

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, March 25, 1996, 7:00 p.m. at the County Administration Building, Board Chambers, 143 Third Street, NW, in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Jerry D. White, Vice-Chairman; Bruce L. Fariss; Charles E. Cook; and Frank R. Conner. Also present were County Attorney, Thomas J. McCarthy, Jr.; Management Services Director, Nancy M. Burchett; Fleet Maintenance and Operations Director, Doug Mayberry; and County Administrator, Joseph N. Morgan.

1. Invocation

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

2. Additions to Agenda

Additional agenda items were noted and considered at the appropriate times on the agenda.

3. Public Hearings:

- a. An amendment to the zoning map being considered by the Pulaski County Planning Commission from Residential (R3) to Commercial (CM1) on property identified on Pulaski County tax records as parcel 048-008-0000-0111 located off Route 11, Lee Highway, in the Mt. Pleasant Subdivision of the Cloyd District.

The County Administrator advised the Planning Commission had recommended approval of this request.

The Chairman opened the public hearing on this matter for public comments. No public comments were heard; therefore, the public hearing was closed on this matter.

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors approved an amendment to the zoning map from Residential (R3) to Commercial (CM1) on property identified on Pulaski County tax records as parcel 048-008-0000-011 located off Route 11, Lee Highway, in the Mt. Pleasant Subdivision of the Cloyd District.

Voting yes: Mr. Cook, Mr. Sheffey, Mr. White, Mr. Conner.

Voting no: none.

Not present: Dr. Fariss.

- b. An amendment to the zoning map being considered by the Pulaski County Planning Commission from Residential (R1) to Industrial (I1) on property identified on Pulaski County tax records as parcels 056-001-0000-0039, 039A,0040, located off Route 11, Lee Highway, and Route 1084, Dublin Street, near the Dublin Corporate limits, in the Draper District.

The County Administrator reported the Planning Commission had recommended approval of this request.

The Chairman opened the public hearing on this matter for public comments. No public comments were heard; therefore, the public hearing was closed on this matter.

On the motion of Mr. Cook, seconded by Mr. White and carried, the Board of Supervisors approved an amendment to the zoning map from Residential (R1) to Industrial (I1) on property identified on Pulaski County tax records as parcels 056-001-0000-0039,039A,0040, located off

Route 11, Lee Highway, and Route 1084, Dublin Street, near the Dublin Corporate limits, in the Draper District.

Voting yes: Mr. Cook, Mr. Sheffey, Mr. White, Mr. Conner.

Voting no: none.

Not present: Dr. Fariss.

- c. An amendment to the zoning map being considered by the Pulaski County Planning Commission from Residential (R3) to Residential (R) for property identified on Pulaski County tax records as parcels 029-001-0000-0001-007A; 029-001-0000-0023-0030; 029-003-0000-0001-0012; and 029-017-0000-0001-0003, located off Route 600, Belspring Road, in the Cloyd District.

The County Administrator advised the Planning Commission had tabled action on this matter until its April 9, 1996 meeting. Therefore, no public hearing is needed by the Board of Supervisors at this time.

- d. An amendment to the zoning map requested by Deborah Phillips from Residential (R2) to Commercial (CM1) on property identified on Pulaski County tax records as parcels 066-001-0000-036B,036C and 067-001-0000-0004 located off Route 660, State Park Road, near the entrance to Claytor Lake State Park in the Ingles District.

The County Administrator reported the Planning Commission had recommended approval of this request and further reported the property was currently being used as commercial.

The Chairman opened the public hearing on this matter for public comments. No public comments were heard; therefore, the public hearing was closed.

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors approved an amendment to the zoning map as requested by Deborah Phillips from Residential (R2) to Commercial (CM1) on property identified on Pulaski County tax records as parcels 066-001-0000--036B,036C and 067-001-0000-0004 located off Route 660, State Park Road, near the entrance to Claytor Lake State Park in the Ingles District.

Voting yes: Mr. Cook, Mr. Sheffey, Mr. White, Mr. Conner.

Voting no: none.

Not present: Dr. Fariss.

- e. Clean-up of debris on property owned by Richard D. Hodge identified on Pulaski County tax records as parcel 047-024-0SC2-0003, zoned Residential (R1), located at 3B Riggs Street, Walnut Subdivision, near the Town of Dublin in the Ingles District.

The Board of Supervisors reviewed correspondence from the Director of Code Enforcement, Charles Goins, to Richard D. Hodge requesting property clean-up.

The Chairman opened the public hearing on this matter for public comments. No public comments were heard; therefore, the public hearing was closed.

On the motion of Mr. White, seconded by Mr. Cook and carried, the Board of Supervisors requested staff to advise the property owner of the cost for cleaning up the above listed property, and if no response is made by the owner by the April 22, 1996 regular meeting of the

Board of Supervisors, staff should proceed with the clean up of said property at the expense of the property owner.

Voting yes: Mr. Cook, Mr. Sheffey, Mr. White, Mr. Conner.

Voting no: none.

Not present: Dr. Fariss.

4. Highway Matters:

a. Follow-up from Previous Board meetings:

1. Route 627, Highland Road, restoration of Neck Creek Bridge

Mr. Brugh reported there had been no change in the opinion of the Historic Resources Department regarding its historic designation. Mr. Brugh advised the Board of Supervisors had two options. One option would be to approve the plan and proceed with replacement of the bridge. The second option would be to not approve the plan for the bridge replacement at this time. This option would delay the project, however, there would be no guarantee the Historic Resources Department opinion on designating the bridge as a historic bridge would change.

The Board discussed other routes, life expectancy of bridge if no repairs are made and funding for the bridge replacement.

The Board of Supervisors directed staff to follow up on the letter previously sent to the Department of Historic Resources and Secretary Dunlop, and seek assistance from Governor George Allen regarding this matter. The Board further requested a response from the state officials be requested within 30 days.

2. Interstate 81 Bridge Clearance on Route 99 at Exit 94

Mr. Brugh reported review is pending by VDOT on this matter.

3. Through Truck Prohibition

Mr. Brugh advised he expected to have traffic counts in this area by the next Board of Supervisors meeting.

4. Review of Pond Lick Hollow, Route 674, Flooding Over Culverts installed by VDOT

Mr. Brugh reported VDOT officials had responded directly to Charles Vaughan and Supervisor White regarding this matter.

5. Request to Simmons Development Co. for Consideration of Donating Right-of-Way to Allow Route 711, Mines Road

The County Administrator reported Mr. Simmons has now agreed to donation of right-of-way. Mr. Brugh advised the Board he recommended building the road to the end of Route 711 or approximately thirty-five hundreds (.35) of a mile. He reported it would cost approximately \$60,000 to extend the paving to the end of Route 711.

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved extending the paving to the end of Route 711.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White,

Mr. Conner.  
Voting no: none.

6. Guard Rail Requests

The Board was presented with a listing of guard rail requests. Staff requested the Board review this listing for changes and possibly prioritize the listing by the April, 1996 regular meeting of the Board.

7. Pending Rural Addition Requests

a. Acceptance of December Road Viewers Report

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors approved the road viewers reports and further approved all roads viewed as eligible rural additions, with construction to be pending funding and right of way availability.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey,  
Mr. White, Mr. Conner.  
Voting no: none.

b. Status of Pending Approved Additions

The Board reviewed a listing of pending rural additions which included the roads viewed on December 2, 1995 by the road viewers.

The following citizens appeared before the Board of Supervisors and requested the Supervisors approve the expenditure of approximately \$35,000 for a drainage study at Lakewood Estates in the Ingles District: Susan Peters, Vicki Mooney, Ralph Johnston, Ruth Harrah, and Mike McCleod.

Mr. Brugh advised the solution for the drainage problem at Lakewood Estates was not readily obvious and a study would be needed to determine the best remedy for the drainage problems. He further advised that Lakewood Estates was one of the oldest projects on the rural additions listing.

c. Prioritizing Approved Rural Additions

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved spending up to \$35,000 for a drainage study at Lakewood Estates, and approved new rural additions as follows: Locust Street, off Route 658 in the Town of Dublin, at an estimated cost of \$21,700; Lyons Road, an extension of Rt. 662 into Redwood Subdivision, at an estimated cost \$64,800; and Pepper's Ferry Road, from Route 1084, Dublin Street, to the former Cook's Crossing over the Norfolk Southern Railroad, at an estimated cost of \$32,900.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey,  
Mr. White, Mr. Conner.  
Voting no: none

8. New Rural Addition Requests

The Board instructed staff to carry over the rural addition request off Route 658, Delton Road, to the April meeting of the Board of Supervisors. Dr. Fariss requested an extension south of Route 693, Julia Simpkins Road, in Allisionia be added back for viewing.

9. Rt. 695, Old Peppers Ferry Loop

Mr. Brugh advised Route 695, Old Peppers Ferry Loop, does not qualify as a rural addition and VDOT considers this road as a private alley, therefore, VDOT is not responsible for any road maintenance.

10. Railroad Crossing Funding

Mr. Brugh explained the funding requirements for improvements to railroad crossings. It was noted that signals for the Route 673 crossing in New River is on the six year plan.

b. Supplemental List Update

The Board of Supervisors instructed staff to provide the Supervisors with an updated listing of the supplemental road improvements listing for review at the regular meeting in April, 1996.

c. DED Certification Signs

Mr. Brugh advised VDOT had taken care of signs which had been leaning.

d. VDOT 1996 Spring Allocation Hearing

Staff reported Chairman Sheffey would be attending the 1996 VDOT Spring Allocation Hearing scheduled for Tuesday, April 2, 1996 in Salem, Virginia, on behalf of the New River Valley and Pulaski County.

e. Request by Mar-Bal for Acceptance of Roads into Highway System

Mr. Brugh reported VDOT would review this request and report back to the Board at their regular meeting scheduled for April, 1996.

f. Secondary System Changes

The Board reviewed the following changes to the Secondary System of State Highways effective February 29, 1996:

Abandonment - 0738-077-169,C501; Robinson Tract Road, Route 738; 0.170 miles; D634-Segments 1,2,3.

Addition - 0783-077-169,C501, Route 711; 0.010 miles; D634-Segment 7.

Addition - 0738-077-169,C501, Robinson Tract Road, Route 738; 0.160 miles; D637-Segments 4,5,6.

g. Armstrong Street, Route T1050, Parking Restrictions

Mr. E. W. Harless appeared before the Board of Supervisors and expressed concerns regarding the lack of no parking restrictions on Armstrong Street.

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors requested VDOT to install no parking signs on Armstrong Street and requested the Sheriff to enforce the no parking restrictions in this area.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White,  
Mr. Conner.

Voting no: none.

h. Route 11 Memorial Bridge Report

The Board reviewed a report prepared by VDOT regarding the Memorial Bridge on Route 11. Said report provided cost estimates for four alternatives evaluated by VDOT. Short term improvements to bridge were estimated at \$3 million; long term improvements were estimated at \$7.5 million; superstructure replacement of bridge was estimated to be \$10.3 million; and total bridge replacement was estimated to be \$11.6 million.

i. Route 601, Little Creek Road

Mr. Brugh advised Route 601, Little Creek Road, improvements was scheduled for advertisement in March, 1999; however if project is split a portion could be advertised in the spring of 1998. Mr. Brugh further reported maintenance on Route 601 would be ongoing but road will be difficult to travel on until road is paved.

j. Route 602, Dry Branch Road, and Route 600, Parrott River Road

Mr. Brugh advised VDOT would review this area and report back to the Board at their regular meeting in April, 1996.

k. Citizen Concerns

No citizen concerns were heard regarding highway matters at this time.

l. Board of Supervisors Concerns

Supervisor Cook inquired about status of Route 652, Barrett Ridge Road. Mr. Brugh advised the right-of-ways were currently being sought. Mr. Cook requested VDOT advise him once all the right-of-ways had been obtained by VDOT.

Supervisor Cook inquired about status of Route 697, Towes Ferry Road. Mr. Brugh reported bids on this road was due by the end of March, 1996.

Supervisor Conner requested VDOT review Route 611, Newbern Road, and Old Route 11, Cleburne Blvd. for directional arrows and lanes for turning. Mr. Brugh advised VDOT would review and report back to the Board on at the April meeting.

5. Citizen Comments

No citizen comments were heard at this time.

6. Treasurer's Report

The Board of Supervisors reviewed the monthly trial balance report and certificates of deposits, as presented by the Treasurer, Rose Marie Tickle. The Board accepted the reports as presented.

7. Reports from the County Administrator & Staff:

- a. A request by Pulaski County Developers (L C) for a Conditional Use Permit to allow quarrying operations on property identified on Pulaski County tax records as parcels 057-001-0000-0002, 002B,002D, 0003 and 066-001-0000-0002, zoned Agricultural (A1), located off Route 611, Wilderness Road, in the Ingles District

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors deferred action on this matter until the April meeting of the Board of Supervisors; however, requested staff to provide assistance with discussions between all parties involved and further requested the County Attorney to serve as a mediator in this matter.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.

Voting no: none.

- b. Board of Supervisors Goals Review

The Board of Supervisors reviewed a listing of Supervisors goals, as prepared by staff. Approval of the goals was scheduled for the April Board meeting.

- c. Animal Welfare Progress Report

The Board of Supervisors reviewed recommendations of the Animal Welfare Committee, including some personnel changes. The County Administrator suggested the Board defer the personnel recommendations until the executive session portion of the meeting.

- d. Draper Mountain Overlook

The Board of Supervisors discussed at length possible plans for the Draper Mountain Overlook. Staff reported current activity includes a joint ISTEIA application with the Town of Pulaski for funding; Chamber of Commerce Quality of Life Committee offer for assistance; and, planning for community sentencing and inmate use for clean up and improvements. In addition, staff advised other actions under consideration are seeking historic designation; adoption of the project by the Pulaski Rotary Club; seeking private/business sponsors for a portion of the project; and creating an ad hoc citizens group to promote the reopening and restoration of the site.

The Board requested staff to include a funding requested in the FY 97 budget for the Draper Mountain Overlook project.

- e. Intermodal Service Transportation Efficiency Act Allisionia New River Trail River Trail Improvements Update

The Board of Supervisors deferred action on this matter until the executive session portion of the meeting.

- f. FY 96-97 Employee Health Care Coverage

On the motion of Mr. Conner, seconded by Mr. White and carried, the Board of Supervisors approved remaining with the State Local Choice Program for FY 97, offering the Key Advantage Health Care Plan, and offering two HMO plans for employees to chose from, and further approved continuing to pay the same employee portion of premiums at

80% of single coverage and an additional 50% for additional costs of a dual or family plan with the same percentage being applied to whichever plan an employee may chose.

Voting yes: Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.  
Voting no: none.  
Abstaining: Dr. Fariss.

g. Pawnbrokers License

The Board of Supervisors reviewed a proposed Pawnbrokers License Ordinance for the Board to consider scheduling a public hearing on. Dr. Fariss inquired about the fee for the license and Mr. White suggested Section Ten be amended to have Sheriff's Department conduct a background information check on individuals prior to being employed by the pawnbroker.

The Board instructed staff to advertise for public hearing in April, the Pawnbrokers License Ordinance incorporating the above changes as suggested by the Supervisors.

h. Research Preliminary Proposal - Fiscal Impact of New Residential Development in Pulaski County - \$20,000

The Board instructed staff to include the above request for \$20,000 in the FY 97 budget and invite Mr. Tom Johnson to explain this request at either the April 15 or April 29 meeting of the Board.

i. Appointments

Action on appointments was deferred until executive session.

8. Items of Consent:

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors approved the following items of consent unless otherwise noted.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.

Voting no: none.

a. Minutes of February 8, 17 & 26 & March 11 and 12, 1996

The Board of Supervisors approved the minutes of February 8, 17 & 26 and March 11 and 12, 1996 as presented.

b. Accounts Payable

The Board approved the accounts payable listing for check numbered 09716 through 10069.

c. Transfers and Appropriations:

1. General Fund Transfers

The Board approved interoffice transfers as presented and filed with the records of the Director of Management Services.

2. General Fund Appropriations

The Board approved the following general fund

appropriations:

General Fund #14

Revenues:

4101-00 Insurance Recovery/Draper Fire \$ 1,170.00

Total \$ 1,170.00

Expenditures:

3207-7001 Draper Fire Dept. Mach/Equip \$ 1,170.00

3230-5201 REMSI Mailing of Brochures 1,975.00

9104-5804 Erroneous Assessments Refunds 1,486.00

9303-9109 Transfer to Internal Service 27,383.00

Total \$ 32,014.00

Internal Service Fund #2

Revenues:

5102-00 Transfer from General Fund \$ 20,000.00

Expenditures:

1224-3010 Garage Other Contracted Services \$ 20,000.00

School Fund #13

Revenues:

3301-09 Title I Chapter I \$ 2,420.00

Expenditures:

6989-III3-10 Title I - Salaries \$ - 291.00

6989-1121-10 Title I - Salaries -73,925.23

6989-1141-10 Title I - Salaries -17,451.18

6989-2211-10 Title I - Fringe Benefits -15,152.09

6989-4010-10 Title I - Summer School 96,822.51

6989-3140-10 Title I - Contractual Serv. 15,818.90

6989-3900-10 Title I - Community Serv. - 5,113.00

6989-5501-10 Title I - Travel - 892.00

6989-6013-10 Title I - Educational/Instru. - 4,822.91

6989-1521-10 Title I - Subst. Teacher 7,426.00

Total \$ 2,420.00

d. Ratification

No ratifications were presented at this meeting.

e. Contracts:

1. Contract with NR Community Services

The Board of Supervisors approved the following agreement with New River Community Services:

THIS AGREEMENT made this 25th day of March, 1996 by and between the Board of Supervisors of Pulaski County, Virginia, party of the first part, hereinafter referred to as the "COUNTY", and New River Community Sentencing, Inc., party of the second part, hereinafter referred to as the "CORPORATION".

WHEREAS, the COUNTY has implemented the Virginia Community Crime Control Act Community Sentencing Project, hereinafter

referred to as "PROJECT" in order to provide services to delinquent youths; and

WHEREAS, the COUNTY has applied for and received a grant from Virginia Department of Youth and Family Services to supervise community service orders as a part of the PROJECT; and

WHEREAS, the COUNTY has requested and received a proposal to contract for the implementation and administration of the community service order portion of PROJECT and has accepted the proposal of the CORPORATION to administer and implement that portion of the PROJECT as is hereafter set forth.

NOW, THEREFORE, IN CONSIDERATION WHEREOF and in consideration of the mutual benefits and obligations as hereinafter set forth, the parties hereto agree as follows:

1. Grant: All work to be performed and services rendered shall be in accordance with the grant awarded by the Virginia Department of Youth and Family Services to the COUNTY as set forth in the grant application submitted by the Office of the County Administration dated January 26, 1996.
2. Services to be Performed: The CORPORATION shall perform all the duties, obligations and services as is set forth on the attached project description.
3. Time of Performance: The CORPORATION shall provide all services entailed as above for the PROJECT from January 1, 1996 until June 30, 1996.
4. Compensation: In consideration of the completion of the above described work, the COUNTY agrees to pay and the CORPORATION agrees to accept the total amount of payment of one thousand one hundred dollars (\$1,100.00), which amount shall be paid in two equal payment of five hundred fifty dollars (\$550). The first such payment is to be paid upon the signing of this contract, the second payment shall be made on April 1, 1996. The two payments are due as set forth pending receipt by the COUNTY of these funds from the Virginia Department of Youth and Family Services. All parties acknowledge that the payments set forth herein shall be paid from grant proceeds and shall be subject to all the terms and conditions of the grant.
5. Accountings: The CORPORATION shall prepare in timely fashion quarterly reports to be filed with the County on April 30 and July 31, 1996. These reports shall include an accounting of the number of clients served by the PROJECT, broken down by age, gender and race, the amount of community service ordered, the number of hours of community service performed and the sites where the community service was performed.
6. Modification: This agreement shall not be subject to change, modification or discharge except by written instrument signed by the parties hereto and in accordance with the above mentioned grant.

WITNESS the following signatures and seals:

Board of Supervisors of Pulaski County,  
Virginia

By: \_\_\_\_\_

New River Community Sentencing, Inc.

By: \_\_\_\_\_

2.-RFP Grounds Maintenance

The Board of Supervisors approved awarding the grounds maintenance contract to Custom Lawn Care for a three year contract for \$17,820.

f. Change Orders

No change orders were presented.

g. Information Systems Grant No. 97-A9176AD96

The Board of Supervisors accepted a grant award from the Department of Criminal Justice Services in the amount of \$90,773 for the Pulaski County Sheriff's Office. Said grant will allow automation of the Sheriff's dispatching.

h. Personnel Changes

The Board reviewed recent personnel changes as prepared by the Management Services Director, Nancy M. Burchett.

i. Veto of SB 326, Mandatory Computer Records Public Index

The Board authorized staff to express opposition to SB 326 to Governor Allen.

j. FY 95 Audit Acceptance

The Board of Supervisors accepted the FY 95 audit report and instructed staff to invite the manager of Robinson, Farmer, Cox Associates to make a brief presentation of the audit and answer any questions at the April 29, 1996 meeting.

k. Sewer Line Easement Across County Garage

The Board of Supervisors approved execution of a sewer line easement across the County Garage from the Claytor Lake State Park sewer line extension.

l. Clean-up of Lake Shore Trailer Park, State Route 100, identified on Pulaski County Tax Map No. 073-001-0000-0082

The Board approved staff recommendation to schedule a public hearing on the above property at the April Board meeting, unless the violations have been corrected prior to the April meeting.

m. T. H. Farmer - Status of Litter and Property Maintenance

Staff reported much of the litter at this site has been removed by the PSA; however, additional unlicensed vehicle violations exist. The Board approved holding a public hearing on the clean up of this property at the April, 1996 meeting with staff to provide costs of

clean up and repairs at the April, 1996 meeting.

n. Commercial Drivers Drug Policy

The Board of Supervisors approved the following Commercial Drivers Drug Policy:

DRUG AND ALCOHOL TESTING POLICY FOR COMMERCIAL DRIVERS

PURPOSE

The purpose of this policy is to deter the use of drugs and alcohol in the workplace by establishing standard procedures for drug and alcohol testing for all employees required to hold a Commercial Driver's License. These employees are referred to as covered employees in this policy.

Beginning on January 1 of 1996, all Pulaski County and Public Service Authority employees who are required to have a Commercial Driver's License (CDL) including, but not limited to: drivers of trucks, mechanics, substitute drivers, and supervisors acting as drivers must be tested for drugs and alcohol on the following basis:

A. PRE-EMPLOYMENT

1. Before a covered employee operates a vehicle for the County of Pulaski or the Public Service Authority for the first time, he or she must undergo drug and alcohol testing. The results must show an alcohol concentration of less than .02 percent and a negative drug test result.
2. The County of Pulaski or the Public Service Authority (PSA) will obtain the covered employee's consent to obtain test results from previous employers within two weeks of beginning employment and will obtain such results if applicable before the covered employee operates a vehicle for the County or PSA.
3. New covered employees will receive a copy of the "Drug and Alcohol Testing Policy for Commercial Drivers" at the time that they are hired and will be asked to sign a statement indicating receipt of this policy.

B. POST-ACCIDENT OR INCIDENT

1. All covered employees involved in accidents or incidents for which a traffic citation is given or a traffic charge is made when they were operating a County or PSA vehicle will be tested for both alcohol and drugs. Testing must also occur if there is a fatality, there is an injury treated away from the scene, or a vehicle is required to be towed.
2. Alcohol tests will be administered within two hours of the accident, if possible, and no later than eight hours after the accident.
3. Drug tests will be performed within 32 hours of the accident.
4. If the tests are not performed, the County or PSA will maintain a record of the reasons the tests were not promptly performed.
5. Involved covered employees must remain available for testing, or

otherwise be deemed to have refused to submit to testing. Injured covered employees will be tested at the hospital to which they are taken.

#### C. RANDOM TESTING

1. All covered employees will be subject to unannounced random alcohol and drug tests either immediately prior to or immediately after driving a County or PSA vehicle on dates spread throughout the calendar year.
2. Fifty percent or more of the covered employees will be tested each year for drugs.
3. Twenty-five percent or more of the affected employees will be tested each year for alcohol.

#### D. REASONABLE SUSPICION TESTING

Covered employees will not be allowed to drive a County or PSA vehicle and will be tested when there is a reasonable suspicion of drug or alcohol use. Reasonable suspicion will be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. These observations will be made by a supervisor or County or PSA employee who has received a minimum of two hours of training on the indicators of alcohol and drug abuse. Such observations will be documented and dated within twenty-four hours of the time of occurrence.

#### E. RETURN TO DUTY TESTING

Before a covered employee who has violated this policy can return to duty, he or she must undergo alcohol and drug testing, obtain a negative result in the drug test and an alcohol concentration of .02 or less. The return to duty testing must be conducted at the covered employee's expense.

#### F. TESTING

1. A split specimen urinalysis will be conducted for drug detection. Forty-five ml of urine will be used. It will be split with 30ml being used for the primary specimen and 15ml for the split specimen. The split specimen will be made available if the employee wants to request a second test, at his or her own expense, after being informed of a verified positive test. Tests will be performed for Marijuana, Cocaine, Opiates, Phencyclidine (PCP), and Amphetamines.
2. An Evidential Breath Test using an EBT device operated by a trained Breath Alcohol Technician will be used to test for alcohol.
3. The results of controlled substance testing will be reviewed by a Medical Review Officer, who is a licensed physician with a knowledge of substance abuse disorders. This Medical Review Officer will not be employed by, or be a part of the laboratory performing the tests. The Medical Review Officer will contact the covered employee about positive or suspicious negative results to find out if there are prescription drugs involved. If the Medical Review Officer cannot contact the covered employee, he or she will contact the Fleet Supervisor, who will instruct the covered employee that he or she must contact the Medical Review Officer before returning to duty. The covered employee cannot continue to

drive a County or PSA vehicle unless an investigation by the Medical Review Officer has proven the test results to be caused by legitimate medical treatment. The final results of the test will be reported to the County or PSA.

#### G. UNACCEPTABLE TEST RESULTS

1. A positive test for drugs.
2. An alcohol level of .02 or greater.

#### H. CONSEQUENCES

1. Covered employees having unacceptable test results will be prohibited from driving County or PSA vehicles.
2. Covered employees who have a confirmed positive test result or a refusal to take a test (same as positive) may be placed on probation, be suspended without pay or be terminated.
3. Covered employees who are found to be in violation of this policy will be advised of available resources for evaluation and treatment of alcohol and controlled substance problems. Any rehabilitation program must be at the expense of the employee.

#### I. DOCUMENTATION

1. Observations of behavior that constitute reasonable suspicion will be recorded in writing within twenty-four hours of the occurrence. The documentation will be dated and signed by the observer.
2. The County or PSA will maintain a summary of annual testing results and other information, including monthly positive and negative reports with substances detected, and all chain-of-custody forms, which will be made available to the Federal Highway Administration upon request.
3. The signed statements of all covered employees indicating their receipt of the CDL Drug and Alcohol Testing Policy will be placed in their personnel files.
4. A record will be kept of training provided for supervisors and for covered employees.
5. All documentation relative to the implementation of this policy will be maintained for the period of time specified by the Department of Transportation and Federal Highway Administration.

#### J. TRAINING

1. Training on how drugs and alcohol might affect them and work environment will be provided for all covered employees. Copies of the "Drug and Alcohol Testing Policy for Commercial Drivers" will be distributed to them, and they will be asked to sign a form that they received this policy.
2. Training on how to recognize signs of alcohol and drug abuse and how to document behavioral changes in employees who might be abusing drugs or alcohol will be provided for all supervisors of covered employees.

I, \_\_\_\_\_, have received a copy of the Pulaski County and Public Service Authority Policy on Drug and Alcohol Testing. Also, the following information has been made available to me in writing.

1. The identity of the person in Pulaski County and the PSA designated to answer employee questions about the materials;
2. The categories of employees subject to this part of the regulation;
3. Enough information about safety-sensitive functions performed by the employee to make clear what part of the work day the employee must be in compliance with the rule;
4. Specific information to inform the employee what conduct this regulation prohibits;
5. The circumstances under which an employee will be tested for drugs and/or alcohol;
6. The procedures used to test for alcohol and drugs, to protect employee privacy and the integrity of the testing process, safeguard the validity of the test results and see that the results are attributed to the right person were explained;
7. The requirement that the employee submit to drug and alcohol test;
8. An explanation of what constitutes a refusal to be tested and the consequences;
9. The consequences for employees who have been found to have violated Subpart B including requirements for removal from duty (PROHIBITIONS - Federal Register, pg. 7507);
10. Consequences for covered employees having concentration of .02 breath alcohol test.
11. Information regarding the effects of alcohol and drugs on one's health, work and personal life; signs and symptoms of an alcohol or drug problem (the employees or a co-workers); and available methods of intervention including confrontation and intervention.

Signed:

Date:

On 3/25/96, the Pulaski County Board of Supervisors adopted a Drug and Alcohol Testing Policy for anyone operating a County of Pulaski or Public Service Authority vehicle requiring a Commercial Driver's License. Enclosed you will find a copy of the policy.

Following is some important information about drug and alcohol testing.

1. Doug Mayberry, Fleet Director, and Larry Vest, Sanitation Supervisor, are responsible for answering questions about the materials covering drug and alcohol testing.

2. A covered employee is anyone who has a commercial driver's license to perform his/her job duties and that performance concerns a safety-sensitive function (driving).
3. The safety-sensitive function is anyone driving, ready-to-drive or immediately available to drive as an employment responsibility.
4. The covered employee will be tested for marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamine) and alcohol.
5. The test will be conducted under the following circumstances:
  - A. Pre-employment
  - B. Post-Accident
  - C. Random
  - D. Reasonable Suspicion
  - E. Return-to-Duty
6. The testing will be conducted by a NIDA approved lab. It will be a split sample urinalysis for drugs and a Evidential Breath Test for alcohol.
7. Any covered employee must submit to the drug and alcohol tests as determined by Pulaski County Policy "Drug and Alcohol Testing for Commercial Drivers".
8. A refusal will be considered a positive and the employee will be removed from the safety sensitive duty with the possibility of suspension and/or termination.
9. Any covered employee who has a confirmed positive will be immediately removed from the safety sensitive duty. The employee will be subject to possible suspension and/or termination.
10. Any covered employee who has an alcohol test above .02 will be removed from their safety sensitive duty and will be subject to suspension and/or termination.

o. Inclement Weather Policy

The Board of Supervisors deferred action on the proposed Inclement Weather Policy until the April, 1996 regular meeting of the Board.

p. Memorial Resolution - O. P. Maxwell

The Board of Supervisors adopted the following Memorial Resolution honoring Mr. O.P. Maxwell:

MEMORIAL RESOLUTION  
O. P. MAXWELL

WHEREAS, O. P. Maxwell rendered valuable public service as the county's first pollution control officer working for a clean and litter free environment; and

WHEREAS, O. P. Maxwell served the citizens of Pulaski County in leadership by serving on the Pulaski County Clean Community; and

WHEREAS, O. P. Maxwell has given countless hours in selfless service to all citizens of Pulaski County; and

WHEREAS, the service provided by O. P. Maxwell 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 service of O. P. Maxwell to the county and its citizens; and

BE IT FURTHER RESOLVED, that this Board of Supervisors does extend to the family of O. P. Maxwell its sympathy and condolences in his passing;

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 O. P. Maxwell to the citizens of Pulaski County.

Adopted this 25th day of March, 1995.

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Joseph L. Sheffey  
Chairman  
Pulaski County Board of Supervisors

q. Water Witch Reuse

The Board of Supervisors approved staff seeking proposal for reuse of the water witch in a manner that would be most useful to Claytor Lake protection, in return for upkeep or some other compensation to the county.

r. Dublin Lions Field Lot Line Adjustment

The Board of Supervisors reviewed a plat prepared by the County Engineer making a lot line adjustment to the Dublin Lions Field to accommodate liability concerns on the walking track. The Board concurred with the adjustment as presented by staff.

s. Citizen Comments on Agenda

The Board of Supervisors approved an amended to the Supervisors by-laws to move the first citizen comments period to just before the Report from the County Administrator and staff, as well as allowing a citizens comments time for highway matters before the resident engineer leaves the meeting.

t. Commission for the Arts Grant Application

The Board of Supervisors approved a Arts Grant application in the amount of \$4,000 to the Virginia Commission for the Arts on behalf of the Fine Arts Center.

9. Citizen Comments

Mr. Terry Weaver, owner of Solid Rock Kennels in Draper, appeared before the Board and expressed concerns regarding the county's requirement for a site plan of the kennel. He also requested that a small kennel owner be appointed to the Animal Welfare Committee.

The Board requested staff to send to Mr. Weaver information on making an appeal to the Board of Zoning Appeals.

Ms. Annette Jenkins appeared before the Board and also expressed concerns about the zoning requirements placed on Mr. Weaver.

Mr. Marion Lutz appeared before the Board and expressed concerns regarding the littering problem in the county.

Mr. E. W. Harless advised that Montgomery County utilizes senior citizens to assist in monitoring the littering problem in Montgomery County. Mr. Harless also expressed appreciation to the Board of Supervisors for their service to the citizens.

#### 10. Other Matters from Supervisors

Supervisor Fariss inquired as to the status of the county entrance signs, plans for the Third Floor of the Old Courthouse, and the Pulaski Theatre status. Staff advised a report of the county entrance signs is planned for the April meeting; the completion of the Third Floor of the Old Courthouse is planned for the budget discussions for FY 97; and the Friends of the Pulaski Theatre are to report back to the Board this Fall regarding the Pulaski Theatre reuse.

Supervisor White requested a standing animal welfare committee be considered.

#### 11. Executive Session - 2.1-344(A)

On the motion of Mr. Cook, seconded by Mr. White, and carried, the Board of Supervisors entered executive session in accordance with Section 2.1-344 (A) of the 1950 Code of Virginia, as amended to discuss personnel, legal, land acquisition/disposition, and prospective industry.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.

Voting no: none.

#### Certification of Conformance with Virginia Freedom of Information Act

It was moved by Dr. Fariss, seconded by Mr. Conner 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 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 requirement 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 session were heard, discussed or considered by the Board of Supervisors.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and Mr. Conner.

Voting no: none.

\*Appointments

It was moved by Mr. White, seconded by Mr. Conner and carried, that the following action taken on appointments:

1. New Century Council Committee Nominees:

The Board deferred action on appointments to the council committees until the New River Valley Planning District Commission considers valley-wide participation.

2. NRV Juvenile Detention Home Board:

The Board deferred action on this appointment until the April meeting of the Board.

3. Office on Youth Advisory Board:

The Board appointed Beth Alley as student representative to the Office on Youth Advisory Board.

4. Animal Control Welfare Committee:

The Board appointed Dr. Randal Vaughan, Ms. Sandy McGrady, and Ms. Diane Graham to the Animal Welfare Committee.

5. Banking Services Selection Committee:

The Board appointed Supervisor White to serve on the Banking Services Selection Committee.

6. County Attorney:

The Board requested a contract with the county attorney be prepared for renewal at the Board of Supervisors meeting in April, 1996.

7. Reassessment:

The Board appointed Supervisor Cook to serve as Board of Supervisors representative on a committee to select and oversee the reassessment of real estate, pursuant to the terms of the request for proposal included with the records of this meeting. The County Administrator and the Commissioner of Revenue were appointed as the members of the committee.

The Board authorized the committee to negotiate and present for ratification a contract for the 1998 reassessment of real estate with a qualified appraisal firm. The Board also chose to utilize the appraisal contractor personnel as the professional assessor pursuant to Section 58.1-3275 of the Code of Virginia, as well as not appoint or utilize a Board of Assessors.

8. Others Due by June 30, 1996:

a. New River Community Action

The Board requested staff ask Dr. William Dawson to

continue to serve on New River Community Action Board.

b. New River Community College

The Board deferred action on this appointment until the April, 1996 meeting.

c. New River Community Services Board

The Board requested Chris Dux, Andy McCready and Reverend Patterson to be contacted and asked to continue to serve on New River Community Services Board.

d. New River Highlands Resource Conservation Council

The Board reappointed Mr. William Lindsey to serve on the New River Highlands Resource Conservation Council.

e. New River Valley Planning District Commission

The Board reappointed the County Administrator to serve on the New River Valley Planning District Commission.

9. NRRA Citizen's Advisory Committee

The Board deferred action on this appointment until the April meeting.

\*Personnel

RE: Animal Control

The Board of Supervisors approved the transfer of animal control staff supervision to the Sheriff's Department effective April 1, 1996; authorized the hiring of one additional animal control officer; approved providing a budget adjustment and supplemental appropriation to the personnel budget line item of the Sheriff's office to allow for the supervision of the Animal Control Officers by the Chief Investigator, with compensation to that investigator in the same range as other Sheriff's Department captains; and acknowledged an increased annual cost estimated at \$30,000 as well as authorized a supplemental appropriation of about \$7,500 for FY 96 to accommodate this cost.

\*Legal

RE: New River Industrial Park Farm/Hunting Lease

The Board requested the county attorney clarify restricted use of rifles, etc. in the Hunting Lease for the New River Industrial Park site owned by the Industrial Development Authority.

\*Land Acquisition/Disposition

RE: Locust Street Right-of-Way

Staff was instructed to repeat offer of \$2,500 for acquisition of Locust Street right-of-way for a rural addition to the State Secondary Road System.

RE: New River Criminal Justice Academy

The Board authorized staff to procure roof repair for the New

River Criminal Justice Academy and offer a four year lease agreement to the Academy.

12. Adjournment

It was moved by Mr. Cook, seconded by Dr. Fariss and carried, to adjourn to reconvene on Monday, April 1, 1996 at 7:00 p.m. in the Board of Supervisors Meeting Room, County Administration Building, 143 Third Street, NW, in the Town of Pulaski, Virginia.

Voting yes: Dr. Fariss, Mr. Cook, Mr. Sheffey, Mr. White, and  
Mr. Conner.

Voting no: none.

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Joseph L. Sheffey, Chairman

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Joseph N. Morgan, Clerk