

At a regular meeting of the Pulaski County Board of Supervisors held on December 18, 2000 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, NW, in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Dr. Bruce L. Fariss, Vice-Chairman; Charles E. Cook; William E. "Eddie" Hale; and Frank R. Conner. Staff members present included County Administrator, Peter M. Huber; Management Services Director, Nancy M. Burchett; and Office Clerk, Sandra C. King.

1. Invocation

Reverend John Collins of the First Church of the Brethren gave the invocation.

2. Additions to Agenda

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

3. Public Hearings:

- a. An initiative by the **County of Pulaski** for consideration of an amendment to the Pulaski County Zoning Ordinance to add a definition "Dwelling, Replacement of" and revision of Articles 2, 3, 5A, 5B, 5C, 5D to include a reference to the proposed definition.

County Administrator, Peter Huber, advised the above amendment would provide a simple method to allow replacement of homes without requiring bonds and special use permits when an applicant is residing in a dwelling which will be replaced. Further, Mr. Huber reported the amendments were recommended for approval by the Planning Commission.

Chairman Sheffey opened the public hearing on this matter.

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

Supervisor Cook suggested that signage informing the public of the status of the property be posted during the 60 days prior to removal of existing dwelling.

On the motion of Dr. Fariss, seconded by Mr. Conner and carried the Board of Supervisors approved the following amendments to the Pulaski County Zoning Ordinance per the recommendation of the Planning Commission, with the placement of signage by the property owner, as suggested by Supervisor Cook.

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

Voting no: none.

- Add a new definition in Article 1 as follows:  
**Dwelling, Replacement of:** The replacement of an existing dwelling in conformance with this ordinance, or a pre-existing dwelling meeting the requirements of Article 16, Nonconforming Uses, with a dwelling of the same construction type, or any other construction type allowed within the zoning district. The existing dwelling being replaced shall be removed from said property or otherwise brought into compliance with the zoning district within 60 days of issuance of a certificate of occupancy for the new dwelling unit.
  
- Revise Article 2-1, Agricultural District (A-1) as follows:
  - Homes, Single-family Detached Dwellings, including mobile homes (*See Definition, Art. 1, Dwelling, Replacement of*)
- Revise Article 3-1, Conservation District (C-1) as follows:
  - Homes, Single-family Detached Dwellings, including mobile homes (*See Definition, Art. 1, Dwelling, Replacement of*)
- Revise Article 5A-1, Residential District (R) as follows:
  - Homes, Single-family Detached Dwellings (*See Definition, Art. 1, Dwelling, Replacement of*)
- Revise Article 5B-1, Residential District (R-1) as follows:
  - Homes, Single-family Detached Dwellings, (*See Definition, Art. 1, Dwelling, Replacement of*)
  - Single and Double-wide Manufactured Homes (*See Definition, Art 1, Dwelling, Replacement of*)
- Revise Article 5C-1, Residential District (R-2) as follows:
  - Homes, Single-family Detached Dwellings, (*See Definition, Art. 1, Dwelling, Replacement of*)
  - Single and Double-wide Manufactured Homes (*See Definition, Art. 1, Dwelling, Replacement of*)
- Revise Article 5D-1, Residential District (R-3) as follows:
  - Homes, Single-family Attached Dwellings, (*See Definition, Art. 1, Dwelling, Replacement of*)

- Homes, Single-family Detached Dwellings, *(See Definition, Art. 1, Dwelling, Replacement of)*
- b. A request for Special Use Permit (SUP) by **Kenneth N. Kimbleton, Sr., Ruby A. Kimbleton, Kenneth N. Kimbleton Jr., and Sharon B. Kimbleton** to allow an exception to the length of a dock per Art. 8-5 of the zoning ordinance on property identified as tax map no. 066-013-0000-0008 (0.38 total acres), zoned Residential (R1), located at 4815 Mecca West Drive, Ingles District.

Peter Huber, County Administrator, reported the above request had been submitted by H. Randal Bandy, agent for the Kimbletons, and owner of Precision Construction & Fabricators, for a 7 1/2 foot exception for a 32 foot by 32 foot dock. Further, work on the dock had been almost completed prior to the application for a building or zoning permit for the project. Mr. Huber advised the Planning Commission had recommended approval; however, the vote was split by a four to two vote with one member being absent. He suggested if the above request is approved, it may be appropriate to restrict the use of the dock to require that no watercraft be parked at the end of the dock to prevent further encroachment of the code width, and that any future expansion of the dock be required to meet ordinance requirements at the time of expansion.

Chairman Sheffey opened the public hearing on this matter.

Attorney David Skews, representing Mr. Bandy, noted a recent anonymous letter received by the county opposed to the dock did not indicate if writer of the letter was a resident of the county. Further, he reported of no complaints by the immediate neighbors of the Kimbleton's regarding the dock. He then reviewed with the Board of Supervisors photographs of the boat dock. He advised the Kimbleton's had invested approximately \$40,000 for the construction of the boat dock. He further reported the structure does not impede the traffic in the area.

Dr. Doug Warren, Chairman of the Planning Commission, reported this matter was not a unanimous decision of the Planning Commission. He reviewed the Planning Commission member's concerns regarding this matter. Further, Dr. Warren suggested the County Attorney investigate the possibility of some type of civil penalty for matters such as this one and encouraged the Board to pursue enforcement of violations of the county's ordinances through the court system.

Mr. H. Randal Bandy, contractor of the dock, requested the Board to not punish the Kimbleton's for his mistake. He advised the only way to correct the dock construction would be to start all over and tear down the existing construction.

Mr. Kenneth Kimbleton, property owner, advised that only one side of the dock is 7 ½ feet and not in compliance. He also advised his neighbors had not expressed any concerns regarding this matter.

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 tabled this matter until the closed meeting session of this meeting.

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

Voting no: none.

- c. A request by **Roy Douglas & Kathy R. Bunn** for a Special Use Permit (SUP) to allow a manufactured home as a second dwelling on property identified as tax map no. 037-001-0000-0002, (135.67 acres), zoned Agricultural (A-1), located at 6500 Ruebush Rd., Cloyd District.

County Administrator, Peter Huber, reported this public hearing would have to be postponed until the January 2001 meeting due to required postings not being done. However, he advised public comments could be taken at this time since the hearing had been properly advertised.

Chairman Sheffey opened the hearing on this matter for public comments.

No comments were heard.

Staff further noted this public hearing would be readvertised for the January 2001 regular meeting of the Board.

4. Highway Matters:

The Board met with Virginia Department of Transportation Resident Engineer, Dan Brugh, regarding the following highway matters:

a. Follow-up from Previous Board meeting

1. Rural Addition Status Report

The Board reviewed a rural addition status report as prepared by staff. Staff noted that a response had not been received from Norfolk Southern on the Cook's Crossing rural addition.

Chairman Sheffey noted the individual who had previously offered to assist in obtaining the needed right of way for the School House Lane rural addition had not yet been contacted. He requested either staff or VDOT to contact this individual.

Staff was also requested to confirm the sight distance requirements on the Allisonia Road rural addition.

2. Six Year Secondary Road Improvement Plan

The Board discussed with Mr. Brugh projects to be added or removed from the secondary road improvement plan.

On the motion of Dr. Fariss, seconded by Mr. Conner and carried, the Board of Supervisors approved the following resolution regarding the Six Year Secondary Road Improvement Plan per the recommendation of Resident Engineer, Dan Brugh:

WHEREAS, the Board of Supervisors of Pulaski County in cooperation with representatives of the Virginia Department of Transportation have prepared a proposed Six-Year Plan for Pulaski County listing improvements proposed on the State Secondary Highway System in Pulaski County for which funds are to be budgeted in fiscal years 2001-2007; and

WHEREAS, a duly advertised public hearing was conducted at the County Administration Building in Pulaski, Virginia at 7:00 p.m. on October 23, 2000, for purposes of informing interested citizens of the proposed Six-Year Plan and for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, this Board has given due consideration to such input and other factors pertaining to improvement of the State Secondary Highway System in Pulaski County;

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of Pulaski County hereby approves the aforementioned Six-Year Plan for improvement of the State Secondary Highway System in Pulaski County for fiscal years 2001-2007 with the following changes:

1. Spot improvements on Routes 796, 778, and 609 are added in the first year of the plan.
2. Reconstruction of Route 807 from Route 11 to Route 1132 is added in the first year of the plan.
3. Replacement of a bridge on Route 693 at Route 659 is added at the end of the plan.
4. Projects for reconstruction of Route 613 between Route 619 and 693, Route 803 between Route 672 and end, and Route 668 between Route 669 and end, are added to the end of the plan.

BE IT FURTHER RESOLVED that adoption of this plan also establishes priorities for preparation of the annual budget for the first year, 2001-02, by the Virginia Department of Transportation Resident Engineer.

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

Voting no: none.

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

It was moved by Dr. Fariss, seconded by Mr. Cook and carried to deny this request due to impact on the Route 114 traffic and possible activation of Route 679/114 light.

Chairman Sheffey noted he would like to have additional information before denying this request.

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

Voting no: Mr. Sheffey.

4. Rt. 693 Bridges Status

Mr. Brugh advised the bridges would need to be bid separately based on the overall cost of both bridges.

b. Board of Supervisors Concerns

Chairman Sheffey advised of speeding problems on Rt. 600 between Northside Flower Shop and Rt. 114. He requested VDOT to add signs or to enlarge current signs.

c. Citizen Concerns

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

5. 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.

6. Citizens' Comments

Mr. Ralph Sheffey presented materials confirming his loan approval to repair the burned house owned by him and previously cited as being in violation of county zoning laws.

The Board instructed Mr. Sheffey to supply the County Administrator, Peter Huber, with documentation on loan and repairs to house.

7. Reports from the County Administrator & Staff:

a. Key Activity Timetable

The Board reviewed the Key Activity Timetable as prepared by staff. The Board noted the following regarding this matter:

Supervisor Sheffey requested staff to contact the Radford Postmaster regarding the status of a separate zip code designation for the Fairlawn area.

Supervisor Fariss requested staff to add the Claremont School replacement and other school construction projects to the Key Activity Timetable for funding through a bond issue, with a 2002 completion date.

Supervisor Cook noted the Sheriff's Office relocation date of completion should be changed on the Key Activity Timetable.

The Board also requested staff to send to the Board of Supervisors in a weekly update information regarding the Rt. 114 county entrance sign.

- b. A request for Special Use Permit (SUP) by **S. Steven & Rebecca B. Lyles** to allow an exception to the length of a dock per Art. 8-5 of the zoning ordinance on property identified as tax map no. 075-004-0000-0043 (0.98 total acres), zoned Residential (R1), located on the east side of Lake Drive .26 miles west of Owens Rd. (Rt. 663), Ingles District.

County Administrator, Peter Huber, reported this matter was a follow-up from last month's meeting. Further, he advised staff had reviewed a comparison of extending the dock verses dredging and that a dredging permit had been granted. Mr. Huber noted the Corps of Engineers recommended this request be denied until it had been determined that the dredging does not work.

Mr. Al Williams addressed the Board at this time and advised he was in support of the request of Mr. Lyles and ask the Board to disregard his previous letter of opposition.

Mr. Steve Lyles advised the additional 10 feet was done for the safety of children and adults. He further reported that all the neighbors have expressed no objections to the dock.

On the motion of Mr. Cook, seconded by Dr. Fariss and carried, the Board of Supervisors denied the above request of Mr. Lyles based on setting a precedent that may affect similar requests in the future.

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

Voting no: Mr. Conner.

c. Report from Business License Tax Committee

County Administrator, Peter Huber, reviewed with the Board of Supervisors a summary report relating to the business license tax in lieu of merchant's capital tax. Said report concluded the business license tax to be less unfair than the current merchant's capital tax. Further, said report recommended implementing the Business Professional Occupational License Tax in the future, assuming public acceptance.

Staff recommended the summary report be publicized and affected businesses be notified prior to holding a public hearing on this matter at the January 2001 meeting of the Board. The Board expressed no objections to proceeding with this recommendation from staff.

d. Rt. 100 Improvements

The Board reviewed with Peter Huber, County Administrator, lighting and tree planting improvements on Rt. 100.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved the use of metal poles lighting spaced at 200-foot intervals in the median strip of highway on Route 100 near Dublin at a cost of approximately \$125,000 and tree plantings at a cost of approximately \$30,000. Further, the Board requested staff to prepare a TEA grant application for possible funding of these costs of approximately 50%.

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

Voting no: none.

e. Appointments:

The Board deferred appointments until the closed meeting session.

8. Items of Consent:

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

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

a. Minutes of November 27, 2000

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

b. Accounts Payable

The Board approved the accounts payable listing as presented on check numbers 30355 through 30614.

c. Appropriations and Transfers:

1. Interoffice Transfer #6 - \$47,511.89

The Board approved interoffice transfer #6 in the amount of \$47,511.89 as prepared by Management Services Director, Nancy M. Burchett.

2. General Fund Appropriations #10 - \$6,284.87

#10 Revenues:

1899-60 Office on Youth Donations	\$	220.00
1901-16 Seized Asset Forfeiture Proceeds		2,702.42
1803-13 Expenditure Refunds		<u>32.25</u>
	Total \$	2,954.67

#10 Expenditures:

2201-7137 Comm. Attorney Seized Assets	\$	787.22
2201-5411 Comm. Attorney Books & Subscript.		32.25
3102-7137 Sheriff Office Seized Assets		1,915.20
5322-5412 Office on Youth Food Supplies		150.00
5322-5405 Office on Youth Janitorial Supplies		70.00
9310-5823 Revenue Refunds Bldg. Permits		100.00
9310-5827 Revenue Refunds Other Agencies		1,700.00

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9310-5835 Revenue Refunds Zoning, Permits	300.00
9310-5841 Revenue Refunds Replacment Cks	<u>1,230.20</u>
Total	\$ 6,284.87

3. Capital Improvement Fund Appropriations #6

#6 Revenues:

5102-00 Transfer from General Fund	\$ 134,792.42
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#6 Expenditures:

1224-7106 Garage New Fueling System	\$ 20,000.00
3102-700501 Sheriff's Office Vehicles	53,000.00
4309-3002 Sheriff's Office Relocation Prof. Serv.	5,000.00
7116-7165 Randolph Park Phase I	55,535.42
2101-7005 Courthouse Security System	<u>1,257.00</u>
Total	\$ 134,792.42

It was noted that the Courthouse Security System be approved for the judges only and not the Treasurer's Office. Staff was requested to install a buzzer for the Treasurer, if possible.

d. Ratification:

1. Change Order

No change orders were presented for ratification at this meeting.

2. Agreements, Grants, & Other:

◆ Alarm Services Agreement for Circuit Court

The Board approved, pending procurement, an Alarm Services Agreement for the Brick Courthouse per staff recommendation and the above noted appropriations #6, Capital Improvement Fund.

e. Personnel Changes

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

f. Budget Calendar FY 02

The Board approved the following Budget Calendar for FY 02 as prepared by staff:

FY 2001-2002  
BUDGET CALENDAR

<u>DATE</u>	<u>ACTIVITY</u>
Friday, February 2	◆ Distribution of budget preparation instructions
<b>Monday, February 26*</b>	<b>◆ Initial local revenue estimates presented to the Board of Supervisors</b>
<b>Monday, March 12</b>	<b>◆ Preliminary budget discussions with Board of Supervisors and School Board</b>
Tuesday, March 13	◆ Planning Commission review of Capital Improvements Plan completed
Monday, March 26	◆ Budget requests to be submitted to county administrator
<b>Monday, April 9</b>	<b>◆ School Board budget presentation</b>
Friday, April 13	◆ Budget recommendation submitted to Board by county administrator
<b>Monday, April 30</b>	<b>◆ Budget work sessions</b>
<b>Monday, May 7</b>	
<b>Monday, May 7</b>	<b>◆ Other agency/department presentations</b>
<b>Monday, May 14</b>	<b>◆ Tentative approval of budget by Board for public hearing purposes</b>
Sunday, May 20	◆ Budget advertised

**Monday, June 4     ♦Public hearing on budget and preliminary adoption for planning purposes**

**Monday, June 25\*   ♦Board adopts final budget**

\*DENOTES MONTHLY FOURTH MONDAY SUPERVISORS MEETING ALREADY SCHEDULED **Meetings of Board of Supervisors Highlighted**

NOTE: Human Service Agency Budget requests are to be reviewed by the Board of Social Services.

g. TEA 21 Grant Application

The Board authorized staff to submit a TEA 21 grant funding for a comprehensive project integrating the Route 100 streetlights and tree upgrade with construction of the proposed I-81 visitors center, interstate signage, and the possible extension, pending consideration by affected property owners, of the New River Trail from the town of Pulaski to Randolph Park, the Visitor Center and into Newbern.

9. Citizen Comments

No citizen comments were heard at this time.

10. Other Matters from Supervisors

Supervisor Fariss requested staff to clarify the existence of the Highway Safety Committee and if so, is this group eligible for road grant funds.

Supervisor Fariss also requested the PSA consider a uniform water and sewer rate for all areas of the county. Staff was requested to research the practice of other localities regarding water and sewer rates and provide the Board with a report regarding the advantages and disadvantages of a uniform water and sewer rate for all areas of the county.

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

It was moved by Mr. Conner, seconded by Dr. Fariss and carried, to enter closed meeting 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:

None.

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

- Pending appointments as follows:
  1. Western Virginia Emergency Medical Services Council
  2. Library Board
- Disclosure of Personal Interests – County Administrator
- Assistant County Administrator Advertisement

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.

- Project Update Dominion Energy, Service Zone, MTI and proposed amusement park.

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:

- Virginia First Regional Industrial Facilities Authority
- Special Use Permit Request by Kenneth N. Kimbleton, et al

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

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

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

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

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

Voting no: none.

\*Personnel:

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

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

Voting no: none.

1. Western Virginia Emergency Medical Services Council

The Board appointed Mr. David Smith to serve on the Western Virginia Emergency Medical Services Council for a term ending January 1, 2004.

2. Library Board

The Board appointed Ms. Rose Crews and Mr. Carl Lindstrom to the Pulaski County Library Board with terms expiring December 31, 2004 for Ms. Crews and December 31, 2003 for Mr. Lindstrom.

The Board authorized staff to advertise the position of Assistant County Administrator in the Southwest Times and the New River Current Section of the Roanoke Times.

• Legal Matters:

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors tabled Item 3b., "Request for Special Use Permit by Kenneth N. Kimbleton Sr., Ruby A. Kimbleton, Kenneth N. Kimbleton Jr., and Sharon B. Kimbleton" until the January 2001 meeting of the Board of Supervisors.

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

Voting no: none.

12. Adjournment

It was moved by Mr. Hale, seconded by Mr. Conner and carried, that the Board of Supervisors adjourn until the next regular meeting of the Board set for January 22, 2001 at 7:00 p.m. at the County Administration Building, 143 3<sup>rd</sup> 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.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator