

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

- A. Applicant: person or entity filing an application under this Ordinance.
- B. Department of Environmental Quality (DEQ): a Commonwealth of Virginia Department that protects the environment of Virginia in order to promote the health and well-being of the citizens of the Commonwealth.
- C. Environmental Assessment: a detailed examination of the applicant's proposal and its local environmental context with an emphasis on avoiding, minimizing, and mitigating adverse impacts.
- D. Facility Operator: the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
- E. Facility Owner: the entity or entities having controlling or majority equity interest in the Wind Energy Facility, including their respective successors and assigns.
- F. Federal Aviation Administration (FAA): an agency of the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation in the United States.
- G. Meteorological Tower or Met Tower: a tower constructed at a potential Wind Energy Facility site that is designed to assess wind resources and collect meteorological data. Generally, a met tower will have anemometers, wind direction vanes, temperature and pressure sensors, and other measurement devices attached.
- H. Meteorological Tower or Met Tower (Temporary): Temporary Met Towers are permitted by right for two (2) years as described in Section 8 Setbacks and Zoning, Table 3 Zoning District Regulations, and Section 9 Temporary Meteorological Towers. These towers may be built to a height a maximum height of 198 feet.
- I. Non-Participating Landowner: any landowner not under agreement with the Facility Owner or Operator.
- J. Occupied Building: a residence, business, school, hospital, church, public library or other buildings used for public gathering that is occupied or in use when the permit application is submitted.
- K. Participating Landowner: is a landowner under lease or other property agreements with the Facility Owner or Operator pertaining to the Wind Energy Facility.
- L. Public Road: is a full passage right-of-way.
- M. Shadow Flicker: the visible flicker effect when rotating turbine blades cast shadows

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

on the ground and nearby structures causing the repeating pattern of light and shadow.

- N. State Corporation Commission (SCC): a Commonwealth of Virginia Department that issues all charters and amendments of domestic corporations and all licenses of foreign corporations that do business in the Commonwealth of Virginia.
- O. Virginia Administrative Code (VAC): a codified source of administrative regulations of Virginia agencies compiled by the Virginia Code Commission.
- P. Virginia Department of Transportation (VDOT): a Commonwealth of Virginia Department responsible for transportation.
- Q. Virginia Uniform Statewide Building Code (VUSBC): building regulations that must be complied with when constructing a new building, structure, or an addition to an existing building. They must also be used when maintaining or repairing an existing building, or renovating or changing the use of a building or structure.
- R. Wind Energy Facility: an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- S. Wind Energy Facility, Small: a single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less. Heights for Small Wind Energy Facilities should be no greater than 60 feet.
- T. Wind Energy Facility, Medium: a wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW but not greater than 100 kW. Heights for Medium Wind Energy Facilities should be no greater than 150 feet.
- U. Wind Energy Facility, Large: a wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 kW. These facilities may have off site applications.
- V. Wind Farm: a grouping of wind turbines used for production of electric power with the potential of generating power for sale.
- W. Wind Power: the conversion of wind energy into another form of energy.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

- X. Wind Turbine or windmill: a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a hub, rotor, tower, guy wires and pad transformer.
- Y. Wind Turbine Height: the distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.
- Z. Wind Study: a document that demonstrates the feasibility of a Wind Energy Facility, and is specific to the surrounding impacts and wind data from a given site. Wind studies are to be completed per industry standards and shall include relevant environmental data.

4. APPLICABILITY

- A. This Ordinance applies to all Wind Energy Facilities proposed to be constructed after the effective date of this Ordinance.
- B. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.

5. PERMIT REQUIREMENT

- A. No Wind Energy Facility, or addition to a Wind Turbine to an existing Wind Energy Facilities, shall be constructed in Pulaski County unless a Building Permit ("Permit") has been issued to the Applicant, Facility Owner or Operator approving construction of the Wind Energy Facility under this Ordinance and the applicable sections of the VAC.
- B. The permit application shall be accompanied with a Zoning Application fee as determined by the Fee Schedule (Table 1):

**Table 1
Fee Schedule¹**

Facility Type	Fee
Small	\$150.00
Medium	\$300.00
Large	\$2,500.00
Temporary Met Tower	\$25.00

¹ Additional Fees will be required for a Building Permit

6. PERMIT APPLICATION

- A. The Permit application shall demonstrate that the proposed Wind Energy Facility

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

will comply with this Ordinance and the applicable provisions of the VUSBC and VAC. The Application shall be in a form provided by Pulaski County, and any additional VUSBC Building permit application form.

- B. The application shall contain the following:
 - I. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the manufactured capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions, and respective manufactures, and a description of ancillary facilities.
 - II. Documentation identifying the property(ies) on which the Wind Energy Facility will be located and properties located at within one-half mile from the Wind Energy Facility.
 - III. Written evidence between the property owner on which the Wind Turbine(s) will be located and the Applicant, Facility Owner or Operator demonstrating that the Applicant, Facility Owner, or Operator has permission of the property owner to apply for a Permit and operate a Wind Energy Facility.
 - IV. A site plan showing the approximate location of each Wind Turbine, property lines, setback lines, access road, substation(s), underground and above ground electrical cabling, ancillary equipment, and buildings, including permanent meteorological towers and associated transmission lines. The site plan shall include a signed statement from the landowner allowing such use on said property. All site plans shall be stamped by a registered engineer prior to approval and shall meet all regulations found in Article 18 of the Pulaski County Zoning Ordinance.
 - V. Documents detailing the plan(s) for decommissioning of the proposed Wind Energy Facility.
 - VI. Any Documentation and/or plans required by the applicable provisions of the VUSBC and VAC.
- C. Throughout the Permit process, the Applicant shall notify the County in writing of any material changes to the information contained in the permit.
- D. Large Wind Systems that generate over five (5) Megawatts of electricity shall comply with the Virginia Department of Environmental Quality (DEQ) and Virginia State Corporation Commission (SCC) application regulation and receive all necessary approvals as required, prior to issuance of a Building Permit (application regulations can be found in the VAC: 20VAC5-302-20 and 20VAC5-302-25).

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

- E. The applicant shall provide documentation of wind opportunity that demonstrates Wind Turbines are necessary at their proposed heights and are no higher in elevation than necessary. Wind opportunity shall be expressed in 20 foot elevation increments.
- F. A Federal Aviation Administration (FAA) Determination of No Hazard to Air Navigation (DNH) is required for all structures that have a height of 200 feet or more from ground level. Additionally, structures within 20,000 feet from any public-use airport runway may be required to apply for a DNH with the FAA depending on the application, as prescribed by the FAA.

7. DESIGN AND INSTALLATION

A. Design and Operational Safety

The design and operation of the Wind Energy Facility including the electrical permits shall conform to applicable industry standards and local, state, and federal regulations which may include those of the American National Standards Institute, Underwriters Laboratories, Det Norske Veritas, or other similar certifying organization.

B. Controls and Brakes

All Wind Turbines shall be equipped with a redundant braking system.

C. Visual Appearance

- i. Wind Turbines shall be non-obtrusive or other neutral color such as white, off-white, or gray and shall be non-reflective.
- ii. Wind Turbines shall not be artificially lighted except to the extent required by the Federal Aviation Administration or other applicable authority regulating air safety.
- iii. Wind Turbines shall not display advertising, other than identification of the turbine manufacturer, Facility Owner, and Operator.
- iv. On-site transmission and power lines between Wind Turbines shall, to a reasonable extent, be placed underground.

D. Warnings/Security

- i. A clearly visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.
- ii. Wind Turbines shall not be readily climbable up to 15 feet above ground surface of the outside of the Wind Turbine.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

- iii. Wind Turbines shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Board of Supervisors may waive such requirements, as it deems appropriate.
- iv. Wind Turbine Blades shall be installed to provide a clearance above the ground per industry standards.

8. SETBACKS AND ZONING

All Wind Turbine Energy Systems shall conform to the setback guidelines found in Table 2, Setback Ratio, unless as established otherwise by conditions associated with a Special Use Permit.

**Table 2
Setback Ratio**

Wind Energy Type	Minimum Setback Requirements		
	Occupied Buildings on Participating landowner property	Property Lines on Non-Participating Landowner Property	Public Roads and Rail Easements ¹
Small	0.0	1.1	1.5
Medium	1.1	1.5	1.5
Large	1.1	1.5	1.5
Temporary Met Tower	1.1	1.5	1.5

¹ The setback is calculated by multiplying the required setback number by the Wind Turbine Height and measured from the edge of the Wind Turbine base to the property line or Public Road/Right-of-way.

Table 3, Zoning District Regulations, shall be utilized by Pulaski County when determining permitted and special use for the placement of Small, Medium and Large Wind Energy Systems.

**Table 3
Zoning District Regulations**

Wind Energy Facility	Zoning Districts										
	A-1	C-1	CM-1	R	R-1	R-2	R-3	RR	I-0	I-1	PID
Small	P	S	P	S	P	S	S	P	S	P	S
Medium	P	S	S	S	S	S	S	S	S	P	S
Large	S	S	S	S	S	S	S	S	S	S	S
Temporary Met Tower	P	P	P	S	P	S	S	P	S	P	S

P = Permitted Use

S = Special Use Permit

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

9. TEMPORARY METEOROLOGICAL TOWERS

Frequently it is necessary for applicants to collect wind data via a wind study to determine site feasibility. To accommodate such a study applicants are permitted to build temporary Meteorological Towers within the following guidelines:

- A. Temporary Meteorological Towers that comply with the permitted uses found in Table 2 may be utilized for 24 months as a permitted use. Temporary Meteorological Towers must be decommissioned within one (1) month following the 24 month study period. Temporary Meteorological Towers not permitted as outlined in Table 2 require a special use permit prior to issuance of a building permit. Any extensions of time beyond 24 months require the issuance of a Special Use Permit.
- B. Temporary Meteorological Towers shall follow all of the same bonding, permitting, safety, and insurance requirements as Wind Energy Facilities as found throughout this ordinance.

10. INFORMATION REQUIRED

Each applicant requesting a special use permit under this ordinance shall submit a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, Wind Turbine/Met Tower height requirements, set-backs, drives, parking, fencing, landscaping and adjacent uses. The Planning Commission and/or Board of Supervisors may require additional information to assess compliance with this ordinance. Additionally, the applicant shall provide actual photographs of the site to include a simulated photographic image of the proposed Wind Turbine/Met Tower from all perspectives that contain structures. Photographs with simulated images shall include the foreground, the mid-ground, and the background of the site. Each request for special use permit shall be reviewed by the Pulaski County Telecommunication Advisory Committee for review prior to Planning Commission and Board of Supervisors consideration of the request.

11. USE OF PUBLIC ROADS

The Applicant shall identify all public roads to be used within Pulaski County to transport equipment and parts for construction of the Wind Energy Facility.

The VDOT Residency Construction Manager or a qualified third party engineer agreed upon by the County and paid for by the Applicant, shall document road conditions not more than 30 days prior to construction and prior to decommissioning of the Wind Energy Facility. The same entity, if possible, shall document road conditions again within 30 days after construction or decommissioning is complete.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

Any road damage caused by the Applicant or agent thereof shall be promptly repaired at the Applicant's expense and to the standard of the Virginia Department of Transportation.

12. LOCAL EMERGENCY SERVICES.

The applicant shall provide a copy of the project summary and site plan to the Pulaski County Emergency Services Coordinator, along with any Department(s) in the service area of the Wind Energy Facility site

Upon request, the Applicant shall cooperate with emergency service to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

13. SOUND

Audible sound from a Wind Energy Facility shall not exceed 55 A-weighted decibels, as measured at any adjacent non-participating landowner's property line.

14. SIGNAL INTERFERENCE

The Applicant shall avoid any disruption or loss of radio, telephone, television, or other similar signals, and shall mitigate at their own cost any harm caused by the Wind Energy Facility.

15. HEIGHT FEASIBILITY

In cases requiring a Special Use Permit for a Wind Energy Facility, the Facility shall not be permitted unless the applicant demonstrates to the satisfaction of the Pulaski County Telecommunication Advisory Committee, Planning Commission and the Board of Supervisors that the height of the Wind Energy Facility as proposed is necessary. This can be achieved with a Wind Study demonstrating site specific wind data to support the requested height. All Wind Energy Facility heights shall be limited to a height that has the least impact both visually and environmentally.

16. LIABILITY INSURANCE

A current general liability insurance policy covering bodily injury and property damage with limits of at least \$5,000,000 per occurrence and \$5,000,000 in the aggregate listing the Pulaski County as an additional insured is required for all large wind energy systems. For medium wind energy systems, the insurance policy should have limits of at least \$500,000 per occurrence and \$1,000,000 in the aggregate. Certificates shall be made available upon request.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

17. DECOMMISSIONING

Any Wind Energy Facility that has not operated or generated electricity for a period of 12 months shall be considered abandoned, and the owner of each such Wind Energy Facility shall remove same within 90 days of receipt of a decommission notice from Pulaski County. Decommissioning includes the removal of the Wind Turbine(s), all fencing, fence footers, underground cables and support buildings.

A bond shall be provided to the County to be retained until the Wind Energy Facility is removed. If no response is made by the owner within the 90 day period following notice, Pulaski County may cause the Wind Energy Facility to be removed. The cost of removal shall be assessed to the landowner and/or Wind Energy Facility owner as a lien equal to a tax lien. Such removal expense shall be levied after a public hearing in the same manner as a property maintenance violation. The amount of any such bond related to a wind energy facility will be determined on an application by application basis, prior to issuance of any associated Building Permits. The Zoning Administrator has the discretion to extend Small and Medium Wind Energy Facility use in extenuating circumstances.

18. REQUIRED YEARLY REPORT

- A. The facility owner and operator of each such Wind Energy Facility shall submit a report to Pulaski County Telecommunications Advisory Committee, once a year, no later than July 1st. The report shall state the current user status of the Wind Energy Facility. Notification to the County is required of substantive changes at least 15 days prior to commencement.
- B. The yearly report shall include a phone number and identify a responsible person for the public to contact with inquires and complaints available 24 hours a day, 7 days a week through out the life of the facility or turbine.

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

Voting no: none.

b. Ordinance allowing the operation of golf carts and utility vehicles

Mr. Huber provided details regarding the proposed ordinance, including that the Board of Supervisors can only do what is allowed by the Virginia State Code and clarifying that the Virginia State Code calls for this to apply to only licensed drivers.

Mr. Sheffey opened the public hearing.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

Mr. Joe Ray spoke in favor of the ordinance and expressed concern over the safety of individuals driving golf carts without proper lights, referenced the need for more policing to control use of alcohol at the park, and questioned the applicability of the ordinance on private roads.

Mr. Gary Buckner expressed concern over allowing utility vehicles to be driven at the park. Mr. Huber advised the proposed ordinance does apply to utility vehicles and golf carts and that the State Code allows for both. He indicated it would be the Board of Supervisors decision to place both golf carts and utility vehicles in the ordinance.

There were no additional citizen comments and the hearing was closed.

By consensus, the Board deferred action on this matter, pending a joint visit by the Board to the park, with said visit to include Sheriff Davis and Anthony Akers and with the Board to also visit the park on an individual basis. Staff was requested to contact Board members to schedule a joint meeting.

Mr. Sheffey called for a two minute recess.

6. Citizen Comments

Ms. Jean Anderson expressed concern over the recent announcement in the local Southwest Times of the potential boundary adjustments, specifically questioning the effect on mini farms or hobby farms. Mr. Huber explained that no agreement had been reached between the town and county, noting if a boundary adjustment was agreed upon that included Ms. Anderson's property, it would be up to the town zoning ordinance to govern how the town land would be used. Ms. Anderson also expressed concern over the plans for empty buildings in downtown Pulaski. Mr. Sheffey suggested Ms. Anderson provide her concerns to the town by visiting the town's web site which had a link allowing for citizen input. Mr. Huber noted he had communicated directly to the town that he had not heard any citizen support for the proposed boundary adjustment.

7. Highway Matters:

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

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

a. Follow-up from Previous Board meeting

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

• Review of Highway Matters Section of Key Activity Timetable (KAT)

Mr. Clarke indicated he thought the issues from the July Board meeting related to requests for signage had been addressed, although he had not personally viewed the areas in question.

Mr. Clarke advised there was no record of a 25 mph speed limit having been established on Morgan Farm Road and that a formal speed study would need to be conducted to do so.

Mr. Sheffey advised the signage recently installed on Hickman Cemetery Road related to tractors had been stolen. Mr. Clarke advised VDOT could reinstall the signage one additional time; however, VDOT could not continue to re-install signage that is stolen due to staff time and costs involved.

Mr. Pratt inquired as to the status of "Watch for Children" signage on Quesenberry Road. Mr. Clarke advised he would review this matter and provide an update at a future meeting.

b. Overgrowth on Route 654, Old Baltimore Road

As reported in the Board packet, staff received a complaint regarding a yard being overgrown and the bamboo located at the corner of the property growing unchecked. It was reported the bamboo is on the Old Baltimore Road (Route 654) right-of-way and is causing sight problems when turning from June Lane onto Old Baltimore Road. Mr. Pratt confirmed the accuracy of the information and further described the area between Route 100 and Barrett Ridge Road, beside June Lane. Mr. Clarke advised VDOT staff would review the matter and provide an update at a future meeting.

c. Virginia Byway and National Byway Designation

As reported in the Board packet, the Virginia Tourism Corporation is requesting localities to adopt a resolution of support for an anticipated effort to secure Virginia Byway designation for the Wilderness Road, Fincastle Turnpike, and Carolina Road. Every town, city and county that is on the Wilderness Road, Carolina Road or Fincastle Turnpike must

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

provide a resolution by October 1, 2010 in order to request Virginia Byway and National Byway Designation from the General Assembly.

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

Resolution

Adopted by the Pulaski County Board of Supervisors

In support of the designation of The Wilderness Road: Virginia's Heritage Migration Route from Winchester to Cumberland Gap (including the Daniel Boone Wilderness Trail), and the two applicable spurs: The Carolina Road and the Fincastle/Cumberland Gap Turnpike, as Virginia Byways and National Byways.

WHEREAS: From 1775-1810 an estimation of nearly 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant point of Virginia history and to 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; and

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 (including the Daniel Boone Wilderness Trail – Route 58 from Moccasin Gap to Cumberland Gap), but also followed other "spur" migration routes such as the Carolina Road along Route 220 and the Fincastle Turnpike along Routes 42, 61, 19, 460, 71, 58, 65, 65/72, and 23; and

WHEREAS: These migration routes are now being developed as driving routes/trails 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 Virginia and to other states of our growing of the nation; and

WHEREAS: The Wilderness Road organization has been formed as a recognized non-profit organization under the leadership and guidance of the Virginia Tourism Corporation, in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners, to develop and promote 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; and

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

WHEREAS: The mission of the Wilderness Road organization is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the organization 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; and

WHEREAS: The Commonwealth of Virginia has recognized the driving route as *The Wilderness Road: Virginia's Heritage Migration Route*, which shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof; and

WHEREAS, there are more than 2,700 miles of roads designated as Virginia Byways, to help attract visitors and support economic development through tourism, and the Virginia Department of Transportation (VDOT), the Virginia Tourism Corporation (VTC), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB), encourages local governments to nominate roads for Virginia Byway designation; and

WHEREAS, the United States Secretary of Transportation recognizes certain roads (including multi-state) as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational and scenic qualities, with the Wilderness Road: Virginia's Heritage Migration Route, (including the Daniel Boone Wilderness Trail), and applicable spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike include each of these intrinsic qualities; and

WHEREAS, The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration, and the program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States; and

WHEREAS, since 1992, the National Scenic Byways Program has provided funding for almost 1500 state and nationally designated byway projects in 48 states; and

THEREFORE BE IT RESOLVED that Pulaski County expresses its support to the Virginia Department of Transportation and the General Assembly of the Commonwealth of Virginia to provide Virginia Byway designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the Fincastle Turnpike and Carolina Road spur routes; and

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

BE IT FURTHER RESOLVED, that Pulaski County expresses its support to the U.S. Department of Transportation, Federal Highway Administration, and United States Secretary for National Byway Designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail) , and the spur Fincastle Turnpike and Carolina Road routes; and

BE IT FURTHER RESOLVED, that Pulaski County fully supports the efforts of the Wilderness Road organization to develop and promote the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the spur Fincastle Turnpike and Carolina Road routes, as Virginia Byway(s) and National Scenic Byway(s); and

FINALLY BE IT RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors this 23rd day of August, 2010.

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

Voting no: none.

d. Citizen Concerns

Mr. Thomas Pifer explained plans underway for the development of a subdivision requiring a 25 mph speed limit designation on Borman Street, noting an entrance is needed by VDOT, but is being held up due to lack of a 25 mph speed limit designation. Mr. Clarke explained it was his understanding the road had never been posted. Supervisor Akers indicated the road had been posted in the past off of Bagging Plant Road. Mr. Pifer suggested the road had previously been posted at 25 mph, but signs had been torn down.

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board approved VDOT conducting a formal speed study on Borman Street, subject to the determination that a formal posting had not been done by VDOT in the past.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

e. Board of Supervisors Concerns

Supervisor Akers indicated the Code of Virginia allows for speed limit postings in residential neighborhoods to be 25 mph. Mr. Clarke advised in order for VDOT to post sign, a speed study must be conducted. Mr. Huber advised entrance permits are related to the actual posted speed.

By consensus, Board members requested Mr. Clarke provide county staff with a definition of "residential" as it relates to the posting of speed limits in residential neighborhoods.

Mr. Conner expressed appreciation to VDOT for the speed limit signs on Hatcher Road.

Mr. Bopp expressed appreciation to VDOT for the recent improvements to Loving Field, Brookmont Road, and the double bridges.

Mr. Pratt requested confirmation of plans to review the speed limit issue on Borman Street.

8. Treasurer's Report

Treasurer Melinda Worrell presented an updated monthly report, a copy of which is filed with the records of this meeting. She indicated staff was working on the distribution of tax tickets.

9. Reports from the County Administrator & Staff:

a. Appointments:

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

1. Clean Community Council

The Board reappointed Anthony Meredith for an additional three years with term to end September 2013; and Ed Hoggatt for an additional three years with term to end October 2013.

2. Wireless Authority

Mr. Huber advised a vacancy exists on the Wireless Authority. Staff was requested to confirm any district requirements and ask local newspapers to notify the public of the vacancy with

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

interested individuals to contact county staff. Staff was requested to place this matter on the September 27th Board agenda.

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

Voting no: none.

b. Key Activity Timetable

The Board reviewed the Key Activity Timetable in detail.

Mr. Conner inquired as to the status of the eternal flame. Mr. Hiss advised he was working on obtaining quotes and plans were to call a final meeting of the ad hoc committee to review the quotes, with a presentation to be made at the September Board meeting.

c. Application of Unsafe Structures Ordinance to Dilapidated Properties

This matter was deferred to the September 27th Board meeting.

d. Scheduling of County Administrator's Evaluation

The Board scheduled a special meeting for Thursday, September 16, 2010 at 6:00 p.m. at which time a Closed Session would be held for the purpose of conducting the County Administrator's evaluation. The meeting will be held at the residence of County Attorney Tom McCarthy. Mr. Sheffey issued an invitation to the representatives of the Patriot and Southwest Times newspapers.

e. Removal of Courthouse Tree

Mr. Huber explained the history of the tree being removed at the courthouse. By consensus, they Board requested staff extend a special thanks to Nancy Burchett, Curtis Boyd and others from the General Properties staff for discovering the need to have the tree removed.

10. Items of Consent

On a motion by Mr. Conner seconded by Mr. Akers and carried, the Board approved the following items of consent, except for item "I – Use of Central Gym", with said item to be acted upon as a separate matter.

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

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

a. Approval of Minutes of July 26, 2010 Board meeting

The Board approved the minutes of the July 26, 2010 Board meeting.

b. Accounts Payable

The Board approved accounts payable for checks numbered 2015960 through 2016389, subject to audit.

c. Interoffice Transfers & Appropriations

The Board approved interoffice transfer #2 totaling \$47,200.61 and appropriations as follows:

General Fund #3

Account Number	Account Title	Amount Increase/(Decrease)
Revenues		
3-100-041999-0000	Transfer from Revenues	\$ 43,344.00
	Total	\$ 43,344.00
Expenditures		
4-100-032200-3310	Draper Fire Dept. Repair & Maintenance	\$ 3,907.70
4-100-032200-4601	Draper Fire Dept. Central Garage Labor	(2,125.00)
4-100-032200-4602	Draper Fire Dept. Central Garage Parts	(1,782.70)
4-100-092110-5850	Comm. Corrections FY 2010 Grant	
	Refund Unused Portion	43,344.00
	Total	\$ 43,344.00

General Fund #4

Account Number	Account Title	Amount Increase/(Decrease)
Revenues		
3-100-018990-3500	Health Insurance Wellness Funds	\$ 5,991.00
3-100-016130-0500	Soccer Camp Registration Fees	1,740.00
	Total	\$ 7,731.00
Expenditures		
4-100-012220-3115	Employee Wellness Programs	\$ 5,991.00
4-100-071320-1394	Randolph Park Part-time Salaries	1,200.00
4-100-071320-1394	Randolph Park FICA	91.80
4-100-071110-6013	Parks & Recreation Supplies	448.20
	Total	\$ 7,731.00

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

Internal Service Fund #1

Account Number	Account Title	Amount Increase/(Decrease)
Revenues		
3-600-018030-1300	Expenditure Refunds	<u>3,286.50</u>
	Total	\$ 3,286.50
Expenditures		
4-600-012560-6009	Central Garage Parts	<u>3,286.50</u>
	Total	\$ 3,286.50

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

1. Acceptance of DUI Enforcement Grant & Pulaski/ Giles Regional Crash Team Grant Funding

The Board accepted the grant funds for the DUI Enforcement Project in the amount of \$19,410 and for the Pulaski/Giles Regional Crash Team in the amount of \$25,000.

2. Draper Area CDBG Planning Grant

As reported in the Board packet, Debbie Gardner and her husband have invested a significant sum in the renovation of the Draper Mercantile facility. They are proposing to use the facility as a cultural hub for their existing cottage rental business (New River Retreat) and are requested a letter supporting an application for Community Development Planning Grant funding for this project.

The Board ratified approval of the requested letter of support.

3. NRV Home Consortium – Memorandum of Understanding

As reported in the Board packet, Board members were provided with an Executive Summary of the Sustainable Communities grant that the PDC is looking to submit along with the NRV HOME Consortium (aka, NRV Sustainable Communities Consortium). They are asking the County to sign the MOU in support of the grant. Staff noted that signing the agreement does not obligate the County financially, or otherwise, but that the recommended MOU shows support for the program. The initial planning grant application can be for as much as \$1,000,000, but the PDC expects to apply for a more modest amount.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

The Board approved the Memorandum of Understanding.

e. Personnel Changes

The Board reviewed recent personnel changes as prepared by Norma Spence, Administrative Assistant.

f. Wireless Authority Funding

As reported in the Board packet, the Wireless Authority is requesting a net appropriation of \$29,280 in County funding for the purpose of maintaining and expanding internet access service with a focus on areas not already served by Verizon DSL, or either of the cable internet services. Board members were provided with a budget, the budget justification proposal and the service area map as provided by the Wireless Authority. Staff advised the Wireless Authority owns the equipment on Peak's Knob that is providing the broadband service to the service provider and the Authority bills the service provider monthly for the broadband used in providing the service to their customers, further that placing more access points within the county should provide much needed broadband access to more county residents.

The Board approved a net appropriation of \$29,280 in county funding for the purpose of maintaining and expanding internet access services with a focus on areas not already served by Verizon DSL, or either of the cable internet services, with use of these funds to be taken from contingency.

g. Virginia's First Regional Industrial Facility Authority Excess Funds Distribution

Board members reviewed a spreadsheet included in the Board packet describing the proposed distribution of excess funds for Virginia's First. As reported in that packet, over the past several years, the overall Virginia's First Regional Industrial Facilities Authority (as differentiated from the more specific Commerce Park Participation Committee) has built up a \$600,000 funding surplus and each of the 15 member jurisdictions are being given the opportunity to reclaim or apply their \$40,000 portion of the surplus funds. The Authority staff suggests that each of the 11 of 15 members of the Commerce Park Participation Committee apply at least \$27,273 of their \$40,000 distribution toward the Commerce Park's commitment to assist the Pulaski County Public Service Authority with debt service for the Commerce Park Utility project.

The Board approved allocating the entire \$40,000 of Pulaski County's distribution to the utility project.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

h. Support of Governor's Job Creation Commission

As reported in the Board packet, the Economic Development Authority of Newport News recently sent a letter to the Governor's Job Creation Commission, which concludes on October 31st, regarding the Virginia Enterprise Zone Job Creation Grant. This letter was written in support of removing the independent attestation requirement from the application process for job grants.

The Board approved sending a letter based on the favorable impact the change would have in assisting Pulaski County companies in applying for Enterprise Zone assistance.

i. Support of Southwest Virginia Cultural Heritage Commission

Provided in the Board packet was a letter from Pulaski Town Mayor Jeff Worrell requesting the county provide support financially in the marketing of the initiative on the part of the Southwest Virginia Cultural Heritage Commission by investing \$1,750. Also provided in the Board packet was an e-mail from Todd Christensen representing the Southwest Virginia Cultural Heritage Commission requesting a commitment in the amount of \$3,500 towards the costs of producing the Heartwood Community video.

The Board approved support in the marketing initiative by the Town of Pulaski on the part of the SW Virginia Cultural Heritage Commission by investing \$1,750, toward \$3,500 local cost of producing the Heartwood Community video.

j. Consideration to Adoption of Ordinance Re: False Alarms

Provided in the Board packet was a section of the Town of Pulaski Code related to fire alarms. Staff advised the Fire Protection Committee recommends adoption of a similar ordinance by the county as a way of reducing false alarms.

By consensus, the Board requested staff schedule a public hearing for the September 27th meeting to consider adoption of a similar ordinance regarding false alarms following review as to the legal authority for doing so by Tom McCarthy.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

k. Endorsement of Visitor Center Display

Board members were provided mission and vision statements, along with PowerPoint slides, describing an effort to preserve local old time bluegrass music through a display at the Visitors Center and other locations as grant funding may permit.

The Board approved establishing a display at the Visitor Center describing an effort to preserve local old time bluegrass music, pending receipt of sufficient grant funding.

l. Use of Central Gym

Board members were provided information regarding plans by the alternative school program at the old Riverlawn Elementary School to move to the old Governor School building on the PCHS campus this year. Staff noted the building renovations will not be completed until mid to late September and that Anthony Akers, has agreed for the program to use the Central Youth Center for several weeks until their move to PCHS, pending approval by the Board of Supervisors. A report to the Board from staff indicated central is the most feasible location in the county and actually served as the host site to a portion of this valuable program a few years ago.

Supervisor Akers inquired if allowing use of the gym by the Alternative School would restrict use by others. Mr. Huber contacted Anthony Akers by phone and he confirmed the facility is not typically used during the day during this time of the year.

On a motion by Mr. Akers, seconded by Mr. Pratt and carried, the Board approved the short term use of the Central Gym by the Alternative School and authorized executing the Memorandum of Understanding.

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

Voting no: none.

m. ARC funding for Draper Community Project

Board members were provided information indicating using findings from the CDBG planning grant (LOI recently submitted) that will identify and prioritize needs along the Draper corridor, the ARC non-construction grant could be used to develop a strategic plan to encourage small businesses and entrepreneurs in the area connecting to the three initiatives under cultivation at the Draper Mercantile and throughout the

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

mile-long Draper Corridor. A community development nonprofit is being established with the stated goal to support and amplify existing and future regional initiatives in: Local foods, Arts, Music, Cultural heritage tourism, and Outdoor recreation.

The Board approved applying for ARC funding in support of the Draper community, as well as incorporating reuse of the Cannery into both the Planning Grant and any ARC funding, with the concurrence of the School Board.

11. Citizen Comments

There were no citizen comments.

12. Other Matters from Supervisors

Mr. Sheffey recognized the recent encouraging news of the recalling of workers by Volvo. By consensus, the Board approved sending a letter of appreciation to Volvo commending the rehiring of workers, as well as sending a letter to any other industries/businesses where workers have been rehired or where businesses have expanded resulting in the hiring of additional employees. Supervisor Akers referenced the expansion of Bimmerworld and Mr. Sheffey referenced the additional employment at the Regional Jail. Staff was requested to prepare the letters as appropriate for Chairman Sheffey's signature.

Mr. Sheffey noted the recent success of the elected officials picnic held at Randolph Park and commended county staff for the outstanding efforts to make the annual picnic a success. Mr. Huber commended Mr. Utt and Mr. Hiss for assistance with the cooking and Ms. Safewright for arranging for the food, setup, etc.

Mr. Sheffey described a friendly challenge issued by the new mayor for the City of Radford, and accepted by Mr. Sheffey, related to the Friday, August 27th game between the Pulaski County Cougars and Radford Bobcats. Mr. Sheffey described the challenge was that the losing team would wear the jersey of the opposing team at the next council/board meeting. Mr. Sheffey encouraged the community to provide the new coach, coaching staff and football players with its full support throughout the year. He also noted the winning team will take possession of a trophy to be displayed at the winning school.

BOARD OF SUPERVISORS MEETING MINUTES OF AUGUST 23, 2010

13. Adjournment

On a motion by Mr. Conner, seconded by Mr. Bopp and carried, the Board of Supervisors adjourned its regular meeting. The next meeting of the Board is scheduled for Thursday, September 16, 2010 at 4:00 p.m. at which time the Board will meet at the residence of County Attorney Tom McCarthy to conduct a tour of Harry DeHaven Park, followed by the County Administrator's evaluation. The next regular Board meeting is scheduled for Monday, September 27, 2010 beginning at 6:00 p.m. with a Closed Session and 7:00 p.m. for the regular meeting at 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.

Joseph L. Sheffey, Chairman

Peter M. Huber, County Administrator