

PULASKI COUNTY BOARD OF SUPERVISORS – December 20, 1999

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, December 20, 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, Vice-Chairman; 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; County Engineer, Ronnie Coake; and Nancy M. Burchett, Management Services Director.

1. Invocation

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

2. Oath of Office by New Officers

Chairman Sheffey welcomed Pulaski County Circuit Court Judge Colin Gibb to the meeting and expressed appreciation to Judge Gibb for agreeing to perform the oath of office for the newly elected officials of the county.

Judge Gibb at this time administered the oath of office individually to Treasurer Rose Marie Tickle, Commissioner of the Revenue Maynard Sayers, Clerk of the Circuit Court Royce G. Lookabill, Commonwealth Attorney Mike Fleenor and Sheriff James Davis. He then administered the oath of office as a group to Board of Supervisors' elect members, Dr. Bruce L. Fariss, Charles Cook, Joseph Sheffey, Eddie Hale and Frank Conner, and to the School Board members elect, Jeff Bain, Dr. Beth Nelson, Paul Phillips and John Wenrick.

3. Additions to Agenda

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

4. Public Hearings

- a. A rezoning request by **Jon T. Wyatt and L. J. Trigg** from Industrial (I-1) to Residential (R-1) for a portion (0.59 acre) of property identified as tax map no. 038-001-0000-0136, 15.50 total acres, located on the east side of New River Rd. (Rt. 624), 0.3 mile south of Lee Hwy. (Rt. 11), Cloyd District.

Peter Huber, Assistant County Administrator, reported the applicant had requested rezoning on the above listed property to allow for a new Post Office location for the community of New River. The property will be subdivided and transferred to the U. S. Postal Service. Mr. Huber further advised that the rezoning request, if approved, would resolve the current irregular zoning district line, and the Planning Commission recommends approval of the request.

Chairman Sheffey opened the public hearing on this matter.

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Mr. Lewis Nash, real estate specialist with the U. S. Postal Service, addressed the Board of Supervisors regarding this matter. He advised that the rezoning would allow the U. S. Postal Service to construct a building for the location of a new Post Office to serve the community of New River.

Dr. Fariss inquired regarding the Fairlawn residents addresses and if the new post office in New River would also accommodate the Fairlawn addresses. Mr. Nash advised that he would refer the matter to the appropriate Postal Service contact.

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

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors approved the above rezoning request as recommended by the Planning Commission.

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

The Board of Supervisors requested that Mr. Nash inquire as to the possibility of the Fairlawn addresses being changed to a Pulaski County zip code in order to avoid the present confusion with the zip codes being associated with the City of Radford.

- b. A rezoning request by **Jerry J. Covey** from Residential (R-1) to Agricultural (A-1) for property identified as tax map no. 058-001-0000-022B, 5.61 acres, located on the south side of Wilderness Rd. (Rt. 611), 0.15 mile east of Mountain View Methodist Church, Ingles District.

Peter Huber, Assistant County Administrator, reported the above request will allow the applicant to build a house and keep horses on the above listed property. Mr. Huber further advised that the Planning Commission recommends approval of the request.

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. Conner, seconded by Dr. Fariss and carried, the Board of Supervisors approved the above rezoning request as recommended by the Planning Commission.

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

- c. A rezoning request and site plan review to allow an office addition and asphalt equipment upgrade by **Michael L. Gallimore** from Residential (R-1) to Industrial (I-1) for property identified as tax map no. 064-03A-000A-0001, 065-001-0000-0008, 9, 10, 11, 17D, 11.710 acres, located on the west side of Old Rt. 100 (Rt. 100) 0.4 mile north of Miller Ln. (Rt. 644), Draper District.

Peter Huber, Assistant County Administrator, advised that the above listed property is currently the location for an existing concrete and asphalt plant which had been in operation for the past 40 years. Said plant now operating as a nonconforming use. Mr. Huber reported that the applicant had requested the rezoning in conjunction with the Zoning Administrator requiring a site plan review for an office addition and proposed equipment upgrade. In addition, the applicant plans on installing equipment which would eliminate possible emissions from the plant operations. Mr. Huber further reported the rezoning request had been recommended for approval by the Planning Commission.

The Chairman opened the public hearing on the above matter.

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

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors approved the above rezoning request per the recommendation of the Planning Commission.

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

- d. Disposition of surplus school property on the old Dublin Primary School campus, identified by tax map no. 047-008-0000-0057, 58, located on the southwest corner of the intersection of Sixth Street and South Avenue, Town of Dublin/Ingles District.

County Administrator, Joseph Morgan, reported the above listed property had been declared excess by the School Board and had now reverted back to the county as surplus. He advised that the public hearing was required by state law before the Board could dispose of the property. In order to determine what interest may exist, he recommended once the public hearing was held, staff notify the adjacent property owners and the Town of Dublin of the availability of the property.

Chairman Sheffey opened the public hearing on this matter.

Ms. Barbara Hall advised she was an adjacent property owner and was interested in buying the property.

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

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board of Supervisors authorized staff to notify adjacent property owners and the Town of Dublin of the availability of the above noted property.

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

5. Highway Matters:

Virginia Department of Transportation (VDOT) Assistant Resident Engineer, Dale Stancil, met with the Board and discussed the following matters:

a. Follow-up from Previous Board meeting:

1. Intersection of Rt. 11, Lee Highway, and Rt. 114, Peppers Ferry Boulevard

Mr. Stancil advised the above project is under review by the Salem VDOT office and a report should be available by the next meeting of the Board of Supervisors.

2. Rt. 636, Black Hollow Road, Curve Warning Signs

Mr. Stancil advised VDOT would install one curve warning sign at the beginning of Rt. 636, Black Hollow Road, at Rt. 11 since the road was crooked throughout the entire length of the road.

3. Rt. 601, Little Creek Road, Drainage

Mr. Stancil reported the drainage problems on the above noted area had been resolved by VDOT crews.

4. Rt. 674, & 640 Brookmont Road, Speed Posting

The Board approved deferring the above listed speed posting until the January meeting to allow VDOT to do an informal review.

5. NRCC Entrance Rt. 100 off Ramp Coordination onto Rt. 11

Mr. Stancil advised that VDOT crews will be extending the ramp onto Rt. 11 probably this spring.

b. Rt. 720, Hilton Village Loop, Speed Limit Posting

Mr. Stancil advised that Rt. 720, Hilton Village Loop, had qualified for a 25 miles per hour speed limit posting.

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors requested VDOT to post a 25 miles per hour speed limit signs on Rt. 720, Hilton Village Loop.

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

c. Board of Supervisors Concerns

Supervisor Conner expressed concerns regarding the road conditions on Hatcher Road, Route 807. He advised some improvements had been made; however, additional work is needed. Mr. Stancil agreed to view this road again.

Supervisor Conner also requested VDOT staff to view Mountain View Drive for possible dirt and grass planting where the gas delivery trucks had caused damages recently. Mr. Stancil agreed to view this area for improvements.

Dr. Fariss advised of a flooding problem on the property of a Mr. Shepard on Bagging Plant Road and Route 11. Dr. Fariss reported an inadequate underground culvert needs to be upgraded to prevent the flooding problem.

Supervisor Sheffey reported that all the roads in the Fairlawn area had deteriorated greatly, and requested VDOT staff to view the area this spring for road pavement improvements.

d. Citizen Concerns

No citizen concerns were heard at this time regarding roads.

6. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly trial balance report, report of certificates of deposits and the sales tax distribution monthly report. Ms. Tickle also gave a report to the Board on the improper assessments of real estate for the tax year 1999. The Board accepted the reports as presented.

7. Citizens' Comments

No citizen comments were heard at this time.

7a. Presentation by Joint Industrial Development Authority of Wythe County

Mr. Alan Hawthorne of the Wythe County Industrial Development Authority addressed the Board regarding joint support for a grant application to the state for funding an inland port in Wythe County. Mr. Hawthorne advised Wythe County was seeking co-applicant status for the grant application from all the surrounding jurisdictions. He further reported that all surrounding jurisdictions had adopted the requested resolution with the exception of the City of Galax which had not acted on the request as of this date.

Joseph Morgan, County Administrator, reported that the Virginia First Authority had recently endorsed the project, and advised the inland port would compliment the foreign trade zone at the New River Valley Airport. He recommended the Board endorse the resolution as requested by Mr. Hawthorne.

Dr. Fariss inquired if the grant application might prohibit Pulaski County in the future from obtaining other grants should the joint grant application be approved.

Mr. Hawthorne advised he had asked the state officials this question and had been advised that if the project was approved, it would not have an impact on future grant applications of each of the jurisdictions; however, he had been given no guarantee.

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Mr. Hawthorne also noted that the services of the New River Valley Foreign Trade Zone would be utilized by the inland port, if funding was granted.

Mr. Stuart Gilbert of the New River Valley Economic Alliance appeared and advised the proposed inland port would be of great assistance to the foreign trade zone at the New River Valley Airport, provided that the inland port utilize the services of the foreign trade zone.

It was moved by Supervisor Cook, seconded by Dr. Fariss and carried, that the Board of Supervisors adopt the following resolution with or without participation from the City of Galax and, subject to written assurances that the services of the foreign trade zone at the New River Valley Airport would be utilized by the proposed inland port.

By this resolution the governing body of Pulaski County hereby states and/or authorizes the following:

- Pulaski County is applying as a co-applicant for ISDF funding in the amount of \$1,375,000 for site development in the rail portion of Progress Park;
- Wythe County is the lead applicant and is designated to act as program administrator;
- The required local match of \$1,375,000 or greater has been met by funding from Wythe County, and no local funding is required from Pulaski County;
- Progress Park is a regional industrial park with applicants for this project consisting of the following:

Wythe County, Lead Applicant
Carroll County, Co-applicant
Pulaski County, Co-applicant
Town of Wytheville, Co-applicant

Bland County, Co-applicant
Grayson County, Co-applicant
Smyth County, Co-applicant

- This local governing body hereby authorizes its chief administrator to submit all information necessary to apply for ISDF funding and to meet other program administrative and reporting requirements for this project.

Adopted this 20th day of December, 1999.

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

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable

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

- b. Update on Clean-up of Property owned by Robert E. and Mavis N. Cantrell, identified by tax map parcel 098-001-0000-0028, 4.000 acres, zoned Agricultural (A1), located on the east side of Delton Road, Rt. 658, approximately 0.15 mile south of the intersection of Old Baltimore Road, also Rt. 658, Draper District

Peter Huber, Assistant County Administrator, advised that no significant action had been taken by the owners of the above listed property to clean up the property.

Dr. Fariss expressed concerns regarding county officials being concerned with the inside conditions of the house.

Joseph Morgan, County Administrator, advised if an electrical or structural hazard exists, county officials may address these problems, or if the property is littered or overgrown, a hearing to consider remedy of the problems may be scheduled by the Board of Supervisors.

On the motion of Mr. Cook, seconded by Mr. White and carried, the Board of Supervisors directed staff to notify by letter the above listed property owners allowing for a 30 day extension to respond, and advise of the cost to clean up the property by the county, as well as advise that a lien shall be taken by the county for the clean up expenses if the county has to clean up the property. In addition, staff was directed to list specific clean up improvements expected in said correspondence.

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

Voting no: Dr. Fariss.

- c. Noise Control Ordinance Update

Assistant County Administrator, Peter Huber, reviewed with the Board of Supervisors examples of other county noise control ordinances as well as a memo from Sheriff Davis regarding the need for a noise control ordinance in Pulaski County. Mr. Huber advised that the Planning Commission requested a clear intention by the Board of Supervisors to adopt a noise control ordinance, if the Planning Commission was requested by the Board to draft such an ordinance.

The Board of Supervisors directed County Attorney, Thomas J. McCarthy, Jr., to draft a noise control ordinance for the Board to review within 60 days. Further, staff is to provide the Board members and Mr. McCarthy with other ordinance examples which had been reviewed by the Board at previous meetings.

- d. Organizational Meeting Date

The Board of Supervisors set January 13, 2000 at 7 p.m. at the organizational meeting of the Board.

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e. Appointments:

The Board deferred appointments until the closed meeting session of this meeting.

9. Items of Consent:

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board 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 November 22 & 30, 1999

The Board approved the minutes of November 22 & 30, 1999 as presented.

b. Accounts Payable

The Board approved the accounts payable listing as presented on checks numbered 26021 through 26390.

c. Appropriations and Transfers

1. Interoffice Transfers #6 - \$52,780.14

The Board approved interoffice transfers #6 in the amount of \$52,780.14 as prepared by Management Services Director, Nancy Burchett.

2. General Fund Appropriation #7 - \$11,069; #8 - \$3,500; #9 - \$2,677.62; and #10 - \$73,520

#7 - Revenues:

2404-38 VJCC Grant		\$ 11,069.00
	Total	\$ 11,069.00

Expenditures:

5362-7001 VJCC Mach. & Equip.		\$ 6,069.00
5362-3009 VJCC Purchase of Govt. Service		1,588.00
5362-5401 VJCC Office Supplies		<u>3,412.00</u>
	Total	\$ 11,069.00

#8 – Revenues:

1401-01 Speeding Fines		\$ 3,500.00
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Expenditures:

3102-5409 Sheriff's Office Equipment		\$ 3,500.00
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#9 – Revenues:

1615-05 Library Donations	\$	500.00
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Expenditures:

7301-5419 – Moms, Pops, Tots Program	\$	2,677.62
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#10 – Revenues:

1899-60 Office on Youth Donations	\$	1,400.00
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2404-48 Byrne Grant		4,868.00
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Total	\$	6,268.00
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Expenditures:

1101-3002 Bd. Of Supervisors Prof. Services	\$	20,000.00
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2201-5407 Comm. Attorney Office Repairs		20,000.00
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3307-300908 Bryne Grant		4,868.00
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5322-5407 Office on Youth Gym Floor Repairs		1,400.00
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4302-5303 General Properties Flood Insurance		25,539.00
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9310-5804 Revenue Refunds Other		1,363.00
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9310-5824 Revenue Refunds County Decals		350.00
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Total	\$	73,520.00
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3. Capital Improvement Fund Appropriations #5 - \$2,600

Revenues:

189963 Randolph Park Donations	\$	100.00
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1899-77 CE Richardson Central Gym Grant		2,500.00
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Total	\$	2,600.00
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Expenditures:

4306-5412 Central Gym Renovations Ed. Supplies	\$	2,500.00
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7116-7165 Randolph Park – Phase I		100.00
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Total	\$	2,600.00
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4. VPA Fund Appropriations #2 \$139,823

Revenues:

2401-39 Welfare Reform Phase II	\$	40,700.00
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3302-19 ADC Working Day Care		18,000.00
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3302-28 Transitional Day Care		9,000.00
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330240 Quality Initiative Program		45,000.00
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3302-05 Aid for Welfare Administration		19,298.00
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Total	\$	131,998.00
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Expenditures:

5344-5720 Day Care Enhancement	\$	45,000.00
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5344-5736 View Working Day Care		20,000.00
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5342-1001 Direct Social Work Services		24,123.00
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5344-5737 VIEW Transitional Day Care		10,000.00
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5367-300908 Welfare Reform Phase II		40,700.00
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Total	\$	139,823.00
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d. Ratification:

1. Change Order

There were no change orders presented for ratification at this meeting of the Board of Supervisors.

2. Agreements, Grants, & Other:

a. Library Grant Application

The Board ratified a library grant application to the State Library of Virginia for an educational resource center for young adults in the amount of \$2,500.00.

b. Application for Service 911 Caller's Address Location System

The Board ratified an application for service with Bell Atlantic – Virginia Inc. for 911 network service under the new CALS database system with the rates being the same as the current amount paid under the old CALS database system.

e. Personnel Changes

The Board reviewed personnel changes as reported by Management Services Director Nancy Burchett.

f. Housing Development Proposals

The Board reviewed a memo sent to the proposers on the housing development for the surplus county property. Staff advised that the county engineer and county attorney are preparing documentation to allow transfer of the Bagging Plant site next to the Orchard Hills Subdivision to one of the proposers. The Board agreed to defer discussion on the details of the terms of the sale until closed session.

g. Amendment to the Commercial Drivers License Policy & Drug Alcohol Testing

The Board approved the following Commercial Drivers License Policy and Drug Alcohol Testing Policy as presented by staff.

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. REFERRAL EVALUATION TREATMENT

1. Any driver who engages in prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs.
2. Before returning to duty in a driving position as a CDL driver, the driver must pass a return to duty test and complete any program prescribed by the substance abuse professional.

3. The driver will be subject to unannounced follow-up alcohol and controlled substances tests administered by the employer following the driver's return to duty. These tests will be a minimum of 6 in the first 12 months following the driver's return to duty. Follow-up testing shall not exceed 60 months from the date of the driver's return to duty. This testing may be terminated by the substance abuse professional after the first six tests if no longer deemed necessary.

J. 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.

K. 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.

L. DEFINITIONS

1. **Prohibited Substance or Drugs:** Any illegal substance under Virginia law or controlled substance under Virginia law or further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. Illegal use includes use of any illegal drug, misuse of legally prescribed or obtained prescription drugs.
2. **Alcohol:** Alcohol use is the consumption of any beverage, mixture or preparation including any medication or product containing alcohol.
3. **Covered Employees:** Covered employees include those Pulaski County and Public Service Authority employees who are required to hold a Commercial Driver's License as a condition of employment.

M. Prohibited Conduct

1. **Prohibited Substances or Drugs:** No driver shall report for duty or remain on duty requirement the performance of safety sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a vehicle.
2. **Alcohol:** No driver shall report from duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of BAC.02 or greater or while in possession of alcohol. No driver shall use alcohol while performing safety sensitive functions. No driver shall perform safety sensitive functions within four (4) hours after using alcohol.

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;

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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 4/16/96, 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.

11. All covered employees will receive a list of substance abuse professionals and/or agencies providing this necessary information.

h. Amendment to the Purchasing Policy

The Board approved an amendment to the Purchasing Policy authorizing the addition of the Randolph Park Coordinator to make purchases less than \$500.

i. Workforce Investment Act Grant Recipient

The Board deferred action on this matter until the January 13, 1999 organizational meeting of the Board. In addition, staff and the county attorney was directed to confirm that an elected official has to serve on the Consortium Board of local jurisdictions.

10. Citizen Comments

No citizen comments were heard at this time.

11. Other Matters from Supervisors

Supervisor Fariss requested the County Attorney to advise regarding the right of way use to Claytor Lake by the county from the Dublin area at the old Burlington Plant which is now in the Town of Dublin industrial park.

Supervisor Fariss requested additional information from the Regional Jail regarding the percentage of inmates utilizing the jails services from Pulaski County.

Supervisor Fariss advised that Appalachian Electric Power will be spraying herbicides at the Gatewood Reservoir in Pulaski County to treat wooded vegetation. He requested that staff determine what impact this may have on the environment as well as the water source at Gatewood Reservoir.

Supervisor Sheffey noted the growth occurring in the Fairlawn community and the need for staff to review the availability of land for an elementary school in the area, in particular, in the New River Industrial Park.

Board members at this time expressed their thanks and appreciation to Supervisor Jerry White for his service to Pulaski County for the past 12 years as a county supervisor.

Chairman Sheffey also welcomed Supervisor Elect, Eddie Hale, to the meeting and future meetings of the Board of Supervisors.

12. Closed Meeting – 2.1-344.A.1.3.5.7

It was moved by Mr. Conner, seconded by Mr. Cook and carried, that the Board of Supervisors enter closed session for discussion of the following:

- a. Property Acquisition - Pursuant to Virginia Code Section 2.1344(A)3 discussion for consideration of the disposition of publicly held property regarding:

*surplus school property on Bagging Plant Road and Rt. 11 east of Dublin.

- b. Personnel - Pursuant to Virginia Code Section 2.1-344(A)1 discussion for consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees, regarding:

*constitutional officers compensation;

*Appointments:

1. New River Valley Development Corporation;
2. Library Board;
3. Clean Community Council;
4. Fairview Home;
5. Pep Steering Committee

- c. Legal Matters – Pursuant to Virginia Code Section 2.1-344(A)7 consultation with legal counsels and briefing by staff for discussion of specific legal matters and matters subject to probable litigation regarding:

*Ordinances

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. Cook, seconded by Mr. Conner 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 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 a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

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

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

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

RE: Property Disposition:

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors authorized the transfer of school surplus property on Bagging Plant Road to Wright & Vest for \$80,000, subject to appropriate zoning, water and sewer availability and storm water drainage channel suitable for up to 25 single family residences, as well as title transfer for future utility easements satisfactory to the County Attorney and the County Engineer.

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

RE: Personnel & Appointments:

Appointments:

1. New River Valley Development Corporation

The Board deferred action on this appointment until the January 13, 2000 organizational meeting.

2. Library Board

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors appointed Deloris Smith and Don Fariss to the Library Board for terms ending December 31, 2003.

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

3. Clean Community Council

The Board deferred action on this appointment until the January 13, 2000 organizational meeting.

4. PEP Steering Committee

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board appointed Mr. Jack Lewis to the PEP Steering Committee for a term ending June 30, 2003.

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

5. Due in 2000

Staff was directed to provide the Board with a listing of all appointments due in 2000 for review at the January 13, 2000 organizational meeting.

6. Fairview Home

On the motion of Mr. White, seconded by Mr. Conner and carried, the Board appointed Mason A. Vaughan, Sr. to the Fairview Home Board with Joseph Morgan, County Administrator, to serve as alternative with the appointment to be reviewed again in six months.

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

PULASKI COUNTY BOARD OF SUPERVISORS – December 20, 1999

*Personnel Matters:

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors confirmed that the pay supplement for the Pulaski County Sheriff is to continue at the same rate prior to December 1, 1999.

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 confirmed that after January 1, 2000 no extra pay above that approved by the State Compensation Board will be made by the county to the Commonwealth Attorney.

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

13. Other Matters

County Attorney, Thomas J. McCarthy, Jr., invited the Board of Supervisors to participate in a presentation to the Army Reserve commending the services provided by the reserve unit in grading Randolph Park this past fall. Said recognition service to be held in Marion, Virginia on a Saturday this winter.

14. Adjournment

It was moved by Mr. White, seconded by Mr. Conner that the meeting be adjourned to be reconvened on Thursday, January 13, 2000 at 7:00 p.m. at the County Administration Building, Board Room, 143 3rd Street, NW, 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