

PULASKI COUNTY BOARD OF SUPERVISORS – April 26, 1999

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 26, 1999 at 7:00 p.m. at the Pulaski County Administration Building, Board Room, 143 Third Street, NW, in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Dr. Bruce L. Fariss; Charles E. Cook; Jerry D. White; and Frank R. Conner. Staff members present included: County Administrator Joseph N. Morgan; County Attorney Thomas J. McCarthy, Jr.; Assistant County Administrator Peter M. Huber; Executive Secretary Gena T. Hanks; and Nancy M. Burchett, Management Services Director.

1. Invocation

Chairman Sheffey called the meeting to order and introduced Reverend Robert Owens, Bob White Boulevard Church of God Pastor, who gave the invocation.

2. Additions to Agenda

The Board reviewed additions to agenda and accepted them as presented.

3. Public Hearings

- a. A rezoning initiative by the **County of Pulaski** to rezone from Industrial (I1) to Conservation (C1) to allow a major recreational facility, identified as **Randolph Park**, tax map no. 056-001-0000-0112, 87.98 acres, located on the north side of Alexander Rd. (Rt. 683), approximately 0.38 mile west of Cleburne Blvd. (Rt. 100), Draper District.

The county administrator presented plans prepared by the design team upon recommendation of the Randolph Park Advisory Committee.

The Chairman opened a public hearing. There were no public comments and the hearing was closed.

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

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

Voting no: none.

- b. A request by **John B. & Joann P. Obenchain** for an amendment of the Zoning Ordinance to add a use to allow **No Wake Buoys** where needed for safety of boat traffic in coves of limited width and/or length by Conditional Use Permit (CUP) only in the Claytor Lake Surface District.

The county administrator explained the request and the recommendation of denial from the Planning Commission.

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The Chairman opened a public hearing. Mr. John Obenchain spoke in favor of his request. There being no further comment the hearing was closed.

It was moved by Mr. White, seconded by Mr. Cook and carried, that the Board accept the recommendation of the Planning Commission to deny the request.

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

- c. An amendment to the **Pulaski County Dogs and Other Animal Ordinance** to delete an increase in license fees when purchased after January 31 of each year.

The county attorney explained the proposal which would eliminate a double fee for purchase of dog tags after the due date.

The Chairman opened a public hearing. There was no comment and the hearing was closed.

It was moved by Mr. White, seconded by Mr. Conner and carried, that the following amendment to the Pulaski County Dogs and Other Animal Ordinance be adopted:

The following language is inserted to replace the portion of Section C deleted.

License purchased after January 31: The license fee imposed on dogs required to be licensed under Division 2, Section A of this Ordinance, when purchased after January 31, shall be as follows:

Male Dog – Five Dollars
Unsexed Dog – Three Dollars
Female Dog – Five Dollars

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

4. Highway Matters:

Assistant Resident Engineers Dale Stancil and John Thompson met with the Board and discussed the following matters:

a. Follow-up from Previous Board meeting

1. Rt. 100, Cleburne Blvd., Rt. 1030 Bagging Plant Road Traffic Signal

It was reported that the Virginia Department of Transportation has reviewed the request and the installation and that installation of a traffic signal should occur in calendar year 2000.

2. Status of One Grade Separated Railroad Crossing in Dublin in Lieu of Rt. 633, Powell Avenue, and Rt. 617, Ruebush Road, Existing Grade Crossings

The assistant resident engineer reported that the requested study be done by the VDOT Rail Transportation Department.

3. Rt. 693, Julia Simpkins Road, Single Lane, Low Weight Limit Bridges

The assistant resident engineer reported the limits have been raised on one bridge to twenty tons as a temporary improvement of traffic flow.

4. Rt. 600, Belspring Road, Widening Cost Estimate

The assistant resident engineer advised the cost estimate will be sent to county staff.

5. Replacement of Road Name Signs on Old Rt. 100

This matter has been completed.

6. Rt. 601, Little Creek Road, Unpaved Section Maintenance

This matter has been completed.

7. Traffic Signal Study – Rts. 100 & 1030, Bagging Plant Rd.

This item is a duplicate of number one above.

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b. New River Industrial Park Access Road Completion

The assistant resident engineer advised that the estimated completion date is June for road grading and base stone installation, depending on weather. Paving of the road section is to occur by the fall of 1999, prior to November.

c. Lavender Road Road Repairs

The assistant resident engineer advised us work had been completed.

d. Request for Posting of Speed Limits:

1. Rt. 798, Falling Branch Road
2. Rt. 787, Peak Creek Road
3. Rt. 623, Gate Ten Road
4. Rt. 640, Brookmont Road
5. Rt. 690, Shelburne Road

The assistant resident engineer advised that VDOT will post speed limits as requested or advise the Sheriff and Board otherwise.

e. Rural Addition Approval Update

It was moved by Mr. White, seconded by Mr. Cook and carried, that Edgewood Drive and the Rolling Hills connector road be approved for construction and that staff and the county attorney be advised to work with VDOT to accomplish such construction.

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

Voting no: none.

f. Paving Request, Rt. 663, Owens Road

The assistant resident engineer advised of plans for extensive maintenance on this road, improving some of the pavement, but not a full asphalt plant mix overlay. VDOT will advise if more extensive improvements are planned.

g. Citizen Concerns

No comments were made.

h. Board of Supervisors Concerns

Supervisor Conner advised maintenance of potholes is needed on Route 643, Cougar Trail Road, shoulders.

Supervisor Cook requested reopening consideration of a traffic signal at the intersection of Rt. F047, Kirby Road & Rt. 611, Newbern Road, or some other traffic flow improvement.

Supervisor Cook inquired regarding the mowing schedule.

Supervisor Fariss advised maintenance needs to be done on the curve of Rt. 605, Little River Dam Road, between Rt. 690, Shelburne Road, and Rt. 819, Burma Road, specifically at the residence of 7303 Little River Dam Road.

Supervisor Sheffey inquired regarding the results of the recent public meetings held on the Memorial Bridge repairs – VDOT advised of wide public acceptance – Supervisor Fariss recommended VDOT extend bike lane up Rt. 11 – VDOT advised a tentative formal hearing date was scheduled for June 2 from 4:00 p.m. to 7:00 p.m. at the Radford Recreation Building – Supervisor Sheffey suggested the Riverlawn School as a Pulaski County hearing location.

Supervisor Sheffey advised that Rt. 622, Dudley Ferry Road, had a washboard type affect on the road.

Supervisor Sheffey inquired regarding Rt. 755, Depot Road, rural addition extension in Belspring. It was reported VDOT is still waiting for confirmation of available right-of-way.

Supervisor Sheffey inquired regarding the status of the upgrading of Falling Branch Road and New River neighborhoods roads. VDOT advised plans for paving work are to begin within this year.

Supervisor Sheffey advised Rt. 627, Hazel Hollow Road, appeared to be patched only on certain sections and requested the entire road be reviewed.

5. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly report of her office.

6. Presentation by New River Health District

New River Health District Director J. Henry Hershey presented information on the community health report card and more quality monitoring in Claytor Lake and other major waterways in Pulaski County.

A copy of the community health report card is filed in the County Administrator's office.

Staff was requested to obtain a copy of the 1998 Department of Environmental Quality 303(d) Report for Supervisors Fariss and Cook, which report provides the details of the results of water quality testing throughout the Commonwealth.

7. Citizens' Comments

Mr. John Ritter noted that clean up had been accomplished on his property in Belspring and requested a postponement of the required payment to satisfy the lien against the property prior to sale. The county attorney was instructed to confer with Delinquent Tax Attorney Sam Campbell and brief the Board, if the attorney's recommend accepting the request for postponement of payment.

Staff introduced WPSK News Director Rob Eastwood.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable

Staff was instructed to mark the Pulaski Theatre disposition on the timetable as completed.

b. Budget Preparation

Staff advised that no agencies or departments had requested a presentation to the Board at the May 3 budget work session as of April 26.

c. Appointments

1. PEP Steering Committee
2. Clean Community Council
3. New River Resource Authority
4. Local Emergency Planning Committee
5. NRV Community Services Board
6. Office on Youth
7. Pulaski Encouraging Progress
8. Planning Commission
9. Board of Zoning Appeals
10. NRV Highlands Resource Conservation Council

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Action on appointments was deferred until after an executive session.

9. Items of Consent

It was moved by Mr. White, seconded by Mr. Conner and carried, that the following items of consent be approved:

a. Minutes of March 22 & 30, 1999

The minutes of the March 22 & 30 meeting of the Board of Supervisors were approved as presented.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 23210 through 23599.

c. Appropriations and Transfers

1. Interoffice Transfers #10 - \$42,795.41

The Board approved interoffice transfers #10 in the amount of \$42,795.41 as prepared by Management Services Director, Nancy Burchett.

2. General Fund Appropriation #11 - \$16,446.00

Revenues:

2404-30 Victims Assistance Grant	\$	400.00
1899-60 Office on Youth Donation		2,200.00
Total	\$	2,600.00

Expenditures:

3106-1001 E-911 Salaries	\$	8,000.00
3106-2001 E-911 FICA		700.00
5322-6013 Office on Youth-Educational Supplies		200.00
5322-5412 Office on Youth-Recreational Supplies		2,000.00
5338-5606 Victims Assistance Grant		400.00
3106-2005 E-911 Health Insurance		2,000.00
9104-5804 Erroneous Assessments-Refunds		1,000.00
9310-852301 Refunds-State Bldg. Permit Fees Share		2,146.00
Total	\$	16,446.00

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3. School Fund Appropriation #16 - \$21,658.08

Revenues:

3019010500 Property Damages	\$ 21,658.08
Total	\$ 21,658.08

Expenditures:

6601-503320 Capital Improvements-Maintenance Services	\$ 21,658.08
Total	\$ 21,658.08

4. Internal Service Fund #2 - \$25,000.00

Revenues:

5102-00 Transfer from General Fund	\$ 25,000.00
Total	\$ 25,000.00

Expenditures:

1224-5408 County Garage-Vehicle Parts & Replacements	\$ 25,000.00
Total	\$ 25,000.00

5. Capital Improvements Fund #5 - \$1,800.00

Revenues:

5102-00 Transfer from General Fund	\$ 1,800.00
Total	\$ 1,800.00

Expenditures:

1220-702208 Personal Computer-Chamber	\$ 1,800.00
Total	\$ 1,800.00

d. Ratification

1. Change Orders

No change orders were presented.

2. Agreements, Grants, & Other

a. Virginia Dept. of Agriculture & Consumer Services Memorandum of Agreement

Ratification of the grant for assistance with recycling was adopted.

b. Virginia Delinquency Prevention & Youth Development Act Grant – Office on Youth

Ratification of the grant was adopted.

c. YMCA Proposal – Harry DeHaven Park

Ratification of the selection of the YMCA for the provision of swimming services during the upcoming summer was adopted. The County Attorney was requested to complete an agreement for lifeguard and swim area management services with the Hensel Eckman YMCA, which agreement should set rates for swim area use the same as at Claytor Lake State Park and include a family season pass.

e. Personnel Changes

Personnel changes as presented by the Director of Management Services were reviewed.

f. Internet Utilization Policy

The following revised policy was adopted and should be distributed to interested parties:

County of Pulaski, Virginia
Internet Acceptable Use Policy
Effective Date: April 26, 1999

I. Purpose

Internet Services are provided by the County of Pulaski to support open communications and exchange of information and the opportunity for collaborative government-related work. The County of Pulaski encourages the use of electronic communications by its departments and employees. Although access to information and information technology is important to county departments and their staff, use of Internet services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement is required. The County of Pulaski departments are expected to maintain and enforce this policy.

II. Policy

A. General Principles

1. Internet access as provided by the County of Pulaski imposes certain responsibilities, limitations, and obligations upon the recipient of that access. Acceptable use shall be primarily for, or in support of, county business only. Personal use interfering with county business is not acceptable. Acceptable use is in the consumption of shared resources. It demonstrates respect for intellectual property, ownership of data, system security mechanisms, and intimidation, harassment, and unwarranted intrusion. Before Internet access is provided to an employee by the county, a Notification of Receipt of Internet Acceptable Use Policy form must be filled out by the employee and filed in the personnel records of the employee.
2. Acceptable use of county provided Internet access is subject to local, state, federal and international laws. Any attempt to break those laws through the use of the Internet may result in litigation against the offender by the proper authorities. If such an event should occur, the County of Pulaski will fully cooperate with the authorities to provide any information necessary for the litigation process. Nothing contained herein shall be construed to refute, abridge, or otherwise negate the effect and full force of any such laws.
3. In making appropriate use of access to e-mail, the recipient of that access shall:
 - a. Use resources only for authorized purposes;
 - b. Protect their USERID including their PASSWORD from unauthorized use. The user is responsible for all activities which transpire under his or her USERID;
 - c. Access only files and data that the user owns, that are publicly available, or to which the user has been given specific access;
 - d. Use only legal versions of copyrighted software in compliance with vendor license requirements; and
 - e. Be considerate in their use of the Internet as it is a shared resource. They shall refrain from monopolizing systems, overloading networks, or wasting computer time, connect time, disk space, printer paper, manuals or other documentation including on-line sources, or other resources.

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4. In making appropriate use of access to the Internet, the recipient of that access shall NOT:
 - a. Use another person's USERID and PASSWORD;
 - b. Use another person's files, system, or data without specific permission or without authorization;
 - c. Use computer programs to attempt to decode passwords or encrypted information or to otherwise circumvent system access control;
 - d. Engage in any activity that might be harmful to systems or the information stored therein; e.g., including, but not limited to, creating or propagating viruses, disrupting services, or damaging files;
 - e. Alter in any way county provided Internet access configurations without specific authorization from the county or county administrator or his or her designee;
 - f. Use of the county's systems for partisan political purposes including the use of electronic mail to circulate advertising for candidates to elected office;
 - g. Make or use illegal copies of copyright protected material including software, nor shall they store such copies on county resources or transmit same by use of county resources;
 - h. Use mail or message services to harass, intimidate, or otherwise annoy another person or group of persons; e.g., by intentionally broadcasting unsolicited messages or sending unwarranted mail;
 - i. Waste computing resources, e.g., by intentionally placing a program in an endless loop or by causing excessive amounts of printing;
 - j. Use for access to and distribution of indecent or obscene material; and
 - k. Use the county granted Internet access for personal gain.

B. Enforcement and Penalties

1. Enforcement

- a. The county considers any violation of this policy, including suspected violations, a matter of serious concern.
- b. The county reserves the right to monitor usage, copy and examine any files maintained on county resources.

2. Penalties

- a. The county may, at its discretion, immediately revoke the privilege of access to the Internet without prior notice to the user.

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- b. Violation of this policy may subject the individual responsible and the holder of a county provided USERID, if not one and the same, to disciplinary action in accordance with the Pulaski County Personnel policy.
- c. Nothing in the foregoing shall limit the county in prosecution of individuals or in the attempt to recover damages including specific remedies contained in:
 - 1. The Privacy Protection Act of 1974;
 - 2. The Computer Fraud and Abuse Act of 1986;
 - 3. The Computer Virus Eradication of 1989;
 - 4. Statutes addressing the Interstate Transport of Stolen Property;
 - 5. The Virginia Computer Crimes Act;
 - 6. The Electronic Communications and Privacy Act; and
 - 7. The Telecommunications Act of 1996.

g. Scheduling of Public Hearings

The following public hearings were scheduled for the May 24 Board of Supervisors Meeting:

- 1. Jesse James Smith Property Clean Up
- 2. Vacating of Right-of-Way Fair Acres Subdivision

h. Employee Evaluation Policy Change

A revised policy allowing biannual evaluation of employees at full pay was adopted and is filed with the records of this meeting.

i. Virginia Mountain Housing - Housing Proposal

Approval of the housing assistance for moderate income families was adopted. A letter of support from Chairman Sheffey is filed with the records of this meeting.

j. Purchase of Draper Tanker

An additional \$6,000 was approved for an appropriation towards purchase of a new fire truck tanker for the Draper Volunteer Fire Department to be charged to the following fund and line item: 020-3207-7705.

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

10. Citizen Comments

No comments were made.

11. Other Matters from Supervisors

Supervisor Cook requested staff send a letter from Chairman Sheffey on behalf of Board to the State Corporation Commission regarding the Bell Atlantic Dublin area exchange proposal, with letter to state Board's opposition to unequal rate change and request explanation as to why not promoted as a regional project, as well as recommend increase with no additional changes.

12. Executive Session – 2.1-344(A)

It was moved by Mr. Conner, seconded by Mr. White and carried, the Board enter executive session pursuant to Section 2.1-344(A) of the 1950 Code of Virginia as amended for the purpose of discussion on personnel, legal, acquisition/disposition and prospective industry matters.

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

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

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

Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Dr. Fariss, seconded by Mr. Cook 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;

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

Voting no: none.

Re: Appointments

It was moved by Mr. Cook, seconded by Mr. Conner and carried, that the following appointments be approved:

a. PEP Steering Committee

Action on PEP appointments was deferred to the May Board meeting.

b. Clean Community Council

The Board appointed Mr. Charles Stafford to the Council for an indefinite term.

c. New River Resource Authority

The Board requested Tom Owens be asked to consider appointment to the New River Resource Authority Board.

d. Local Emergency Planning Council

Staff was requested to contact the following individuals or agencies to determine their interest in serving on the Council: Mr. Charles Cook from PEP, The Board of Supervisors and the Chamber of Commerce; Ron Nichols from the schools or another school designee; Charles Maus from the NRRA and PFRWTA; Dan Arnold or Frank Stanley From Volvo; Keith Dickerson From Electro-Plate Rite; a BBA Representative; Roy Quesenberry From NRB Industries; Brec Avelar or Tom Picarillo from Synthons / Chermetic; Joe Weddle or his designate from AEP; a representative from both towns; David Smith from REMSI and the hospitals; and a Sheriff's Department representative.

e. New River Valley Community Services Board

The Board reappointed Linda Myers and Harold Chrisley to the NRV Community Services Board. Staff was requested to contact Mr. Mike Church to determine his interest in filling the vacancy created by the resignation of Mr. Andy McCready.

f. Office on Youth

The Board requested staff contact Mr. Brad Smith to determine his interest in filling a vacancy to be created due to the term expiring on June 30, 1999 of Ms. Janet Nelson.

g. Pulaski Encouraging Progress

Staff was requested to contact Dr. Ed Barnes, Ms. Sue Berkley and Mr. Mark Buckland to determine their interest in continuing service on the PEP Steering Committee when said terms expire on June 30, 1999.

h. Planning Commission

The Board reappointed Supervisor Bruce Fariss to the Pulaski County Planning Commission when said term expires June 30, 1999. The term shall be for four years with term expiration to be June 30, 2003.

i. Board of Zoning Appeals

The County Attorney was directed to request the Court reappoint Mr. Tony Nicolo and Melvin Reece to the Board of Zoning Appeals when said terms expire June 30, 1999.

j. New River Valley Highlands Resource Conservation Council

The Board reappointed Mr. Walter Paulson to the Council for a one year term expiring June 30, 2000.

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

Voting no: none.

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13. Adjournment

It was moved by Mr. Cook, seconded by Mr. Conner and carried, that the meeting be adjourned to reconvene on Monday, May 3, 1999 at 7:00 p.m. in the Board of Supervisors Room, County Administration Building, 143 Third Street, N.W. in the Town of Pulaski, Virginia.

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

Voting no: none.

Joseph L. Sheffey, Chairman

Joseph N. Morgan, Clerk