

## BOARD OF SUPERVISORS MEETING MINUTES OF MAY 22, 2000

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, May 22, 2000 at 7:00 p.m. at the County Administration Building, Board Room, 143 3<sup>rd</sup> 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; William E. "Eddie" Hale; and Frank R. Conner. Staff members present included: County Administrator, Joseph N. Morgan; Assistant County Administrator, Peter Huber; Executive Secretary, Gena Hanks; and Management Services Director, Nancy M. Burchett.

### 1. Invocation

The invocation was given by Reverend Tom McCrea of the New Life Christian Ministries.

### 2. Presentations:

#### a. Retiring Planning Commissioner Don Rainey

Chairman Sheffey presented to retiring Planning Commissioner member, Don Rainey a framed copy of the resolution of appreciation adopted by the Board of Supervisors on April 24, 2000. Chairman Sheffey thanked Mr. Rainey for his service to the county as a member of the Planning Commission.

Dr. Fariss then presented to Mr. Rainey a framed courthouse print for his service on the Planning Commission. Dr. Fariss also expressed appreciation to Mr. Rainey.

#### b. Resolutions of Appreciation & Encouragement Re: Public Safety to Sheriff Davis

The above noted resolutions were not presented at this meeting due to a scheduling conflict of Sheriff Davis.

### 3. 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.

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Peter Huber, Assistant County Administrator, advised that the Planning Commission recommended denial of the above rezoning request based on adjacent agricultural land, and fourteen (14) adjacent property owners opposing the rezoning request. Mr. Huber further reported that the Planning Commission had denied a Special Use Permit (SUP) request to allow for the sale of used vehicles at the above location.

Chairman Sheffey opened the public hearing on this matter.

Attorney Everett Shockley addressed the Board of Supervisors on behalf of the rezoning applicants. He advised that the property had been used for commercial purposes in years past. He further reported that, if the rezoning were approved, the present structure would be refurbished as an office. He questioned what agricultural purpose the above property could be used for, and noted that approximately one-half of a mile down the road was a commercial establishment. Further, he reported that the citizens opposing the rezoning do not live close to the above property. He requested the Board to approve the rezoning request.

Mr. Tim Rhyne, resident of the Draper area for 11 years, spoke in opposition to the rezoning request. He advised that the Draper area thrives as a serene pasture area. He reported if the rezoning request was approved, this would be a significant change to the area. He requested the Board to preserve the area as it is today.

Mr. David Wood, resident of Sayers Road, presented the Board of Supervisors a petition with three (3) additional names opposing the rezoning request. Mr. Wood noted a letter from the County Zoning Administrator, Dari Jenkins, and a letter from the Town of Pulaski Engineer, John Hawley, advising of violations of the Town's Zoning Ordinance for an auto salvage and junk business on 233 Third Street in the Town of Pulaski and operated by the above individuals requesting the rezoning. Mr. Wood requested the Board to deny the rezoning request and not destroy or disrupt the Draper area.

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

Supervisor Cook requested confirmation that the grandfathered period of time had elapsed on the above property for a commercial establishment. Staff confirmed that this was correct.

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

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

- b. A rezoning request from Industrial (I1) to Agricultural (A1) to allow a telecommunications tower by **The Tea Group, Inc./Crown Communications** on a 10,000 sq. ft. portion of property owned by **Oak Manor Farms, Inc.**, identified as tax map no. 038-001-0000-0011, (439.29 total acres), located at the southwest corner of the intersection of Lee Hwy. (Rt. 11) and New River Rd. (Rt. 624), Cloyd District.

OR

A request for a use not provided for in the Industrial (I1) District by **The Tea Group, Inc./Crown Communications** for amendment to the zoning ordinance to allow telecommunications towers by Special Use Permit (SUP) in the Industrial (I1) District.

Assistant County Administrator, Peter Huber, reported the above request would allow for the rezoning from Industrial (I1) to Agricultural (A1) to allow for a telecommunications tower on 10,000 square feet on a parcel of 439 acres. He advised the Planning Commission had recommended denial of the rezoning request in item one, but approved item two to allow for an amendment to the Zoning Ordinance to allow for the use by a Special Use Permit (SUP) in an Industrial (I1) District. Also, if the recommendation is approved by the Board of Supervisors, then approval of the Special Use Permit and site plan had also been recommended by the Planning Commission. Mr. Huber noted that the Telecommunications Advisory Committee had reviewed the above request and had recommended approval of the tower.

In addition to the above, Mr. Huber reported the Planning Commission recommendations were conditioned upon the adding of co-location language to allow for the placement of county emergency services equipment on property.

County Attorney, Thomas J. McCarthy, Jr., advised he was confident that the appropriate language could be worked out to allow for the co-location of emergency services equipment on the property.

Chairman Sheffey opened the public hearing on this matter.

Attorney Mike Pace addressed the Board of Supervisors on behalf of Crown Communications and Sun Communications. Mr. Pace reviewed maps of the area of the proposed tower and surrounding property. He also provided a picture of the proposed tower. He advised that his clients preferred the request be approved as a Special Use Permit (SUP). Mr. Pace also reported that there should be no problem in adding language to provide for the co-location of county emergency services equipment on the site.

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Dr. Fariss inquired if the tower would be visible. Mr. Pace advised that at certain points the tower would be visible.

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

Dr. Fariss also inquired about lighting of the tower. Mr. Pace reported that unless lighting would be required, there were no plans to light the tower.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors accepted the Planning Commission recommendation on the above matter, subject to approval of co-location language being agreed to by the county attorney and The Tea Group, Inc./Crown Communications to allow for the placement of county emergency services equipment on the above noted property. Therefore, the Zoning Ordinance shall be amended to read as follows:

Amendment to Article 7-3, Uses Permitted by Special Use Permit Only (SUP) only in the Industrial (I-1) District by adding:

- *Telecommunication Antennas and Towers*

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

Voting no: none.

- c. A rezoning request from Residential (R1) to Conservation (C1) with a Conditional Use Permit (CUP) to allow a campground by **Claytor Lake Baptist Assembly Inc.** on property identified as tax map no. 074-001-0000-0035, (48.6930 acres), located at the east side of Towes Ferry Rd. (Rt. 697) approximately 1.3 miles south off Wilderness Rd. (Rt. 611) with a small portion of land lying on the west side of Towes Ferry Rd., Draper District. AND  
A request for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for in the Conservation (C1) District to allow a Conference Center by adding the use to Section 3-2, Uses Permitted by Conditional Use Permit (CUP) Only.

Assistant County Administrator, Peter Huber, advised that the above applicant was requesting rezoning of the property as shown above. He further reported that a Conditional Use Permit (CUP) is not necessary because this is allowed under the Zoning Ordinance by right. In addition, Mr. Huber advised that the Planning Commission recommended denial on the conference center and noted that the Zoning Ordinance was unclear regarding this type of facility. However, he reported the existing conference center is considered to be a permitted nonconforming use since it was established many years prior to the adoption of the zoning ordinance. He further reported that the Planning Commission recommended the rezoning request from Residential (R1) to Conservation (C1).

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Staff noted that a letter from Pam and Danny Jones, residents of the area, had been received expressing opposition to the above request.

At this time, Mr. Peter read the definition of the Conservation (C1) classification under the Zoning Ordinance, as requested by the Board of Supervisors.

Chairman Sheffey then opened the public hearing on this matter.

Mr. Rusty Warren, President of the Board of Directors of the Claytor Lake Baptist Assembly, addressed the Board regarding this matter. He advised that the Board of Directors were recently doing long range planning for the facility and realized that the property was zoned Residential (R1). He reported the group wished to add a conference center and additional trails in the future. He also reviewed with the Board a map of the property. He advised that no increase in traffic was expected, and the proposed conference center would accommodate 30 to 40 individuals. In addition, he reported that the association had reviewed the area for the addition of campsites in the future. Mr. Warren requested the property be rezoned to Conservation (C1).

Staff clarified that a site plan on this activity was exempted under the Zoning Ordinance.

Mr. Doug Warren, resident of Shelburne Road and a member of the Church Association, advised that under the present Zoning Ordinance no provisions were made for this type of facility. He noted the needed for a change to the Zoning Ordinance to allow for these types of facilities and activities in the future. He requested the Board to allow for an amendment to the Zoning Ordinance to allow for this activity.

Ms. Tara Skews, a resident across from campgrounds, advised she would like to see a site plan on the proposed facility. She expressed concerns of possible property depreciation.

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

Supervisor Cook advised more planning was needed on this matter by the owners and that he would like to see a site plan.

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It was moved by Dr. Fariss, seconded by Mr. Hale to accept the Planning Commission recommendation to rezone the above listed property from Residential (R1) to Conservation (C1). The following vote was recorded and the motion failed:

Voting yes: Dr. Fariss and Mr. Hale.

Voting no: Mr. Cook, Mr. Sheffey and Mr. Conner.

Motion was then made by Dr. Fariss, seconded by Mr. Hale and carried to request the Planning Commission to look at a site plan requirements for developments in a conservation zone, whether or not they are commercial or multi residential in use.

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

Voting no: none.

Supervisor Cook noted that he would like to hold neighborhood meetings to address citizen concerns relating to this matter, as well as talk with Dr. Doug Warren on the details of the proposed plans of the church campground.

- d. A request by **Rebekah Lytton** for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for in the Commercial (CM1) District to allow a daycare center by adding the use to Section 4-2, Uses Permitted by Conditional Use Permit (CUP) Only.

Peter Huber, Assistant County Administrator, advised that the above request would allow for a daycare center in a Commercial (CM1) district. Further, the applicant is requesting this use be considered only by a Conditional Use Permit (CUP) within the Commercial (CM1) District.

Chairman Sheffey opened the public hearing on this matter.

Ms. Becky Lytton appeared and advised the Board of Supervisors that the proposed daycare center will be state licensed and will allow for evening day care hours. In addition, she referred to a letter of support for the daycare center from the Department of Social Services.

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

It was moved by Mr. Hale, seconded by Mr. Conner and carried, to approve the above request to allow for a daycare center in a Commercial (CM1) District with the Zoning Ordinance being amended as follows:

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Amend Article 4-2, Uses Permitted by Conditional Use Permit (CUP) in the Commercial (CM1) District by adding:

- *Daycare Center*

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

Voting no: none.

- e. A request by **Steven D. & Karen H. LaPlante** for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for in the Agricultural (A1) District to allow an exemption for barns and other accessory buildings used for farming from the height regulations in Section 2-8, Height Regulations, in the Agricultural (A-1) District.

Peter Huber, Assistant County Administrator, advised that the current Zoning Ordinance language does not allow for barns in an Agricultural District, if the barn is taller than the residence. This also applies to accessory buildings in residential districts.

Chairman Sheffey opened the public hearing on this matter.

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

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved the above request and amended the Zoning ordinance to read as follows:

## 2.8 Height Regulations

2-8.3 No accessory building, which is within ten (10) feet of any party lot line, shall be more than one (1) story high. All accessory buildings shall be less than the main building in height. *Barns, silos, or other structures used only for farming meeting minimum setback requirement plus on food additional setback for each one foot in additional height greater than the required setback are exempted from the requirement of being less than the main building in height.*

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

Voting no: none.

- f. A request by **Rockbridge Stone Products, Inc.** for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for to allow the use of a portable aggregate crusher as follows:

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1. On active construction sites in Industrial (I-1), Transitional Industrial (I-0), and Commercial (CM-1) Districts only; and
2. For concrete, asphalt, and masonry recycling in Industrial (I-1), Transitional Industrial (I-0), and Commercial (CM-1) Districts; and
3. For items 1 and 2 above in all other districts with a Special Use Permit (SUP) only.

Peter Huber, Assistant County Administrator, advised the above request had been recommended for denial for the Planning Commission. Further, should the Board deny the request, then the Planning Commission would consider this issue at a future date.

Chairman Sheffey opened the public hearing on this matter.

Mr. Eddie Harris addressed the Board of Supervisors regarding this matter. Mr. Harris advised he had been contacted in his capacity as employee of Rockbridge Stone to crush and remove rock from a construction site. He requested the Board to table this matter until the Planning Commission could consider at a future work session.

Attorney Kendall Clay advised he was not objecting to the above matter being tabled as long as proper public notification of the Planning Commission work session was given. He expressed the need for public input on this matter.

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

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors accepted the Planning Commission recommendation and denied the above request by Rockbridge Stone, with the understanding the Planning Commission would give consideration to this matter at a future work session.

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

Voting no: none.

g. Adoption of **Randolph Park Regulations Ordinance.**

County Attorney, Thomas J. McCarthy, Jr., advised the Randolph Park regulations had been drafted by the Randolph Park Steering Committee and he had reviewed the regulations and made changes to allow for an ordinance format.

Chairman Sheffey opened the public hearing on this matter.

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

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On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors adopted the following Randolph Park Regulations Ordinance, as recommended by staff and the Recreation Commission:

### **RANDOLPH PARK ORDINANCE**

BE IT ORDAINED that the Board of Supervisors of Pulaski County, Virginia, recognizes that in order to promote the public health, welfare and safety and to further the orderly use of Randolph Park for the recreational enjoyment of the citizens of Pulaski County, Virginia, and visitors to the Park, the following rules and regulations are by this Ordinance adopted:

1. The natural areas of the park, including woodland walking trails, and small and large gazebos are open to the public from sunrise until one (1) hour after sunset beginning April 1, 2000. Those present in the park from one hour after sunset until sunrise shall be deemed trespassers.
2. Areas of the park not set out above are under construction and are off limits to the public until approved for use by the public by the Board of Supervisors of Pulaski County, Virginia. Unauthorized presence in these areas shall be deemed a trespass.
3. Motor vehicle parking is permitted only in the designated parking areas within the park.
4. 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.
5. Public use or display of alcoholic beverages is prohibited (without a special use permit) in the park.
6. Hunting or carrying firearms is prohibited in the park.
7. Disorderly conduct is not permitted in the park.
8. Children under 12 years of age are not permitted in the park without adult supervision.
9. All pets must be on a leash.
10. Horses are not permitted in Randolph Park.

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11. Randolph Park is a public facility, and those citizens or visitors who use Randolph Park do so at their own risk.
12. Trespassing on adjacent private lands from the Park is not permitted.
13. There shall be no littering in the Park.
14. If a Court of competent jurisdiction at any time holds that a portion of this Ordinance is invalid, the remainder shall not be affected thereby and shall continue in full force and effect.
15. Violations of the Rules and Regulations 1 and 2 shall be punished as a Class 2 misdemeanor.
16. Violations of Rules and Regulations 3, 4, 5, 9, 10 and 13 shall be punished as a Class 4 misdemeanor.
17. Violations of Rules and Regulations 6 and 7 shall be punished as a Class 1 misdemeanor.
18. Parents leaving children under 12 years of age unsupervised in Randolph Park shall be guilty of a Class 4 misdemeanor for the first offense and a Class 2 misdemeanor for subsequent offenses.
19. All portions of this Ordinance shall be construed, interpreted and governed by the laws of the Commonwealth of Virginia applicable thereto.
20. This Ordinance shall be effective immediately upon adoption.
21. This Ordinance shall be enforceable by the Pulaski County Sheriff and his Department, the Virginia State Police, and those law enforcement agencies, which have jurisdiction under state and federal law.

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

Voting no: none.

5. Highway Matters:

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

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a. Follow-up from Previous Board meeting

1. Rural Addition Status Report

Staff reported the Cook's Crossing rural addition right of way was still being worked on by staff. The Board requested this matter be carried over the June regular meeting of the Board of Supervisors.

2. Pulaski County High School New Entrance

Mr. Thompson advised he had no additional information on this matter at this time.

It was moved by Dr. Fariss, seconded by Mr. Conner and carried to request the Virginia Department of Transportation to investigate alternative routes to Pulaski County High School and provide the Board with an estimate of costs for alternative routes within the next 60 days.

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

3. Maintaining Access from Route 11 Lee Highway in Fairlawn to Route 715, Madison Avenue

Mr. Thompson advised that VDOT was currently reviewing possible alternative routes; however, an estimate had not been completed regarding costs.

Supervisor Hale suggested moving the red light at the K-Mart Shopping Center to the next intersection toward Radford and requested a cost estimate on this alternative.

Supervisor Cook advised he did not think the funds for this access should come from secondary road funds.

Dr. Fariss requested VDOT to advise if the roads relocated within the City of Radford due to the Memorial Bridge replacement were paid with bridge funds or secondary road funds.

4. Rt. 11 Improvements

Mr. Thompson reported that additional road improvements on Rt. 11 were not feasible at this time. Staff was directed to send to Ms. Diane Murdock a copy of correspondence from VDOT on this matter.

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b. Birdie Lane

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors adopted the following resolution approving, at no cost to the county, the Birdie Lane rural addition:

**RESOLUTION**

WHEREAS, the street(s) described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats records in the Clerk's Office of the Circuit Court of Pulaski County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5(A) to the Secondary System of Highways, pursuant to 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

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 for the Virginia Department of Transportation.

Form SR-5(A):

Birdie Lane from Route 850 to cul-de-sac; plat recorded 4/10/92, Deed Book 275, page 10; 50 foot right of way; 0.09 additional miles.

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

Voting no: none.

c. Board of Supervisors Concerns

Supervisor Conner inquired regarding paving the lower section of Rt. 601, Little Creek Road. Mr. Thompson advised he would check on this and advise at the next meeting of the Board of Supervisors.

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Supervisor Cook advised of pavement edge deterioration on Rt. 788, Jennings Road, Rt. 787, Peak Creek Road and Rt. 644, Hurston Road. Mr. Thompson advised that VDOT would review for maintenance.

Supervisor Sheffey advised of potholes off Rt. 11, Lee Highway, on Rt. 626, Hazel Hollow Road, as well as on Rt. 624, Hickman Cemetery Road onto Rt. 11. Mr. Thompson also advised he would request VDOT crews to review for maintenance.

d. Citizen Concerns

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

6. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly trial balance report, the report of certificates of deposits and the sales tax distribution monthly reports. The Board accepted the report as presented.

7. Citizens' Comments

No citizen comments were heard at this time.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable

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

b. Update on Pulaski County Lifesaving Crew Concerns

Staff reported that the Pulaski County Lifesaving crew concerns had been referred to the Regional Emergency Medical Services, Inc. Further, the Regional Emergency Medical Services Board of Directors had advised that future difficulty or problems encountered by members of the Pulaski County Lifesaving Crew be routed to the appropriate REMSI staff committee for resolution. If not resolved by this committee or not within the committee's span of control, the Regional Medical Services Board of Directors would review the matter. Also, complaints and/or problems were requested to be submitted in writing, if possible.

c. Appointments:

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

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9. Items of Consent:

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

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

Voting no: none.

a. Minutes of April 10, 17, 24 & May 1, 2000

The Board approved the minutes of April 10, 17, 24 & May 1, 2000 as submitted by staff.

b. Accounts Payable

The Board approved the accounts payable listing as presented on check number 27759 through 28047.

c. Appropriations and Transfers:

1. Interoffice Transfer #11 - \$48,940.48

The Board approved interoffice transfer #11 in the amount of \$48,940.48 as prepared by Management Services Director, Nancy M. Burchett.

2. General Fund Appropriations #22 - \$181,398

Revenues #22:

2404-64 Fairlawn Sheriff's Office Grant	\$	2,625
2404-52 DJCP Crime Control Planning Grant		68,311
1899-60 Office on Youth Donations		800
Total	\$	71,736

Expenditures:

2101-5203 Circuit Court Telecommunications	\$	1,000
2106-1003 Circuit Court Clerk's Office Part time Salaries		2,996
3102-5413 Sheriff's Office Other Misc. Supplies		1,320
3102-7001 Sheriff's Office Machinery & Equipment		2,180
3302-1006 Regional Jail Board Compensation		800
3302-2001 Regional Jail FICA		62
3302-6001 Regional Jail Payments Joint Operations		100,000
3306-300910 NR Crime Control Planning Grant		48,692
3306-300912 NR Crime Control Planning Grant		19,619
5322-5402 Office on Youth Food Supplies		800
7208-5804 County History Book Sales Tax		10

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8105-3002 Economic Development Professional Services	1,500
9104-5804 Erroneous Assessments	2,200
9310-5804 Revenue Refunds Overpayment Refunds	53
9310-5823 Revenue Refunds Building Permits	126
9310-5824 Revenue Refunds County Taxes	<u>40</u>
Total	\$ 181,398

3. Capital Improvement Fund Appropriations #10 - \$1,225

Revenues #10:

5102-00 Transfer from General Fund \$ 1,225

Expenditures:

7125-7195 New River Trail Access Ramp \$ 1,225

d. Ratification:

1. Change Order – NR Trail - Allisonia Access Ramp

The Board ratified a change order with Meade Contracting Inc. on the New River Trail at Allisonia access ramp in the amount of \$1,225.00.

2. Agreements, Grants, & Other:

a. Virginia Trane Annual Contract

The Board ratified a Service Agreement (No. 894-C) with Virginia Trane for the Pulaski County Courthouses cooling/heating system at an annual cost of \$7,544.

b. 2000-01 Virginia Preschool Initiative

The Board ratified the 2000-01 Virginia Preschool Initiative Budget Summary in the amount of \$227,667.06.

c. Red Cross Office Space

The Board of Supervisors ratified staff action and approved use of the county's office space at the Dublin Town Hall by the local Red Cross Office.

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d. Memorandum of Agreement with Social Services

The Board ratified a Memorandum of Agreement with the Virginia Department of Social Services and the Pulaski County Department of Social Services regarding the security for the network connection of the Virginia Department of Social Services Network 2000 to the LAN operated by the Pulaski County Department of Social Services and the Pulaski County Board of Supervisors. A copy of the agreement shall be filed with the records of this meeting.

e. Fairlawn Fire Dept. & Rescue Squad Roof

The Board ratified the award of the above project to Pulaski Tining Company for \$26,500.

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. The Board also authorized payment to the following non-exempt Fair Labor Standard Act employees for overtime hours worked exceeding the 30-day maximum amount:

George Hazel – 63.04 hours or \$664.44

Mark Tim Dye – 58 hours or \$894.94

f. VACO 2001 Legislative Program

The Board of Supervisors authorized staff, Chairman Sheffey and Supervisor Cook to continue to serve on the VACO legislative committees. The Board further approved the roles of these individuals to monitor and stress positions favorable to the county, including authorization for the Business Professional Occupational License levy within town limits.

g. Scheduling Public Hearing – Meals Tax Ordinance  
Amendment for Compliance with Statewide Uniformity

The Board authorized staff to schedule the public hearing on the Meals Tax Ordinance Amendment for the June 26, 2000 meeting of the Board of Supervisors.

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h. Virginia Dept. of Health Grant Funding

The Board authorized staff to make application to the Virginia Department of Health for possible grant funding for water service areas in the county currently experiencing water quality problems as may be appropriate.

i. Tool Allowance Modification to Meet IRS Requirements

The Board of Supervisors approved the following policy regarding Tool Allowance for employees:

**Special Job Requirements  
Tool Allowance**

Certain jobs have requirements beyond others. Designated positions within the County or the Public Service Authority may require that the employee provide tools to perform their duties. It is recognized that this can present a hardship for the employee. In an effort to diminish this hardship and provide the best working conditions and productivity, these special provisions have been implemented. Salaries for these positions will be augmented with an allowance to be used to provide the needed tools. When filling one of these positions, the employee will be instructed that a portion of their salary is designated for the purchase of tools. The quantity and type of tools as well as the amount of the added benefit will be determined by the job being filled. It is the responsibility of the employee to provide their supervisor with receipts for tools purchased in an amount at least equal to the allowance. It is the responsibility of the supervisor to ensure that the employee understands this aspect of their salary and that appropriate receipts are maintained by the supervisor to ensure that this practice is being followed. Tools purchased through this allowance are the property of the employee. As jobs are reclassified or responsibilities change, this additional salary for tools may be discontinued. These changes will be addressed on an individual basis. Failure to produce receipts could result in the loss of this benefit.

j. Downtown Pulaski, Inc. Building Usage Request

The Board approved the use of the courthouse lawn by Downtown Pulaski, Inc. on the first and third Fridays of the months of June, July and August, 2000, as well as sponsorship of the one the upcoming concerts at a cost of \$300.

k. Addition to Panel of Physicians

The Board approved the addition of Pulaski Community Hospital, Occupational Medicine Department, on the county's panel of physicians for worker's compensation injuries and illnesses.

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I. Garbage Put Out Standards

The Board reviewed a letter from Mr. Ed Hoggatt regarding several recommendations on standards for putting out garbage by county citizens. Staff noted this letter would be forwarded to the Public Service Authority Board of Directors for review and consideration.

m. BPOL Authorization in Towns

The Board approved support of legislation to allow a county Business & Professional Occupational License tax in the towns of Dublin and Pulaski, if desired.

9. Citizen Comments

Mr. Ed Hoggatt of the Parrott community advised that use of boxes for holding garbage is getting worse in the county.

10. Other Matters from Supervisors

Supervisor Cook requested staff confirm that "no smoking" signs are erected at the Fairlawn Fire and Rescue Station.

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

It was moved by Mr. Conner, seconded by Mr. Hale 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:

- Restaurant Recruitment

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:

- Administrative Personnel; and
- Pending appointments as follows:
  1. New River Community Services Board
  2. Pulaski Encouraging Progress Committees
  3. New River Community Action
  4. New River Community College
  5. NR Highlands Resource Conservation Council
  6. Office on Youth

## BOARD OF SUPERVISORS MEETING MINUTES OF MAY 22, 2000

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.

- None

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:

- Randolph Park;
- Fairview Home;
- Local Choice Adverse Experience Adjustment;
- Social Services.

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

Voting no: Dr. Fariss.

### Return to Regular Session

On the motion of Dr. Fariss, seconded by Mr. Hale 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;

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 22, 2000

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.

- Legal Matters:

On the motion of Mr. Cook, seconded by Mr. Hale and carried, the Board of Supervisors approved an expenditure of up to \$10,000 for operating expenses of the Fairview Home.

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

Voting no: none.

- Personnel Matters:

On the motion of Mr. Cook, seconded by Mr. Hale and carried, the Board of Supervisors made the following committee appointments:

1. New River Community Services Board

The Board requested staff to ask Joan Knode and Bill Hubble to consider serving on the New River Community Services Board.

2. Pulaski Encouraging Progress Committee

The Board requested staff to ask Bill Cunningham to consider serving on the Pulaski Encourage Progress Committees. The Board further reappointed the following individuals with a June 2000 term expiration to Pulaski Encouraging Progress Committee for terms ending June 30, 2003: Dan Bell; Ron Bierman; Dan Bryant; Wayne Carpenter; Kenneth Dobson; Bobby Dunnigan; Robert Dye; Dr. Bruce L. Fariss; David Farmer; Robert Glenn; H. W. Huff, Jr.; Richard Jones; Lewis Kirtner; Dr. John Knarr; Lloyd Mathews; Odell Mayberry; James D. Miller; Jack Nunley; Warner Osborne; Tom Owen; Paul Phillips; Dr. A. Carole Pratt; Maynard Sayers; Archa Vaughan, Jr.; Richard White; and Jerry Whitehurst.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 22, 2000

3. New River Community Action

The Board reappointed James Wallis to serve on the New River Community Action Board for a term expiring June 30, 2002.

4. New River Community College

The Board reappointed Thomas J. McCarthy, Jr., and Charles B. Tickle to the New River Community College Board with terms expiring June 30, 2004.

5. NR Highland Resource Conservation Council

The Board reappointed Mr. Walter Paulson to the New River Highland Resource Conservation Council with a term expiring June 30, 2001.

6. Office on Youth

The Board reappointed Pat McPeak to the Office on Youth Advisory Board for a term expiring June 1, 2003.

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

Voting no: none.

Other Matters:

The County Attorney advised of the status of negotiations pertaining to the Loving Field option with the Town of Pulaski for future school use.

The Board directed staff to contact the State Insurance Commissioner and State legislators voicing concern over the lack of a response to the county's appeal of the Local Choice Adverse Experience Rating Penalty by state officials.

12. Adjournment

It was moved by Mr. Cook, seconded by Mr. Hale and carried, that the meeting be adjourned to reconvene on Monday, June 5, 2000 at 7:00 p.m. for the FY 01 budget public hearing and other matters to be held at the County Administration Building, Board Room. The next regularly scheduled meeting of the Board of Supervisors is June 26, 2000, 7:00 p.m. at the County Administration Building, 143 3<sup>rd</sup> Street, NW, Pulaski, Virginia.

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Joseph L. Sheffey, Chairman

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Joseph N. Morgan, Clerk