

PULASKI COUNTY BOARD OF SUPERVISORS – October 25, 1999

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, October 25, 1999 at 7:00 p.m. at the Pulaski 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; Charles E. Cook; Jerry D. White, Vice-Chairman; and Frank R. Conner. Staff members present included: County Administrator Joseph N. Morgan; County Attorney Thomas J. McCarthy, Jr.; Assistant County Administrator Peter M. Huber; Gena T. Hanks, Executive Secretary; and Nancy M. Burchett, Management Services Director.

1. Invocation

The invocation was given by Reverend Robert Owens of the Bob White Boulevard Church of God.

2. Additions to Agenda

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

3. Public Hearings

a. Proposed Secondary Road Improvements:

*Six-Year Plan for 2000 – 2006

*Budget Priorities for 2000 – 2001

*New Rural Addition Requests

Resident Highway Engineer, Dan Brugh, reviewed with the Board of Supervisors the current six-year plan by each road project. Mr. Brugh also reported on estimated costs for each project on the six-year plan, as well as, estimated dates on the projects. Mr. Brugh advised the public hearing was required by the Code of Virginia, as the six-year plan had to be updated annually. Other VDOT officials present included Mr. John Thompson and Mr. Dale Stancil, Assistant Resident Engineer.

Chairman Sheffey and Mr. Brugh at this time opened the public hearing for comments.

The following individuals addressed the Board regarding road improvement matters:

Mr. Tim Thompson requested the Board to move up improvements to Akers Road, Route 796, on the six-year plan. He reported of approximately 19 homeowners on this road. He advised of safety problems with children in the area and of difficulty getting in and out in the wintertime during snow. Mr. Thompson also questioned the \$200,000 estimated cost for road improvements to the road.

Mr. Brugh advised that VDOT could look at possibly reducing the scope of the project which would reduce costs. He also advised that this road was not eligible for rural addition funding.

Mr. Charles Hoover of Hoover Color Corporation in Hiwassee reported of the need for a new bridge to replace the Max Creek Bridge on Route 693, Julia Simpkins Road. He advised of safety problems with school buses and fire trucks traveling on this bridge presently, and the current weight restrictions of the bridge not being adequate.

Mr. Edward Hoggatt inquired regarding the status of Rt. 600, Parrott River Road Bridge project.

Mr. Brugh advised this project is scheduled to be the next project advertised for bid within Pulaski County.

Mr. Ralph Pretlow of Hatcher Road, Route 807, inquired regarding the status of Rt. 807 road improvements. He reported that the road is presently just mud. He requested the Board to move this project up on the six-year plan or do something to upgrade the road.

Mr. Brugh advised that Hatcher Road was project number 19 on the six-year plan which means that the project is five years away.

Supervisor Conner suggested that road improvements on this road be done out to the curve end of the subdivision.

Mr. Brugh advised that VDOT would review this road for other possible road improvements since the vehicles per day count was so high from both Route 643 and Route 11.

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

Mr. Brugh advised that no action was needed by the Board of Supervisors on the six-year plan at this meeting, but requested action in November. However, he advised that VDOT would be looking at Akers Road, Route 796, and Hatcher Road, Route 807, for further recommendations.

Mr. Brugh then requested that Highway Matters next month be placed toward the end of the supervisors agenda due to Mr. Brugh having to be in Montgomery County for their annual road hearing.

Chairman Sheffey requested Mr. Brugh to report on the costs and other factors involved in getting a county road improved.

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Mr. Brugh reported that VDOT receives approximately \$1.6 to \$1.8 million dollars each year for secondary road improvements in Pulaski County. He further advised that it presently costs \$500,000 a mile to rebuild or pave a road within the county.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors approved including in the hearing record the following requests received in writing:

Rt. 609, Boyd road intersection improvement;
Harry DeHaven Park access road; and
Deertrot Subdivision rural addition request

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

- b. A rezoning request by Cecil King from Commercial (CM-1) to Conditional Industrial (I1) on a portion of property owned by Leroy T. and Lois A. Viars, identified as tax parcel 082-001-0000-030, 31, 10.3432 total acres, located on the west side of Count Pulaski Dr. (Rt. 99) at the intersection of Block Plant Rd., joining the Corporation Limits of the Town of Pulaski, Draper District.

Peter Huber, Assistant County Administrator, reported the above request is to accommodate a mixing operation for the sale of livestock feed with the hours of operation reported to be 8 a.m. to 6 p.m. Further, he reported that the Planning Commission recommends approval of this request, subject to a site plan approval by the Planning Commission.

Chairman Sheffey opened the public hearing on this matter.

Mr. Cecil King advised the Board that he would be mixing by-products for sale to farmers. He noted that the hours of operation would be on an appointment basis. He requested the Board to approve the rezoning request.

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

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved the above rezoning request as recommended by the Planning Commission, subject to a site plan approval by the Planning Commission.

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

- c. A rezoning request by Michael Boyer from Residential (R1) to Agricultural (A1) with a Conditional Use Permit (CUP) for expansion of Gateway Mobile Home Park on property owned by Gateway Claytor Lake LC, identified by tax map no. 066-001-0000-0040, 41, 43, 9.66 total acres, located at 4585 State Park Rd. on the southwest corner of the intersection of State Park Rd. (Rt. 660) and Hidden Valley Rd., Ingles District.

Peter Huber, Assistant County Administrator, advised the Planning Commission recommends approval of the above request along with Item D on the agenda. Staff recommended a combined public hearing on both these rezoning requests.

As staff requested, Chairman Sheffey opened the public hearing on items C and D of the agenda.

Mr. Don Rainey of Rainey Engineering spoke on behalf of the developer, Michael Boyer. He reviewed with the Board of Supervisors in detail the rezoning request. He presented to the Board a colored map of the property, letters of support from adjoining property and a letter from the county engineer, regarding the availability of water and sewer for the expansion of the mobile home park. He also provided the Board with a copy of a letter from Mr. Boyer to the mobile home park occupants regarding trespassing onto adjacent property by residents of the mobile home park.

Mr. Rainey advised that a reduction in the present mobile home park would occur by two mobile homes; however, the new area requested for re-zoning would provide an additional 22 mobile home units.

The Board inquired regarding recreational areas. Mr. Rainey advised that two additional areas had been designated as possible recreational areas.

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

On the motion of Mr. Conner, seconded by Dr. Fariss and carried, the Board of Supervisors approved the above rezoning request, as well as the below listed rezoning request by Michael Boyer, per the recommendation of the Planning Commission.

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

Supervisor Cook recommended the Planning Commission require recreational centers in mobile home parks in the future.

- d. A rezoning request by Michael Boyer from Residential (R1) to Agricultural (A1) with a Conditional User Permit (CUP for expansion of Gateway Mobile Home Park on a portion of property owned by Joseph M. Rakes, identified by tax map no. 066-001-0000-0050, 9.81 total acres, located south off Hidden Valley Rd., Ingles District.

This matter was approved as part of agenda Item C, as recorded above.

- e. A rezoning request by C. R. Dalton from Residential (R3) to Residential (R2), and site plan review to allow two apartments on property identified by tax map no. 076-001-0000-077A, 32.9290 acres, located at 4700 Shelburne Rd., on the east side of Shelburne Rd. (Rt. 690) approximately 0.25 mile south of Merry Point Rd., Ingles District.

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board of Supervisors tabled the above listed matter until a later date in order to allow the court to review the Board of Zoning Appeals decision related to this matter.

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

- f. Adoption of an Ordinance Levying a Transient Occupancy Tax, Fixing the Amount of Tax, Providing for Its Collection and Prescribing Penalties for the Violation of said tax.

County Attorney, Thomas J. McCarthy, Jr., advised he had drafted the above noted ordinance per the provisions of the Code of Virginia.

Commissioner of Revenue reported revenues were estimated at approximately \$250,000 per year with the adoption of the Transient Occupancy Tax Ordinance.

Chairman Sheffey opened the public hearing on this matter.

Mr. Michael Dowell, Executive Director of the Fine Arts Center for the New River Valley, advised of his support for the Transient Occupancy Tax Ordinance. He suggested that a tourism authority be established to manage tourism efforts and to promote the county and its attractions.

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 adopted the following Transient Occupancy Tax Ordinance, as presented, with the rewording of Section 12, paragraph b.

Ordinance
Levying a Transient Occupancy Tax, Fixing The Amount Of Tax,
Providing For Its Collection And
Prescribing Penalties For the Violation Of Said Tax

Whereas, it is considered necessary that provision be made to levy (in addition to other taxes imposed for the fiscal year beginning July 1, 1999, and years following) the tax hereinafter set forth and provide for the collection thereof for the purpose of providing revenue for the general fund of the County of Pulaski, to promote tourism, the marketing of or initiatives that attract travelers and generate tourism services in Pulaski County;

Now, Therefore, Be It Ordained by the Board of Supervisors of the County of Pulaski, Virginia, that a transient occupancy tax ordinance, be and it hereby is, enacted, as follows:

Be It Ordained, that Pulaski County hereby levies a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms or campsites rented out for continuous occupancy for fewer than thirty (30) consecutive days. Such tax shall be in the amount of five percent (5%) of such lodging bill and shall be collected by the facility offering lodging or campground facilities and remitted to the Commissioner of the Revenue on or before the 20th day of each month. This Ordinance shall be effective January 1, 2000.

Section 1. Definitions.

- a. Facilities for whose revenue tax is applicable. Hotels, motels, boarding houses, travel campground, and other facilities offering guest rooms or campsites.
- b. Commissioner of Revenue: The Commissioner of Revenue of the County of Pulaski, Virginia, and any of his or her duly authorized agents.
- c. Treasurer: The Treasurer of the County of Pulaski, Virginia, and any of his or her duly authorized agents.

Section 2. Levy of Tax.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a transient occupancy tax is hereby levied and imposed on amounts charged for the occupancy of any room, campsite or space occupied for fewer than thirty (30) consecutive days. The rate of this tax shall be five percent (5%) of the amount charged for the occupancy of any room or space occupied in any hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days. The

excess over the amount of two percent (2%) shall be designated by the Board of Supervisors of Pulaski County and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality.

Section 3. Collections in trust for the County of Pulaski.

All amounts collected as taxes under this article shall be deemed to be held in trust by the individual or business collecting them, until remitted to the County of Pulaski as provided by this ordinance.

Section 4. Reports and remittances.

The County of Pulaski may require all individuals or businesses who rent to others guest rooms and travel campsites and are licensed to do business in the County to register for collection of the tax imposed by this article. Each such individual or business shall make a report to the County of Pulaski for each calendar month, showing the amount of charges collected for rental of guest rooms and travel campsites 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 renter. 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.

Section 5. Discount.

For the purpose of compensating individuals and businesses for the collection of the tax imposed by this article, every individual or business 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.

Section 6. Penalty and interest.

If any person or business operator 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.

Section 7. Procedure when tax not reported or collected.

If any person or business operator 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 or business who has failed to collect, report or remit such tax, the Commissioner of Revenue shall proceed to determine and assess against such person or business the tax, penalty and interest provided in this article, and shall notify the person or business by registered mail sent to his or her last know 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.

Section 8. Preservation of records.

It shall be the duty of every person and business liable for collection and remittance of the taxes imposed by this article to preserve for a period of two (2) years records showing all rentals taxable under this Ordinance, the amount charged for each such occupancy, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The Commissioner of Revenue shall have the authority and power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article and to make transcripts or copies of all or any parts thereof.

Section 9. Duty of Person going out of business.

Whenever any person or business 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 or business 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.

Section 10. Advertising payment of absorption of tax prohibited.

No individual or business shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of a tax imposed under this article will be paid or absorbed by the individual or business or by anyone else, or that the individual or business or anyone else will relieve any purchaser of the payment of all or any part of the tax.

Section 11. Tips and service charges.

Where an occupant provides a tip for an employee of an individual or business, and the amount of the tip is wholly in the discretion of the occupant, the tip is not subject to the tax imposed by this article, whether paid in case to the employee or added to the bill and charged to the occupant's account, provided in the latter case, the full amount of the tip is turned over to the employee.

Section 12. Exemptions.

The following classes of transactions involving transient occupancy shall not be subject to tax under this article;

- (a) Guest rooms or campsites rented out for continuous occupancy for thirty (30) days or more and actually occupied for thirty (30) days or more.
- (b) Guest rooms or campsites rented to patients or related family members thereof by a hospital, medical clinic, convalescent home, nursing home, home for the aged, infirmed or handicapped or other extended care facility.
- (c) Any other sale of transient occupancy which is exempt from taxation under the Virginia Retail Sale and Use Tax Act, or administrative rules and regulations issued pursuant thereto.

Section 13. Enforcement.

- (a) It shall be the duty of the Commissioner of the Revenue to ascertain the name of every individual or business which rents guest rooms or campsites in the County of Pulaski who is liable for the collection of the tax imposed by this article; and any individual or business 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 individual or the 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 individual or business.

- (b) In the event an occupant of any guest room or campsite refuses to pay the tax imposed by this article, the individual or person in charge of the business may call upon the Sheriff's Department for assistance; and the investigating Sheriff or his Deputy may, when probable cause exists, issue the occupant 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 treasury for the county.

Section 14. Violations – How punishable.

Any individual or person in charge of a business violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be guilty of a Class 3 Misdemeanor. Conviction shall not relieve any individual or person in charge of a business from the payment, collection or remittance of the tax as provided in this article. Each violation or failure shall be a separate offense.

Section 15. Regulations.

- (1) The Commissioner of Revenue and Treasurer may issue regulations for the administration and enforcement of this Ordinance.
- (2) 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.

This Ordinance is effective as of January 1, 2000 and is adopted this 25th day of October 1999, by the following recorded vote of the Board of Supervisors of the County of Pulaski, Virginia, as follows:

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

- g. Condition of property owned by Kermit A. and Diane M. McCurry and identified by tax map parcel 067-004-0000-0055, zoned Residential (R-2), located on the east side of Highview Drive, (Rt. 811), approximately 800 ft. north of Dunkard Rd. (Rt. 661), Dunkards Bottom Subdivision, Ingles District.

Assistant County Administrator, Peter Huber, reported to the Board on the background of the above property clean-up matter. Mr. Huber advised that some progress had been made by the owner for the property clean-up, but recommended the completion of the clean-up by the county.

Chairman Sheffey opened the public hearing on this matter.

Mr. Robert Thomas, adjacent property owner, advised the clean-up had been going on for a number of years. He requested that a common sense approach be taken and urged the Board to clean up the property as soon as possible.

Ms. Mary Lopez advised the Board that it should only take one day to finish cleaning up the property, and she requested the Board to make the owner clean up the property.

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

On the motion of Mr. White, seconded by Dr. Fariss and carried, the Board of Supervisors approved allowing the property owner thirty (30) days to resolve the existing violations prior to the county cleaning up the property and lien taken for the expense of said clean-up.

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

- h. Condition of property owned by Riverbend Water Company, identified by tax map parcels 054-005-0003-0004, 5-8, zoned Agricultural (A1), located on the southeast corner of the intersection of Alum Spring Rd. (Rt. 636) and Tyson St. (Rt. 1110), Tyson Hills Subdivision, Robinson District.

Assistant County Administrator, Peter Huber, advised the above property were lots which would not perk and were owned by Tom Poff.

The Chairman opened the public hearing on this matter.

Ms. Pat McPeak, property owner in Tyson Hills Subdivision, requested the Board to clean up the property.

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Ms. Dorothy Lucas, property owner in Tyson Hills Subdivision across from the lot in question, advised that last week was the first effort to clean-up the lot in years. She requested that the lot be cleaned, leveled and grassed. She further advised that the neighbors would be willing to cut the grass on the lot.

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

On the motion of Mr. White, seconded by Mr. Cook and carried, the Board of Supervisors requested staff to provide an estimate of the cost for the cleanup and seek a cooperative agreement with the property owner and neighborhood for maintenance, once site is cleared and seeded to allow for mowing. In addition, the Board approved allowed the property owner thirty (30) days to resolve existing violations.

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

4. Highway Matters:

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

a. Follow-up from Previous Board meeting:

1. Rt. 693, Farris Mines Road, Narrow Bridge Restrictions for Modular Homes Due to Weight and Replacement Cost Estimate

Mr. Brugh advised that the estimated cost to replace one of the bridges on Rt. 693, Farris Mines Road, would be \$750,000. He reported he would include this project on the six year plan update information for the Board to review prior to the November meeting.

2. Speed Limit Postings, Rt. 807, Hatcher Road

Mr. Brugh reported the speed limit postings at one end of Rt. 807, Hatcher Road, would be completed shortly.

3. Guardrail Request, Rt. 636, Alum Spring Road

Mr. Brugh advised he would add this request to the guardrail listing for review by VDOT, as well as send a listing of the guardrail requests to the Board for review.

4. Rt. 636, Black Hollow Road, Pavement Repair

Mr. Brugh reported the pavement repairs for Rt. 636, Black Hollow Road, can be made this winter by VDOT.

5. Rt. 613, Cherry Branch Road/ Rt. 664, Graysontown Road, Intersection Guardrail Request

Mr. Brugh advised he would add the above road to the guardrail request listing for review by VDOT.

6. Rt. 681, Sifford Road, Widening

Mr. Brugh advised that VDOT will be working on the above road soon.

7. Confirmation of Request for Speed Limit Sign Postings:

- a. Rt. 798, Falling Branch Road
- b. Rt. 787, Peak Creek Road & Rt. 644, Hurston Road
- c. Rt. 623, Gate Ten Road
- d. Rt. 640, Brookmont Road
- e. Rt. 690 Shelburne Road

Mr. Brugh reported that speed studies had been completed for Rt. 623, Gate Ten Road, Rt. 640, Brookmont Road, and Rt. 690, Shelburne Road, and that each of these roads had been posted to the greatest extent possible.

He advised he would review all of the above listed road and provide a report at the November meeting.

b. Status of Obtaining Right-of-Ways for Rural Additions

Mr. Stan Crigger, Emergency Services Coordinator, gave a progress report to the Board regarding rural additions requests and right-of-ways needed for the following road:

Edgewood Drive off Rt. 100, Rolling Hills/Bagging Plant Road connector; Lindsey Road, off Rt. 693, Julia Simpkins Road; Cooks Crossing Lane; and School House Lane.

Supervisor Fariss requested that the Adams Road neighborhood be contacted to determine the citizen's interest in a shorter road than originally requested.

Supervisor Sheffey requested VDOT an

g. Board of Supervisors Concerns

Supervisor Conner requested that Rt. 807, Hatcher Road, be regraded. Mr. Brugh agreed to review this road for improvements.

Supervisor Sheffey requested that VDOT do pavement repairs in the Fairlawn area.

h. Citizen Concerns

Mr. Ed Hoggatt requested that centerline striping be done by VDOT on Rt. 606, Parrott Mountain Road, to the end of said road.

Mr. Brugh advised he would review to determine if road was eligible for additional centerline striping.

5. Treasurer's Report

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

6. Citizens' Comments

No citizen comments were heard at this time.

7. New River Community Center Building Request

Ms. Lisa Hanshew of the New River Action Committee advised that the New River Community is seeking a site for a center building for the community to be used for recreational and youth activities. She requested the Board of Supervisors to consider allowing the group to use the NR Police Academy, should the building be vacated in the future by the academy. Ms. Hanshew further reported that the group desires to work with the Office on Youth on this project.

Chairman Sheffey requested staff to study the above request and provide a report at the December meeting of the supervisors.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable

The Board reviewed the Key Activity Timetable as presented by staff.

b. Impact on Electric Deregulation

Commissioner of Revenue, Maynard Sayers, gave a summary report regarding Senate Bill 1269 and the deregulation of electric service suppliers. Mr. Sayers advised this legislation would affect the business license tax ordinance and private facilities supplying electricity.

c. Report on Condition of Clean-up of Property and Unsafe Structure Owned by Jesse James Smith, identified as tax map parcel 128-001-0000-0016, 0.50 acre, zoned Agricultural (A1), located on the north side of Farris Mines Road (Rt. 693), approximately 800 ft. west of the Duncan Road, (Rt. 659) intersection, Ingles District.

Assistant County Administrator, Peter Huber, advised that an agreement had been reached with the above property owner regarding the reoccupancy of the building by the property owner.

On the motion of Dr. Fariss, seconded by Mr. White and carried, the Board approved reoccupancy of the above referenced property by the owner, if building code regulations are met.

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

The Board further noted that companion or farm animals would be allowed to support the residence with property clean-up.

d. Report on Clean-up of Property Owned by Glenn Cobb, identified by tax map parcels 038-001-0000-0017, zoned Residential (R1), 0.25 acre, located on the north side of Falling Branch Road (Rt. 798), Cloyd District.

Staff advised the Board that the estimated costs to clean-up the above listed property would be \$26,000 due to the structure being cinder block.

Mr. Frank Cobbs expressed concerns to the Board of Supervisors regarding county staff harassing and persecuting him regarding the clean-up of the property. He advised he had had the property fumigated for fleas and had installed a 100 amp fuse box for the electrical and heating violations. He also advised of other property violations in the Cloyd District which had not been actively worked by county staff.

The Board requested staff to arrange a meeting with Mr. Cobbs to validate the current violations pertaining to the above listed property, with the assistance of the county attorney, and to place this matter on the December meeting for an update.

e. Noise Control Ordinance Update

Assistant County Administrator, Peter Huber, gave an update to the Board regarding a possible noise control ordinance for the county. Mr. Huber reported on the success of other jurisdictions that have a noise control ordinance.

The Board requested staff to send a copy of all the ordinances for the counties included in the study, as reported by Mr. Huber, via a weekly update, and to ask the Sheriff to report on the number of noise complaints received by his office. Further, staff was requested to place this matter on the agenda for the November meeting.

f. County Administration Building Entrance Design Alternatives

The Board reviewed two design alternatives for the entrance of the County Administration Building. The Board instructed staff to include the "Plan B" concept with the flagpoles accompanying the county seal, but without the water fountain.

Staff was also requested to arrange for water service to be made available for the public at the supervisors meeting either in the vestibule or the lobby of the County Administration Building.

g. Appointments:

The Board deferred action on the appointments until the closed session of the meeting.

9. Items of Consent:

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

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

Voting no: none.

a. Minutes of September 20, 1999

The Board approved the minutes of September 20, 1999 as presented.

b. Accounts Payable

The Board approved the accounts payable listing as presented on checks numbered 25228 through 25599.

c. Appropriations and Transfers

1. Interoffice Transfers #3 - \$41,998.80

The Board approved interoffice transfers #3 in the amount of \$41,998.80 as prepared by Management Services Director, Nancy Burchett.

2. General Fund Appropriation FY 00 #4 - \$4,171.00

Revenues:

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Expenditures:

3102-7022 Sheriff's Dept. Dispatch Tape Upgrade	\$	13,000.00
3202-7001 Sheriff's Dept. Hand Held Radios		9,000.00
3212-7148 Snowville Fire Dept. Bldg. Repairs		7,500.00
3505-7109 Emergency Services Peak's Knob Radio		5,000.00
8120-3002 NR Industrial Park PUD		150,891.00
8122-3002 New Century Commerce Park		<u>241,325.00</u>
Total	\$	426,716.00

5.	<u>Comprehensive Services Act Fund Transfer #2 -0- FY 99</u>		
	5353-5727 Customers Services Mandated Services	\$	-47,491.00
	9140-5827 Revenue Refunds		<u>+47,491.00</u>
	Total	\$	-0-

d. Ratification:

1. Change Order – Claytor Lake Sewer Line Extension Charge Order #12

The Board ratified change order #12 in the amount of \$8,445.23 with Little B Enterprises on the Claytor Lake Sewer Line Extension Project.

2. Agreements, Grants, & Other:

a. Cloyd's Mtn. Landfill Groundwater Protection Standards

The Board ratified a response to the State Department of Environmental Quality regarding the Cloyd's Mountain Landfill groundwater protection standards, as prepared by Draper Aden Associates, on behalf of the county.

b. Section 125 Plan Administrative Services Agreement

The Board ratified the Section 125 Plan Administrative Services Agreement with Hunt, Dupree & Rhine for administration of the county's employee flexible benefits program with the fees for each participant set at \$.50 for the insurance premium only account and \$1.50 for each participant for the spending accounts and insurance premium accounts per month. In addition, a \$250.00 fee for the completion of IRS Form 5500 on behalf of the county.

c. Pulaski County Office on Youth/Bell Atlantic Youth Leadership Award

The Board ratified staff recommendation for an annual Office on Youth/Bell Atlantic Youth Leadership Award in the amount of \$250.00 with the funds to be used as follows:

1. Awards to four youth for excellence in the categories of: volunteer service/community involvement and business leadership excellence;
2. Tickets for the youth and families to attend the Annual Chamber Membership meeting and banquet on November 9, 1999; and
3. A banner displaying the sponsors name and award title.

e. Cloyd's Mountain Landfill Sewer Engineering Contract Amendment

The Board approved staff recommendation to convert the previous engineering contracts with Draper Aden Associates for the above listed sewer project to one contract in the amount of \$36,200 for the remaining engineering work on this project.

f. Personnel Changes

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

g. Housing Proposals

The Board requested that the Review Committee of PEP complete negotiations with the housing proposers in order ranked and make a recommendation for development of each site at the November board meeting.

i. Snowville Fire Station Repairs - \$7,500

The Board approved the repairs to the Snowville Fire Station as requested and recommended by the Fire Protection Committee in the amount of \$7,500.

j. Resolutions:

The Board adopted the following resolutions of appreciation:

William J. Dawson

WHEREAS, William J. Dawson served on the New River Community Action Board of Directors for fifteen years; and

WHEREAS, William J. Dawson provided leadership to the New River Community Action Board of Directors serving as its chairman;

WHEREAS, William J. Dawson was an effective advocate in the region and throughout the Commonwealth for the less advantaged;

NOW, THEREFORE BE IT RESOLVED that the Pulaski County Board of Supervisors does express appreciation for the service of William J. Dawson as a member of the New River Community Action Board of Directors.

BE IT FURTHER RESOLVED that the text of this resolution be spread on the minutes of the Board of Supervisors this 25th day of October 1999 in permanent testimony to the service of Dr. Dawson.

.....

Rob Eastwood

WHEREAS, Rob Eastwood served as a reporter for WPSK; and

WHEREAS, Rob Eastwood pioneered local radio coverage of Pulaski County government in the 1990's; and

WHEREAS, Rob Eastwood has reported on behalf of the Pulaski County Board of Supervisors for six months; and

WHEREAS, the Pulaski County Board of Supervisors considers Rob Eastwood 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 Rob Eastwood's reporting on behalf of Pulaski County will be greatly missed and wishes Mr. Eastwood 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 25th day of October, 1999 in permanent testimony of its appreciation to the service of Rob Eastwood.

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THOMAS M. "TOM" COMBITHS

WHEREAS full name Thomas M. "Tom" Combiths served as Pulaski Town Manager for six years ending in 1999; and

WHEREAS, during his tenure as town manager, Thomas M. "Tom" Combiths was considerate and understanding in his relations with the county citizens, staff and elected officials; and

WHEREAS, his supportive manner allowed cooperation between the town and county governments, where there is often an opportunity for friction; and

WHEREAS, through his efforts in economic development, new initiatives became a reality for the county economy, including the New River Valley Airport Foreign Trade Zone and Port of Entry, a third Virginia Enterprise Zone for Pulaski County, and expansions of Renfro, Findlay Industries, Jefferson Mills and Pulaski Furniture Manufacturing Plants;

NOW THEREFORE BE IT RESOLVED that the Pulaski County Board of Supervisors does express appreciation for the service of Thomas M. "Tom" Combiths as Pulaski Town Manager and extend him best wishes in his further endeavors; and

BE IT FURTHER RESOLVED that the text of this resolution be spread on the minutes of the Board of Supervisors this twenty-fifth day of October 1999 in permanent testimony to the service of Mr. Combiths.

k. Scheduling Public Hearings:

1. Smoking Control Ordinance

The Board of Supervisors approved advertising the Smoking Control Ordinance for public hearing at the November board meeting.

2. William D. Gravley Property Clean-up

The Board of Supervisors approved advertising the above listed property clean-up for public hearing at the November board meeting.

3. Erosion & Sedimentation Control Ordinance Amendment

The Board approved advertising the amendment to the Erosion & Sedimentation Control Ordinance for public hearing at the December board meeting.

k. Amendment to County Vehicles Travel Policy

The Board approved the following amendment to the County Vehicles Travel Policy:

03. Mileage Reimbursement

Employees ~~should~~ *may* request the use of a county vehicle to use for county business; however, should a county vehicle be not available, the employee ~~may use their personal vehicle and~~ *shall* receive mileage reimbursement at the *current* state approved rate ~~of \$.24 per mile~~. A travel reimbursement form should be submitted by the employee for this reimbursement and include specific dates and locations of traveled miles. The ~~rate of \$.24 may change from time to time~~ *state mileage reimbursement rate may change from time to time*.

l. Compensation of NRV Jail Authority Members

The Board of Supervisors approved compensating the NRV Regional Jail Board members representing Pulaski County \$100.00 per member per month at the expense of the county.

m. Animal Remains (Feline) Disposal

The Board of Supervisors accepted a proposal from Star City Biological for the euthanized animal remains at the Pulaski County Dog Pound to be used by Star City Biological for educational purposes in return for possible donations or other in-kind services which Star City Biological may offer to offset the cost of euthanasia and rendering of other carcasses.

n. Flood Insurance Coverage

The Board authorized staff to purchase flood insurance coverage on the County Administration Building, both Courthouses, the Pulaski County Library and the Pulaski County Sheriff's Department with a \$5,000 deductible and annual premiums of \$25,539, per staff recommendation and recommendation of property insurance consultants.

o. Jail Reuse Study

The Board authorized staff to seek proposals for an analysis of the old jail and its possible reuse or disposition.

10. Citizen Comments

No citizen comments were heard at this time.

11. Other Matters from Supervisors

Supervisor White advised of the need for a special trash pickup at two residences on Alum Spring Road, Rt. 636, across from the Back Creek Community Center, as well as two or more junk cars which should be removed.

Supervisor Fariss question

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It was then moved by Dr. Fariss, seconded by Mr. Cook and carried, that the Board of Supervisors enter closed session for discussion of the following:

- a. Property Acquisition - Pursuant to Virginia Code Section 2.1344(A)3 discussion for consideration of acquisition of real property for a public purpose regarding:

*new Commerce Park site.

- b. Property Disposition - Pursuant to Virginia Code Section 2.1-344(A)3 discussion for consideration of the disposition of publicly held property regarding:

*leased manufacturing space – industrial parks;

*review of rankings of proposers for housing development on surplus school property.

- c. 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:

*compensation due to resignation of deputy sheriff;

*Appointments:

1. New River Community Action Board;
2. Industrial Development Authority;

Return to Regular Session

On the motion of Mr. Conner, seconded by Mr. Cook and carried, the Board of Supervisors returned to regular session.

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

Certification of Conformance with the Virginia Freedom of Information Act

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

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

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

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. White and Mr. Conner.
Voting no: none.

On the motion of Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors took the following actions regarding property disposition, appointments and personnel matters:

RE: Property Disposition:

The Board authorized the Housing Proposal Review Committee to negotiate the award of the housing development contract on the surplus school property.

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The Board authorized county staff to distribute the new county seal lapel pin to county employees based on a plan to be developed at the next county department head staff meeting.

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

Voting no: none.

13. Adjournment

It was moved by Mr. Conner, seconded by Dr. Fariss that the meeting be adjourned. The next regularly scheduled meeting of the Board is set for November 22, 1999 at 7:00 p.m. at the County Administration Building, Board Room, 143 3rd Street, NW, in the Town of Pulaski, Virginia.

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

Voting no: none.

Joseph L. Sheffey, Chairman

Joseph N. Morgan, Clerk