

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, June 1, 1998 at 7:00 p.m. at the Pulaski County Administration Building, Board Room, 143 Third Street, N.W., in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Jerry D. White, Vice-Chairman; Dr. Bruce L. Fariss; Charles E. Cook; and Frank R. Conner. Staff members present included: County Administrator, Joseph N. Morgan; County Attorney, Thomas J. McCarthy, Jr.; Management Services Director, Nancy M. Burchett; and Executive Secretary, Gena T. Hanks.

1. Invocation

Reverend Rusty Whitener of the Pulaski Presbyterian Church in American gave the invocation.

2. Public Hearings

a. Budget Hearing

County Administrator, Joseph N. Morgan, reviewed revenue and expenditures summaries, as advertised for the public hearing. He advised no property taxes changes were proposed in the FY 99 budget, other than the new real estate tax rate already approved by the Board.

Chairman Sheffey opened the public hearing on the budget for public comments. The following individuals spoke regarding the FY 99 proposed budget:

Ms. Barbara Bowles spoke on behalf of the Literacy Volunteers of America and requested the Board to fund the amount requested by the Literacy Volunteers or a total of \$4,500.

Mr. Tom Combiths, Pulaski Town Manager, appeared before the Board and read a resolution adopted by the Pulaski Town Council regarding recreational funding by the Town of Pulaski. The resolution advised the Town would be imposing additional fees for non-town residents who participate in the Town's recreational programs.

Mr. Andy McCready appeared and spoke on behalf of New River Community Services Board. He requested the Board fund the amount requested by New River Community Services Board or \$65,051.

No further comments were heard; therefore, the Chairman closed the public hearing. Mr. Sheffey noted the Board would be approving the FY 99 budget at the June 22, 1998 regular meeting of the Board of Supervisors.

b. Proposed Amendments for the Joinder of the County of Giles to the New River Resource Authority

County Administrator, Joseph N. Morgan, advised the public hearing on this matter was necessary to allow Giles County to become a member of the New River Resource Authority.

Chairman Sheffey opened the public hearing for citizen comments.

Mr. Andy McCready asked if the additional tonnage would have any effect on the landfill fees. Staff advised there would be no effect on the landfill fees.

No further comments were heard; therefore, the Chairman closed the public hearing on this matter.

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors approved the following resolutions regarding Giles County membership to the New River Resource Authority:

**SUBJECT: AGREEMENT FOR EXPANSION OF
NEW RIVER RESOURCE AUTHORITY**

WHEREAS, there has been presented to this Board, a proposed "Agreement for Expansion of New River Resource Authority", which Authority was heretofore created to develop, own and operate a regional garbage and refuse collection and disposal system, pursuant to the Virginia Water and Sewer Authorities Act (Chapter 28, Title 15.1, Code of Virginia, 1950, as amended), to permit the County of Giles (exclusive of the Town of Glen Lynn) to join the same and providing for other modifications of the original Agreement for the creation of the New River Resource Authority (as amended on July 12, 1997 when Montgomery Regional Solid Waste Authority joined the New River Resource Authority), a copy of which Agreement for Expansion is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pulaski County, Virginia, in a meeting assembled on the 1st day of June 1998, as follows:

1. The Agreement as presented to this Board is hereby approved.
2. The Chairman of this Board and the Clerk thereof and all other officers and employees of the County are hereby authorized and directed to take any and all such further action as shall be deemed necessary or desirable in order to effectuate the completion of the objects of the Agreement for Expansion of the New River Resource Authority, and the signature of such officers and employees on any document related thereto shall be conclusive evidence of the approval of any such action by the Board of Supervisors.
3. The proper officials of Pulaski County are hereby authorized and directed to execute said Agreement, on behalf of Pulaski County, and the Clerk of the Board is directed to affix and attest the seal of the County; and further said officials are also authorized and directed to execute, on behalf of Pulaski County, and to affix and attest the County's seal thereto, any document appropriate to consent to the Joinder of the County of Giles (exclusive of the Town of Glen Lynn) into the New River Resource Authority.

FURTHER RESOLVED that said officials are also authorized to join in, execute and deliver, on behalf of Pulaski County, such other documents as are approved and authorized in the Agreement attached hereto and/or as may be required to fully implement the terms and provisions thereof.

It is certified that the foregoing Resolution was adopted by the Board of Supervisors of Pulaski County, Virginia, at a meeting on the 1st day of June, 1998.

S/Joseph N. Morgan
Clerk

**SUBJECT: AMENDED USER AGREEMENT
OF NEW RIVER RESOURCE AUTHORITY**

Background

1. There has been presented to this Board an “Amended User Agreement of New River Resource Authority for Authority Members” proposed for execution by New River Resource Authority (the Authority), the City of Radford, Virginia (Radford); the County of Pulaski, Virginia (Pulaski); the Town of Dublin, Virginia (Dublin), Montgomery Regional Solid Waste Authority (Montgomery Regional), and the County of Giles, Virginia (Giles), which would further amend the User Agreement adopted by the Authority, Radford, Pulaski and Dublin at the time of the Authority’s creation (as initially amended by Agreement dated as of July 12, 1997, to reflect the Joinder of Montgomery Regional).
2. An “Agreement for Expansion of New River Resource Authority” has been approved by Resolution on the date of this Resolution which provides for expansion of the Authority membership by inclusion of Giles (exclusive of the Town of Glen Lynn) as a member upon terms and conditions set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pulaski County, Virginia, in a meeting assembled on the 1st day of June, 1998, as follows:

1. The Amended User Agreement as presented to this Board is approved.
2. The Chairman and Clerk of the Board, and the County Administrator, and all other officers and employees of the County are hereby authorized and directed to take any and all such further action as shall be deemed necessary or desirable in order to effectuate the

completion of the objects of the Amended User Agreement of the New River Resource Authority, and the signature of such officers and employees on any document related thereto shall be conclusive evidence of the approval of any such action by the Board of Supervisors.

3. The proper officials of Pulaski County are hereby authorized and directed to execute said Amended User Agreement on behalf of Pulaski County, and the Clerk is directed to affix and attest the seal; and further said officials are also authorized and directed to execute, on behalf of the County, and to affix and attest the County's seal thereto, any document appropriate to consent to the Amended User Agreement.

It is certified that the foregoing Resolution was adopted by the Board of Supervisors of Pulaski County, Virginia, at a meeting on the 1st day of June, 1998.

S/Joseph N. Morgan
Clerk

**SUBJECT: ARTICLES OF
AMENDMENT TO ARTICLES OF
INCORPORATION OF NEW RIVER
RESOURCE AUTHORITY**

BACKGROUND

1. The Board of Supervisors of Pulaski County, Virginia, has this day approved an "Agreement for Expansion of New River Resource Authority and Form of Agreement between New River Resource Authority and Giles County", and has authorized its execution by its proper officials on behalf of the County of Pulaski.

2. Under the provision of the Agreement this day approved the Articles of Incorporation of New River Resource Authority have been amended and Articles of Amendment to the Articles of Incorporation, in words and figures as the document attached hereto has been presented to this Board for consideration.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pulaski County, Virginia, that the Amendments to the Articles of Incorporation of New River Resource Authority are approved on behalf of the County of Pulaski, Virginia, and the Chairman of this Board is authorized and directed to execute the same on behalf of Pulaski County, Virginia, and the Clerk of the Board shall affix the County's seal thereto and attest the same.

BE IT FURTHER RESOLVED that, upon execution of the same by the other signatories to the Agreement, the same shall be delivered to the New River Resource Authority's Executive Director for submission to the State Corporation Commission for approval.

CERTIFIED to be a true copy of a Resolution adopted on the 1st day of June, 1998 by the Board of Supervisors of Pulaski County, Virginia.

S/Joseph Morgan
Clerk

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

Voting no: none.

c. Proposed Amendments to Zoning Ordinance

County Administrator, Joseph N. Morgan, advised the Planning Commission had recommended several amendments to the Zoning Ordinance. He then reviewed the amendments with the Board of Supervisors.

Chairman Sheffey opened the public hearing on the amendments for citizen comments.

No public comments were heard; therefore, the public hearing was closed.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the following amendments to the Zoning Ordinance were approved by the Board of Supervisors per Planning Commission recommendation:

1. Add to Agricultural (A-1) by Special Use Permit
 - **Manufactured Homes, Multiple:** *Two manufactured homes allowed on one lot, provided there is enough land to support future subdivision of lot.*

2. Add to Residential (R-1) by Special Use Permit
 - **Dwelling, Second Single-Family:** *A single-family dwelling (manufactured home, or garage apartment, or other approved unit), in addition to the principle dwelling under exceptional circumstances where the use will be discontinued/removed upon termination of the reason for granting the permit. The lot shall be at least one and one-half times the minimum area normally required for two lots, and shall meet all requirements for future subdivision of the lot, including normal setback and side yard requirements.*

3. Add to Residential (R), (R1), (R2), (R3), Agricultural (A1), Conservation (C1), Commercial (CM1), and Industrial (I1) by **Special Use Permit (SUP)**

- *Private Tanks or Pump Stations (above ground), except Pulaski County public water and sewer utility units shall require only a site plan review*

4. Amendment to Sections 4-3 and 7-3, Setback Regulations to Define Open Space.

4-3 Setback Regulations (Commercial CM1)
Buildings in this zone shall be a minimum of fifty (50) feet from the right-of-way of any street or highway on which the lot fronts. A variance to the setback may be allowed by Special Use Permit. Such variance requires submittal of a detailed site plan showing adequate parking and other open space to more than offset the loss of area from the front setback reduction. *For purposes of this variance, open space shall be considered any space with no structure, other than recreational equipment, over 30 inches in height.* Such variance also requires the Planning Commission to request and consider comments from the Virginia Department of Transportation Resident Engineer regarding the impact of the variance.

7-3 Setback Regulations (Industrial I1)
No building or accessory structure shall be located closer to the lot line than the following distances:

Front lot line: 50 feet

Side lot line: 10 feet

Rear lot line: 25 feet

The following applies for both side and rear setbacks:

When land in an Industrial Zone abuts property in a Residential Zone, the setback requirement shall be increased to 50 feet.

A variance to these setbacks may be allowed by Special Use Permit. Such variance requires submittal of a detailed site plan showing adequate parking and other open space to more than offset the loss of area from setback reduction. *For purposes of this variance, open space shall be considered any space with no structure, other than recreational equipment, over 30 inches in height.* Such variance also requires the Planning Commission to request and consider comments from the Virginia Department of Transportation Resident Engineer regarding the impact of the variance.

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

Voting no: none.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried the Board of Supervisors approved the following amendments to the Zoning Ordinance regarding standards for Telecommunication Antennas and Towers:

4. Add Article 23: Standards for Telecommunication Antennas and Towers

ARTICLE 23: STANDARDS FOR TELECOMMUNICATION ANTENNAS & TOWERS

23-1 DEFINITIONS

Alternative tower structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Height: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

23.2 USE REGULATIONS

The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to:

- Encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the community,
- Encourage strongly the joint use of new and existing tower sites,
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal,
- Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
- To provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the County.

This ordinance is intended to comply with all federal and state regulations.

23.2.1 Applicability

23.2.1-1 District Height Limitations. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater than, fifty (50) feet in height.

23.2.1-2 Amateur Radio and Receive-Only Antennas. This ordinance shall not govern any tower or the installation of any antenna, that is (1) under 50 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is (2) used exclusively for receive only antennas for amateur radio station operation.

23.2.1-3 Existing Structures and Towers. The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other freestanding structure or existing tower or pole shall be permitted so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

23.2.2 General Guidelines and Requirements

23.2.2-1 Principal or Accessory Use
For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

23.2.2-2 Inventory of Existing Sites.
Each applicant for an antenna and or tower shall provide to the Zoning Administrator an inventory of its existing facilities that are either within the locality or within five miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The Zoning Administrator may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the locality, provided, however that the Zoning Administrator shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

23.2.2-3 Design; Lighting
The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided¹ however, that the Planning Commission may waive any of these requirements if it determines that the goals of this ordinance are better served thereby.

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
- b. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- e. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- f. To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of 150 feet unless engineering justification is provided to document the additional height request.
- g. Towers shall be designed to collapse within the lot lines or lease area in case of structural failure.

23.2.3 Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

23.2.4 Building Codes

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

23.2.5 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, radio frequency coverage, tower height requirements, set-backs, drives, parking, fencing, landscaping and adjacent uses. The Planning Commission may require other information to be necessary to assess compliance with this ordinance, including frequencies of transmission, power in watts, and a copy of the antenna pattern. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the midground, and the background of the site. Each request for special use permit shall be submitted to the Pulaski County Telecommunication Advisory Committee for review prior to Planning Commission consideration of the request.

23.2.5-1 All proposed towers must be compatible for co-location with a minimum of three (3) users including the primary user. The applicant must submit an engineering study certifying such multiple use is feasible. A governing body in a particular case may waive this provision.

23.2.5-2 The applicant shall provide copies of its co-location policy.

23.2.5-3 The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.

23.2.6 Factors Considered in Granting Special Use Permits for New Towers

The applicant shall obtain a special use permit from the Pulaski County Planning Commission before erecting towers or antennas covered by this article. The Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Commission concludes that the goals of this ordinance are better served thereby.

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of the uses on adjacent and nearby properties;

- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Co-location policy;
- i. Language of the lease agreement dealing with co-location;
- j. Consistency with the comprehensive plan and the purposes to be served by zoning;
- k. Availability of suitable existing towers and other structures as discussed below; and
- l. Proximity to commercial or private airports.

23.2.7 Availability of Suitable Existing Towers or Other Structures

No new tower shall be permitted unless the applicant demonstrates without question to the satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

23.2.8 Setbacks

The following setback requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby.

- a. The tower must be set back from any off-site residential structure no less than 400 feet.
- b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

23.2.9 Security Fencing

Towers 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 Planning Commission may waive such requirements, as it deems appropriate.

23.2.10 Landscaping

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

- a. Tower facilities shall be landscaped prior to use of the facilities with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.
- b. In locations in which Commission finds that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the Commission may determine the natural growth around the property perimeter may be sufficient buffer.
- d. Existing trees within 200 feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicle utilities. In a particular case, this provision may be waived by a governing body.

23.2.11 Local Government Access

Owners of towers shall provide the County co-location opportunities as a community benefit to improve radio communication for County departments and emergency services, provided it does not conflict with the co-location requirement of 23.2.5-1.

23.2.12 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (90) days of receipt of notice from the County of Pulaski, notifying the owner of such removal equipment requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower or the owner provides certification to the County of intentions to resume operation with ninety (90) days.

A bond shall be provided to the County to be retained until the antenna or tower is removed.

If no response is made by the owner within the ninety (90) day period following notice, the County of Pulaski may cause the antenna or tower to be removed. The cost of removal shall be assessed to the landowner and/or antenna or tower owner as a lien equal to a tax lien. Such removal expense shall be levied after public hearing the same manner as a property maintenance violation enforcement.

23.2.13 Required Yearly Report

The owner of each such antenna or tower shall submit a report to the Pulaski County Telecommunication, once a year, no later than July 1. The report shall state the current user status of the tower. Notification to the County is required of substantive changes at least 15 days prior to commencement.

23.2.14 Review Fees

Any out of pocket costs incurred for review by a licensed engineer of any of the information required above shall be paid by the applicant.

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

Voting no: none.

d. Proposed Amendments to the Subdivision Ordinance

County Administrator, Joseph N. Morgan, advised the proposed amendments to the Subdivision Ordinance had been recommended by the Planning Commission.

Chairman Sheffey opened the public hearing on this matter.

No comments were heard; therefore, the Chairman closed the public hearing.

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved the following amendments to the Subdivision Ordinance as recommended by the Planning Commission:

1. Revise Section 3.1.1 to read as follows to allow the subdivision agent to approve subdivision plats or ten (10) lots or less:

2.1.1 Lot Subdivision

The agent may permit the separation of up to ten parcels from a tract of land without approval by the Planning Commission if:

1. It is not in conflict with the general meaning, purpose, and requirements of this Ordinance, no new streets, *public water and/or sewer* required to serve the parcel, and each new lot has at least fifty (50) feet of frontage on a public street or thirty (30) feet of frontage in the event that the new lot(s) are located on a cul-de-sac. *All lots shall meet the width and frontage requirements of the current zoning ordinance; or*
2. It is a re-subdivision of a parcel which is platted in an existing subdivision prior to July 1, 1972, which meets all the requirements of this Ordinance so long as each new lot has at least fifty (50) feet of frontage on a public street or thirty (30) feet of frontage in the event that the new lot(s) are located on a cul-de-sac. All shall meet the width requirements of the current zoning ordinance.

Provided that:

- The Virginia Department of Health has approved the plat or public sewer is available to the lots.

An additional lot subdivision may be permitted after a period of five (5) years.

Subdivisions of this type exceeding five (5) lots will be reported monthly to the Planning Commission.

2. Delete Section 3.1.5-2 of the Subdivision Ordinance requiring 200 feet road frontage for large lot subdivisions.

Section 3.1.5, as amended, will read:

3.1.5 Large-Lot Subdivision

The division of land into two or more lots which are of five (5) acres or more. Such subdivision shall meet the requirements outlined in the ordinance with the following stipulations:

- Streets constructed in large-lot subdivisions may be either public or private streets. All streets constructed in Large-Lot Subdivisions shall be constructed to comply with all applicable standards as outlined in this ordinance.

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

Voting no: none.

3. Additions to Agenda

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

4. Highway Matters:

Virginia Department of Transportation (VDOT) Resident Engineer, Dan Brugh, met with the Board regarding the following:

a. Follow-up from Previous Board Meetings:

1. Status of Surface Transportation Assistance Act Double Trailer Access

Mr. Brugh noted his office is still waiting to hear from the Richmond VDOT office regarding this matter but anticipates a response by the next regular meeting of the Board.

2. Rock cliff protrusion removal along Route 658, Delton Road

Mr. Brugh advised these improvements will be addressed this year.

3. Guardrail and Stream diversion along Route 658, Delton Road, approximately 1.5 miles south of Route 654, Old Baltimore Road

Mr. Brugh advised that delineators will be placed at the above location during the week of June 1, 1998.

4. Drainage on Route 712, Water Tank Road

Mr. Brugh advised the above drainage work had been completed by VDOT.

5. Low Area at Route 693, Fariss Mines Road, at Big Reed Island

Mr. Brugh reported the above area will be worked on also during the week of June 1, 1998.

6. Route 660, Claytor Lake State Park Road, Speed Limit, at I 81 Exit

The Board requested county staff to determine the citizen who made the above request and refer the request to staff for review with the community. Further, the Board requested that staff advise Supervisor Fariss of outcome of this matter.

7. Route 1131, Mountain View Drive, No Parking Sign Status & Patching of Road

Mr. Brugh advised the signs had been installed and the patching was currently being worked on by VDOT.

8. Update on Routes 840, Hawks Nest Lane, 842, Water Plant Road, and 841, Sonny Alley Drive, Informal Speed Study and "Children at Play" Sign Study

Mr. Brugh advised VDOT policy requires a specific request from the Board of Supervisors regarding "Children at Play" signs.

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors requested VDOT to post all of the above listed routes at 25 mph and 35 mph as deemed appropriate by VDOT. The Board took no action on the "Children at Play" signs.

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

Voting no: none.

9. Update on Route 693, Lead Mines Road, bridge improvements at the Montgomery/Pulaski County Boundary near Snowville

Mr. Brugh advised the public hearing had been held by VDOT on the above improvements and after the public hearing the plans had been revised. He further reported the project should be advertised later this year.

10. Route 626, Hazel Hollow Road, Replacement of Rumble Strips

Mr. Brugh reported VDOT will address rumble strip replacements on Route 626, as well as Route 611, Newbern Road and Route F047, Kirby Road shortly.

11. Route 643, Cougar Trail Road, between Route 11, Lee Highway and Route 611, Newbern Road, Additional Turning Lanes Study

Mr. Brugh advised VDOT staff had reviewed the above intersection for safety improvements. He reported any improvements would have to be included in the six year plan. He further advised that a signal study would be done at this location this year. Mr. Brugh also reported the I-81 interchange improvements may have an effect on this location.

Supervisor White stressed the need for additional traffic lanes at the intersection of Route 643, Cougar Trail Road and Route 611, Newbern Road.

The Board requested VDOT provide an update on this matter at the July or August meeting of the Board of Supervisors.

b. Route 11 Memorial Bridge, Community Resources Information Sheet Response

Chairman Sheffey expressed concerns regarding Route 715, Madison Street, from Fairlawn being closed. He requested VDOT review this again for a possible shorter route and recount on traffic.

c. Route 11, Lee Highway, Median Removal Request in Town of Dublin

Mr. Brugh reported the above request was previously rejected and VDOT does not recommend removal of the median.

d. Request for Stop Sign and “Children at Play” Sign in Riverwood Subdivision

Mr. Brugh advised VDOT would review the above request and install stop sign if appropriate. The Board previously declined to request “Children at Play” signs since the signs might imply children playing in roads are endorsed.

e. Abandonment of Right-of-Way off Route 752, Betty Baker Road

Mr. Brugh advised VDOT would schedule a public hearing on the above abandonment for the Board of Supervisors meeting of June 22, 1998 and further would place the required advertisement for the public hearing.

f. Board of Supervisors Concerns

Supervisor Cook questioned VDOT’s use of a grader to surface treat asphalt. Mr. Brugh advised VDOT only uses grader spreading for repairs, not long-term replacement.

Supervisor Fariss expressed concerns regarding the Locust Avenue construction progress. Mr. Brugh advised the new road is being built as weather and time permits. However, Mr. Brugh reported the construction should be completed within the next few months. Dr. Fariss suggested the School Board be advised of this for possible bus rerouting.

Supervisor Sheffey expressed concerns regarding drainage problems on Carden Drive, Route 6856.

Supervisor Sheffey requested guardrails along Falling Branch Road, Route 798, and Hazel Hollow Road, Route 626, due to cars leaving the roadway and coming into private yards. Mr. Brugh advised VDOT guardrails are not feasible because of private property; however, delineators might be possible. He advised VDOT would review for possible placement of delineators.

Supervisor Sheffey expressed concerns regarding Route 715, Madison Avenue, drainage when Memorial Bridge is replaced. Mr. Brugh reported VDOT will review this for improvements with the cost of improvements coming from maintenance funds.

Supervisor Conner requested an update on the status of Route 618, Eugene Street. Mr. Brugh reported construction is underway, but the completion of the project is up to the contractor's schedule.

Supervisor Conner inquired about Route 601, Little Creek Road, construction. Mr. Brugh reported VDOT is currently acquiring the necessary right of ways and project should be advertised in 1998.

Supervisor Conner inquired about Route 100 Cleburne Boulevard, over Cloyd's Mountain, construction. Mr. Brugh advised bids for the project should be advertised in June with construction to begin in August.

Supervisor Conner inquired about a large hole on the roadside of Route 812, Pepperell Way. Mr. Brugh advised VDOT would fill the hole.

Supervisor White inquired regarding Route 641, Cox Hollow road improvements status. Mr. Brugh advised the right of way acquisition is currently underway by VDOT.

Supervisor White requested an update on Beaufort Hollow Road, Route 639. Mr. Brugh reported this project will be advertised for 1998-99.

g. Citizen Concerns

Ms. Brenda Blackburn addressed the Board of Supervisors regarding the Max Creek Road gate relocation being removed by the Christiansburg VDOT office. Ms. Blackburn presented documents to support her opinion that Route 655 had not been abandoned. She requested the Board to remove the gate presently prohibiting public access to Floyd County.

County Attorney, Thomas J. McCarthy, Jr., advised the Board of Supervisors that this matter needed further legal review to determine status of the public right of way.

The Board of Supervisors requested the County Attorney to review this matter and possibly have a report by the July Board of Supervisors meeting.

No further citizen comments regarding highway matters was heard.

5. Treasurer's Report

The Board reviewed the monthly trial balance report, sales tax distribution report, and certificates of deposit as prepared by County Treasurer, Rose Marie Tickle. The Board accepted the reports as presented.

6. Citizens' Comments

No citizen comments were heard at this time.

7. Housing Study Update:

Mr. Godfrey Gibbison of Virginia Tech appeared and gave a status report on the Pulaski County Housing Study. Mr. Gibbison reviewed with the Board variations affected the housing market and reviewed both positive and negative factors affecting the cost of housing, owner occupancy, and renter occupancy. Mr. Gibbison also reviewed several economic growth scenarios and the effect on occupied housing.

8. Reports from the County Administrator & Staff:

a. Update on Swimming Pool Fencing Requirements

The Board requested the County Attorney to determine accurate status of State Building Code and Code of Virginia regarding swimming pool fencing requirements.

b. Key Activity Timetable

The Board reviewed the Key Activity Timetable (KATT) as presented by staff.

Supervisor Fariss requested a status report on the closing of a section of property blocking access to the New River Trail. The Board requested the County Attorney to research the legal status of the closing and report back to the Board at his earliest convenience.

The Board confirmed its priority for the placement of additional large item drop off sites at the County Garage, Dora Highway and Fairlawn.

c. Appointments

1. Recreation Commission

The Board deferred the above appointments until after the executive session portion of the meeting.

9. 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 April 20 & 27, and May 4, 1998

The Board approved the minutes of April 20, & 27, and May 4, 1998, as presented.

b. Accounts Payable

The Board approved the accounts payable listing for checks numbered 19250 through 19574.

c. Appropriations & Transfers

The Board approved the following additional appropriations and transfers as follows:

1. Interoffice Transfers #11 - \$361,437.48

The Board approved Internal Service Fund Transfer #11 in the amount of \$61,437.48, as presented and filed with the records of the Director of Management Services.

2. General Fund Appropriation #13-\$44,493.73

Revenues

2301-01 Comp Bd. Salaries	\$ 7,795.00
2404-30 Victims Witness Grant	22,023.00
1615-01 Library Fees	197.09
1618-02 Extension Office Fees	156.00
1803-02 Expenditure Refunds	<u>356.64</u>

Total \$ 30,527.73

Expenditures:

1101-5804 Bd of Superv. Other	\$ 12,000.00
2201-1003 Comm. Attorney Salaries	7,241.00
2201-2001 Comm. Attorney FICA	554.00
5322-5402 Off. On Youth Food	356.64
5338-5606 Victims Witness Grant	22,023.00
7301-5411 Library Books	197.09
8305-3006 Extension Printing	156.00
9104-5804 Erroneous Assessments	1,613.00
9310-5824 Refunds Decals	233.00
9310-582301 Refunds State Fee	95.00
9310-5835 Refunds Other	<u>25.00</u>
Total	\$ 44,493.73

3. Capital Improvements Fund Appropriation #11
\$15,280.00

Revenues:

1899-75 Reg. Found. Comm. Pk.	\$ 13,000.00
5102-00 Transfer from Gen. Fund	<u>2,280.00</u>
Total	\$ 15,280.00

Expenditures:

4224-7135 Cloyd's Mt. Sewer	\$ 730.00
4229-3041 Co. Wide Water Study	1,550.00
8122-3002 Commerce Park-Prof. Serv.	<u>13,000.00</u>

Total \$ 15,280.00

d. Ratification:

1. Contracts

No contracts were presented for ratification at this meeting of the Board of Supervisors.

2. Change Order:

New River Industrial Park -#2 - \$1,822.00

The Board approved Change Order #2 for the New River Industrial Park in the amount of \$1,822.00 with DLB, Inc.

3. Agreements:

*Town of Dublin Sewer Treatment
Capacity Purchase Agreement

The Board ratified an agreement with the Town of Dublin for the purchase of 22,400 gallons of daily treatment capacity for the purchase price of \$67,200. The first initial payment amount being \$24,000 with the balance of \$43,200 being paid in monthly installments of \$450.00 at 0% interest over the next eight years (96 months) beginning June 1, 1998. Said agreement shall be filed with the Office of the County Administrator.

*Memorandum of Understanding – Building Code
Inspections on the NRVJRJA Facility

The Board approved a memorandum of understanding with the New River Valley Regional Jail Authority, the Town of Dublin and the engineering firm of Thompson & Litton regarding building code inspections on the Regional Jail facility. A copy of the memorandum shall be filed with the Office of the County Administrator.

*1997 Fire Programs Fund Disbursement Agreement

The Board ratified a disbursement agreement contract between the County and the Virginia Department of Fire Programs. Said agreement governs the distribution and use of the fire programs funds. A copy of this agreement shall be filed with the Office of the County Administrator.

*Grant Application- Community Corrections \$418,350 – No Local Funds

The Board ratified a grant application for Community Corrections monies in the amount of \$418,350. Said grant application requiring no local matching funds.

*Other- PIC Errors & Omissions Insurance

The Board of Supervisors ratified a request from the Private Industry Council for payment of \$406.25 for errors and omissions insurance coverage for PIC.

e. Personnel Changes

The Board of Supervisors reviewed recent personnel changes, as prepared by Management Services Director, Nancy M. Burchett. The Board of Supervisors also approved the following pay changes effective May 1, 1998, per the recommendation of Fleet Maintenance Director, Doug Mayberry:

Leachate Drivers New Salary Range \$17,621 - \$22,027
Leachate Driver Supervisor New Salary Range \$20,440 - \$25,551

Salary Increases:

Bryon Dolinger – new salary \$18,502
Kenneth Hodge – new salary \$17,621

f. VACO 1999 Legislative Program

The Board of Supervisors reviewed the VACO annual process for developing legislative programs and policy statements. The Board had no specific items to recommend at this time. The Board approved Supervisors Sheffey and Cook and the County Administrator to continue to serve on VACO legislative committees.

g. Resolution in Recognition of Birthday of U.S. Army

The Board of Supervisors approved the following resolution in recognition of the birthday of the U.S. Army:

WHEREAS, the United States Army was established by the Second Continental Congress on the 14th day of June, 1775; and

WHEREAS, the Congress directed that “...two companies of expert riflemen be immediately raised...in Virginia...as soon as completed, march and join the army near Boston, to be there employed as light infantry...” to assist our brethren in expelling the tyranny of the British Army; and

WHEREAS, the United States Army remains the primary military service to project and establish land power in the defense of our citizen’s freedoms and our nation’s security interests; and

WHEREAS, many citizens of western and southwestern Virginia have served their nation and given the ultimate sacrifice in defense of our freedoms as members of the United States Army; and,

WHEREAS, it is proper to recognize the United States Army annually on its birthday, and to thank those who have served and those who are presently serving;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Pulaski County, Virginia, does recognize the United States Army on the 223rd anniversary of its establishment, and expresses its gratitude to those who have served and those who are now serving to protect our nation and its freedoms;

AND DECLARES, that the period from June 7 through June 14, 1998, be known as United States Army Week, and that the weekend of June 13 and 14, 1998 be set aside as Army Birthday Weekend;

AND FURTHER, invites all of the citizens of Pulaski County, Virginia, and of the surrounding areas to join the Virginia Army National Guard, the Army Reserve and the components of the Active Army, along with the Thomas J. "Stonewall" Jackson Chapter of the Association of the United States Army in their display and show of today's Army at the National Guard Armory and vicinity on Reserve Avenue, Roanoke, during the 13th and 14th of June, 1998.

DECLARED this 1st day of June 1998.

h. Purchase of Bulletproof Vests for Sheriff's Department

The Board of Supervisors approved the purchase of bulletproof vests for Sheriff Deputies at a cost of \$14,700 and per the request of Sheriff James Davis.

i. Resolution in Opposition to "Roadless Moratoria" in Forests

The Board of Supervisors adopted the following resolution opposing a "roadless moratoria" in national forests:

WHEREAS, the mountains and valleys of Western Virginia represent a unique natural resource for the Commonwealth; and

WHEREAS, that portion of Virginia west of the Blue Ridge Mountains that belongs to the Jefferson National Forest comprises a 19,288 acre portion of Pulaski County; and

WHEREAS, many Counties in Western Virginia recognize this mountain resource as a vital element in supporting a strong economy in the region; and

WHEREAS, proper multiple use management of the Jefferson National Forest by the professional staff of the U.S. Forest Service, including properly managed timber sales, has resulted in the pristine national forest the County enjoys today; and

WHEREAS, the Jefferson National Forest contributes to the County through the payment in lieu of taxes and the 25% of revenue funds directly benefiting the residents of the County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Pulaski County, Virginia, goes on record as opposing the “roadless moratoria”, which would ultimately stop timber cutting and would not support prudent management of the National Forest at the local level, including continued timber harvesting where appropriate as specified in the management planning process.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this resolution be sent to members of Congress who represent the County of Pulaski, Virginia, to request their support in this effort.

j. Scheduling of Public Hearing for Enterprise Zone Expansion to Include Commerce Park

The Board authorized staff to schedule a public hearing at the June 22, 1998 Board meeting for the Enterprise Zone Expansion to include the Commerce Park.

k. Resolution of Appreciation – Phyllis Bishop

PHYLLIS ELAINE BISHOP

WHEREAS, Phyllis E. Bishop has served Pulaski County since September, 1963, at which time she began her duties as a classroom teacher for the Pulaski County School System; and

WHEREAS, Phyllis E. Bishop has been a faithful and loyal employee of the Pulaski County School System for the past thirty-five (35) years; and

WHEREAS, during her 35 years service, Phyllis E. Bishop served as a teacher, assistant principal, supervisor of elementary instruction, assistant superintendent, interim superintendent, and associate superintendent; and

WHEREAS, Phyllis E. Bishop has proven to be an invaluable employee for Pulaski County due to her knowledge and expertise acquired during the past 35 years; and

WHEREAS, Phyllis E. Bishop has demonstrated a high degree of professionalism in dealing with the citizens of Pulaski County.

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its sincere appreciation for the service of Phyllis E. Bishop to the county and its citizens; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread upon the minutes of the Board of Supervisors this 1st day of June, 1998 in testimony of its appreciation to the service of Phyllis E. Bishop.

l. Local Government Concurrence with Community Services Board Form

The Board of Supervisors approved forwarding the above referenced request for both briefing and a recommendation for action from the County Board of Social Services with a report to the Board of Supervisors by September 1998.

m. American Electric Power – Support for Powerline

The Board of Supervisors approved staff send a letter of support from Pulaski County to the Virginia Department of Environmental Quality supporting the proposed powerline of American Electric Power.

10. Citizen Comments

No citizen comments were heard at this time.

11. Other Matters from Supervisors

Supervisor Fariss requested status of mineral rights reversion to property owners. The County Attorney was requested to contact Delegate Baker regarding this matter and report back to the Board at a later meeting.

Supervisor Fariss noted that one boathouse at the Lighthouse Bridge had been removed voluntarily. The Board requested the County Attorney to research the use of dock and pier ordinance for removal requirements and advise the Board at a later meeting.

Supervisor Fariss requested an analysis of the share of county employment income from the Volvo plant before and after the expansion initiated in 1994. The Board requested this report be provided in a future weekly update memo.

Supervisor Fariss inquired regarding when Route 100 sewer would extend up the east side of Route 100.

The Board requested staff research the New River Valley Community Services billing for jail inmate services and regional jail inmate impact.

Supervisor Sheffey commended the Claytor Lake 50th Anniversary Committee for activities that began on May 29th and extending throughout the 1998 summer.

12. Executive Session – 2.1-344(A)

It was moved by Mr. White, seconded by Mr. Conner and carried, to enter executive session in accordance with Section 2.1-344(A) of the 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.

Return to Regular Session

On the motion of Mr. Conner, seconded by Mr. White and carried, the Board of Supervisors returned to regular session.

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

Voting no: none.

Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Mr. White, seconded by Dr. Fariss 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 of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

WHEREAS, Section 2.1-344.1 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 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 executive meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in this motion convening the executive meeting 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

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors made the following appointments:

1. Recreation Commission

The Board of Supervisors appointed Mr. Paul Phillips to the Recreation Commission, subject to his willingness to serve.

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

Voting no: none.

12. Adjournment

On the motion of Mr. Conner, seconded by Mr. Cook and carried, the Board of Supervisors adjourned. The next regularly scheduled meeting of the Board of Supervisors is set for Monday, June 22, 1998 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, N.W. in the Town of Pulaski, Virginia.

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

Voting no: none

Joseph L. Sheffey, Chairman

Joseph N. Morgan, Clerk