

**BOARD AGENDA
PULASKI COUNTY
BOARD OF SUPERVISORS**

**Regular Meeting
Mon., Oct. 23, 2000
7:00 p.m.**

FOLLOW-UP ACTION	KEY STAFF
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1. Invocation

2. Additions to Agenda

3. Public Hearings:

a. Proposed Six Year Plan Improvement

(Comments were heard from: Tim Thompson re: Rt. 796, Akers Road; Jack Stilwell re: Rt. 609, Stillwell Road; Bob Henegar re: Rt. 807, Hatcher Road; Robert Stoots re: Belspring roads; Audrey Boyd re: .6 mile unpaved section on Rt. 609, Boyd Road; Shirley Wheeler re: Rt. 807, Hatcher Road; Martha & Stephen Harris re: Rt. 796, Akers Road; Bill Collins re: Rt. 807, Hatcher Road; Violet Akers re: Rt. 796, Akers Road; John Kidd re: Rt. 796, Akers Road; Tina Rife re: Rt. 778, Dallas Freeman Road; Ed Hoggatt re: Rt. 600 bridge; and Ellen Carson re: Rt. 807, Hatcher Road)

(VDOT to update traffic counts, confirm estimates on all the projects currently on the six year plan, as well as those requested by public comment and present recommendation at November Board meeting – Place update on November Board agenda)

Ms. Hanks

- b. Consideration of an appeal by the **TEA Group, Inc.** / **Crown Communications** of Planning Commission denial of a Special Use Permit (SUP) to allow a telecommunications tower and related facilities on property owned by **Joseph N. Jr. and Connie Lawson**, identified as tax map no. 058-001-0000-0025, zoned Agricultural (A1), (42.00 total acres), located on the east side of Wilderness Rd. (Rt. 611) approximately .43 miles from Hazel Hollow Rd. (Rt. 626), Ingles District. (Approved 195' mono pole tower with 6' cypress pines on outside of enclosure – Notify applicant)

Ms. Jenkins

- c. A request by the **Pulaski County Planning Commission** for rezoning from Industrial (I-1) to Residential (R-1) of property owned by **Charles & Helen Austin** identified by tax parcel 056-001-0000-0034, located at 5516 Dublin Drive, Draper District.
 (Approved, as recommended by Planning Commission - Notify applicant – Modify zoning ordinance as appropriate) Ms. Jenkins
 Ms. Hopkins
- d. A rezoning request by **James Hager** from Industrial (I-1) to Transitional Industrial District (I-0) on property identified as tax map parcel 056-001-0000-0061, (1.7040 acres), located on the south side of Dominion Dr. (Rt. 1091) 475 ft. west of Cleburne Blvd. (Rt. 100), Draper District.
 (Approved, as recommended by Planning Commission - Notify applicant – Modify zoning ordinance as appropriate) Ms. Jenkins
 Ms. Hopkins
- e. A request by **Marshall Hamden** for an amendment of the Pulaski County Zoning Ordinance to add a use not provided for in the Commercial (CM-1) District to allow a taxi cab service on property owned by **Charles Haynes** identified as tax map no. 039-001-0000-0005, (0.670 acres), zoned Commercial (CM-1), located at 7383 Lee Highway, Cloyd District.
 (Approved, as recommended by Planning Commission - Notify applicant – Modify zoning ordinance as appropriate) Ms. Jenkins
 Ms. Hopkins
- f. Adoption of a **Local Enterprise Zone Ordinance** pursuant to Section 58.1-3245.8 and 58.1-3245.10 of the Code of Virginia, 1950, as amended
 (Approved with revisions – Notify IDA) Mr. McCarthy
- g. Proposed Issuance of Bonds by the County of Pulaski for which the General Purpose for which the Bonds are to be Issued is to Provide Funds to Finance Certain Capital Projects for School Purposes, and the Estimated Maximum Amount of Such Bonds is \$900,000
 (Adopted resolution – Transmit all appropriate documents to counsel – Earmark proceeds for capital projects) Ms. Hanks/
 Ms. Burchett
- h. Revision to Gas and Electric Utility Tax Ordinance.
 (Approved – Transmit to appropriate utility companies- County Attorney to define “ccf”, determine impact of limiting tax to \$20 per month for commercial, as well as survey other jurisdictions to compare rates) Mr. McCarthy
 Mr. Huber

4. Highway Matters:

Mr. Brugh
(unless noted
otherwise)

a. Follow-up from Previous Board meeting

1. Rural Addition Status Report

(Reviewed – Staff to check status of Schoolhouse Lane and report back at November meeting – Place update on November agenda)

Mr. Crigger

Ms. Hanks

2. Request for Speed Limit Study, Big Valley Drive

(VDOT does not recommend posting – Notify German Ruiz)

Ms. Hanks

3. Rt. 757, Beach Drive, Intersection Safety Concerns

(VDOT advised concerns have been addressed)

4. Request for Pedestrian Crossing Signs at Fairview Home

(VDOT advised completed)

5. Request for School Zone 25 mph Flashing Sign on Dudley Ferry Loop (Riverlawn Elementary School)

(Obtain status from School Board representative regarding request)

Ms. Hanks

b. Board of Supervisors Concerns

(Supervisor Conner expressed concern regarding Hatcher Road)

(Supervisor Hale noted need for Rt. 11 line painting between Dublin and Pulaski)

(Supervisor Cook inquired as to new Rt. 100 grade – VDOT advised of 6% grade)

(Supervisor Fariss requested VDOT consider building both Rt. 693 bridge at same time - Place on November Board agenda)

Ms. Hanks

(Staff to provide complete list of updated rural additions listing for November Board meeting – Place on November agenda)

Mr. Crigger

Ms. Hanks

c. Citizen Concerns

(None)

5. Treasurer's Report
(Presented)

6. Citizens' Comments
(None)

7. Reports from the County Administrator & Staff:
 - a. Key Activity Timetable
(Removed brick courthouse handicapped access –
Notify Mr. Leonard and Ms. Tucker) Ms. Hanks

 - b. County Entrance Signs
(Check alternate area recommended by Mr. Cook and
Dr. Fariss prior to site 1 & site 4 – Place on
November meeting agenda) Mr. Spangler
Ms. Hanks

(Provide an accounting of expenses on Draper Mountain
Overlook) Mr. Long

 - c. Appointments:
 - ◆ New River Community Services Board
(Appointed Reverend Richard Patterson –
Notify Community Services Board) Ms. Hanks

8. Items of Consent:
 - a. Minutes of September 25, 2000
(Approved) Ms. Hanks

 - b. Accounts Payable
(Approved) Ms. Spence

 - c. Appropriations and Transfers:
 1. Interoffice Transfer #4
 2. General Fund Appropriations #5 - \$4,355.00; #6 - \$32,573.54
 3. Capital Improvement Fund Appropriations #4 - \$20,000
 4. School Fund Appropriations #2 -\$1,588.00;
#3 - \$14,011.00; #4 – (\$6,913.00); #5 - \$41,564.00;
#6 – (\$7,425.00); #7 - \$16,111.00
 5. Virginia Public Assistance – Carry Over Appropriation
from FY 00 #1 - \$75,000.00
(Approved) Ms. Burchett

- d. Ratification:
1. Change Order
 - ◆ Reynolds Architects Change Order 1 – Randolph Park
(Approved) Mr. Long
 2. Agreements, Grants, & Other:
 - a. Courts Office Furnishings
(Approved) Ms. Hanks
 - b. EZ-LSTA – Library of Virginia Grants \$10,000 & \$2,500; and Bill & Melinda Gates Library Grant Application
(Approved) Ms. Burchett
 - c. Draper Aden Associates – Revised Agreement – Water Distribution System
(Approved) Mr. Coake
- e. Personnel Changes
(Reviewed)
- f. Virginia Public Authorities Agreement for Purchase of Electricity from American Electric Power
(Approved executing agreement – Transmit to AEP officials) Ms. Hanks
- g. Acceptance of \$5,000 Grant for Preliminary Engineering Report Eagleview Mobile Home Park
(Approved – Complete grant agreement and transmit to Department of Health) Ms. Hanks
- h. Hunting Permits on County Property
(Staff to ensure Cloyd’s Mountain Landfill is posted – Request recommendation from Sheriff for next year) Mr. Coake/
Mr. Huber
- i. Mutual Aid Agreement
(Approved – Return executed copy to Floyd County) Ms. Hanks
- j. Office on Youth Van Usage Policy
(Adopted – Update policy and distribute as necessary) Ms. Hanks/
Ms. Burchett/
Mr. Akers
- k. County Golf Shirt Purchase
(Approved purchase of up to \$5,000 for county golf shirts) Ms. Hanks

I. Scheduling of Public Hearing on expanding the New River Enterprise Zone to include the Commerce Park and New River Valley Airport

(Approved scheduling a public hearing for the November Board meeting to consider expanding the New River Enterprise Zone – Advertise on Sunday, November 12 and Sunday, November 19)

Ms. Hanks/
Ms. Jenkins

9. Citizen Comments
(None)

10. Other Matters from Supervisors

(Supervisor Fariss inquired regarding the status of Hiwassee rescue squad building, the cost of moving DeHaven Park mobile home, as well as fence and signage from road to lake at DeHaven Park, and expressed concerns regarding future need for topsoil at Randolph Park)

Mr. Mayberry
Mr. Coake

(Supervisor Cook inquired as to the status of marketing the Lowes Building)

(Supervisor Sheffey & others inquired as to the status of the cell towers study encouraging study on a regional basis)

Mr. Huber

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

(Special meeting scheduled for Monday, November 6 at 7:00 p.m. at the Comfort Inn for the purpose of interviewing candidates for the county administrator position)

12. Adjournment

(To reconvene on November 6 at 7:00 p.m.)

October 16, 2000

TO: Board of Supervisors
FROM: Peter M. Huber, Interim County Administrator
SUBJECT: Public Hearings

- a. Proposed Six Year Plan Improvement – A public hearing has been scheduled for the purpose of discussing the proposed six-year plan for improvement of the secondary highway system in Pulaski County for 2001-2007 and establishment of priorities for the 2000-2001 budget year, pursuant to Section 33.1-70 of the Code of Virginia of 1950, as amended. ***Enclosed*** is a correspondence from VDOT Resident Engineer Brugh addressing several concerns regarding the plan. Also ***enclosed*** is a copy of the current Six Year Secondary Road Plan and waiting list. Specific road requests received to date are as follows:

Rt. 807, Hatcher Road - Ms. Ellen Carson is offering to donate right-of-way needed for improving Hatcher Road on the condition that improvements begin in the immediate future. Currently, Hatcher Road is priority 19 on the Six Year Secondary Road Improvement Plan and has an anticipated 2005 completion date, which Ms. Carson finds would not address her current needs. See ***enclosed*** map. Mr. Brugh recommend acceptance of Ms. Carson's offer with funding to come from prior year cost savings.

Rt. 609, Stillwell Road – ***Enclosed*** is a petition requesting improvements to Stillwell Road, which is not on either the six year plan or the waiting list. Stillwell Road is the first left turn entering Pulaski County from Wythe County on Rt. 100 in the Draper District.

- b. Consideration of an appeal by the **TEA Group, Inc. / Crown Communications** of Planning Commission denial of a Special Use Permit (SUP) to allow a telecommunications tower and related facilities on property owned by **Joseph N. Jr. and Connie Lawson**, identified as tax map no. 058-001-0000-0025, zoned Agricultural (A1), (42.00 total acres), located on the east side of Wilderness Rd. (Rt. 611) approximately .43 miles from Hazel Hollow Rd. (Rt. 626), Ingles District – The applicant is appealing a decision by the Planning Commission to deny this request. Denial was based on the proximity of the site to other towers proposed for location on VDOT right-of-way and opposition from adjacent property owners. ***Enclosed*** are the minutes of the Planning Commission regarding this matter, as well as information previously provided. This appeal is based on the contention that under Virginia law, the Planning Commission cannot make a final decision regarding special use permits.

Mr. McCarthy concurs with this interpretation and staff is requesting the assistance of other jurisdictions who may likewise have delegated decision making power to the Commission prior to recommending alternatives in addressing the matter.

Mr. McCarthy's specific comments are as follows:

The Law Firm of Gentry, Locke, Rakes & Moore, which represent Crown Castle TEA Group, Inc./Triton PCS, Inc. t/a SunCom, has made what I believe to be a very accurate assessment of our Special Use Permit procedures. Under our ordinance, the special use permits go to the Planning Commission for the consideration, resulting in issue or turn down at that level. By Code, the Planning Commission does not have the enabling legislation for a legislative act (i.e. the approval of special use permits) to be delegated to it. By Code, the Board of Zoning Appeals does have the enabling legislation in place to allow such a delegation. This is a matter that the Board needs to clear up, and I will be glad to discuss the matter in Closed Session if you wish.

To address the problem at hand, the Planning Commission turned down SunCom's application for a special use permit for a site on the Lawson Property at 6865 Wilderness Road, Dublin, Virginia. I don't believe this turn down will withstand a Circuit Court appeal. I have suggested that the Board at the October meeting address the matter since the Board of Supervisors has the full authority to grant special use permits. I would suggest the Board take the action by the Planning Commission as a recommendation and treat this public hearing as a full fledged hearing on the matter and not an appeal from the body which did not have the authority

- c. A request by the Pulaski County Planning Commission for rezoning from Industrial (I-1) to Residential (R-1) of property owned by **Charles & Helen Austin** identified by tax parcel 056-001-0000-0034, located at 5516 Dublin Drive, Draper District.- A public hearing has been scheduled to consider the above request. See **enclosed** documentation. The Planning Commission recommends approval by the Board of Supervisors as a follow-up to the September approval for rezoning of surrounding property from I-1 to R-1.

- d. A rezoning request by **James Hager** from Industrial (I-1) to Transitional Industrial District (I-0) on property identified as tax map parcel 056-001-0000-0061, (1.7040 acres), located on the south side of Dominion Dr. (Rt. 1091) 475 ft. west of Cleburne Blvd. (Rt. 100), Draper District. - A public hearing has been scheduled to consider the above request. See **enclosed** documentation. The Planning Commission recommends approval by the Board of Supervisors.

- e. A request by **Marshall Hamden** for an amendment of the Pulaski County Zoning Ordinance to add a use not provided for in the Commercial (CM-1) District to allow a taxi cab service on property owned by **Charles Haynes** identified as tax map no. 039-001-0000-0005, (0.670 acres), zoned Commercial (CM-1), located at 7383 Lee Highway, Cloyd District. - A public hearing has been scheduled to consider the above request. See ***enclosed*** documentation. The Planning Commission recommends an ordinance amendment be adopted by the Board of Supervisors to allow "taxi cab service" as a Special Use Permit (SUP) in the Commercial (CM-1) District.
- f. Adoption of a Local Enterprise Zone Ordinance pursuant to Section 58.1-3245.8 and 58.1-3245.10 of the Code of Virginia, 1950, as amended - A public hearing has been scheduled to consider the above request. See ***enclosed*** documentation.
- g. Proposed Issuance of Bonds by the County of Pulaski for which the General Purpose for which the Bonds are to be Issued is to Provide Funds to Finance Certain Capital Projects for School Purposes, and the Estimated Maximum Amount of Such Bonds is \$900,000 – ***Enclosed*** is a notice of the public hearing scheduled to consider the above request.
- h. Revision to Gas and Electric Utility Tax Ordinance - As requested at the September meeting, Mr. McCarthy and Commissioner of Revenue Sayers have reviewed alternatives to the proposed ordinance which may be allowed under the Code of Virginia. They believe the ***enclosed*** to be the best alternative. The calculations and form of the ordinance have been reviewed by VACO, Legal Council, Flip Hicks and Robinson Farmer Cox C.P.A, Corbin Stone to ensure revisions have been made according to state law without resulting in an increase or decrease in the immediate amount being paid by business and residential electric and gas customers. A public hearing has been scheduled to consider the above request. Adoption of the ***enclosed*** revision to the ordinance is recommended

/gh

October 16, 2000

TO: Board of Supervisors

FROM: Peter M. Huber, Interim County Administrator

SUBJECT: Highway Matters

a. Follow-up from Previous Board meeting:

The resident engineer may have information to share on the following matters from previous Board meetings, unless noted otherwise:

1. Rural Addition Status Report – ***Enclosed*** is progress report prepared by Stan Crigger.
2. Request for Speed Limit Study, Big Valley Drive
3. Rt. 757, Beach Drive, Intersection Safety Concerns
4. Request for Pedestrian Crossing Signs at Fairview Home
5. Request for School Zone 25 mph Flashing Sign on Dudley Ferry Loop (Riverlawn Elementary School)

PMH/gh

cc: J. D. Brugh, VDOT Resident Engineer

October 16, 2000

TO: Board of Supervisors

FROM: Peter M. Huber, Interim County Administrator

SUBJECT: Reports from County Administrator and Staff

- a. Key Activity Timetable - ***Enclosed*** for the Board's review is an updated timetable. Items added in the last month have been italicized.
- b. County Entrance Signs – A presentation depicting possible locations for the entrance sign will be provided at the Board meeting. The proposed sign is estimated to cost approximately \$10,200.00.
- c. Appointments:
 - ◆ New River Community Services Board – Mr. Ron Chaffin has declined to accept the Board's invitation. As requested by supervisors at the August Board meeting, Ms. Holly Shannon is being asked to consider serving.

/gh

October 16, 2000

TO: Board of Supervisors

FROM: Peter M. Huber, Interim County Administrator

SUBJECT: Items of Consent

- a. Minutes of September 25, 2000 – See ***enclosed***.
- b. Accounts Payable – See ***enclosed***.
- c. Appropriations and Transfers – Approval of the transfers as follows and shown on the ***enclosed*** documentation, is requested:
 1. Interoffice Transfer #4
 2. General Fund Appropriations #5 - \$4,355.00; #6 - \$32,573.54
 3. Capital Improvement Fund Appropriations #4 - \$20,000
 4. School Fund Appropriations #2 -\$1,588.00; #3 - \$14,011.00; #4 - (\$6,913.00); #5 - \$41,564.00; #6 - (\$7,425.00); #7 - \$16,111.00
 5. Virginia Public Assistance – Carry Over Appropriation from FY 00 #1 - \$75,000.00
- d. Ratification:
 1. Change Order – There are no change orders at this time.
 2. Agreements, Grants and Other – The following are submitted for the Board's review and approval:
 - a. Courts Office Furnishings – Ratification of the furnishings for Judge Turk's office at a cost of \$4,740.51 is requested. Ms. Spence assisted in procuring the furnishings and confirms pricing is lowest possible given the quality of the items to be purchased (a desk, a chair, two 2-drawer lateral files, a bookcase, 3 guest chairs and a small table).

- b. EZ-LSTA – Library of Virginia Grants \$10,000 & \$2,500; and Bill & Melinda Gates Library Grant Application – Ratification is requested of the ***enclosed*** grants in the amount of \$10,000 for the purchase of a new server and accessories for the library system, \$2,500 for FY 01 on read-Aloud Projects, and \$36,716 from the Gates Foundation for the purchase of four computers, content server, laser printer, wiring and software.
- c. Draper Aden Associates – Revise Agreement – Water Distribution System Analysis – Approval is requested of the ***enclosed*** authorization for additional services under the general engineering contract from \$32,890 to \$47,000.
- e. Personnel Changes - ***Enclosed*** is a listing of recent personnel changes as provided by Management Services Director Nancy Burchett.
- f. Virginia Public Authorities Agreement for Purchase of Electricity from American Electric Power- Approval is recommended of the ***enclosed*** “Virginia Public Authorities Agreement for the Purchase of Electricity from Appalachian Power Company (dba American Electric Power)” containing the new rates and terms agreed upon by VACO and American Electric Power which effectively reduce our electric bill of \$198,889.32 by 4.5% for an annual savings of \$8,770.
- g. Acceptance of \$5,000 Grant for Preliminary Engineering Report Eagleview Mobile Home Park - Approval is recommended of the ***enclosed*** Drinking Water Planning Grant Agreement, which reflects funding not to exceed \$5,000 for the above project.
- h. Hunting Permits on County Property – Based on the recommendation of the county’s liability insurance agents, effective next year staff recommends restricting hunting on the former Cloyd’s Mountain landfill to one person per 5 to 6 acre, with hunting by bow and arrow or shotgun with buckshot only. Permits would be issued by John Myers as a function of the county recreation program, which carries with it immunity from liability.
- i. Mutual Aid Agreement – ***Enclosed*** is a copy of the mutual aid agreement with Floyd County for fire/EMS services. Both the REMSI Board and Fire Protection Committee have reviewed the agreement and find it acceptable. Approval is recommended.

PMH/gh

Distribution or reproduction of this document is prohibited. This document is exempted from public access in accordance with the Virginia Freedom of Information Act.

October 16, 2000

TO: Board of Supervisors
FROM: Staff
SUBJECT: Closed Meeting – 2.1-344.A.1.3.5.7

(ONLY THOSE ITEMS ADDED SINCE THE BOARD RECEIVED ITS ORIGINAL MEMO HAVE BEEN *ITALICIZED*)

A closed meeting is requested pursuant to Section 2.1-344.A.1.3.5.7 of the 1950 Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition, and prospective industry matters. *Enclosed* is a draft resolution to enter the closed meeting on recommended matters, as follows:

Property Disposition or Acquisition:

- ◆ None at this time.

Personnel:

- ◆ Appointments:
New River Community Services Board

Prospective Industry:

- ◆ Review of Incentives Offered to Ethan Allen – An update will be provided regarding a response from the Virginia Economic Development Partnership application for Governor's Opportunity Fund assistance in the amount of \$138,000.

The Virginia Economic Development Partnership reports Governor's Opportunity Funding in the amount of \$100,000 is likely to be approved by

the Secretary of Commerce. One hundred thirty-eight thousand dollars (\$138,000) was applied for. The cut in requested funds will still result in meeting Ethan Allen's incentive goal as described the day the potential purchase was announced.

Legal Matters:

- ◆ Review of Special Use Permit Approvals – As noted in item 3b on the agenda, a briefing will be provided by Mr. McCarthy and Mr. Huber on the means of appropriately handling special use permit applications.