

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 24, 2000 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, Vice-Chairman; Charles E. Cook; W. Edgar Hale; and Frank R. Conner. Staff members present included County Administrator, Joseph N. Morgan; County Attorney, Thomas J. McCarthy, Jr.; Assistant County Administrator, Peter Huber; Executive Secretary, Gena T. Hanks; Emergency Services Coordinator, Stanley Crigger; and Management Services Director, Nancy M. Burchett.

1. Invocation

The invocation was given by County Administrator, Joseph N. Morgan.

Moment of Silence

Chairman Sheffey requested a moment of silence in memory of Mr. Jerry L. Evans, Secretary of the Pulaski County Electoral Board, who recently past away.

2. Additions to Agenda

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

3. Public Hearings:

- a. A request for rezoning from Agricultural (A1) to Commercial (CM1) and Special Use Permit (SUP) to allow the sale of used vehicles by Harry M. Meredith, Jr. and Richard M. Meredith on property owned by Jesse Owen Lemay, identified by tax map no. 107-001-0000-009A, (2.1700 acres), located on the west side of Wysor Rd. (Rt. 100) approximately 0.5 mile south of Old Baltimore Rd. (Rt. 654) intersection, Draper District.

Chairman Sheffey advised this public hearing had been cancelled due to the Planning Commission deferring action on this matter until its regular May meeting.

- b. Adoption of a Noise Control Ordinance

County Attorney, Thomas J. McCarthy, Jr., reviewed with the Board the proposed Noise Control Ordinance. He advised that changes could be made prior to the adoption of the ordinance, if desired by the Board.

Chairman Sheffey opened the public hearing on this matter.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

The following individuals addressed the Board of Supervisors regarding the proposed Noise Control Ordinance:

Mr. Ed Lytton of Mt. Pleasant Subdivision requested the Board to adopt a Noise Control Ordinance. He reported of loud radio music being played in his neighborhood for a 24-hour period. He advised that the problem in his neighborhood is getting worse.

Ms. Karen McCreedy requested the Board to consider an amendment to the proposed noise control ordinance to address excessive noise from industrial activities. She complained of noise from a piece of equipment used at the Pulaski County Corporate Center Industrial Park. She played a tape recording to the Board of said noise. She suggested sound barriers or a limit on the hours of operation on such loud equipment be included in the ordinance.

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

The Board inquired as to the amount of the fine for violation of the proposed noise control ordinance. The County Attorney advised that up to a \$2,500 fine or no more than 12 months in jail could be imposed.

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors approved the following Noise Control Ordinance:

NOISE ORDINANCE

Section A. Short Title.

This article shall be known as the "Noise Ordinance of the County of Pulaski, Virginia".

Section B. Declaration of policy.

It is hereby declared to be the public policy of the County of Pulaski to promote an environment for its citizens free from excessive noise that jeopardizes their health or welfare or degrades the quality of life within Pulaski County.

Section C. Definitions.

The following words and phrases, when used in this article shall have the meaning assigned to them in this section.

Emergency work shall mean work made necessary to restore property, public or private, to a safe condition following a state of emergency or a local emergency as defined by the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Chapter 3.2 of title 44 of the Code of Virginia, 1950, as amended, or its successor, or work required to protect persons or property from immediate exposure to danger, including work performed by the Pulaski County Public Service Authority or by public service companies when emergency inspection, repair of facilities or restoration of services is required for the immediate health, safety or welfare of the community.

Motor vehicle shall mean a self-propelled vehicle including passenger cars, trucks, truck-trailers, semi-trailers, recreational vehicle's, campers, racing vehicles, and any motorcycles (including, but not limited to, motor scooters, mini-bikes, all-terrain vehicles and three-wheelers) as defined in Section 46.2-100 of the Code of Virginia, 1950, as amended, and motorized boats.

Noise disturbance means any sound which (a) endangers or injures the safety or health of any person; (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

Person shall mean any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

Section D. Exceptions from this article.

The provision of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work;
- (2) Music, bells, chimes or other sounds which are emanating from a church, or other place of worship;

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

- (3) Sound generated at any time from school or county sponsored athletic or recreational events;
- (4) Sound generated by activities which are an official or an approved part of any county or state approved or licensed festival or activity, provided such exemption shall terminate at 10:00 p.m.;
- (5) Sounds generated in commercial and industrial zoning districts which are necessary and incidental to the uses permitted therein;
- (6) Sound for which a variance has been granted in accordance with Section H of this article;
- (7) Sounds generated from any agricultural activity or agribusiness; and
- (8) Sounds generated from or incidental to emergency repairs to public utilities or any emergency public works function.

Section E. General prohibition.

In addition to the specific prohibitions contained in this article, no person shall make, continue, permit, or cause to be made, continued or permitted any noise disturbance within the county.

Section F. Specific acts as noise disturbances.

The following acts are declared to be noise disturbances in violation of this article. The acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance under Section E and provided that the acts so specified below may still constitute a noise disturbance under Section E independently of the hours of the day such acts take place.

- (1) Engaging in, or operating or causing to be operated any equipment used in the construction, repair, alteration or demolition of buildings, streets, roads, alleys or appurtenances thereto between the hours of 10:00 p.m. and 7:00 a.m. the following day; except, emergency repairs to public utilities or any emergency public works function which may be done at any time.
- (2) Repairing, rebuilding or modifying any motor vehicle or other mechanical equipment or device between the hours of 10:00 p.m. and

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

7:00 a.m. the following day in a manner so as to be plainly audible across property boundaries.

(3) Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.

(4) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, computer, compact disc players, tape recorders, cassette player, or any other device for the production of sound, between the hours of 10:00 p.m. and 7:00 a.m. the following day, at a volume sufficient to be plainly audible across property boundaries or through partitions common to two (2) residences within a building or plainly audible at fifty (50) feet from such device.

(5) Using or operating a loudspeaker or other sound amplification devices in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or mounted in the interior of a building with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instruction, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(6) Using tuning or operating any motor vehicle without factory installed mufflers or their equivalent, on any public street, road or walkway in the county or on private property within a residential zoning district.

(7) Using a radio receiving set, an audio cassette player, a compact disc player, or other device for the production of sound in a motor vehicle at a volume sufficient to be plainly audible at fifty (50) feet from such vehicle.

(8) Failure to deactivate an alarm system plainly audible at fifty (50) feet from such alarm within a reasonable time.

Section G. Penalties.

A violation of any provisions of this article shall constitute a Class 1 misdemeanor. Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall constitute a separate offense.

Section H. Undue hardship waiver.

(a) Any person responsible for a noise source may apply to the Board of Supervisors for a waiver, or partial waiver, from the provisions of this article. The Board of Supervisors may grant such waiver, or partial waiver, upon a finding that any of the following circumstances exists:

- (1) The noise does not endanger the public health, safety or welfare; or
- (2) Compliance with the provisions of this article from which a waiver is sought would produce serious economic hardship without producing substantial benefit to the public.

(b) In determining whether to grant such waiver, the Board of Supervisors shall consider the time of day the noise will occur, the duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this article and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community and the degree of hardship which may result from the enforcement of the provisions of this article.

(c) No waiver, or partial waiver, issued pursuant to this article shall be granted for a period to exceed one year, but any such waiver, or partial waiver may be renewed for successive like periods if the Board of Supervisors shall find such renewal is justified after again applying the standards set forth in this ordinance. No renewal shall be granted except upon written application therefor.

Section I. Jurisdiction.

The provisions of this Ordinance shall apply in all parts of Pulaski County, Virginia, which are not within the jurisdictions of the incorporated municipalities.

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

Voting no: none.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

4. Highway Matters:

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

a. Follow-up from Previous Board meeting

1. Maintaining Access to Madison Avenue, Rt. 715

Mr. Brugh reviewed a photograph of a possible access location to Madison Avenue, Rt. 715, from Wheatland Hills. He requested the Board to review the photograph. He further advised that funding for this would have to be from the secondary road funds, and that a 40 or 50 foot right of way would be required. The Board requested that VDOT provide a cost estimate on this for review at the next meeting.

2. Speed Study Results – Rt. 850, Big Valley Drive

Mr. Brugh reported that VDOT does not recommend a speed limit posting on Rt. 850, Big Valley Drive, at this time.

3. Rt. 114, Pepper's Ferry Boulevard, "No Parking" Signs

Mr. Brugh advised that all possible "no parking" signs on Rt. 114, Pepper's Ferry Boulevard, had been removed by VDOT.

b. Rural Addition Status Report (Cook's Crossing Lane)

Emergency Services Coordinator, Stanley Crigger, updated the Board of Supervisors regarding the status of the following rural addition projects:

Cooks Lane – Mr. Crigger reported that three remaining parties needed to sign right of way easements. In addition, up to \$10,000 may be needed for an American Electric power pole relocation. He advised that verbal agreements had been made regarding the right of ways.

Cooks Lane Extension – Phase B – Mr. Crigger advised that a turn around is pending review on this extension.

Edgewood Drive – Mr. Crigger reported of drainage easements needed, electric power lines and water meters to be moved, as well as telephone underground cable and cable TV overhead cables which required an 18 foot clearance in right of way.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

Forest Circle – Mr. Crigger advised this rural addition was complete with the exception of a resolution by the Board of Supervisors. Further, it was noted that this rural addition was at no cost to the county.

Park View Court – Mr. Crigger also advised this rural addition was complete with the exception of a resolution of the Board of Supervisors. It was also noted that this rural addition was at no cost to the county.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors adopted the following resolution:

**RESOLUTION FOR
FOREST CIRCLE**

WHEREAS, the street described below was established prior to July 1, 1978 and has provided continuous public service since its establishment, and is now deemed to provide sufficient public service to warrant its addition as part of the secondary system of state highways,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following streets be added to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the rural addition policy of the Virginia Department of Transportation,

Name of Street: Forest Circle	Length: 0.08 miles
From: Route 698	To: Parkview Ct

Guaranteed right-of-way Width: 50 feet
Recorded in Deed Book 539, Deed Page 262 on 7/13/94
Recorded in Plat Book 7, Slide 232 on 9/12/79

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

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

Voting no: none.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors adopted the following resolution:

**RESOLUTION FOR
PARKVIEW COURT**

WHEREAS, the street described below was established prior to July 1, 1978 and has provided continuous public service since its establishment, and is now deemed to provide sufficient public service to warrant its addition as part of the secondary system of state highways,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following streets be added to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the rural addition policy of the Virginia Department of Transportation,

Name of Street: Parkview Court	Length: 0.07 miles
From: Forest Circle	To: A cul-de-sac

Guaranteed right-of-way Width: 50 feet
Recorded in Deed Book 539, Page 262 dated 7/13/94.
Recorded in Plat Book 7, Slide 232 dated 9/12/79.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

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

Voting no: none.

**RESOLUTION
COOK'S CROSSING LANE**

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved an expenditure of up to

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

\$10,000 for the power pole removal needed on the Cook's Crossing Lane rural addition project.

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

Voting no: none.

Dr. Fariss requested the Board of Supervisors be provided with a listing of pending rural addition projects.

c. Request for Improvements to Rt. 11, Lee Highway

Mr. Brugh reported that VDOT had done all possible improvements to Rt. 11, Lee Highway; however, will continue to review for improvements.

d. Draper Mountain Overlook Bid Award

On the motion of Mr. Conner, seconded by Mr. Cook and carried, the Board of Supervisors recommended that the Commonwealth Transportation Board approve the award of bid to Mr. Charles Harrell, low bidder of \$45,000, for the Draper Mountain Overlook project wall refacing on the Town of Pulaski's overlook side and for installation of stone walkways on both sides of the overlook.

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

Voting no: none.

e. New River Trail Allisonia Access

The Board approved May 18, 2000 at 9:00 a.m. as the date for the New River Trail Allisonia access dedication ceremony.

f. Board of Supervisors Concerns

Supervisor Conner inquired regarding Rt. F047, Kirby Road, and Rt. 611, Newbern Road, grading extent. Mr. Brugh advised that the grading work is completed and the signal will be installed this year.

Supervisor Conner encouraged cleanup at the end of Rt. 643, Alum Spring Road, over Bloomer Mountain.

Supervisor Hale advised that the Rt. 711, Mines Road, sign is missing and requested VDOT to replace.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

Supervisor Fariss suggested a new entrance be considered by VDOT to Pulaski County High School off of Rt. 11 west of the present extension. Mr. Brugh advised that VDOT will review and report back at the May meeting of the Board of Supervisors regarding this.

Supervisor Sheffey advised of shoulder pavement edge breakage on Rt. 606, Parrott Mountain Road.

Supervisor Sheffey advised that the primary pre-allocation hearings are still unscheduled and probably will not be held before this fall.

g. Citizen Concerns

Mr. Ed Hoggatt commended VDOT staff for the removal of a boulder on Rt. 600, Belspring Road. He also advised of two areas on Rt. 600, Belspring Road, where reflection warnings are needed. Mr. Brugh agreed to review this for possible action by VDOT.

5. Treasurer's Report

The Board reviewed the monthly trial balance report, the report of certificates of deposits and the sales tax distribution monthly report as submitted by the County Treasurer. The Board accepted the reports as submitted.

6. Citizens' Comments

Mr. Al Davis spoke regarding zoning compliance of the Turner junkyard on Rt. 798, Falling Branch Road. Mr. Davis provided the Board with pictures of the area and noted a new unpermitted highway entrance and non-compliance with Code of Virginia junkyard fencing requirements.

The Board requested staff to review this complaint.

Mr. Bobby Arnold, representing the Pulaski County Lifesaving Crew, presented a written statement requesting the Board to approve an application for an EMS agency license with the Virginia Department of Health, Office of Emergency Medical Services. Said statement outlined problems encountered by the Pulaski County Lifesaving Crew volunteers and REMSI personnel.

Staff was requested to address the concerns voiced by Mr. Arnold and crew members with REMSI staff, and make an initial response back to the Board of Supervisors in 30 days.

7. Reports from the County Administrator & Staff:

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

a. Key Activity Timetable

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

b. Clerk's Office Additional Personnel

Mr. Glenwood "Woody" Lookabill, Clerk of the Circuit Court, addressed the Board of Supervisors regarding the need for an additional office clerk for the Clerk's Office. Mr. Lookabill advised that the Clerk's Office was presently 2.49 positions short and the caseload had increased tremendously over the past few years. He requested the Board to fund a full time position for his office at an annual cost of approximately \$22,302.

The Board advised this matter would be reviewed with the budget requests for FY 01.

c. Proclamation – May Mental Health Month

On the motion of Mr. Cook, seconded by Mr. Hale and carried, the Board of Supervisors approved the following proclamation pertaining to the month of May being designated as Mental Health Month, and further approved a news release, with changes, regarding this matter:

PROCLAMATION

WHEREAS, mental health is critical for the well-being and vitality of our families, businesses, and communities; and

WHEREAS, mental disorders, collectively, make mental illness a prevalent health problem in America today; and

WHEREAS, guiding principles of community mental healthcare have always been comprehensiveness, cost-efficiency, effective management, and high quality and consumer-responsive services, and those principles are now being adopted by private and public healthcare payers; and

WHEREAS, the National Mental Health Association, the National Council for Community Behavioral Healthcare, and their partners observe Mental Health Month each year in May to raise awareness of mental health, mental illnesses, and insurance discrimination against people with mental illnesses;

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

THEREFORE, I, Joseph L. Sheffey, do hereby proclaim May 2000 as Mental Health month in Pulaski County. As the Chairman of the Board of Supervisors of Pulaski County, I also call upon all citizens, government agencies, public and private institutions, businesses, schools in Pulaski County to recommit our community to increase awareness and understanding of mental illnesses and the need for appropriate and accessible services for all people with mental illnesses.

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

Voting no: none.

d. Appointments:

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

8. Items of Consent:

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

a. Minutes of March 27, 2000

The Board approved the minutes of March 27, 2000 as presented by staff.

b. Accounts Payable

The Board approved the accounts payable listing as presented on check numbers 27433 through 27757.

c. Appropriations and Transfers:

1. Interoffice Transfer #10 - #48,661.14

The Board approved interoffice transfers #10 in the amount of \$48,661.14 as prepared by Management Services Director, Nancy M. Burchett.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

2. General Fund Appropriations #19 - \$82,290; #20 - \$4,500; #21 - \$1,056

#19 – Revenues:

2302-02 State Compensation Board Sheriff's Office	\$ 17,355
2404-40 Victims Assistance Grant	21,011
1899-60 Office on Youth Donations	1,050
1803-13 Refunds/Overpayments	16,760
2404-69 E-Z State Library Grants	<u>12,489</u>
Total	\$ 68,665

Expenditures:

1101-5504 Board of Supervisors Travel	\$ 1,300
1101-5804 Board of Supervisors Other Misc.	3,000
1301-3002 Electoral Board Professional Services	5,000
1301-3006 Electoral Board Printing & Binding	2,000
3102-7001 Sheriff's Office Machinery & Equipment	17,115
3102-5401 Sheriff's Office Office Supplies	240
5322-5412 Office on Youth Educational Supplies	1,050
5338-5606 Victims Witness Assistance Grant	21,011
7301-7191 Library E-Z Grant 1	2,500
7301-7192 Library E-Z Grant 2	9,989
8105-3002 Economic Development Professional Services	1,500
9104-5804 Erroneous Assessments Refunds	500
9310-5804 Revenue Refunds Overpayment Refunds	16,760
9310-5823 Revenue Refunds Building Permits	35
9310-582301 Revenue Refunds State Building Permits Fee	272
9310-5824 Revenue Refunds County Decals	<u>18</u>
Total	\$ 82,290

#20 Revenues:

1401-01 Speeding Fines – Sheriff's Office	\$ 4,500
---	----------

Expenditures:

3102-1003 Sheriff's Office Part-time Wages	\$ 2,500
3102-5410 Sheriff's Office Uniforms	1,500
3102-5409 Sheriff's Office Police Supplies	<u>500</u>
Total	\$ 4,500

#21 Revenues:

1615-07 RIF Donations	\$ 756
1615-05 Library Donations	<u>300</u>
Total	\$ 1,056

Expenditures:

7301-5604 Library RIF Program	\$ 756
7301-5419 Library Moms, Pops & Tots	<u>300</u>
Total	\$ 1,056

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

3. Capital Improvement Fund Appropriations #19 - \$221,995

Revenues:

2404-68 New River Trail ICTEA Grant	\$ 49,500
5102-00 Transfer from General Fund	167,495
1899-63 Randolph Park Donations	<u>5,000</u>
Total	\$ 221,995

Expenditures:

7116-7165 Randolph Park Phase I	\$ 5,000
7125-7194 New River Trail Park Area	43,600
7125-7195 New River Trail Access Ramp	5,900
8125-5604 VA's First Regional Industrial Facility Auth.	<u>167,495</u>
Total	\$ 221,995

4. School – Governor's School Appropriation #16 - \$355,721.19

Revenues:

1612-11 Local School Board Share	\$ 162,246.19
2402-36 Governor's Magnet School State Share	<u>192,475.00</u>
Total	\$ 355,721.19

Expenditures:

6112-112140 Instruction Teacher Salaries	\$ 182,466.90
6112-119040 Instruction Custodian Salaries	11,812.14
6112-210140 Instruction FICA	14,862.35
6112-221140 Instruction VRS	25,618.35
6112-230140 Instruction HMP	12,832.80
6112-280140 Instruction Cafeteria Plan	28.00
6219-111140 Administration Board Members	63,829.66
6219-115040 Administration Clerical Salaries	23,170.46
6219-210140 Administration FICA	6,655.51
6219-221140 Administration VRS	12,214.82
6219-230140 Administration HMP	2,227.20
6219-280140 Administration Cafeteria Plan	<u>3.00</u>
Total	\$ 355,721.19

d. Ratification:

1. Change Order - Randolph Park Phase I, Change Order #1

The Board of Supervisors approved change order #1 in the amount of \$6,464.36 with Claude Erps Construction, Inc. on the Randolph Park Phase I project. New total contract amount, after change order, reported to be \$362,794.36.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

2. Agreements, Grants, & Other

a. REMSI Surplus Vehicle

The Board approved the transfer of a REMSI surplus vehicle to the Twin Community Fire Department per the request of the fire department. Said vehicle to be used as a first response vehicle by the Twin Community Fire Department.

b. Engineering Services Agreement – Draper Aden

The Board of Supervisors approved an engineering services agreement with Draper Aden Associates for engineering services in the amount of \$36,200 for the Cloyd's Mountain Leachate Pump Station projects.

c. Cloyd's Mountain Leachate Pump Station

The Board of Supervisors approved a contract notice of award to Structures & Utilities Company, Inc. in the amount of \$366,824.90 for the Cloyd's Mountain Leachate Pump Station project.

d. State Library Grant Application – Computer Equipment Replacement

The Board of Supervisors approved a state library grant application for the replacement of computer equipment at the county library system as prepared by library staff.

e. Library Grant Application – Community Foundation of the NRV - \$500.00

The Board of Supervisors approved a library grant application to the Community Foundation of the New River Valley in the amount of \$500.00 for the purchase of computer equipment to assist in establishing an assistive technology workstation at the Pulaski County Library.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

- f. Dept. of Criminal Justice Services Grant – Community Corrections - \$271,959.00

The Board of Supervisors approved a Department of Criminal Justice Services Grant application for community corrections in the amount of \$271,959.00.

- g. Agreement with NetAccess, Inc.

The Board of Supervisors approved an agreement with NetAccess, Inc. and the Pulaski County Department of Social Services for Internet access. Said agreement for a period of five (5) years beginning March 3, 2000.

- h. LLEB Grant – Sheriff's Dept. \$3,470 – Federal Funds - \$386 – Local Funds

The Board of Supervisors approved the award of Department of Criminal Justice Services Local Law Enforcement Block Grant funds in the amount of \$3,470 with a local match of \$386 for the Pulaski County Sheriff's Department.

- i. Randolph Park Engineering Services Summary

The Board approved an engineering services summary, as prepared by Draper Aden Associates, on the Randolph Park Project for an additional amount of \$27,340.56.

- e. Personnel Changes

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

- f. Resolution of Appreciation – Don Rainey

The Board of Supervisors approved the following Resolution of Appreciation for Don Rainey's service on the Pulaski County Planning Commission:

**RESOLUTION OF APPRECIATION
DON A. RAINEY**

WHEREAS, Don A. Rainey served the citizens of Pulaski County as a member of the Pulaski County Planning Commission from May 1996 to May, 2000; and

WHEREAS, Don A. Rainey served as Chairman of the Planning Commission in 1999; and

WHEREAS, Don A. Rainey gave to the County of Pulaski his time, skills and total commitment of his ability and training;

NOW, THEREFORE BE IT RESVOLED, that the Pulaski County Board of Supervisors does hereby commend and express its appreciation for the service of Don A. Rainey 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 in permanent testimony of its appreciation to the service provided by Don A. Rainey.

The Board further requested that staff arrange for a framed courthouse print to be given to Mr. Rainey along with a copy of the above resolution at the May meeting of the Board of Supervisors.

g. Pulaski County Lifesaving Crew – Licensing

The Board denied the request from the Pulaski County Lifesaving Crew for separate licensing but requested staff to respond to the Lifesaving Crew's concerns and report back to the Board within the next 30 days.

h. Payment of Overtime Sheriff's Office Employees Due to Munsey Murder Case

The Board approved the payment of overtime to the following Sheriff's Office employees for overtime hours worked on the recent Munsey murder case:

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

Captain Anthony R. Webb	\$ 906.00
Sergeant Brian Wade	725.50
Investigator John Kellam	634.50
Investigator William Ritter	709.50
Total	\$2,975.50

i. Construction Services Proposal

The Board approved the construction services proposal, as recommended by staff, for small construction jobs expected to be less than approximately \$100,000 by ranking and categories as follows:

Grading and Excavation:

1. H. T. Bowling
2. Erps Construction
3. Meade Contracting
4. Blackstone Paving

Utility(water/sewer lines etc)

1. H. T. Bowling
2. Meade Contracting
3. Blackstone Paving

Building

1. Erps Construction
2. Blackstone Paving

Demolition:

1. H. T. Bowling
2. Erps Construction
3. Meade Contracting
4. Blackstone Paving

Streets:

1. H. T. Bowling
2. Meade Contracting
3. Blackstone Paving

Paving:

1. Blackstone Paving

Electrical:

1. Coake and Sons Electrical
2. Erps Construction

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

HVAC

No proposals received

j. Fairlawn Fire and Rescue Stations Roof Replacement

The Board of Supervisors authorized staff to accept the lowest responsible, responsive bid for the roof replacement for the Fairlawn Fire and Rescue Stations. Further, the Board requested that the No Smoking Policy, previously adopted by the Board of Supervisors, be enforced on all county buildings, including the fire departments and rescue squad buildings, as well as, stressed the need for no smoking around the oxygen storage tanks at the fire and rescue buildings.

k. Skyfest Air Show

The Board of Supervisors deferred action on this matter until receiving additional information including confirmation regarding the extent of support by other localities and a review of the detailed expenditures and revenues report from last year's show.

l. Randolph Park Regulations – Emergency Adoption and Scheduling of Public Hearing for Permanent Ordinance Adoption

The Board adopted an ordinance to enforce the following regulations on an emergency basis and authorized staff to schedule a public hearing for permanent adoption of an ordinance at the May 22, 2000 Board meeting:

For Public Safety and Enjoyment
Please Observe the following Park Regulations

1. The natural areas of the park including woodland walking trails, small and large gazebos are open to the public beginning April 1, 2000.
2. These areas of the park are open from sunrise to one hour following sunset.
3. Other areas of the park including the wagon-wheel athletic fields complex, soccer field, courts, etc. are under construction and are off-limits to the public until completed.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

4. Vehicle parking is permitted in the designated parking areas only.
5. Motorized vehicles, roller blades, skateboards, and bicycles are not permitted on the trails or in the natural areas of the park including the large and small gazebos.
6. Public use or display of alcoholic beverages is prohibited (without a special use permit) in the park.
7. Hunting or carrying firearms is prohibited in the park.
8. Disorderly conduct is not permitted in the park.
9. Children under 12 years are not permitted in the park without adult supervision.
10. All pets must be on a leash.
11. Horses are not permitted in Randolph Park.
12. Persons using the park trails and other park facilities do so at their own risk. Pulaski County is not liable for personal injuries that occur in Randolph Park.
13. Please do not trespass on adjacent private land.
14. No littering. Please help keep the park clean by placing trash in receptacles.

m. Claytor Lake Festival

The Board of Supervisors authorized up to a \$10,000 contribution to the Claytor Lake Festival to be held this June 2000; however, the Board declined to participate as a sponsor of the event.

n. Acquisition of Surplus Social Services 15 Passenger Van

The Board of Supervisors approved the acquisition of a surplus van from the Department of Social Services at a cost of \$11,300. Said van to be used by the Office on Youth and other county departments.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

o. Draper Mountain Overlook Bid Award

As noted in the above item #4d, Draper Mountain Overlook Bid Award, the Board of Supervisors ratified recommending the Commonwealth Transportation Board award the Draper Mountain Wayside bid for project wall refacing and the installation of stone walkways at both overlooks to Mr. Charles Harrell at a total cost of \$45,000.

p. Virginia Juvenile Community Crime Control Act Resolution

The Board approved the following resolution regarding the Virginia Juvenile Community Crime Control Act:

Be it resolved that the Pulaski County Board of Supervisors will participate in the Virginia Juvenile Community Crime Control Act and accept funds and appropriate for the purpose set forth in this Act until written notice to the contrary is provided to the Department of Juvenile Justice.

Be it further resolved that the County Administrator is hereby authorized to execute a local plan on behalf of the County of Pulaski.

q. Business Appreciation Week 2000 Proclamation

The Board approved the following proclamation regarding Business Appreciation Week 2000:

**BUSINESS APPRECIATION WEEK 2000
PROCLAMATION**

WHEREAS, the Pulaski County Board of Supervisors is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Pulaski County; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefit; and

WHEREAS, these businesses also make significant contributions in our communities to promote educational opportunities for our children and promote a variety of activities which increase the quality of life of the area; and

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

WHEREAS, we recognize and appreciate these businesses.

NOW, THEREFORE, we the Pulaski County Board of Supervisors, hereby recognize our existing businesses, and by virtue of this proclamation give notice to our citizens that we are "Honoring a New Century of Business in Virginia."

AND, FURTHER, that the week of May 14-20, 2000 is Business Appreciation in Pulaski County.

r. School Safety Resolution

The Board of Supervisors adopted the following school safety resolution:

SCHOOL SAFETY RESOLUTION

WHEREAS, the Pulaski County Board of Supervisors recognizes the need for student and school personnel safety in all Pulaski County schools; and

WHEREAS, recent inappropriate events and actions by thoughtless individuals have threatened the security of our schools;

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors encourages all citizens to be mindful of student safety; and

BE IT FURTHER RESOLVED, that the Pulaski County Board of Supervisors does hereby support efforts of the Pulaski County School Board, school administration, Sheriff and other law enforcement agencies in providing safety for all Pulaski County schools;

BE IT FURTHER RESOLVED, that the text of this resolution be spread on the minutes of the Board of Supervisors in permanent testimony of its support for safety in Pulaski County schools.

9. Citizen Comments

No citizen comments were heard at this time.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

10. Other Matters from Supervisors

Supervisor Cook distributed an update regarding the Animal Shelter requested improvements from Major Mike Alderman of the Pulaski County Sheriff's Office.

11. 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:

Property Disposition or Acquisition – Pursuant to Virginia Code Section 2.1-344(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- ◆ New River Industrial Park;
- ◆ Utility System Expansion;
- ◆ Courthouse Facilities.

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:

- ◆ Pending appointments:
 1. New River Community Services Board
 2. New River Valley Juvenile Detention Home
 3. PEP Steering Committee
- ◆ Compensation of supervisory employees.

Prospective Industry – Pursuant to Virginia Code Section 2.1-344(A)5 discussion concerning a prospective business or industry, or the expansion of an existing business and industry, where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

- ◆ Restaurant;
- ◆ Manufacturing.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

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 probably litigation regarding:

◆ None.

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

Voting no: none.

Return to Regular Session

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

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

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 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. Hale and Mr. Conner.

Voting no: none.

On the motion of Dr. Fariss, seconded by Mr. Hale and carried, the Board of Supervisors took the following actions regarding the appointments:

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

*Appointments:

1. New River Community Services Board

The Board requested staff to ask Mr. Lewis Pratt and Dr. Nathan Tuck to consider serving on the New River Community Services Board.

2. New River Valley Juvenile Detention Home

The Board appointed Mr. James Wallis to the New River Valley Juvenile Detention Home Board to fill the an unexpired term of Mr. W. W. Lester ending 12/31/03.

3. PEP Steering Committee

The Board appointed Dr. Helen Harvey and Dr. Elaine Woolwine to the PEP Steering Committee with terms expiring June 30, 2003.

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

On the motion of Mr. Conner, seconded by Mr. Hale and carried, the Board of Supervisors took the following action regarding personnel matters:

*Personnel:

The Board approved an additional annual pay supplement for Major Mike Alderman of the Sheriff's Department in the amount of \$4,000 and an additional annual pay supplement to Sheriff James A Davis in the amount of \$6,000 for animal control supervision and responsibilities effective April 1, 2000. In addition, the Board approved the addition of a part-time animal control support staff position for the upcoming FY 01 budget.

BOARD OF SUPERVISORS MINUTES OF APRIL 24, 2000

12. Adjournment

It was moved by Mr. Conner, seconded by Mr. Cook and carried, that the meeting be adjourned to reconvene to May 1, 2000, 7:00 p.m. at the County Administration Building, Board Room. The next regularly scheduled meeting of the Board of Supervisors is set for Monday, May 22, 2000, 7:00 p.m. at the County Administration Building, Board Room, 143 3rd Street, NW, Pulaski, Virginia.

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

Joseph L. Sheffey, Chairman

Joseph N. Morgan, Clerk