

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, November 23, 1992, at 7:00 p.m. in the Board of Supervisors Meeting Room of the County Administration Building, 143 Third Street, N. W. in the Town of Pulaski, the following members were present: Jerry D. White, Chairman; Joseph L. Sheffey, Vice-Chairman; Ira S. "Pete" Crawford; Bruce L. Fariss; and Mason A. Vaughan, Sr.

1. Invocation

The invocation was given by County Attorney Thomas J. McCarthy, Jr.

1a. Recognition of Retiring Treasurer's Office Employee Parthenia French

Chairman White welcomed Ms. French, along with Treasurer Rose Marie Tickle and the entire Treasurer's Office staff. The Chairman read a resolution that was adopted by the Board of Supervisors in appreciation of the service of Ms. French and the recognition of her retirement.

2. Public Hearings

- a. Application from Jerome & Hazel Taylor to vacate plats and close an alley between lots identified on Pulaski County tax maps as map numbers 38-1-192, 192A, 193, 227, & 228A, in the New River community, Cloyd District, of Pulaski County

The Chairman opened a public hearing. Mr. Charles Hodge presented a statement of objectives, which if met, would remove any objection his mother and her family might have to the plat vacation. There being no further comment, the hearing was closed.

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that the plat vacation requested by Mr. & Mrs. Taylor be approved, contingent upon execution of an easement or other appropriate legal document achieving Mr. Hodge's objectives.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

- b. Consideration of an ordinance to renew the cable TV franchise of Adelpia Cable Communications which may include an extension of the current franchise for up to three months during review of the franchise renewal terms

The Chairman opened the continued hearing from the previous regular supervisors meeting. Mr. Joe Price and Ms. Hilda Sexton of Adelpia Cable Communications were present. Mr. Price explained the company's interest in franchise renewal. Chairman White questioned the need for a 35% rate increase over three years. Mr. Price agreed to provide documentation on the details of the cost increase. Supervisor Sheffey questioned whether other Adelpia systems were experiencing similar increases. Mr. Price advised the Board that other systems were also experiencing increases and noted the impact of federal regulation changes, which by April, may be known fully. Supervisor Fariss requested access to a community information channel for telecommunications productions of Pulaski County High School being included in the planning for long term franchise renewal.

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that the public hearing on the Adelpia Cable Communications cable television franchise be adjourned, with note of opportunity for reconvening the hearing; and that the franchise for cable television service by Adelpia Cable Communications be extended in its existing form for a period of one year to allow further study, which study will be conducted by a committee

of interested parties, including New River Community College, Pulaski County schools, and both town governments within Pulaski County.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

- c. A rezoning from Residential (R-1) to Agricultural (A-1) requested by Mr. Gary Davis on tax parcel #089-3-Bk K-260-264, located on the west side of Rt. 11, Lee Highway, on the south side of Draper Mountain in the Draper Magisterial District

The Chairman opened a public hearing. Mr. Davis explained his desire for a commercial enterprise. Attorney Alan Groseclose questioned whether a non-conforming retail use could be permitted. The administrator advised that such non-conforming use could not be permitted if it had been discontinued for a period of greater than two years.

It was moved by Mr. Crawford, seconded by Mr. Sheffey and carried, that the property be rezoned to agricultural (A-1) and that a special use permit, as previously approved by the County Planning Commission, be recognized for the operation of a neighborhood retail store.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

- d. A rezoning to Industrial (I1) with a Conditional Use Permit for Quarrying from Residential (R-1) and Agricultural (A-1) requested by Mr. David Bell on tax map parcel #065-1-117, 121, located on the south side of Rt. 662, Lyons Road, near Newbern in the Draper Magisterial District

This request was withdrawn from consideration by the applicant.

- e. A rezoning from Commercial (CM1) to Residential (R2) requested by Ms. Barbara Thompson, contract owner, on property owned by Ronnie O. & Ute V. Wooldridge, on tax records as parcel number 039-1-27B located off Rt. 600, Belspring Road, in the Fairlawn area of the Cloyd Magisterial District

The Chairman opened a public hearing. Ms. Regina Cook, a real estate agent, submitted a statement from adjacent property owners noting no objection to the rezoning as requested. There being no further comment, the hearing was closed.

It was moved by Dr. Fariss, seconded by Mr. Vaughan and carried, that the rezoning request be approved, with the condition as proffered by the applicant, that the rezoning be effective only if purchased by the applicant, Ms. Barbara Thompson, and that purchase be completed within 120 days from approval of rezoning.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

- f. A rezoning from Residential (R-1) to Commercial (CM1) & a site plan review appeal on a proposed non-conforming auto and farm equipment sales business requested by Mr. C. L. Taylor on tax parcel number 063-36-5,6, located off Rt. 738, Robinson Tract Road, in the Forest Square Subdivision of the Robinson Magisterial District

The Chairman opened a public hearing on the rezoning, as well as offered to receive comments on the appeal of the site plan. Mr. James

McMickle, Ms. Yvonne Kinney, and Ms. Yvonne Spencer spoke in opposition to further development on the site, including rezoning and approval of the site plan. Mr. C. L. Taylor explained his proposal. There being no further comment, the hearing was closed.

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that the rezoning be denied as recommended by the Planning Commission.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

It was moved by Dr. Fariss, seconded by Mr. Vaughan and carried, that the site plan review be tabled with notice to interested parties when the plan is reconsidered.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

3. Board Photograph

Photograph Rudolph Farmer took a photograph of the Board, as well as a photograph of the Board with staff members in attendance. The photograph will be displayed in the County Administration Building Conference Room.

4. Highway Matters

Assistant Resident Engineer John Thompson met with the Board and discussed the following highway matters:

a. Follow-up from October 26 meeting:

1. Request for Speed Limit Reduction on Rt. 11, Lee Highway, (in the area of Highland Memory Gardens)

The request for the study was withdrawn.

2. Rural Addition Priorities

The staff was appointed to serve as road viewers on Rt. 654, Old Baltimore Road, serving the Allison Subdivision. The staff was also instructed to report back at the next convenient meeting with cost estimates for this rural addition.

3. Request for Speed Study on Rt. 612, Creek Road, near Parrott

Mr. Thompson advised that this road did not automatically qualify for a residential speed limit of twenty-five miles per hour. Supervisor Sheffey requested the staff survey residents of the road to determine interest in a formal speed study.

4. Traffic Signal at Rt. 643, Cougar Trail Road, and Rt. 11, Lee Highway and improvements at Rt. 643, Thornspring Road, and Rt. 11, Lee Highway

This matter is under study by Virginia Department of Transportation traffic engineers.

5. Oxford Avenue Excess Funds

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that the excess funds of an estimated \$33,000, be used for road

improvements to match revenue sharing program funds from the Virginia Department of Transportation.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

It was requested that a decision on which improvements would be made with these funds be scheduled for consideration at the December supervisors meeting.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

b. Brookmont Road, Rt. 640, Informal Speed Study

Chairman White requested an informal study of this route from the Pulaski Town limits to its intersection with Rt. 738, Robinson Tract Road.

c. Turning Apron Widening at Intersection of Cougar Trail Road, Rt. 643, and Entrance to Corporate Route 812

Chairman White requested the Department of Transportation to review this matter.

d. Stigger Hill, Falling Branch Road, Rt. 798, Informal Speed Study

Supervisor Sheffey requested an informal speed study of this entire road.

e. Industrial Access Road, Corporate Center

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that the outstanding bonded balance of \$34,009.66 be approved as a supplemental appropriation and for immediate payment; and that the Industrial Development Authority and the county staff pursue an industrial location within the next twelve months to allow a refund of this expense.

Voting yes: Mr. Crawford, Mr. White, Mr. Sheffey, Mr. Vaughan.

Voting no: Dr. Fariss.

f. Other Matters

Supervisor Sheffey noted potholes on Route 600, Belspring Road, from the vicinity of Hamblin's Store to Belspring. He also noted an open hole at a culvert at the intersection of New River Road and Church Street in the New River Community.

Chairman White requested checking the centerline striping of Rt. 636, Alum Spring Road.

Supervisor Vaughan noted the need for Rt. 601, Little Creek Road, bridge repairs.

5. Citizen Comments

Ward Angle requested assistance with Friends of Claytor Lake for: two more debris drop off points for large snags emergency cleanup; clarification of debris cleanup responsibility; emphasis on roadside litter prevention; and contact with the regional group interested in/or responsible for the New River water shed. These concerns are to be included in the overall lake development policy. The Clean

Community Council is to be notified of the interest of Friends of Claytor Lake. Additional debris sites are to be selected in conjunction with the overall cleanup efforts of Claytor Lake. A referral is to be made to the New River Highland Resource Conservation and Development Council regarding the interest for cleanup throughout the New River water shed.

6. Treasurer's Report

Treasurer Rose Marie Tickle met with the Board and presented both the monthly report and a listing of improper assessments.

7. New River Valley HOSTS Status Report

Mr. Bob Thomas, Coordinator of the HOSTS Tourism Accreditation effort, provided the report.

8. Report from County Attorney on New River Water Company Certificate of Public Convenience and Necessity

The county attorney presented a recommended resolution, which he explained.

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that the following resolution be adopted, as recommended by the county attorney:

WHEREAS, the New River Water Company ("Company") has applied for a Certificate of Public Convenience and Necessity ("Certificate") from the State Corporation Commission ("SCC") to operate and maintain private water systems located in Pulaski County--the water systems currently serving Bellavista Subdivision, Riverbend Subdivision and Tyson Hills Subdivision; and

WHEREAS, the Company needs approval of its application for a Certificate from the County which approval is to be submitted to the SCC.

NOW, THEREFORE, BE IT RESOLVED, that the County does not object to the Company's application for a Certificate to operate and maintain the water systems of Bellavista Subdivision, Riverbend Subdivision and Tyson Hills Subdivision with the following understanding and conditions to this action.

1. The County and the Public Service Authority ("PSA") assume no liability or obligations with regard to the Company's operations under the Certificate or its failure to operate and maintain said systems; and
2. The customers of the Company will not be prohibited from connecting to the water system of the PSA at any time; and
3. The Company shall seek and obtain permission from the County and PSA before expanding the existing water systems of Bellavista Subdivision, Riverbend Subdivision and Tyson Hills Subdivision and/or before constructing or acquiring any additional private water systems in the County; and
4. The Board's action assumes that the three private systems which are the subject of the Certificate application meet Health Department regulations.
5. The understanding and conditions to this Resolution shall be accepted in writing by an authorized representative of the New River Water Company prior to the execution of this Resolution by the Chairman of the Board of Supervisors of Pulaski County, Virginia.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey, Mr. Vaughan.

Voting no: none.

The supervisors were advised of the willingness by New River Water Company

President Frances Allen to respond to referrals of customer complaints from the water systems operated by the company when those complaints are received by Board of Supervisors members or the County Administration.

8a. E911 Status Report

Emergency Services Coordinator Crigger presented an update of the status of 911 implementation, particularly of notifying citizens of the four digit property number and road name address.

9. Reports from the County Administrator and Staff

a. Appointments

Action on appointments was deferred until following an executive session.

b. Meeting Procedures

Staff was requested to review current by-laws to clarify the language on time limitations and the Board agreed to utilize a five minute limit on comments when necessary to avoid prolonged meetings, with such use to be on a trial basis at the discretion of the Chairman.

c. FY 93 Budget and Tax Rates

The administrator advised that this matter needed review and requested it be scheduled for the December supervisors meeting agenda.

d. Legislative Issues

The staff was requested to arrange a luncheon meeting on December 29 following the stone courthouse reopening ceremony to discuss school funding with legislators in attendance and to invite the school superintendent and School Board chairman to join in the discussion.

e. Hiwassee/Snowville Water Survey Results

The staff was requested to present the results of the survey at the December supervisors meeting.

f. Historic Courthouse Reopening Ceremony and Holiday Lighting

The Board reviewed a tentative agenda for the ceremony and requested that the clock tower be lit with other holiday lighting for the downtown courthouse and county office area, but that the stone courthouse clock be set for 11:20 a.m., with the clock to start on December 29 at that time, noting the third anniversary of the old stone courthouse fire, and with the first ringing of the new courthouse bell to be at noon on December 29. It was also requested that the old bell be prominently exhibited in or near the stone courthouse building. To authorize these activities, the following resolutions were adopted:

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that the old courthouse bell be displayed near the old stone courthouse in an appropriate exhibit.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

It was moved by Dr. Fariss, seconded by Mr. Vaughan and carried, that

the clock in the courthouse clock tower be set as soon as possible for the hour and minute it stopped during the December 29, 1989, fire and be restarted on the third anniversary of that time.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey,
Mr. Vaughan.

Voting no: none.

10. Items of Consent

It was moved by Dr. Fariss, seconded by Mr. Vaughan and carried, that the following items of consent be approved:

a. Minutes of October 6 & 26, 1992

The minutes of October 6 and 26, 1992, were approved as presented.

b. Accounts Payable

Accounts payable as presented on checks numbered 40090 through 40418 were approved, as presented.

c. Transfers and Appropriations

Transfers as presented and filed with the records of this meeting and the Director of Management Services and appropriations as follows were approved:

COURTHOUSE FIRE RESOLUTION #1

EXPENDITURES

021 9504-3002	Valuable Papers - Microfilming	\$ 1,162.34
9505-1003	Relocation - Part-time Salaries	3,135.00
9505-2001	Relocation - FICA	239.83
9505-8002	Relocation - Rent	3,500.00

TOTAL \$ 8,037.17

CAPITAL IMPROVEMENTS FUND #4

EXPENDITURES

020-9102-7087-01	New River Sewer Grant	\$ 14,327.00
9115-7008-15	Capital Leases - Lease Payoff	6,909.97
9166-7103	School Bonds - Computer Assisted	1,020.00
9117-3002	Courthouse Bonds	6,193.27

TOTAL \$ 28,450.24

GENERAL FUND #7

REVENUES

3302-18	Summer Feeding Program	\$ 167.51
1613-11	Donation - Soccer Program	900.00

TOTAL \$ 1,067.51

EXPENDITURES

5329-5402	Summer Feeding - Food Supplies	\$ 167.51
7110-3035	Recreation - Soccer Program	900.00
9104-5804	Erroneous Assessments - Refunds	179.24
9310-5804	Revenue Refunds	976.78
9310-5834	Revenue Refunds - Decals	40.02

TOTAL \$ 2,263.55

d. Contracts and Change Orders

Contracts and change orders were approved as follows:

Courthouse Construction Change Order #9 - \$9,772.08

Schnabel Environmental Services including underground tanks at County Garage - (\$2,231), Cloyd's Mountain Landfill - (\$68,300 allowance based on standard unit fee charges V920835), and the brick courthouse expansion (\$3,722 for additional soils analysis P-16378, \$4,146 for bid document assistance V921025, and unit price fees for construction monitoring P-16470).

e. Personnel Changes

Personnel changes were reviewed as presented by the director of management services, a copy of which is filed with the records of this meeting.

f. Christmas Holiday Schedule

It was approved that Christmas Eve and New Year's Eve be designated additional county holidays for 1992, to conform with the state holiday schedule declared by the Governor.

g. Resolution of Appreciation - Parthenia French

RESOLUTION OF APPRECIATION

WHEREAS, Parthenia M. French has been an employee of the Pulaski County Treasurer's Office since July 1, 1984; and

WHEREAS, Parthenia M. French served as Clerk Typist II from July, 1984 to August, 1992; and

WHEREAS, Parthenia M. French served the citizens of Pulaski County during a period of transition and computerization of the Treasurer's Office records; and

WHEREAS, the service provided by Parthenia M. French has benefited not only present and past citizens of Pulaski County, but will enhance the quality of life of its future citizens; now therefore

BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its appreciation for the services of Parthenia M. French to the county and its citizens; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread on the minutes of the Board of Supervisors in permanent testimony of its appreciation to the service provided by Parthenia M. French to the citizens of Pulaski County.

h. Plantation Estates Plat Vacation

Advertise hearings for consideration of this request at the December 28 supervisors meeting.

i. At Risk Youth Community Policy and Management Team

Family Representation

Mr. Gary Hash was requested to serve as a representative of a family on the regional team for Pulaski County.

Fiscal Agent

It was authorized that Pulaski County serve as the fiscal agent for the regional team, if the City of Radford declines to serve in that capacity.

Legal Counsel

The county attorney was authorized to serve during formation and start up of the team as its legal counsel.

j. Community Services Board Report

The Board received a written report from the Community Services Board explaining its service to county citizens.

k. County Seal & Historic Courthouse Designation

Pulaski County High School, New River Community College and Radford University art classes are to be requested to submit design proposals for a county seal. In addition, a public contest for naming the stone courthouse building is to be undertaken. Both of these projects should be completed by March 1993.

l. Resolutions of Appreciation - Terri Stuart and Bob Whytal

The following resolutions were approved:

BOB WHYTAL

WHEREAS, Bob Whytal served as a member of the Pulaski County Office on Youth -- Youth Services Citizen's board since October, 1985; and

WHEREAS, Bob Whytal has given countless hours as a child advocate through his participation as advisory board chairman, and serving on the sponsor program, personnel, nominating, certification, Prevention Forum, Delinquency Prevention/Youth Development Needs Assessment and Plan committees; now therefore

BE IT RESOLVED, that the Pulaski County Board of Supervisors does commend and express its appreciation for the volunteer service of Bob Whytal to the county and its youth; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread on the minutes of the Board of Supervisors in testimony of its appreciation to the services provided by Bob Whytal.

TERRI STUART

WHEREAS, Terri Stuart served as a member of the Pulaski County Office on Youth -- Youth Services Citizen's board since October, 1988; and

WHEREAS, Terri Stuart has given countless hours as a child advocate through her participation as advisory board secretary, and serving on the personnel, nominating, certification, Prevention Forum, Delinquency Prevention/Youth Development Needs Assessment and Plan committees; now therefore

BE IT RESOLVED, that the Pulaski County Board of Supervisors does

commend and express its appreciation for the volunteer service of Terri Stuart to the county and its youth; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread on the minutes of the Board of Supervisors in testimony of its appreciation to the services provided by Terri Stuart.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey, Mr. Vaughan.
Voting no: none.

11. Citizen Comments

Ms. Nancy Pugh commented regarding the upcoming hearing for the proposed New River Resource Authority landfill permit at the Matson property.

Mr. C. E. Boyd attended the meeting, but left before the comment period. Mr. Boyd is to be scheduled, if he so desires, on the December agenda regarding implementation of an itinerant merchants license tax.

12. Other Matters from Supervisors

It was moved by Mr. Sheffey, seconded by Dr. Fariss and carried, that the Board write a letter of support to the legislative sub-committee studying House Joint Resolution 244 on the implementation of composting regulations, with such letter to encourage, on behalf of the New River Resource Authority, composting of solid waste.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey, Mr. Vaughan.
Voting no: none.

13. Executive Session

It was moved by Mr. Vaughan, seconded by Mr. Crawford and carried that the Board enter executive session pursuant to Section 2.1-344(A) of the 1950 Code of Virginia, as amended, for the purposes of discussing personnel matters, legal matters, land acquisition and/or disposition and prospective industry.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Vaughan, Mr. Sheffey.
Voting no: none

RE: Return from Regular Session

It was moved by Mr. Vaughan, seconded by Dr. Fariss and carried, that the Board return to regular session.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Vaughan, Mr. Sheffey.
Voting no: none.

RE: Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Mr. Sheffey, seconded by Mr. Vaughan and carried, that the following resolution be adopted certifying conformance with the Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Pulaski County,

Virginia, hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Vaughan, Mr. Sheffey.
Voting no: none.

RE: Appointments

It was moved by Mr. Sheffey, seconded by Mr. Vaughan and carried, that the following action be taken regarding appointments:

Local Disabilities Services Board

No action was taken pending Planning District Commission regional board formation.

Office on Youth Advisory Board

Mrs. Zola Lancaster was requested to serve.

Library Board

Ms. Nancy M. Burchett was appointed for a term ending December 31, 1996.

Dr. Tom Wilkinson was requested to serve.

Ms. Mary Katherine Stout and Ms. Elinor Morgan were reappointed for terms ending December 31, 1996.

Board of Zoning Appeals

Mr. Ronnie Simpkins was nominated for reappointment.

New River Resource Authority Alternate

Staff was requested to seek an additional nominee from the Town of Pulaski due to the recent illness of Town Councilman Crispin who had been suggested.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Vaughan, Mr. Sheffey.
Voting no: none.

14. Adjournment

It was moved by Dr. Fariss, seconded by Mr. Vaughan and carried, that the meeting be adjourned. The next regular scheduled meeting of the Pulaski County Board of Supervisors is to be held on Monday, December 28, 1992, at 7:00 p.m. in the Board of Supervisors Meeting Room, 143 Third Street, N. W. in the Town of Pulaski.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Vaughan, Mr. Sheffey.
Voting no: none.

Jerry D. White, Chairman

ATTEST:

Joseph N. Morgan, Clerk