

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, August 24, 1992, at 7:00 p.m. in the Board of Supervisors Meeting Room of the County Administration Building, 143 Third Street, N. W., in the Town of Pulaski, the following members were present: Jerry D. White, Chairman; Joseph L. Sheffey, Vice-Chairman; Bruce L. Fariss; and Ira S. "Pete" Crawford. Absent was Mason A. Vaughan, Sr.

1. Invocation

The invocation was given by the Reverend Jack Weikel.

2. Public Hearings

a. Courthouse Maintenance Fee

The Chairman opened the public hearing on the courthouse maintenance fees. No public comments were heard. The hearing was closed. Dr. Fariss inquired as to how the fee was assessed. Mr. McCarthy advised court costs are not assessed unless the person is found guilty. He recommended the ordinance include "and found guilty".

It was moved by Mr. Crawford, seconded by Mr. Sheffey and carried, that the following courthouse maintenance fee ordinance be adopted:

BE IT ORDAINED by the Board of Supervisors of Pulaski County, Virginia, pursuant of Section 14.1-133.2 of the 1950 Code of Virginia, as amended, that there is hereby assessed as part of the fees taxed as costs in each civil action and each criminal or traffic case when a defendant is charged and found guilty with a violation of any statute or ordinance, in a District or Circuit Court in Pulaski County, Virginia, the sum of TWO DOLLARS (\$2.00) which shall be collected by the Clerk of the Court in which the action is filed, and remitted to the Treasurer of Pulaski County, and held by the Treasurer subject to disbursement by the Board of Supervisors of Pulaski County, for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the costs of heating, cooling, electricity and ordinary maintenance of the above named facilities. This assessment shall be in addition to any other fees prescribed by law.

Voting yes: Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: Dr. Fariss.

Not present: Mr. Vaughan.

b. Rezoning Requested by William M. Mabry, for a zoning map amendment on property owned by Wayne E. and Joyce L. Haynes, Parcel #029-5-4A, 5, and Macie B. Dalton, Parcel #029-5-3A, 4, from Residential (R1) to Commercial (CM1), located off Rt. 114, Pepper's Ferry Boulevard on Old Pepper's Ferry Loop, Rt. 695, Cloyd Magisterial District

Chairman White opened the public hearing on the request. No comments were received from the public and the hearing was closed.

It was moved by Mr. Sheffey, seconded by Mr. Crawford and carried, that the rezoning as requested be approved.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Not present: Mr. Vaughan.

c. Zoning Text Amendments to allow dwellings in commercial zones, where accessory or complimentary to the commercial use, and varying setbacks for commercial buildings, where side or rear yards provide parking in lieu of the fifty front foot setback

Chairman White opened the public hearing on the proposed zoning text

amendments. No public comments were received and the hearing was closed.

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that the following zoning text amendments were approved:

#### DWELLINGS IN COMMERCIAL ZONES -

Add the following definition:

1-35-A - DWELLING, BUSINESS ACCESSORY USE - One single dwelling unit only per business, either attached or detached, located on the premises of a commercial or industrial use, which is occupied by an owner, operator or security personnel associated with the business activity.

1-35-B - DWELLING, COMMERCIAL APARTMENT - A building or portion thereof arranged or designed for the purpose of providing one or more separate dwelling units in conjunction with a commercial activity.

Add the following uses:

Uses by Right in Commercial (CM-1) and Industrial (I-1) zones (Ordinance Sections 4-1 and 7-1):

DWELLING, BUSINESS ACCESSORY USE

Uses by Special Use Permit in a Commercial (CM-1) zone (Ordinance Section 4-1b):

DWELLING, COMMERCIAL APARTMENT

#### VARIANCE TO COMMERCIAL SETBACK REQUIREMENTS

Add the following uses:

Uses by Special Use Permit in Commercial (CM-1) zone (Ordinance Section 4-1):

SETBACK VARIANCE

Change Section 4-3 Setback in Commercial (CM-1) Zone to read:

Buildings in this zone shall be a minimum of fifty (50) feet from the right-of-way of any street or highway on which the lot fronts. A variance to the setback may be allowed by special use permit. Such variance requires submittal of a detailed site plan showing adequate parking and other open space to more than offset the loss of area from the front setback reduction. Such variance also requires the Planning Commission to request and consider comments from the Virginia Department of Transportation Resident Engineer regarding the impact of the variance.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Not present: Mr. Vaughan.

- d. Rezoning Requested by John W. and Louise H. Wade, Parcel #065-6-BK A-9, and Millard R. and Jane T. Kelly, parcel #065-6-BK A-8, from Residential (R1) to Commercial (CM1), located on east side of Rt. 100, Cleburne Boulevard, at the Interstate 81 interchange near Dublin, Draper Magisterial District

The Chairman opened the public hearing on the request. No public comments were heard. The hearing was closed.



system. Dr. Fariss inquired as to whether or not both ends of Rt. 655 was even in the Virginia system of highways.

Don Williams, a county citizen and resident in the area, gave the Board a background report on the history of the area.

#### 6. Rt. 710, Mount Olivet Road Speed Study Results

Mr. Thompson reported that Rt. 710, for a distance of one and one-half miles from the town limits to Gatewood Park, qualifies for 25 miles per hour posting.

On the motion of Mr. Sheffey, seconded by Mr. Crawford and carried, the Board of Supervisors requested the Virginia Department of Transportation post this area for 25 miles per hour.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Not present: Mr. Vaughan.

#### b. Other Matters

Supervisor Fariss inquired as to how much federal funds will be available for the bridges that were washed out due to the flooding on Rt. 693, who will control the distribution of the funds once received and the order in which the bridges are scheduled to be repaired. Mr. Thompson advised he was unsure of the amount of funds which would be received, however, the funds would go through the state treasury. As to the order of repair, Mr. Thompson stated the bridges will be repaired in order, first bridge, middle bridge and then the bridge upstream last. He further reported the old detour on the side of the mountain would be used while the bridges were being repaired for a two week maximum period of time.

Supervisor Fariss also requested that an informal speed study be done on Rt. 787, Peak Creek Road.

Supervisor Sheffey requested VDOT to consider a deceleration lane into Camelot Farms off Rt. 11, Lee Highway. He stated residents in the area were concerned about being rear ended. Mr. Thompson advised they could conduct a study, but it would be controlled by funds available.

Supervisor Sheffey inquired as to the maintenance schedule for Highland Park. Mr. Thompson said he would check on the schedule and report back to Mr. Sheffey.

Supervisor Sheffey reported tree limbs overhanging on the road in the Parrott area behind the fire station. VDOT was requested to check on this problem.

#### 4. Citizen's Comment

No comments were made.

#### 5. Treasurer's Report

Chairman White, on behalf of the Board and staff, extended sympathy to Rose Marie Tickle and family due to the recent death of Ms. Tickle's mother.

The Board reviewed the Treasurer's monthly report.

#### 6. Reports from the County Administrator and Staff

a. Appointments

Action on appointments was deferred until following an executive session.

b. Scheduling Facility Tour - Landfill and Industrial Sites

The Board requested this item be placed on the agenda for the next month with a date to be determined at the regular meeting for September.

c. Rt. 655, Macks Creek Road Across Boy Scout Property, Right-of-Way Existence

The county attorney confirmed lack of public access.

d. Scheduling Courthouse Relocation, Design, Exhibits, Dedication & Briefing

The Board agreed to meet with the Courthouses Committee on Monday, September 21, 1992, at 5:30 p.m. at the Fairlawn Fire Department.

e. Scheduling Pulaski Community Hospital Tour

The Board scheduled the tour of Pulaski Community Hospital for Tuesday, September 22, 1992, at 8:00 a.m.

f. Request from Health Department for Meeting with Supervisors

The Board invited the Health Department to attend the regular meeting of the Supervisors set for September 28, 1992.

6. Items of Consent

It was moved by Mr. Crawford, seconded by Mr. Sheffey and carried, that the following items of consent be approved:

a. Minutes of July 27, 1992

The minutes of July 27, 1992, were approved as presented.

b. Accounts Payable

Accounts payable were approved as presented on checks numbered 39246 through 39481.

c. Transfers and Appropriations

Transfers as presented and filed with the records of this meeting and appropriations as follows:

General Fund Resolution #2

REVENUES

1615-01 - Library Fees, Fines \$ 162.71

1615-07 - RIF Receipts 100.00

TOTAL \$ 262.71

EXPENDITURES

2102-3005 - General District Ct. - Maintenance \$ 476.00

2101-5503 - General District Ct. - Travel

Subs./Lodging 100.00

2102-5504 - General District Ct. - Conn. & Ed. 350.00

2102-7002 - General District Ct. - Furniture 250.00

7301-5411 - Library - Books & Subscriptions 162.71  
7301-5604 - Library - RIF 100.00

TOTAL \$1,438.71

d. Contracts and Change Orders

There were no change orders submitted for approval.

e. Personnel Changes

Personnel changes were reported, as described in a memorandum from the Director of Management Services and filed with the records of this meeting.

f. Damage Stamp Ordinance Status Report

The Board reviewed the draft of the Damage Stamp Ordinance and authorized a public hearing as soon as possible.

g. Indigent Medical Services Study

The Board expressed appreciation to Jim Wallis, Director of Social Services, for the Indigent Medical Services Study.

h. Human Services Coordination Study Scope

The Board was advised Director of Social Services Jim Wallis is working with the Planning District Commission Ad Hoc Study Committee on this matter. This matter is to be placed on the December Board agenda.

i. NRRA Landfill Conditional Use Permit

The Board approved an extension of the NRRA Landfill Conditional Use Permit, contingent on satisfaction of groundwater and property protection policies with said term for extension to be four years.

j. Regional Newspaper Recycling and Tire Shredding

The Board denied the request to participate in the proposed Center on Rural Development grant application, due to the county's CORD grant application to the Department of Economic Development. The Board requested the project be referred to the NRRA for evaluation and possible support outside of the CORD grant process.

k. Nancy Pugh Fireworks Permit

The Board approved a fireworks permit for September 5 and 6, 1992, at Claytor Lake for Nancy Pugh.

l. John Ralph Allison Memorial Resolution

The Board adopted the following memorial resolution honoring J. Ralph Allison:

MEMORIAL RESOLUTION  
J. RALPH ALLISON

WHEREAS, J. Ralph Allison served the citizens of Pulaski County as a member of the Pulaski County Board of Supervisors from January 1, 1976 to December 31, 1979;

WHEREAS, J. Ralph Allison has given countless hours in service to all citizens of Pulaski County; and

WHEREAS, the service provided by J. Ralph Allison has benefited not only present

and past citizens of Pulaski County, but will enhance the quality of life of its future citizens;

NOW, THEREFORE BE IT RESOLVED, that the Pulaski County Board of Supervisors does hereby commend and express its appreciation for the service of J. Ralph Allison to the county and its citizens; and

BE IT FURTHER RESOLVED, that this Board of Supervisors does extend to the family of J. Ralph Allison its condolences in his passing; and

BE IT FURTHER RESOLVED, that the text of this resolution be spread on the minutes of the Board of Supervisors in permanent testimony of its appreciation to the service provided by J. Ralph Allison to the citizens of Pulaski County.

Adopted this 24th day of August, 1992.

m. Service Master Maintenance and Custodial Management

The Board authorized staff to contract with Service Master under the contract now used by the School Board for maintenance and custodial management services at a net cost of no more than \$20,000 to be covered within the current general properties budget.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Not present: Mr. Vaughan.

8. Citizen Comments

Ms. Nancy Pugh suggested the history of Camp Durbernwaski be preserved and encouraged anyone who knew the history of the camp to contact her.

9. Other Matters From Supervisors

Dr. Fariss requested the indigent medical services report be summarized.

It was moved by Mr. Crawford, seconded by Mr. Sheffey and carried, that the request for the study on indigent medical services be summarized for future submittal to the supervisors.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Not present: Mr. Vaughan.

Supervisor Fariss inquired as to ownership of boat houses at the lighthouse bridge, near Lowman's Ferry Bridge. He stated these should be taxed, but are not being taxed at the present time. He requested the Commissioner of Revenue to pursue through taxation of Appalachian Power Company.

Supervisor Sheffey requested investigation of alleyway speeding in Fairlawn. The county attorney was requested to check reckless driving statute enforcement on private property.

10. Executive Session - 2.1-344(A)

It was moved by Mr. Crawford, seconded by Mr. Sheffey and carried, that the Board enter executive session pursuant to Section 2.1-344(A) of the 1950 Code of Virginia, as amended, for the purposes of discussing personnel matters, legal matters, land acquisition or disposition, and prospective industry.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Not present: Mr. Vaughan.

RE: Return from Regular Session

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that the Board return to regular session.

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Not present: Mr. Vaughan.

RE: Certification of Conformance with the Virginia Freedom of Information Act

It was moved by Dr. Fariss, seconded by Mr. Crawford and carried, that the following resolution be adopted certifying conformance with the Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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

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

Voting yes: Dr. Fariss, Mr. Crawford, Mr. White, Mr. Sheffey.

Voting no: none.

Not present: Mr. Vaughan.

RE: Appointments

It was moved by Dr. Fariss, seconded by Mr. Sheffey and carried, that the following appointments be made:

Local Disability Services Board

The Board confirmed its appointment of the following individuals to the Local Disability Services Board: Director of Code Enforcement Charles Goins; Director of Fleet Maintenance and Operations Doug Mayberry; Sheriff Ralph Dobbins or his designate; Director of Social Services James Wallis or his designate; Attorney and substitute General District Court Wayne Sawyers and Lucy Howlett of New River Community College.

New River Community Action

Dr. William Dawson was reappointed for a term ending June 1, 1994.

Combined Highway Safety and Emergency Medical Services Commission

The following individuals were appointed to the Highway Safety and Emergency Medical Services Commission: Mr. J. Mack Baker; Mr. Clyde Bruce; Mr. Harry Jennings; Mr. Eugene Nuckols; Mr. Arby Phibbs; Mr. Melvin Reece, Jr.; Mr. E. W. Thompson; Mr. David Smith; Mr. Ricky Dishon; Ms. Diana Nunley; Mr. Ronnie G. Mills; Ms. Thelma A. Powers; Mr. James McGrady; Mr.

Roger Combs; Mr. Eddie Campbell; and Ms. Phyllis Saunders.

Other Matters

The county attorney was authorized to respond to a declaratory judgement suit service from Harry's Point regarding public road status.

Pulaski County Board of Supervisors