

BOARD OF SUPERVISORS MEETING MINUTES JUNE 26, 2000

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, June 26, 2000 at 7:00 p.m. at the County Administration Building, Board Room, 143 3rd 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 M. Huber; Executive Secretary, Gena T. Hanks; and Management Services Director, Nancy M. Burchett.

1. Invocation

Reverend Randall Lawrence of the Abundant Life Ministries gave the invocation.

2. Presentations of Resolutions to Sheriff's Department

Chairman Joseph L. Sheffey, Supervisor Frank R. Conner and Supervisor Charles Cook presented to Sheriff James A. Davis framed Resolutions of Appreciation adopted by the Board of Supervisors at their April 2000 regular meeting regarding the recent Munsey murder case and school safety.

3. Additions to Agenda

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

4. Public Hearings:

- a. A rezoning request by **Pulaski Country Club, Inc.** from Commercial (CM-1)/Residential (R) to Planned Unit Development (PUD) for property identified as tax map no. 055-01-0000-0024, 24A, 25 and 064-001-0000-008A, approximately 156 acres, located on the east side of Lee Hwy. (Rt. 11) 1.1 miles southwest of Thornsprng Rd. (Rt. 643), Massie District.

Assistant County Administrator, Peter Huber, advised the above rezoning request had been recommended for approval by the Planning Commission conditional upon further review of Phase II and III of the project, dedication of a 50 ft. right-of-way and proof of authorization by Thornsprng Board of Directors. Mr. Huber further reported that the current club is a non-conforming use and plans are to build the new clubhouse on the back portion of the property.

Chairman Sheffey opened the public hearing on this matter.

Dr. Thomas Haller, long-time member of the Pulaski Country Club, requested the Board to approve the rezoning request and introduced Mr. Trevor Kimzey of Oliver, Webb, Pappas & Rhudy, Inc., architects and engineers, to the Board.

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Mr. Kimzey reviewed the history of the Pulaski Country Club with the Board. He then presented a slide presentation outlining plans for Phase I and Phase II of the proposed project. Mr. Kimzey advised that plans are to begin construction on Phase II this fall. He further reported that a total of 23 single-family housing units were planned as part of Phase II.

Mr. Kimzey and Dr. Haller responded to questions regarding road access and future septic system approval.

No further 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 rezoning request per the recommendation of the Planning Commission, conditioned on further review of Phase II & III, dedication of a 50' right-of-way, and proof of authorization by Thornspring Board of Directors.

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

Voting no: none.

- b. A request by **Mebco, LLC** for modification of the conceptual plan for Heron's Landing Planned Unit Development (PUD) on property identified as tax parcel 030-001-0000-0001, zoned Planned Unit Development (PUD), 376 acres, located to the north of Valley Center Drive (Route 679) in the Ingles District.

Peter Huber, Assistant County Administrator, advised the above request would allow for expansion of the Competitiveness Center and allow for a number of buildings to be built around the Competitiveness Center. Mr. Huber further advised that the Planning Commission recommended approval of the above request.

A declaration of interest by Supervisor Cook is filed with the records of this meeting on this matter.

Chairman Sheffey opened the public hearing on this matter.

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

On the motion of Dr. Fariss, seconded by Mr. Hale and carried, the Board of Supervisors approved the above request as recommended by the Planning Commission.

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

Voting no: none.

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Abstaining: Mr. Cook.

- c. A request by **Mark D. Kinser** for an amendment to the Pulaski County Zoning Ordinance to add a use not provided for to allow business and industrial condominiums.

Assistant County Administrator, Peter Huber advised the above request had been recommended by the Planning Commission and, if approved by the Board, would amend the Zoning Ordinance to allow for business and industrial condominiums.

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 Mr. Cook and carried, the Board of Supervisors approved the above request as recommended by the Planning Commission and approved the following amendments to the Zoning Ordinance to allow business and industrial condominiums:

Add to definition of Condominium:

Condominium, Business: Any building separated internally into office/retail units for which ownership of the individual unit is privately owned and areas such as yards, and parking is considered community owned.

Add to following district incorporating a Business Condominium use:

- Commercial District (CM-1), Article 4, as either a By Right Use, Special Use Permit, or Conditional Use Permit

And a revision to Section 5C-1 (Residential R2) and 5D-1 (Residential R3) allowing only Residential Condominium developments.

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

Voting no: none.

- d. A request by **Rebekah Lytton** for a Conditional Use Permit (CUP) and site plan review to allow a daycare center on property owned by **Lowell Clay**, identified as tax map parcels 048-008-0000-113A, 114, 114A, 114C, 115, 115A, (32,800 Sq. Ft.), zoned Commercial (CM1), located at 5905 Lee Hwy, Cloyd District.

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Peter Huber, Assistant County Administrator, reported that a Conditional User Permit would be required in order to operate a day care facility at the above property location. He further advised that the Planning Commission recommended approval of the above request.

Chairman Sheffey opened the public hearing on this matter.

Ms. Rebekah Lytton advised she was present to answer questions should the Board have any. She confirmed that the proposed day care center would be open evening hours.

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

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors approved the above request by Rebekah Lytton for a Conditional Use Permit and site plan review, per the recommendation of the Planning Commission.

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

Voting no: none.

e. An amendment to the Meals Tax Ordinance Amendment for Compliance with Statewide Uniformity.

County Attorney, Thomas J. McCarthy, Jr., advised the proposed amendment to the Meals Tax Ordinance was needed in order to conform with state changes and the request from the state for uniformity by the localities.

Maynard Sayers, Commissioner of the Revenue, advised the amended Meal Tax Ordinance would assist businesses in understanding what is taxable and what is not taxable.

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 adopted the following Meals Tax Ordinance as recommended by staff:

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**UNIFORM ORDINANCE PROVISIONS
FOR TAX ON FOOD AND BEVERAGES
FOR PULASKI COUNTY, VIRGINIA**

I. Definitions.

The following words and phrases, when used in this ordinance, shall have, for the purposes of this ordinance, the following respective meanings except where the context clearly indicates a different meaning.

Cater. The furnishing of food, beverages, or both on the premises of another, for compensation.

Collector. The [Commissioner of Revenue] [Treasurer] or designee.

Commissioner or Treasurer. The Commissioner of Revenue or Treasurer and any duly designated deputies, assistants, inspector or other employees.

Food. All food, beverages or both, including alcoholic beverages, purchased in or from a food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not, and without regard to the manner, time or place of service.

Food establishment. Any place where food is prepared for service to the public on or off the premises, or any place where food is served, including, but not limited to, lunch rooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private corporations, dining accommodations of public and private schools and colleges, mobile points of food service, such as push cart operations, hot dog stands and similar operations, and grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter.

Meal. Meal shall mean any prepared food and beverage as defined herein offered or held out for sale by a food establishment for the purpose of being consumed by any person to satisfy the appetite and is ready for immediate consumption. All such food and beverage, unless otherwise specifically exempted or excluded herein shall be included, whether intended to be consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper or by some other name, and without regard to the manner, time, or place of service.

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II. Levy.

There is hereby imposed and levied by Pulaski County, Virginia, on each person a tax at the rate of four (4%) percent on the amount paid for food and beverages purchased from any food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not.

III. Collection of tax by seller.

Every person receiving any payment for food with respect to which a tax is levied hereunder shall collect and remit the amount of the tax imposed by this ordinance from the person on whom the same is levied or from the person paying for such food at the time payment for such food is made; provided, however, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Visually Handicapped and located on property acquired and used by the United States for any military or naval purpose shall be required to collect or remit such taxes.

All tax collections shall be deemed to be held in trust for the County of Pulaski, Virginia.

IV. Exemptions; limits on application.

- (a) The tax imposed under this ordinance shall not be levied on the following items when served exclusively for off-premises consumption:
 - (1) Factory-prepackaged candy, gum, nuts and other items of essentially the same nature.
 - (2) Factory-prepackaged donuts, ice cream, crackers, nabs, chips, cookies and items of essentially the same nature;
 - (3) Food sold in bulk. For the purposes of this provision, a bulk sale shall mean the sale of any item that would exceed the normal, customary and usual portion sold for on premises consumption (e.g. a whole cake, a gallon of ice cream); a bulk sale shall not include any food or beverage that is catered or delivered by a food establishment for off-premises consumption.
 - (4) Alcoholic and non-alcoholic beverages sold in factory sealed containers.
 - (5) Any food or food product purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or

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drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

- (6) Any food or food product purchased for home consumption as defined in the federal Food Stamp Act of 1977, 7 U.S.C. §2012, as amended except hot food or hot food products ready for immediate consumption. For the purposes of administering the tax levied hereunder, the following items whether or not purchased for immediate consumption are excluded from the said definition of food in the federal Food Stamp Act; sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages. This subsection shall not affect provisions set forth in subparagraphs (d) (3), (4) and (5) hereinbelow.
 - (b) A grocery store, supermarket or convenience store shall not be subject to the tax except for any portion or section therein designated as a delicatessen or designated for the sale of prepared food and beverages.
 - (c) The tax imposed hereunder shall not be levied on the following purchases of food and beverages:
 - (1) Food and beverages furnished by food establishments to employees as part of their compensation when no charge is made to the employee.
 - (2) Food and beverages sold by day care centers, public or private elementary or secondary schools or food sold by any college or university to its students or employees.
 - (3) Food and beverages for use or consumption and which are paid for directly by the Commonwealth, any political subdivision of the Commonwealth or the United States.
 - (4) Food and beverages furnished by a hospital, medical clinic, convalescent home, nursing home, home for the aged, infirm, handicapped, battered women, narcotic addicts or alcoholics, or other extended care facility to patients or residents thereof.
 - (5) Food and beverages furnished by a public or private non-profit charitable organization or establishment or a private establishment that contracts with the appropriate agency of the Commonwealth to offer meals at concession prices to elderly, infirm, blind, handicapped or needy persons in their homes or at central locations.

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- (6) Food and beverages sold on an occasional basis, by a non-profit educational, charitable or benevolent organization, church, or religious body as a fundraising activity, the gross proceeds of which are to be used by such organization exclusively for non-profit educational, charitable, benevolent or religious purposes.
- (7) Food and beverages sold through vending machines.

V. Gratuities and service charges.

Where a purchaser provides a gratuity for an employee of a seller, and the amount of the gratuity is wholly in the discretion of the purchaser, the gratuity is not subject to the tax imposed by this ordinance, whether paid in chase to the employee or added to the bill and charged to the purchaser's account, provided in the latter case, the full amount of the gratuity is turned over the employee by the seller.

An amount or percent, whether designated as a gratuity, tip or service charge, that is added to the price of the food and beverages by the seller, and required to be paid by the purchaser, as a part of the selling price of the food and beverages and is subject to the tax imposed by this ordinance.

VI. Report of taxes collected; remittance; preservation of records.

It shall be the duty of every person required by this ordinance to pay to the County of Pulaski, Virginia, the taxes imposed by this ordinance to make a report thereof setting forth such information as the Commissioner and/or Treasurer may prescribe and require, including all purchases taxable under this ordinance, the amount charged the purchaser for each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this ordinance. Such records shall be kept and preserved for a period of five (5) years. The Commissioner and/or Treasurer or his duly authorized agents shall have the power to examine such records at reasonable times and without reasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this ordinance, and to make transcripts of all or any parts thereof.

VII. Penalty for violation of ordinance.

(a) Any person will fully failing or refusing to file a return as required under this ordinance shall, upon conviction thereof, be guilty of a class 1 misdemeanor except that any person failing to file such a return shall be guilty of a class 3 misdemeanor if the amount of tax lawfully assessed in connection with the return of \$1,000.00 or less. Any person violating or failing to comply with any other provision of this ordinance shall be guilty of a class 1 misdemeanor.

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(b) Except as provided in subsection (a) above, any corporate or partnership officer, as defined in Virginia Code §58.1-3906, or any other person required to collect, account for, or pay over the meals tax imposed under this ordinance, who willfully fails to collect or truthfully account for or pay over such tax, or who willfully evades or attempts to evade such tax or payment thereof, shall, in addition to any other penalties imposed by law, be guilty of a class 1 misdemeanor.

(c) Each violation of or failure to comply with this ordinance shall constitute a separate offense. Conviction of any such violation shall not relieve any person from the payment, collection or remittance of the tax as provided in this ordinance.

VIII. Reports and remittances.

The County of Pulaski may require all prospective sellers of meals licensed to do business in the County to register for collection of the tax imposed by this article. Every seller shall make a report to the County of Pulaski for each calendar month, showing the amount of charges collected for meals and the amount of tax required to be collected. The monthly reports shall be made on forms prescribed by the Commissioner of Revenue and shall be signed by the seller. They shall be delivered to the Commissioner of Revenue on or before the twentieth (20th) day of the calendar month following the month being reported. Each report shall be accompanied by a remittance of the amount of tax due, made payable to the County of Pulaski, Virginia.

If any person whose duty it is to do so shall fail or refuse to collect the tax imposed under this article or to make timely report and remittance thereof, the Commissioner of Revenue shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. As soon as the Commissioner of Revenue has procured whatever facts and information may be obtainable, upon which to base the assessment of any tax payable by any person who has failed to collect, report or remit such tax, the Commissioner of Revenue shall proceed to determine and assess against such person the tax, penalty and interest provided in this article, and shall notify the person by registered mail sent to his or her last known address, of the amount of such tax, penalty and interest. The total amount thereof shall be due and payable ten (10) days after the date such notice is sent.

IX. Discount.

For the purpose of compensating sellers for the collection of the tax imposed by this article, every seller shall be allowed three percent (3%) of the amount of tax due and accounted for in the form of a deduction on his or her monthly return; provided, the amount due is not delinquent at the time of payment.

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X. Penalty and Interest.

If any person whose duty it is to do so shall fail or refuse to make the report or remit the tax required by this article within the time and in the amount required, there shall be added by the Treasurer to the amount of tax due a penalty in the amount of ten percent (10%) of the tax, plus interest thereon at the rate of ten percent (10%) per annum, which shall be computed upon the tax and penalty from the date such were due and payable.

XI. Duty of Person going out of business.

Whenever any person required to collect and remit to the County any tax imposed by this article shall cease to operate or otherwise dispose of his or her business, the tax shall immediately become due and payable, and the person shall make a report and remittance thereof to the Commissioner of Revenue by the first day of the month following the date which said business was terminated or disposition made thereof.

XII. Enforcement.

(a) It shall be the duty of the Commissioner of Revenue to ascertain the name of every seller in the County of Pulaski who is liable for the collection of the tax imposed by this article; and any person who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this article. The Commissioner of Revenue may have issued a summons for such person, and the summons may be served upon such person by the Sheriff or his Deputy in the manner provided by law and the Commissioner of Revenue may seek a conviction in the General District Court of Pulaski County, Virginia, or civil remedy, including injunction, against such person.

(b) In the event the purchaser of any meal refuses to pay the tax imposed by this article, the seller may call upon the Sheriff's Department for assistance; and the investigating Sheriff or his Deputy may, when probable cause exists, issue the purchaser a summons for his violation returnable to the General District Court as provided by law.

(c) The Treasurer shall have the power and duty of collecting the taxes imposed and levied hereunder, and shall cause the same to be paid into the general treasury of the county.

XIII. Regulations.

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The Commissioner of Revenue and Treasurer may issue regulations for the administration and enforcement of this ordinance.

XIV. Severability.

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, section, or part of this Ordinance shall for any reason be adjudged to be invalid, such invalidity shall not affect the parts which are not adjudged to be invalid.

XV. Effective Date.

This Ordinance is effective as of July 1, 2000, and is adopted this 26th day of June, 2000, by recorded vote of the Board of Supervisors of the County of Pulaski, Virginia, as follows:

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

Voting no: none.

- f. An amendment to the "Ordinance Levying a Tax on Purchase of Local Telephone Service to Pay for An E-911 Emergency Telephone System" to increase the monthly tax per phone line to \$1.00 for both cellular and conventional telephone accounts.

County Administrator, Joseph Morgan, advised the amendment to the Tax on local telephone service would increase the monthly tax per line from \$.42 to \$1.00 for both cellular and conventional telephone accounts. Further, the increase would raise approximately \$80,000 in additional revenues. He also noted, however, that even with the increase in the rate, the E-911 expenses are in excess of revenues.

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 Mr. Cook and carried, the Board of Supervisors adopted the following amended E-911 Ordinance increasing the monthly tax per phone line to \$1.00 for both cellular and conventional telephone accounts:

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AN ORDINANCE LEVYING A TAX ON PURCHASE OF LOCAL TELEPHONE SERVICE TO PAY FOR AN E-911 EMERGENCY TELEPHONE SYSTEM

Section 1. When used in this ordinance, the following words shall have the following meanings except where the context clearly indicates that a different meaning is intended.

(a) E-911 SYSTEM

An "E-911 system" means a telephone service which utilizes a computerized system to automatically route emergency telephone calls placed by dialing the digits "911" to the proper public safety answering point serving the jurisdiction from which the emergency telephone call was placed. An E-911 system includes selective routing of telephone calls, automatic telephone number identification, and automatic location identification performed by computers and other auxiliary control center communications equipment.

(b) PUBLIC SAFETY ANSWERING POINT

The term "public safety answering point" means a communications facility operated on a twenty-four hour basis which first receives E-911 calls from persons in an E-911 service area and which may, as appropriate, directly dispatch public safety service or extend, transfer, or relay E-911 calls to appropriate public safety agencies.

(c) PUBLIC SAFETY AGENCY

The term "public safety agency" means a functional division of a public agency which provides fire fighting, police, medical or other emergency services or a private entity which provides such services on a voluntary basis.

(d) LOCAL TELEPHONE SERVICE

The term "local telephone service" shall mean switched local exchange access service and mobile local telecommunication service, including cellular mobile radio communications and telecommunications services.

Section 2. There is hereby imposed and levied by the County of Pulaski effective upon every purchaser of local telephone service a tax in the amount of One Dollar (\$1.00) per month. This tax shall be paid by the purchaser to any seller or sellers of local telephone service (hereinafter referred to as "seller") for the use of the County of Pulaski to pay those costs to support the E911 system as permitted

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by Virginia Code Section 58.1-3813.1. The County Treasurer shall notify the seller or sellers serving Pulaski county of the date on which the tax is to be increased under this section. This notification will be sent by certified mail to the registered agent of the seller sixty days in advance of the date on which the tax is to be increased.

Section 3. It shall be the duty of every seller in acting as the tax collecting medium or agency for the County of Pulaski to add the amount of the tax imposed under Section 2 of this ordinance to all periodic bills it renders to non-exempt purchasers of local telephone service. The seller or sellers shall accept remittances of tax from purchasers at the time it collects the charges for local telephone service and shall report and pay over all tax collected in any calendar month to the County Treasurer on or before the last day of the next calendar month thereafter. At this time, the seller shall notify the County Treasurer of the name and address of all purchasers who refuse to pay the tax imposed by this ordinance. The tax levied or imposed under this ordinance shall become effective September 1, 2000.

Section 4. Each and every seller shall keep records showing all purchases of local telephone service in the County of Pulaski. These records shall show the dates of bills for local telephone service and the amount of tax appearing on each bill. These records shall be kept at the seller's offices for a period of three years for inspection by the agents of the County of Pulaski, designated by the Treasurer of Pulaski County, at reasonable times during normal business hours. Said designated agents of the County of Pulaski shall have the right, power and authority to make copies of any and all said records.

Section 5. The United States of America, the Commonwealth of Virginia and the political subdivision, agencies, boards, commissions and authorities of the United States and the Commonwealth of Virginia are hereby exempted from payment of the tax imposed and levied by this ordinance.

Section 6. This tax shall not apply to any local telephone service where a periodic bill is not rendered.

Section 7. Any purchaser who willfully fails, refuses or neglects to pay the tax hereby imposed and any seller, or any officer, agent or employee thereof, who with knowledge, willfully refuses to perform the duties imposed by sections 3 and 4 with the intent of preventing the collection of the tax imposed by this ordinance, shall upon conviction be subject to a fine of not more than Twenty-Five Dollars (\$25.00). Each failure, refusal or neglect and each day's continuance thereof shall constitute a separate offense

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Section 8. Whenever the tax levied by this ordinance is collected by a seller acting as a tax collecting medium for the County of Pulaski in accordance with section 3, such seller shall be allowed as compensation for the collection and remittance of this tax, three percentum (3%) of the amount of tax due and accounted for. The seller shall deduct this compensation from the payments made to the County Treasurer in accordance with section 3.

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

Voting no: none.

- g. An amendment to the "Pulaski County Utility Tax Ordinance" to add a tax on residential, commercial and industrial natural gas consumption.

County Administrator, Joseph Morgan, advised the above ordinance adoption would have the greatest impact on large businesses with a large heating or processing demand. He further reported that once the ordinance was adopted, an amendment may be required later, as more is known about the overall affect on businesses.

Chairman Sheffey opened the public hearing.

Ruth Lancaster inquired if the ordinance would have an impact on propane gas users. Staff advised the proposed ordinance would only affect natural gas customers and not propane gas customers.

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

On the motion of Dr. Fariss, seconded by Mr. Hale and carried, the Board of Supervisors adopted the following amendment to the Pulaski County Utility Tax Ordinance adding a tax on residential, commercial and industrial gas consumption:

PULASKI COUNTY UTILITY TAX ORDINANCE

- I. **NAME:**

This Ordinance is to be designated as the Pulaski County Utility Tax Ordinance.

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II. AUTHORITY:

This Ordinance is based upon the authority of Sections 58.1-3812 and 58.1-3814 of the 1950 Code of Virginia, as amended.

III. DEFINITIONS:

A. Person: The word "person" shall include individuals, firms, partnerships, associations, corporations and combination of individuals of whatever form and character.

B. Utility Service: The term utility service as used in this ordinance shall mean local telephone service (excluding long distance charges), electrical services, and residential, commercial and industrial natural gas services provided and used within the boundaries of Pulaski County, Virginia, excluding the Towns of Dublin and Pulaski, Virginia.

C. Purchaser: The term purchaser shall include every person, as above defined, who purchases the defined utility services.

D. Seller: The term seller shall include any person, as previously defined, who sells or furnishes telephone, electrical services, and residential, commercial and industrial natural gas consumption services.

E. Residential Users: The term residential user shall mean the owner or tenant of any private residential property, or the tenant of any multi-family residential unit who is responsible for the payment of utility services for said property except that such term shall mean any person furnished utility service classified as "residential" under tariffs filed with the State Corporation Commission.

F. Commercial or Industrial User: The term commercial or industrial user shall mean the owner or tenant of property used for commercial or industrial purposes, including the owners of apartment buildings and trailer courts receiving utility service through master meters, except that such term shall mean any person furnished utility service classified as "business" under tariffs filed with the State Corporation Commission.

IV. TAX RATE; LEVY; PROCEDURE AS TO PAYMENT:

Beginning sixty days after the passage of this ordinance and continuing thereafter unless otherwise changed, there is hereby imposed and levied by the County upon each and every purchaser of a utility service, a tax for said general purposes in the following amounts:

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A. On purchasers of telephone, electrical and natural gas utility services for residential purposes the tax shall be in the amount of twenty percent (20%) of the charge (exclusive of any federal or state tax thereof) made by the seller against the purchaser with respect to such residential utility service; provided, however, that in case any monthly bill of such residential user shall exceed fifteen dollars (\$15.00) per month, no tax shall be computed on such excess.

B. On purchasers of telephone and electrical utility service for commercial or industrial purposes, the tax shall be in the amount of twenty percent (20%) of the charge (exclusive of any federal or state tax thereon) made by seller against the purchaser with respect to such commercial or industrial utility service; provided, however, that in case any monthly bill of such commercial or Industrial user shall exceed one hundred dollars (\$100.00) no tax shall be computed on such excess. Where a commercial or industrial user is served by more than one (1) meter, the said maximum amount of charge subject to the tax shall be computed as to each meter. Where a commercial or industrial user is served by more than three (3) meters at one (1) business location, a refund may be requested by the commercial or industrial user for all but the three (3) highest monthly bills at that one (1) business location. Such refund request should be made no more than once annually. Refunds are to be authorized by the County Administrator or his or her designee.

C. On purchasers of natural gas utility service for commercial or industrial purposes, the tax shall be in the amount of twenty percent (20%) of the first \$5,000.00 in charges (exclusive of any federal or state tax thereon) made by seller against the purchaser with respect to such commercial or industrial utility service provided. Where a commercial or industrial user is served by more than one (1) meter, the said maximum amount of charge subject to the tax shall be computed as to each meter. Where a commercial or industrial user is served by more than three (3) meters at one (1) business location, a refund may be requested by the commercial or industrial user for all but the three (3) highest monthly bills at that one (1) business location. Such refund request should be made no more than once annually. Refunds are to be authorized by the County Administrator or his or her designee.

D. Bills shall be considered monthly bills if submitted twelve times annually for a period of approximately one month or portion thereof. In the event that bills shall be rendered for utility services herein stated on a basis other than one month, the tax imposed hereby shall be computed pro rata as if such bill was rendered on a monthly basis with the rates named herein applied.

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V. COLLECTION:

A. It shall be the duty of every seller in acting as the tax collecting medium or agency for the County of Pulaski to collect from the purchaser, for the use of the County the tax hereby imposed and levied at the time of collecting the purchase price charged therefore, and the taxes collected during each calendar month or billing period shall be reported by each seller to the Commissioner of Revenue of the County and each seller remit the amount of tax shown by said report to have been collected to the County Treasurer on or before the last day of the first calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. The required reports shall be in the form prescribed by the Board of Supervisors.

B. In all cases where the seller collects the price for utility service in stated periods, the tax imposed and levied by this ordinance shall be computed on the amount of purchase during the month or period according to each bill rendered, provided, the amount of tax to be collected shall be the nearest whole cent to the amount computed.

C. The Treasurer of Pulaski County will be charged with the power and duty of collecting the taxes imposed and levied under this ordinance.

VI. RECORDS:

Each seller shall keep complete records showing all purchasers in the County, which records shall show the price charged against each purchaser with respect to each purchase, the date thereof and the date of payment thereof, and the amount of tax imposed hereunder and such records shall be kept open for inspection by the duly authorized agents of the County during regular business hours or business days, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.

VII. EXEMPTIONS:

A. The United States of America, the State of Virginia and the political subdivisions, boards, commissions and authorities thereof, are hereby exempted from the payment of the tax imposed and levied by this ordinance with respect to the purchase of utility service used by such governmental agencies.

B. The tax hereby imposed and levied on purchasers with respect to local exchange telephone service shall apply to all charges made for local exchange telephone service, except local messages which are paid for by inserting coins in coin-operated telephones.

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VIII. **PENALTIES:**

Any purchaser failing, refusing or neglecting to pay the tax imposed or levied by this ordinance and any seller violating the provisions of this ordinance and any officer, agent or employee of any seller violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each failure, refusal, neglect or violations and each day's continuance thereof shall constitute a separate offense. Such conviction shall not relieve any person from the payment collection and remittance of such tax provided in this ordinance.

IX. **COMMENCEMENT:**

The tax herein imposed shall commence sixty days after the date of adoption by the Board of Supervisors.

X. **SEVERABILITY:**

If any section, phase or part of this ordinance should, for any reason, be held invalid by a court of competent jurisdiction, such decisions shall not affect the remainder of the ordinance, and every remaining section, clause or part thereof shall continue in full force and effect.

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

Voting no: none.

- h. An amendment to the Ordinance pertaining to "Dogs and Other Animals" to increase the annual license taxes up to \$10 per dog.

Chairman Sheffey opened the public hearing on the above ordinance amendment for comments.

Ms. Lori Nelson expressed concerns regarding the need for spading and neutering of dogs and cats. She further advised that dollars spent now by the county would save dollars in the future pertaining to the dog pound.

Ms. Beth Lancaster advised she agreed with Ms. Nelson's comments.

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

Dr. Fariss commented that the fee for spayed or neutered animals should be reduced.

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On the motion of Mr. Conner, seconded by Mr. Hale and carried, the Board of Supervisors approved the following Ordinance allowing for a reduced fee for spayed or neutered animals as follows:

THE PULASKI COUNTY DOGS AND OTHER ANIMAL ORDINANCE, DIVISION 2, LICENSE, SECTION C, LICENSE FEE IMPOSED, IS HEREBY AMENDED AS FOLLOWS:

The following language from this Section C. is deleted:

Section C. License Fee imposed.

- (1.) An annual or three (3) year license fee is hereby imposed on dogs required to be licensed under Division 2, Section A., in the following amounts:

License taxes – Amounts.

License taxes shall be as follows:

Male. For a male dog, five dollars.

Unsexed. For an unsexed male or female dog, which is neutered by being either spayed or castrated, three dollars.

Female. For a female dog, five dollars.

Three (3) Year License. This fee is nonrefundable.

Male dog or Female dog, Twelve dollars.

Unsexed dog, Seven dollars.

Kennels: For kennels of 5-20 dogs \$25.00.

For kennels of over 20 dogs \$50.00 in addition to a \$1.00 fee for each dog over the \$250.00 block.

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

Male Dog – Five dollars.

Unsexed Dog – Three dollars.

Female Dog – Five dollars.

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

Section C. License Fee imposed.

(1.) An annual or three (3) year license fee is hereby imposed on dogs required to be licensed under Division 2, Section A., in the following amounts:

License taxes – Amounts.

License taxes shall be as follows:

Male. For a male dog, ten dollars.

Unsexed. For an unsexed male or female dog, which is neutered by being either spayed or castrated, six dollars.

Female. For a female dog, ten dollars

Three (3) Year License. This fee is nonrefundable.

Male dog or Female dog, Twenty-seven dollars.

Unsexed dog, Fifteen dollars.

Kennels: For kennels of 5-20 dogs \$50.00.

For kennels of over 20 dogs \$50.00 in addition to a \$2.00 fee for each dog over the \$50.00 block.

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

Male Dog – Ten dollars.

Unsexed Dog – Six dollars.

Female Dog – Ten dollars.

IN ALL OTHER RESPECTS, THE DIVISIONS OF THIS ORDINANCE SHALL BE UNAFFECTED BY THIS AMENDMENT AND SHALL REMAIN IN FULL FORCE AND EFFECT WITHOUT AMENDMENT OR CHANGE, AND THIS ORDINANCE IS REENACTED AS IF SET OUT IN FULL HEREIN.

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

Voting no: none.

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5. Highway Matters:

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

a. Follow-up from Previous Board meeting

1. Rural Addition Status Report

Staff advised no new information was available; however, a status report would be placed on the agenda for the July meeting.

2. Pulaski County High School New Entrance

Mr. Brugh advised he would have a report at the next meeting of the Board on a possible new entrance to the high school.

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

Mr. Brugh reviewed with the Board photographs and cost estimates for three alternate access routes for the above area. He advised funds for this access would have to come from secondary road funds. However, the signal light may be funded with primary system funds.

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board requested that this project be placed on the six year plan waiting listing and selected alternate one at an estimated cost of \$550,000.

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

Voting no: none.

4. Rt. 601, Little Creek Road, Paving Status

Mr. Brugh reported that the original paved portions of Rt. 601, Little Creek Road, had been resurfaced with the remainder of the road to be done in the year 2001.

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5. Rt. 788, Jennings Road, Rt. 787, Peak Creek Road and Rt. 644, Hurston Road Pavement Deterioration Status

Mr. Brugh advised that this project was underway. Supervisor Cook requested Rt. 644, Hurston Road, be asphalted.

6. Status of Pothole Repairs on Rt. 11 on Rt. 626, Hazel Hollow Road, as well as on Rt. 624, Hickman Cemetery Road onto Rt. 11

Mr. Brugh advised that VDOT crews had completed the above repairs.

7. Shelburne Road Speed Study Review by Sheriff

Mr. Brugh reported he had spoken with Sheriff Davis and he had agreed with VDOT that the speed limit on Shelburn Road was adequately posted.

- b. Request for Maintenance on Rt. 609, Boyd Road

Mr. Brugh reported that Rt. 609, Boyd Road, was currently being maintained by VDOT; however, he would review.

- c. Semi-Annual report from VDOT re: Six Year Plan Projects Constructed and Balance

Mr. Brugh presented to the Board a semi-annual report on the status of six-year road plan projects including costs of each project.

Supervisor Sheffey inquired regarding Rt. 755, Depot Road, status. Mr. Brugh advised that no response had been received from the VDOT district staff.

Supervisor Fariss inquired regarding the status of Rt. 693, Lead Mines Road, bridge. Mr. Brugh reported that the bridge will be opened on Tuesday, June 28, 2000 with staff to confirm an acceptable date for Supervisor Fariss to hold an appropriate ceremony. Staff was requested to invite Montgomery County Administrator, Jeff Johnson, and adjacent church members to participate in the ceremony. Dr. Fariss was requested to advise VDOT of a date for the ceremony.

- d. Speed Zone Reports

Mr. Brugh reviewed the speed zone reports with the Board.

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e. Heron's Landing at the River Phase 1 Additions Resolution

The Board appointed Chairman Sheffey and county staff members, Stan Crigger and Ronnie Coake to serve as road viewers.

A declaration of interest by Supervisor Cook is filed with the records of this meeting on this matter.

On the motion of Dr. Fariss, seconded by Mr. Hale and carried, the Board adopted the following road addition resolution pertaining to Heron's Landing Phase 1:

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded 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 state 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.

Additions Form SR-5(A) – Heron's Landing at the River Phase I

Doral Drive from 0.08 mi. north of Valley Center Drive to Sawgrass Way, Deed Book 347, Page 5, 50' right-of-way, 0.41 miles
Sawgrass Way from Doral Drive to a cul-de-sac, Deed Book 347, page 5, 50' right-of-way, 0.39 miles

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River Course Drive from Doral Drive to Augusta National Drive, Deed Book 347, page 5, 50' right-of-way, 0.24 miles
Kingsmill Court from River Course Drive to cul-de-sac, Deed Book 347, page 5, 50' right-of-way, 0.05 miles.

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

Voting no: none.

Abstaining: Mr. Cook.

f. Commonwealth Transportation Board Regional Meetings on Road Needs

The Board discussed the dates scheduled for the Commonwealth Transportation regional meeting pertaining to road needs. Staff was requested to coordinate attendance at these meetings with the New River Valley Planning District Commission staff.

g. Request for Speed Study on Cardinal Drive, off Rt. 660

The Board requested that VDOT make informal speed study on the above road and advise of results at the July meeting.

h. Request for Improvements to Rt. 698, Barsus Road

Mr. Brugh advised that VDOT will review maintenance needs on Rt. 698.

i. Request for Traffic Light at Intersection of Rt. 100 (between Burger King and Texaco)

Mr. Brugh reported that the placement of a new traffic light at the Intersection of Rt. 100, between Burger King and Texaco, would be highly unlikely. However, a light may be considered with future I-81 road improvements.

j. Intersection of Owens Road, Rt. 663 and Beach Drive, Rt. 757

Mr. Brugh advised that VDOT will review possibly restoring the traffic island where an oak tree once grew.

k. Board of Supervisors Concerns

Supervisor Cook advised Mr. Brugh of deterioration on the Old Rt. 100 bridge at Rt. F047, over Peak Creek. Mr. Brugh agreed to review this area for improvements.

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Supervisor Sheffey reported poor drainage and pavement deterioration at Washington Avenue, Rt. 684, and Brandon Road, Route 715, in the Fairlawn area. Mr. Brugh also agreed to review this area.

I. 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 reports as presented.

7. Citizens' Comments

Ms. Lori Nelson commended staff for putting animal control and euthanasia statistics on the PSA bills for citizen information. Ms. Nelson also expressed concerns regarding the number of animals which are euthanized each day at the dog pound and the high cost per animal. She advocated an intensive spay/neuter program for the county to consider implementing.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable

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

b. Condition of an Unsafe Structure Owned by **Ralph A. Sheffey, Jr.**, identified on Pulaski County Real Estate Records as Tax Map Parcel 028-001-0000-0026, zoned Residential (R1), 0.3570 acre, located on the South Side of Falling Branch Road, (Rt. 798), approximately 75 ft. east of the New River Rd. (Rt. 624), intersection

Chairman Sheffey advised he had a conflict of interest with the above matter and requested that Vice-Chairman Fariss conduct the meeting regarding this matter. A declaration of interest is filed with the records of this meeting.

At this time Vice-Chairman Fariss assumed the Chairmanship and conducted the meeting for this matter only.

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Assistant County Administrator, Peter Huber, reported on the status of the above listed property. He recommended the Board approve the exterior of the structure being sealed and closed within 90 days with repairs to the interior to be done at a later date. Further, he reported the 90 days include 30 days to have a contractor on site and 60 days to enclose and seal the structure.

On the motion of Mr. Hale, seconded by Mr. Conner and carried, the Board of Supervisors approved the above recommendation from staff allowing Mr. Ralph A. Sheffey, Jr., 90 days for repairs to outside of the structure.

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

Voting no: none.

Abstaining: Mr. Sheffey.

c. Health Department Facility Funding

The Board reviewed a letter from New River Health District Director, Dr. J. Henry Hersey, requesting the county provide matching funding for a Pulaski County Health Department new facility.

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board tabled this matter until the July meeting. Further, staff was requested to provide the Board with a cost benefit analysis for the new facility, a listing of current client services and a staffing and space utilization report outlining what services are provided each day on a weekly/monthly basis.

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

Voting no: none.

d. Airshow Sponsorship

The Board reviewed a request for funding support for the SkyFest Airshow at the New River Valley Airport on August 19 & 20, 2000.

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board declined to provide funding for the SkyFest Airshow.

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

Voting no: Mr. Hale.

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e. Appointments:

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

9. Items of Consent:

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

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

Voting no: none.

a. Minutes of May 22 & June 5, 2000 & Correction to Minutes of April 24, 2000

The Board approved the minutes of May 22 & June 5, 2000 and correction to minutes of April 24, 2000 regarding the rural additions resolutions for Forest Circle and Parkview Court to reflect a reference to the appropriate Virginia State Code Section of 33.1.721.

b. Accounts Payable

The Board approved the accounts payable listing as presented on check numbers 28049 through 28521.

c. Appropriations and Transfers:

**A RESOLUTION APPROPRIATING FUNDS AND
SETTING 2001 PROPERTY TAX RATES FOR
ESTABLISHING GENERAL FISCAL POLICY FOR
THE PERIOD OF JULY 1, 2000 THROUGH JUNE 30, 2001**

WHEREAS, the Pulaski County Board of Supervisors has adopted a budget for the fiscal year ending June 30, 2001; and

WHEREAS, the Board of Supervisors has established tax rates and set a levy sufficient to meet the expenditure requirements of the budget;

THEREFORE BE IT RESOLVED that the Board of Supervisors make the following monetary appropriations for July 1, 2000 through June 30, 2001.

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GENERAL FUND:

A total sum of \$22,441,538 is hereby appropriated. Said funds are to be expended as follows:

Board of Supervisors	\$ 98,523
County Administrator	179,191
Assistant County Administrator	108,294
County Attorney	60,000
Operations	107,847
Independent Auditor	21,200
Commissioner of Revenue	357,849
Treasurer	346,503
Management Services	101,301
Electoral Board and Officials	35,522
Registrar	71,000
Circuit Court	56,162
General District Court	7,400
Clerk of Circuit Court	374,505
Law Library	7,000
Commonwealth Attorney	421,164
Sheriff	2,397,553
E911 System	140,000
Forest Fire Protection	4,800
Town of Pulaski Fire Protection	27,500
Western Virginia EMS System	6,958
Draper Vol. Fire Dept.	25,162
Dublin Fire Department	23,662
Fairlawn Vol. Fire Dept.	29,262
Hiwassee Vol. Fire Dept.	23,162
Newbern Vol. Fire Dept.	26,162
Snowville Vol. Fire Dept.	23,162
Twin Comm. Vol. Fire Dept.	24,162
Regional Jail	744,592
Court Services	7,000
NRV Juvenile Detention Home	29,191
Building Department	120,160
Animal Control	167,164
Medical Examiners	1,200
Emergency Services	72,423
General Engineering	104,133
Landfill/Cloyd's Mountain	148,543
Clean Community Council	42,900

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General Properties	521,257
N.R.V. Airport	21,027
Health Department	233,870
N.R. Community Services Board	66,571
State and Local Hospitalization	14,978
Area Agency on Aging	13,000
Institutional Care of Poor	300
Pulaski County Office on Youth	48,563
Friends of Claytor Lake	12,000
Retired Senior Program	10,100
New River Community Action	40,781
Literacy Volunteers of America	3,245
Va. Juvenile Commission Crime Control Act	60,606
NRV Disability Services	10,878
New River Community College	13,313
Recreation/County and Towns	400,000
Blue Ridge Regional Education	1,260
Fine Arts Center for the NRV	8,400
Historical Preservation	5,408
Library	470,432
Economic Development	55,075
Zoning Administrator	69,559
Contribution NRV Planning District	17,319
Pulaski Co. Chamber of Commerce	10,000
Industrial Park Maintenance	10,000
Soil Conservation	4,542
New River-Highlands Conservation	700
VPI&SU Extension Office	93,589
Transfer to School Fund	9,669,539
Transfer to VPA Fund	596,426
Transfer to Capital Outlay Fund	2,949,287
Transfer to Comprehensive Services Act Fund	288,739
Transfer to Internal Service Fund	74,597
Transfer to REMSI Fund	<u>103,865</u>
TOTAL GENERAL FUND	\$ 22,441,538

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INTERNAL SERVICE FUND

Central Garage	\$	667,152
Communications/Copy Center		113,500
Data Processing Center		<u>270,045</u>
TOTAL INTERNAL SERVICE FUND	\$	1,050,697

CAPITAL IMPROVEMENTS FUND

Animal Shelter Replacement Study	\$	5,000
Sheriff's Dept. Vehicles		90,000
Volunteer Fire Departments Air Truck		275,000
Snowville Volunteer Fire Dept. Fuel System		20,000
New River Valley Airport Improvements		10,000
New Library Feasibility Study		15,000
New Century Commerce Park Financing		167,494
Economic Development Stimulus		539,492
School Buses		255,000
REMSI Capital Improvement		68,250
Debt Bond Repayments		<u>1,504,051</u>

TOTAL CAPITAL IMPROVEMENTS FUND	\$	2,949,287
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Power of line item transfers of funds within the above appropriations is hereby invested in the County Administrator. Power of interfunctional transfer is reserved by the Board. The Board further requires all expenditures to be in compliance with purchasing laws of Virginia and any subsequent purchasing regulations adopted by the Board of Supervisors.

SCHOOL FUND:

A total of \$ 33,786,700 is hereby appropriated for educational purposes. These funds are to be expended as follows:

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Administration, Attendance & Health	\$	1,312,895
School Food Services		1,894,997
Facilities		693,975
Federal Programs		1,549,786
Instruction		24,047,756
Pupil Transportation		1,320,136
Operations and Maintenance		<u>2,967,155</u>
 TOTAL SCHOOL FUND	\$	 33,786,700

Power of interfunctional or categorical transfer shall rest with the Board of Supervisors.

All purchases and expenditures shall be in accordance with the laws of Virginia.

VIRGINIA PUBLIC ASSISTANCE FUND:

A total of \$4,421,028 is appropriated for social services purposes. These funds are to be expended as follows:

(Social Services)		
Joint Administration	\$	563,991
Eligibility Services		917,285
Direct Social Services		584,423
Adult Home Based		64,900
Food Stamp Employment and Training		23,007
Public Assistance		631,341
Purchase of Services		24,465
Social Service Administration Local Only		94,902
POS Prevention Foster Care		7,811
Fuel Assistance Admin.		21,247
Purchased Day Care		244,340
Family Preservation & Support Services		30,451
Fraud Free Direct Services		28,393
VIEW Direct & Purchased Services		201,087
VA Child Med. Sec. Ins.		20,504
Independent Living Program		<u>4,000</u>
 TOTAL VIRGINIA PUBLIC ASSISTANCE FUND	\$	 3,462,147

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COMPREHENSIVE SERVICES ACT FUND:

Customer Services	\$	928,498
Administration		<u>30,383</u>
TOTAL COMPREHENSIVE SERVICES ACT FUND	\$	958,881

All purchases of the Welfare Board shall be in compliance with laws of Virginia and any subsequent purchasing regulations adopted by the Board of Supervisors.

Power of interfunctional or categorical transfer is reserved by the Board of Supervisors.

REGIONAL EMERGENCY MEDICAL SERVICES FUND:

The sum of \$821,214 is appropriated for the REMSI Fund to be expended as follows:

Administration	\$	118,642
Field Staff		473,544
Recruitment & Retainment		10,250
Equipment & Stations		197,300
Training Center		<u>21,478</u>
TOTAL	\$	821,214
TOTAL APPROPRIATIONS ALL FUNDS	\$	65,470,464

Property tax rates are set for FY 2000-01 as follows:

- Tangible Personal Property - \$2.00 per hundred dollars of assessed valuation
- Machinery and Tool - \$1.50 per hundred dollars of assessed valuation
- Merchant's Capital - \$4.80 per hundred dollars of assessed valuation
- Real Estate & Mobile Homes - \$.62 per hundred dollars of assessed valuation

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1. Interoffice Transfer #12 - \$38,912.78

The Board approved interoffice transfer #12 in the amount of \$38,912.78 as prepared by Management Services Director, Nancy M. Burchett.

2. General Fund Appropriations #23 - \$73,034.24 & #24 - \$548.00

Revenues #23

1899-60 Office on Youth Donations \$ 2,588.24

Expenditures:

1101-1006 Board of Supervisors Compensation	\$	3,550.00
1101-2001 Board of Supervisors FICA		272.00
1101-3002 Board of Supervisors Prof. Services		8,000.00
1101-5804 Board of Supervisors Other Misc.		2,500.00
1201-1003 County Administrator Part time Salaries		5,000.00
1201-2001 County Administrator FICA		383.00
1202-5504 Assist. Co. Admin. Travel Convention		700.00
1215-4001 Management Services Data Processing		4,600.00
1215-5801 Management Services Dues & Subscriptions		279.00
2106-7001 Clerk's Office Machinery & Equipment		2,500.00
3106-4001 E911 Data Processing		1,374.00
3106-5203 E911 Telecommunications		6,490.00
3106-4011 E911 Postage		958.00
3303-5203 Court Services Telecommunications		666.00
4302-3005 General Properties Maint. Service		3,800.00
4302-3009 General Properties Other Govt. Services		1,200.00
4302-4006 General Properties Garage Parts		1,906.00
4302-4007 General Properties Fuel		381.00
4302-5101 General Properties Electricity		7,300.00
4302-5102 General Properties Heating		4,700.00
4302-5103 General Properties Water, Sewer, Refuse		705.00
4302-5301 General Properties Property Ins.		3,532.00
4302-7001 General Properties Machinery & Equipment		3,675.00
5319-5604 Fairview Home Operating Expenses		5,000.00
5322-5402 Office on Youth Food Supplies		2,546.00
5322-5412 Office on Youth Other Supplies		42.24
7115-5401 Friends of Claytor Lake Office Supplies		68.00
7115-4011 Friends of Claytor Lake Postage		438.00
9310-5823 Revenue Refunds Bldg. Permits		119.00
9310-5824 Revenue Refunds Co. Decals		350.00
Total	\$	73,034.24

Revenues #24:

1615-07 Library RIF Donations \$ 548.00

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Expenditures:

7301-5604 Library RIF Program \$ 548.00

3. Internal Service Fund #1 - \$46,102

Revenues:

Transfer from General Fund \$ 46,102.00

Expenditures:

1224-3010 Garage Other Contracted Services \$ 9,736.00

1224-4006 Garage Parts 444.00

1224-4007 Garage Fuel 605.00

1224-5101 Garage Electricity 450.00

1224-5102 Garage Heating 586.00

1224-5408 Garage Vehicle & Equipment Supplies 5,300.00

1224-5417 Garage Diesel Fuel 28,981.00

Total \$ 46,102.00

4. Capital Improvement Fund Appropriations #11 - \$30,953.87

Revenues:

5102-00 Transfer from General Fund \$ 29,078.00

1899-63 Donations Randolph Park 1,875.87

Total \$ 30,953.87

Expenditures:

5322-7005 Office on Youth Van \$ 11,300.00

7116-7165 Randolph Park Phase I 1,875.87

7130-3002 Harry DeHaven Park Professional Serv. 10,000.00

8120-3002 NR Industrial Park PUD 6,420.00

9121-903001 Debt Early Teacher Retirement 1,358.00

Total \$ 30,953.87

5. School Fund Appropriation #17 - \$12,941.73

Revenues:

189932 Telephone Commissions/Tolls \$ 12,941.73

Expenditures:

6409-520321 Operations Telecommunications \$ 12,941.73

6. School Fund Transfer #1 - \$85,412.00

Expenditures:

6601-6013 Capital Improvements Materials \$ -85,412.00

6409-600731 Operations Repair & Maintenance \$ +85,412.00

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7. School Construction Fund Appropriation #1 - \$863,846.00

Revenues:

Transfer from General Fund	\$	714,662
1502-01 Interest		<u>149,184</u>
Total	\$	863,846

Expenditures:

6601-8106 Critzer Elementary Project	\$	222,745
6601-8115 Snowville Elementary Project		390,688
9101-903802 Interest on Debt		<u>250,413</u>
Total	\$	863,846

d. Ratification:

1. Change Order:

No change orders were presented for approval at this meeting.

2. Agreements, Grants, & Other:

a. Draper Mountain Wayside Work – Harrell Contract

The Board ratified a contract for work at the Draper Mountain Wayside with Mr. Buck Harrell.

b. Claytor Lake Festival Fireworks

The Board ratified approval of a fireworks permit for the Claytor Lake Festival.

c. Lease with Marshall Welding – Stargon Cylinders

The Board ratified a cylinder agreement with Marshall Welding for Stargon Cylinders for a lease amount of \$73.15 per cylinder.

d. Property, Auto & General Liability Insurance FY 01

On the motion of Mr. Hale, seconded by Dr. Fariss and carried, the Board of Supervisors approved staff recommendation to change property, auto & general liability insurance coverage for FY 01 to the Virginia Association of Counties pool program (VACORP), subject to staff confirming there is not a penalty for withdrawing from the pool and bidding full coverage again next year. The Board further

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approved the following resolution as required by the program and authorized the County Administrator to execute the Member Agreement for the Virginia Association of Counties Group Self Insurance Risk Pool:

**RESOLUTION TO ADOPT THE MEMBER AGREEMENT
TO JOIN
THE VIRGINIA ASSOCIATION OF COUNTIES
GROUP SELF INSURANCE RISK POOL**

WHEREAS, Pulaski County desires to protect against liability claims and property losses and to provide payment of claims or losses for which the county may be liable; and

WHEREAS, it is desirable for Pulaski County to join the Virginia Association of Counties Group Self Insurance Risk Pool in order to provide a method of risk sharing for liability claims and property losses;

NOW, THEREFORE, BE IT RESOLVED that the governing body of Pulaski County hereby agrees to the member agreement entitled "Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool" which creates a group fund to pay liability claims and property losses of the counties and other local agencies joining the Group, and we acknowledge we have received a copy of the pertinent Plan and supporting documents.

BE IT FURTHER RESOLVED that Joseph N. Morgan, County Administrator, is authorized to execute the member agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool and to act on behalf of Pulaski County in any other matter relative to the Group.

Adopted this 26th day of June, 2000.

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

Voting no: none.

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e. Requests for Funding: 4-H Camp, National SkillsUSA
VICA Conference & Wysor Observatory

The Board approved requests for funding for the 4-H Camp in the amount of \$3500; National Skills USA VICA Conference Fund in the amount of \$2,310; and funding for the Wysor Observatory in the amount of \$2,500.

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 employee for overtime hours worked exceeding the 30-day maximum amount:

George Hazel – 116.96 hours or \$1,232.75

In addition, the Board approved an increase in pay of \$1,500 for Tamera Boyers effective July 1, 2000 in recognition of four years of service in the position of Community Service Supervisor.

f. Resolution Authorizing Roanoke IDA to Hold Joint Public
Hearing on Carilion Health System \$225,000,000 Financing

A declaration of interest by Supervisor Sheffey is filed with the records of this meeting on this matter.

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors adopted the following resolution authorizing Roanoke Industrial Development Authority to hold a joint public hearing on the Carilion Health System \$225,000,000 financing project:

RESOLUTION OF THE BOARD OF SUPERVISORS OF PULASKI COUNTY,
VIRGINIA AUTHORIZING THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE CITY OF ROANOKE, VIRGINIA TO HOLD A PUBLIC HEARING IN
CONNECTION WITH THE ISSUANCE IN ONE OR MORE SERIES OF NOT TO
EXCEED \$255,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF ROANOKE,
VIRGINIA HOSPITAL REVENUE BONDS (CARILION HEALTH SYSTEM
OBLIGATED GROUP PROJECT)

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WHEREAS, Pulaski County, Virginia (the "County") is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

WHEREAS, Carilion Medical Center ("CMC") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Roanoke Memorial Hospital in the City of Roanoke, Virginia; and

WHEREAS, CMC also owns and operates Carilion Roanoke Community Hospital in the City of Roanoke, Virginia; and

WHEREAS, Carilion Giles Memorial Hospital ("CGMH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Giles Memorial Hospital in the Town of Pearisburg, Giles County, Virginia; and

WHEREAS, Carilion Bedford Memorial Hospital ("CBMH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Bedford Memorial Hospital in the City of Bedford County, Virginia; and

WHEREAS, Carilion New River Valley Medical Center ("CNRV") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion New River Valley Medical Center in Montgomery County, Virginia; and

WHEREAS, Carilion Franklin Memorial Hospital ("CFMH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Franklin Memorial Hospital in the Town of Rocky Mount, Franklin County, Virginia; and

WHEREAS, Carilion Saint Albans Hospital ("CSAH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Saint Albans Hospital in Pulaski County, Virginia; and

WHEREAS, the Industrial Development Authority of the City of Roanoke, Virginia (the "Roanoke Authority") has by resolution adopted on May 11, 2000 (the "Inducement Resolution") evidenced its desire to issue one or more series of its revenue bonds for the following purposes: (1)(a) paying, or

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reimbursing CMC for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Roanoke Memorial Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Roanoke Memorial Hospital (the "Carilion Roanoke Memorial Hospital Project"), (b) paying, or reimbursing CMC for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Roanoke Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Roanoke Community Hospital (the "Carilion Roanoke Community Hospital Project"), (c) paying, or reimbursing CGMH for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Giles Memorial Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Giles Memorial Hospital (the "Carilion Giles Memorial Hospital Project"), (d) paying, or reimbursing CBMH for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Bedford Memorial Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Bedford Memorial Hospital (the "Carilion Bedford Memorial Hospital Project"), (e) paying, or reimbursing CFMH for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Franklin Memorial Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Franklin Memorial Hospital (the "Carilion Franklin Memorial Hospital Project"), (f) paying, or reimbursing CNRV for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion New River Valley Medical Center and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion New River Valley Medical Center (the "Carilion New River Valley Medical Center Project"), and (g) paying, or reimbursing CSAH for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Saint Albans and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Saint Albans Hospital (the "Carilion Saint Albans Hospital Project") (the Carilion Roanoke Memorial Hospital, the Carilion Roanoke Community Hospital Project, the Carilion Giles Memorial Hospital Project, the Carilion Bedford Memorial Hospital Project, the Carilion Franklin Memorial Hospital Project, the Carilion New River Valley Medical Center Project and the Carilion Saint Albans Hospital Project are hereinafter collectively referred to as the "Project"); (II) paying a portion of the interest accruing on said revenue bonds during the acquisition, construction, renovation and equipping of the Project; (III) refunding (a) the Roanoke Authority's outstanding Hospital Revenue Bonds (Roanoke Memorial Hospitals, Community Hospital of Roanoke Valley, Bedford County Memorial Hospital, Giles Memorial Hospital, Radford Community Hospital, Franklin Memorial Hospital and Saint Albans Psychiatric Hospital Project), Series 1995A, Series 1995B, Series 1995C and Series 1995D (collectively, the "Series 1995 Bonds") and (b) the Roanoke Authority's outstanding Hospital Revenue Bonds (Carilion Health System Obligated Group Project), Series

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1997A and Series 1997B (collectively, the "Series 1997 Bonds" and, together with the Series 1995 Bonds, the "Prior Bonds"); and (IV) paying certain expenses incurred in connection with the issuance of said revenue bonds; and

WHEREAS, the Roanoke Authority has delivered or caused to be delivered to the County a copy of the Inducement Resolution; and

WHEREAS, prior to the issuance of said revenue bonds, it is required by state and federal law that a public hearing be held during which members of the public are given an opportunity to express their views on the proposed issuance of said revenue bonds; and

WHEREAS, CMC, CGMH, CBMH, CFMH, CNRV and CSAH have requested the Roanoke Authority to hold a public hearing in the City of Roanoke, Virginia on behalf of the City of Roanoke, Virginia, the County of Giles, Virginia, the City of Bedford, Virginia, the County of Montgomery, Virginia, the County of Pulaski, Virginia and the County of Franklin, Virginia in connection with the issuance of said revenue bonds; and

WHEREAS, the Roanoke Authority has requested that the County of Giles, Virginia, the City of Bedford, Virginia, the County of Montgomery, Virginia, the County of Pulaski, Virginia and the County of Franklin, Virginia (a) authorize the Roanoke Authority to hold a public hearing in connection with the issuance of said revenue bonds and (b) concur with the adoption of the Inducement Resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pulaski County, Virginia:

SECTION 1. The County hereby (a) authorizes the Roanoke Authority to hold a public hearing on its behalf in connection with the proposed issuance by the Roanoke Authority of one or more series of its Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group Project) in the aggregate principal amount not to exceed \$255,000,000 (collectively, the "Bonds") for the purpose of (i) financing a portion of the costs of the Project, (ii) paying a portion of the interest accruing on the Bonds during the acquisition construction, renovation and equipping of the Project, (iii) refunding the Prior Bonds and (iv) paying certain expenses incurred in connection with the issuance of the Bonds, and (b) concurs with the adoption of the Inducement Resolution; provided, however, that in accordance with Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, the Roanoke Authority shall, after it holds the public hearing, convey a fiscal impact statement and a reasonably detailed

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summary of the comments expressed at the hearing to the County together with its recommendation at which time the County shall either approve or disapprove the issuance of the Bonds.

SECTION 2. This Resolution shall take effect immediately upon its passage.

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

Voting no: Mr. Cook.

Abstaining: Mr. Sheffey.

g. Auditing and Cost Allocation Proposals

The Board approved staff recommendation to award the auditing services contract to Robinson, Farmer, Cox Associates for FY 00, 01 & 02, and the cost allocation services contract to DMG-Maximus, Inc. for the same time period.

h. FY 01 Budget Adoption

The Board of Supervisors adopted the FY 01 budget as advertised and per the recommendation of staff.

i. Renewal of Virginia Mountain Housing Plumbing Rehab Program Administration

The Board concurred with allowing Virginia Mountain Housing to continue to administer the Department of Housing and Community Development indoor plumbing/rehabilitation program funds for an additional year.

j. Policy Adoptions, Amendments and/or Review of Existing Policies:

The Board adopted the following policies per staff recommendation:

1. Violence Prevention Policy Adoption

VIOLENCE PREVENTION POLICY

Policy Statement:

Pulaski County desires to provide a safe environment for county employees and citizens who conduct business on county property. It is the policy of Pulaski County that any acts of workplace violence by or to any individuals are prohibited.

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Purpose:

The purpose of this policy is to reduce the risk of violence and to establish a standard procedure for dealing with threatening and violent situations in the workplace.

Persons Covered:

This policy shall apply to all employees of Pulaski County, including but not limited to employees in all full-time and part-time positions and employees under contract with Pulaski County.

Definitions:

Workplace: Any place a county employee performs work for the county is the workplace, including but not limited to buildings, parks, parking lots, and vehicles.

Violence: Action that includes the use of physical force, verbal and physical harassment or intimidation, or abuse of power or authority, where the impact is to control by causing pain, fear, or hurt; may take the form of hitting, shoving, pushing, kicking or sexual assaults. Examples of verbal abuse include shouting in an angry tone, using abrasive or inappropriate language, threats, or cursing.

Threat: A threat is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional, or future.

Property Damage: Property damage is intentional damage to property which includes property owned by the county, employees or others.

Warning Signs of Potential Violence:

Potential warning signs of violence or potential violence include: threats of harm, a history of violent behavior on or off duty, using physical intimidation, excessive discussion of weapons or carrying a weapon; expressing bizarre thoughts such as perceived conspiracies, obsession towards a failed or imagined love interest, holding a grudge against a co-worker or supervisor, fascination with incidents of workplace violence in the news, making hostile, degrading or inflammatory statements.

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Report of Threats/Violent Incidents:

Employees are responsible for notifying their immediate supervisor of any threats or violent incidents which they have witnessed, received or have knowledge of. If the supervisor is the party who is issuing threats or harassment, the employee should bypass that individual and report the incident to a county department head or to the County Administrator.

Even without an actual threat, employees should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on county property or is in any way connected with county employees.

Employees are responsible for reporting threats or violent incidents regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior.

An employee who has secured a Protective Order from a court should make his or her supervisor aware of the existence of such an order and provide a copy of said order to his or her supervisor.

If the immediate supervisor is not available to report an incident to, then the employee should report the incident to the next level of supervision or to the County Administrator.

In the event of an immediate potentially serious or threatening situation, an employee should call 911 or the Pulaski County Sheriff's Office at 980-7800 for assistance.

An employee who reports incidents of threats or violence shall be protected from retribution to the fullest extent possible. In addition, every effort shall be made to protect the confidentiality and privacy of all parties involved.

Responsibility of Supervisors and Department Heads:

Supervisors and department heads have an additional responsibility of anticipating, assessing and defusing violent or potentially violent situations. If an altercation, either verbal or physical, occurs in the workplace, the supervisors and/or department head should attempt to defuse the situation if at all possible. Individuals involved in the incident should be separated and directed to different areas of the

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work site. A supervisor and/or department head is not expected to become physically involved or to place themselves at risk in an attempt to separate the individuals involved in an incident. If the individuals cannot be separated and order restored, then the supervisor and/or department head should call 911 immediately and then notify the County Administrator of the incident.

Once the situation is controlled, the supervisor shall separately interview all persons involved, including any witnesses, in order to obtain an accurate account of the incident. A written report of the incident shall be filed with the County Administrator within (2) working days of the incident. Said report should include the following information:

1. Complete names, addresses and telephone numbers of all parties involved in the incident;
2. Date and time of incident;
3. Relationship to county of parties involved in incident;
4. Description of events that preceded and may have triggered the incident;
5. Description of the incident;
6. Actions taken by supervisor during and after incident;
7. Any known history of violent behavior of perpetrator of incident;
8. Steps taken to ensure that further incidents do not occur;
9. Recommendation for disciplinary action, if needed; and
10. Any other information which may be important or pertinent to the incident.

Discipline:

Employees engaging in workplace violence shall be subject to disciplinary action up to and including termination of employment and/or criminal prosecution. Employees may also be advised to seek professional counseling for acts and/or threats of violence. An employee's failure to seek counseling shall be subject to disciplinary action, up to and including dismissal. Counseling services shall be made available to employees through the county's Employee Assistance Program which is included in the group health care coverage or other arrangements shall be made to accommodate the employee in the provision of counseling services.

If workplace violence is engaged by a non-employee, criminal prosecution of the individual will be supported by Pulaski County.

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2. Hours of Work Policy Amendment

The Board adopted the following hours of work policy amendment policy as follows with changes noted in italics:

HOURS OF WORK

The normal work hours for County personnel shall be as follows:

County Administration Office Personnel – 6:00 a.m. to 5:00 p.m.;
Monday through Friday

General Properties Staff –6:00 a.m. to 4:00 p.m.; Monday through
Friday

County Garage Personnel – 7:30 a.m. to 4:00 p.m.; Monday
through Friday

Water Treatment Plant – Schedules will vary due to operation of
plant

Library – Hours set by the Library Board

Public Service Authority Water & Sewer Maintenance – 7:00 a.m.
to 3:30 p.m.

Public Service Authority Garbage Service – 7:00 a.m. to 4:00 p.m.

The above hours may vary based on the implementation of flex time or specific demands of work assigned to various departments. Specific work hours will be assigned to employees by the County Administrator or department head. Generally, full-time employees work eight (8) hours per day or forty (40) hours per work week. However, some departments, such as the Refuse Department employees assigned to garbage routes, may be classified as full-time, but work less than the 40 hours per work week. These employees shall be paid on a job or a daily task completion schedule.

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3. Personnel Policy Amendment re: Compensatory Time

The Board adopted the following personnel policy amendment regarding the accrual of compensatory time for employees exempt from the Fair Labor Standards Act:

Compensatory Time Policy for Executive, Administrative and Professional Employees

Compensatory time for employees exempt from the FLSA is earned at a straight hour for hour. However, compensatory time shall be received for any hours worked over time (9) hours per workday, if such hours were the result for required night meetings. Work performed on weekends or holidays is eligible for compensatory time at a straight hour for hour. Prior approval by the County Administrator is required for overtime hours worked in excess of eight (8) hours per week by the supervisor or department head.

Compensatory time accrued exceeding 30 days or 240 hours by employees exempt from the FLSA shall be lost by the employee if not used by June 30 of each year. Further, it shall be the policy that employees exempt from the FLSA shall only be compensated for a maximum of 30 days or 240 hours of accrued compensatory time upon retirement, resignation or termination. This policy regarding payment of compensation time and loss of compensatory time from year to year shall be effective June 30, 2001.

The following is a list of county employee positions to which the above applies:

<u>County Administration</u>	<u>Office on Youth</u>
County Administrator	Office on Youth Director

Assist. County Administrator
Assistant Co. Administrator

<u>Management Services</u>	<u>Library</u>
Management Services Director	Library Director

<u>Water Treatment Plant</u>	<u>Building Department</u>
Plant Superintendent	Building Official

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Fleet Maintenance & Operations

Director of Fleet Maint. & Operations

Emergency Services

Emerg. Serv. Coordinator

Engineering

County Engineer

Recreation

Youth Sports Coordinator

Zoning

Zoning Administrator

4. Harassment Policy Adoption

HARASSMENT POLICY

Policy Statement:

Pulaski County shall be committed to providing employees a workplace environment which is free of discrimination, intimidation and harassment of all types. Harassment on the basis of sex and/or race may be a violation of Title VII, Section 703, of the Federal Civil Right Act of 1964, as amended. Harassment on the basis of disability may be a violation of Title II of the American With Disabilities Act of 1990. It shall be the policy of Pulaski County that sexual and other unlawful harassment of employees in any form is prohibited.

Pulaski County will not tolerate any form of harassment including harassment for the following reasons: race, color, religion, national origin, disability, pregnancy, military status, sex, age or any other legally protected category or group. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. The desired standard of behavior for all county employees shall be one of cooperation and respect for each other, despite any differences.

Persons Covered:

This policy shall apply to all employees of Pulaski County, including but not limited to employees in all full-time and part-time positions and employees working under contract with Pulaski County. An elected constitutional officer, (Treasurer, Sheriff, Commonwealth Attorney, Clerk of Circuit Court and Commissioner of the Revenue) at their own discretion, may adopt county policy regarding harassment or have a separate policy for their employees.

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Types of Harassment:

In general, harassment includes, but is not limited to the following:

Verbal Harassment – Epithets, derogatory comments or slurs on the basis of national origin, race, color, sex, religion, disability, military status, age, pregnancy or any other legally protected category or group. Including, but not limited to suggestive remarks, jokes and offensive personal references.

Physical Harassment – Assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on national origin, race, color, sex, religion, disability, military status, age, pregnancy or any other legally protected category or group. Including, but not limited to striking an individual, throwing an object at an individual, use or presence of a weapon, or any other physical act which may bring physical harm to another individual.

Visual Forms for Harassment – Derogatory posters, notices, bulletins, cartoons or drawings on the basis of national origin, race, color, sex, religion, disability, military status, age, pregnancy or any other legally protected category or group. Including, but not limited to, display in the work place of sexually suggestive objects or pictures, including nude photographs.

Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal/nonverbal or physical conduct of a sexual nature, upon which an employment benefit is conditioned, and that unreasonably interferes with an individual's work performance or creates an offensive work environment. Including, but not limited to, sexual flirtations, touching, advances, or propositions, verbal abuse of a sexual nature, graphic or suggestive comments about an individual's dress or body, sexually degrading words to describe an individual, and the display of sexually suggestive objects, pictures or photographs in the work place.

Exclusions:

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

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Reporting of Harassment:

Employees who experience harassment in any form should clearly state to the individual that his/her behavior is offensive to them, and upon its occurrence or repetition should promptly bring the matter to their immediate supervisor's attention or to a county department head or to the County Administrator.

Supervisors, department heads and the county administrator have a responsibility to act immediately and take corrective action regarding harassment complaints. Supervisory employees who become aware of possible unlawful harassment may promptly advise their department head and/or the County Administrator. Any supervisory employee who allows unlawful harassment to continue or fails to take appropriate corrective action shall be considered a party to the act of behavior, even though they themselves may not behave in such a manner. Lack of prompt, appropriate corrective action by any supervisory employee may be grounds for disciplinary action, including dismissal.

Harassment by Non-Employees:

Employees who have been subjected to harassment in any form by individuals who are not employees of Pulaski County including, but not limited to, citizens, vendors, contractors, etc., should follow the same reporting procedure as outlined above for any harassment charges. Pulaski County may not be able to discipline the offender; however, there may be other means to deal with the problem or to minimize the chance of recurrence of the harassment.

Complaint Process:

Complaints for any and all forms of harassment shall be handled and investigated under the County of Pulaski's grievance procedure. It is the policy of Pulaski County to take prompt and immediate action in response to all harassment complaints.

Coordination of Harassment Complaints:

It shall be the responsible of the Management Services Director to coordinate and investigate all harassment complaints. All complaints will be investigated promptly and in an impartial and confidential manner. All employees are required to cooperate in any harassment investigation.

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The Management Services Director shall make and keep a written record of the investigation, including notes of verbal responses made to the Director by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the Director in connection with the investigation. Based on the results of the investigation, the County Administrator shall determine whether conduct of the person against whom a complaint of harassment has been made constitutes harassment.

Confidentiality:

Every effort shall be made by all parties involved to protect the confidentiality and privacy of all information and documents pertaining to a harassment complaint. Persons conducting investigations shall not communicate the fact that an investigation is pending nor shall they communicate the contents or findings of such investigation except to appropriate parties. Breach of confidentiality may result in disciplinary action, including dismissal.

Policy Against Retaliation:

Retaliation against any employee for filing a complaint or participating in a harassment investigation is strictly prohibited. This includes both direct retaliation or reprisal, or the encouragement of others to engage in retaliation or reprisal against any employee or individual who:

1. Opposes any conduct prohibited by this policy;
2. Complies or encourages others to comply with any provision of this policy;
3. Files a complaint concerning any violation of this policy;
4. Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; and
5. Exercises or attempts to exercise any right conferred under this policy.

Discipline:

Any employee found to have been engaged in any unlawful form of harassment, who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of unlawful harassment, or who is found to have in some way participated in retaliation or reprisal, may be

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subject to disciplinary action, including, but not limited to, suspension, demotion and/or dismissal.

k. Resolution of Appreciation – J.R. Schrader

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors approved the following Resolution of Appreciation for J. R. Schrader, Reporter for the Southwest Times.

***RESOLUTION OF APPRECIATION
J. R. Schrader***

WHEREAS, **J. R. Schrader** has served as a reporter for the Southwest Times on several occasions and has covered Pulaski County news most recently from 1993 to 2000; and

WHEREAS, **J. R. Schrader** has reported on behalf of the Pulaski County Board of Supervisors for approximately one year; and

WHEREAS, the Pulaski County Board of Supervisors **considers J. R. Schrader** to be a very capable and knowledgeable individual, reporting the issues fairly and accurately to the best of his ability;

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors hereby acknowledges **J. R. Schrader's** reporting on behalf of Pulaski County will be greatly missed and wishes Mr. Schrader much success in his new endeavors.

BE IT FURTHER RESOLVED that the text of this resolution be spread upon the minutes of the Board of Supervisors this 26 day of June, 2000 in permanent testimony of its appreciation to the service of **J. R. Schrader**.

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

l. Virginia EcoChallenge Request for Assistance

The Board authorized staff to support sponsorship of the above event planned for September 16, 2000, to the extent that it does not interfere with other county duties and that the expense does not exceed \$1,000 in cash support.

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m. Ambulance Purchase

The Board approved the issuance of a purchase order for replacement of an ambulance with an additional \$10,000 expenditure being approved for the purchase in addition to the \$68,250 included in the FY 01 budget for REMSI.

n. Circuit Court Clerk's Computer Purchase

The Board approved \$3,000 local match towards purchase of two personal computers for the Circuit Court Clerk's Office as requested by the Circuit Court Clerk.

10. Citizen Comments

No citizen comments were heard.

11. Other Matters from Supervisors

Supervisor Sheffey reported on his attendance at the VACo Steering Committee meeting on June 26 and advised JLARC will study elementary and secondary education funding with Roanoke and Marion hearings this July. The committee recommends counties present actual dollars contributed to schools, versus declining state share of funding. The committee suggests coordinating presentation with county and school staff. The Board requested staff to advise School Superintendent Cox and respond to VACo once information is requested by VACo.

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

It was moved by Dr. Fariss, 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:

- 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:

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- County Administration;
- Constitutional Officers; and
- Pending appointments as follows:
 1. New River Community Services Board
 2. Office on Youth
 3. Clean Community Council
 4. Pulaski Encouraging Progress Steering Committee
 5. CPM Team Private Provider Representative
 6. NRV Criminal Justice Services Board

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.

- Commercial Center

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:

- Fairview Home; and
- Randolph Park.

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 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 Mr. Hale, seconded by Mr. Cook and carried, that the Board of Supervisors adopt the following resolution certifying conformance with the Virginia Freedom of Information Act.

BOARD OF SUPERVISORS MEETING MINUTES JUNE 26, 2000

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.

*Personnel:

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

1. New River Community Services Board

The Board appointed Joan Knode to the New River Community Services Board for a term ending June 30, 2002.

2. Office on Youth

The Board reappointed Kelly Sayers to the Office on Youth for a term expiring June, 2001.

3. Clean Community Council

The Board appointed Kathy Sutphin, Barbara Wright and Mike Lewis to the Clean Community Council for an indefinite term.

4. Pulaski Encouraging Progress Steering Committee

The Board appointed Mr. Bill Cunningham to serve on the Pulaski Encouraging Progress Steering Committee for a term ending June 30, 2003.

BOARD OF SUPERVISORS MEETING MINUTES JUNE 26, 2000

5. CPM Team Private Provider Representative

The Board appointed Mr. Michael Hirsch to the CPM Team Private Provider.

6. NRV Criminal Justice Services Board

WHEREAS, the Commonwealth has mandated that all cities and counties that establish a community-based probation program shall belong to and be a part of a Community Criminal Justice Board (CCJB), and

WHEREAS, the General Assembly amended Section 53.1-183 of the Code of Virginia 1950 as amended, to re-establish the composition of the Board for which Pulaski County has agreed to act as administrator and fiscal agent, and

WHEREAS, the following list of members meets the composition requirements for the eight political jurisdictions to be represented:

Bland County, Floyd County, Giles County, Grayson County, Montgomery County, Pulaski County, Galax City, and Radford City; and a judge of the general district court; a circuit court judge; a juvenile and domestic relations district court judge; a chief magistrate; a chief of police or sheriff to represent law enforcement; an attorney for the Commonwealth; a public defender or an attorney who is experienced in the defense of criminal matters; the Regional Jail administrator; the Sheriff of the Montgomery County jail; a local educator; and a community services board administrator, and

WHEREAS, representatives to be appointed by the political jurisdictions shall be either the chief elected official, another member of the governing body, the chief administrator, assistant administrator, or a deputy appointed for CCJB matters.

BE IT THEREFORE RESOLVED that the Pulaski County Board of Supervisors hereby approves the structure of the foregoing organization, and Pulaski County as fiscal agent and administrator.

BE IT FURTHER RESOLVED that Peter Huber, Interim County Administrator, is appointed to the CCJB to serve for a period of four years from July 1, 2000; and

BE IT FURTHER RESOLVED, that Mr. Huber is authorized to designate Mr. Anthony Akers, Pulaski County Office on Youth Director, as his

BOARD OF SUPERVISORS MEETING MINUTES JUNE 26, 2000

deputy, who is empowered to act as a substitute in Mr. Huber's absence in carrying out the duties associated with the CCJB.

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. Cook and carried, the Board of Supervisors accepted the resignation of County Administrator, Joseph N. Morgan, and appointed Mr. Morgan as a consultant to the county from July 1, 2000 to August 30, 2000, with Peter M. Huber being appointed Interim County Administrator with a \$10,000 per year additional compensation also effective July 1, 2000.

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

On the motion of Mr. Conner, seconded by Dr. Fariss, the Board approved additional compensation to the Commissioner of Revenue, Maynard H. Sayers, in the amount of \$5,000 per year effective July 1, 2000, said compensation to be paid due to Mr. Sayers assistance with data processing management and facilities for the county.

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

13. Adjournment

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors adjourned until the next regular meeting of the Board set for July 24, 2000 at 7:00 p.m. at the County Administration Building, 143 3rd Street, NW, Board Room, in the Town of Pulaski, Virginia.

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

Joseph L. Sheffey, Chairman

Nancy M. Burchett, Deputy Clerk