

## BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

At a regular reconvened meeting of the Pulaski County Board of Supervisors held on Monday, May 20, 2002 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; 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; Assistant County Administrator, Nancy M. Burchett; David Tickner, Community Development Director; and Gena T. Hanks, Executive Secretary.

### 1. Invocation

The invocation was delivered by Reverend Vickie Houk, Christ Episcopal Church.

### 2. Introduction of Radford City Manager Tony Cox

Chairman Sheffey welcomed new Radford City Manager Tony Cox to the New River Valley.

### 3. Additions to Agenda

There were no additional items to add to the agenda.

### 4. Public Hearings:

- a. Proposed increase in the Motor Vehicle and Trailer License Tax rate (decals charges) for motor vehicles and/or trailers operated on the streets, highways or roads within the County, for automobiles and trucks from \$20.00 per vehicle per year to \$25.00 per vehicle per year; for motorcycles from \$8.00 per motorcycle per year to \$10.00 per motorcycle per year; and to impose a tax on trailers of \$10.00 per trailer per year. The Board of Supervisors will also hear public comments from citizens of Pulaski County on proposed changes in the Motor Vehicle and Trailer License Tax ordinance in addition to changes in the decal tax rate which will change the name of the ordinance from an Ordinance Establishing Motor Vehicle License and Trailer Tax for the County of Pulaski, to an Ordinance Establishing the Motor Vehicle and Trailer License Tax for the County of Pulaski, confirm the due dates of the tax, and will prohibit the transfer of a license sticker from vehicle to vehicle or trailer to trailer, will limit the issue of duplicate license decals, will make violation of said ordinance a misdemeanor and establish a penalty not to exceed that of a Class 4 misdemeanor and will provide terms for discharge of a violation of this ordinance.

Chairman Sheffey, Mr. Huber and Mr. McCarthy explained the purpose of the public hearing. At the request of Supervisor Cook, staff provided a definition for "trailer" as referenced in the above notice.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

Supervisor Fariss requested clarification of refund dates and questioned the accuracy of Section X. Violations, Penalties, specifically the statement "each day of violation shall constitute a separate offense" and requested this statement reflect a change to read "seven days". In addition, Supervisor Fariss requested an interpretation of Article XI. Special Exemptions.

Supervisor Cook asked for the number of trailers sold each month.

Chairman Sheffey opened the public hearing and called for citizen comments on the proposed ordinance changes.

Mr. DeWayne Blankenship spoke in opposition to any proposed additional tax increase.

Ms. Lisa Friend spoke in opposition to a tax increase citing concerns for small businesses using trailers.

Mr. Eugene Miller spoke in opposition to increase specifically in fees for decals and any other tax increases.

Ms. Jean Anderson spoke in opposition to the decal increase.

Mr. Lloyd Nester spoke in opposition to a tax increase, expressed concern that apartment renters are not currently being taxed, and requested no new schools be built, but that existing schools be renovated.

Mr. E. W. Harless suggested the four-percent tax increase had been decided by the Board prior to the meeting at which the public hearing was held. He further requested clarification regarding taxes on trailers and the proper definition of trailer.

There being no further comments, the public hearing was closed.

On a motion by Dr. Fariss, seconded by Mr. Cook and carried, the Board approved delaying action for thirty days regarding the application of the license tax to "trailers" and any increase in the fees applicable to "trailers", until clarification is received from the county attorney.

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

Voting no: none.

On a motion by Mr. Cook, seconded by Mr. Conner and carried, the Board approved the remainder of the ordinance as follows:

**AN ORDINANCE ESTABLISHING A MOTOR VEHICLE LICENSE TAX FOR THE COUNTY OF PULASKI, AND ESTABLISHING ADMINISTRATIVE PROCEDURES FOR SAID ORDINANCE. PURSUANT TO THE AUTHORITY CONTAINED IN TITLE 46.2-752 OF THE 1950 CODE OF VIRGINIA, AS AMENDED**

BE IT ORDAINED by the Pulaski County Board of Supervisors:

Section I. Intent and Applicability

Every motor vehicle operated on the streets, highways or roads within the County, in business or for the private use or benefit of the owner, shall be subject to a license tax as provided in this ordinance. The provisions of this ordinance, however, shall not be construed to apply to engines, locomotive engines, electric cars running on rails; motor vehicles, trailers or semi-trailers owned by the Commonwealth, by any political subdivision of the Commonwealth or by the United States Government; or to vehicles used exclusively for agricultural or horticultural purposes which do not bear license plates issued by the Commonwealth of Virginia; vehicles held for sale by any manufacturer or dealer, or antique motor vehicles duly licensed as antique motor vehicles and not used for general purposes. Nor shall any provisions of this article apply to motor vehicles or trailers of owners resident in any incorporated town in the county, which town imposes a license tax upon owners and motor vehicles in the town. Nothing in this ordinance shall be construed to require a license tax on a person or upon any vehicle exempted from same under the provisions of any of the statutes of the Commonwealth, nor any person who does not actually reside in the County or who does not use his automobile in the County. The word "reside" as used herein shall be construed to mean "to have a place of abode in the County," irrespective of the intention of any person to return to some residence outside of the County at some future date.

Section II. Amount of License Tax

- a. Automobiles and Trucks. On every automobile and truck to which this ordinance is applicable there shall be a tax of **twenty-five** dollars per annum.

- b. Motorcycles licensed by the Commonwealth of Virginia. On motorcycles licensed by the Commonwealth of Virginia, to which this ordinance is applicable there shall be a tax of \$10.00 per annum.

The license tax year shall commence on February 16 and expire on February 15 of each year.

Section III. Proration of Tax

Whenever any such license tax becomes assessable in any month after the month in which the tax for the full year is assessable, the license tax shall be prorated on a monthly basis, with the tax due equal to one-twelfth of the tax set out above multiplied by the remaining number of months in the tax year from the date of registration of the vehicle in the applicant's name. Each license issued upon the payment of the license tax thereon shall expire at the end of the license tax year in which such license is issued.

Section IV. Payment of Property Tax Prerequisite to Issuance

No vehicle or trailer taxable under the provisions of this ordinance shall be licensed unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the vehicle to be licensed, which personal property taxes have been assessed or are assessable against such applicant, have been paid.

Section V. Application; issuance generally; display of stickers; loaning, selling, etc., sticker to another prohibited.

Any person coming under the provisions of this ordinance shall make application for a license upon forms supplied by the Treasurer of the County, at the Office of the Treasurer in the Courthouse at Pulaski, Virginia; and, upon payment of required tax, shall be issued, as evidence, *a* sticker which shall be attached to the front windshield of the vehicle so licensed so as to be readily recognized. Failure to display *a* sticker shall be considered a violation even though the license tax has been paid. It shall be unlawful for any person to whom a sticker is issued upon the payment of any license tax prescribed in this ordinance, to transfer such sticker to any other vehicle or trailer, other than the vehicle or trailer for which such sticker was originally issued or to give, loan, rent, sell, assign or transfer such sticker to another or to otherwise permit another to use in any manner such sticker during the license tax year for which the same is issued.

Section VI. Refunds

Any person holding a current registration certificate and license who disposes of the vehicle for which it was issued and does not purchase another vehicle may surrender the license and registration certificate to the Treasurer of the County, with a statement that the vehicle for which the license was issued has been sold, and request a refund for the unused portion of the fee paid. The Treasurer shall refund to the applicant one-half of the total cost of the registration and license if application for such refund is made prior to October 1 of the current license year, but such refund shall be only one-third of such total cost when the application thereof is made subsequent to October 1 of the current license year, but prior to January 1 of the current license year. No refund shall be made when application therefore is made after January 1 of the current license year.

Section VII. Duplicate Tags

In the event any license issued under the provisions of this ordinance shall be lost or mutilated or shall have become illegible and only in such case, the person who is entitled thereto shall make immediate application to obtain a duplicate or substitute therefore, upon furnishing information of such fact satisfactory to the Treasurer and upon payment of one dollar.

Section VIII. Disposition of Taxes and Fees

The revenue derived from all county license taxes and fees imposed under authority of this ordinance shall be applied to general county purposes.

Section IX. Transfer of Tags

In the event any person desires to transfer any license issued under the provisions of this ordinance to another vehicle, such person shall make application for such transfer to the Treasurer of the County, who shall transfer such license upon the payment of a fee of one dollar.

Section X. Violations, Penalties

Violation of any provisions of this ordinance by any person shall constitute a misdemeanor, the penalty for which shall not exceed that of a Class 4 misdemeanor. Each week (seven day period) of violation shall constitute a separate offense. Trial of all violations of this ordinance shall be enforced by proceedings before the General District Court in the manner and with like right of appeal as is provided in misdemeanor

cases; and the Sheriff and all deputies and police officers of the County are hereby authorized to issue summons in writing to violators of this ordinance for their appearance before such court. A violation of this ordinance by owner of a vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. All fines collected from any person for violating any provisions of this ordinance, upon conviction thereof, shall be credited to the general fund of the County and deposited by the County Treasurer in the same manner as that prescribed for County monies.

Section XI. Special Exemptions

Each member of any Volunteer Fire Department or Rescue Squad located within Pulaski County, Virginia, shall not be assessed such license fee for one (1) vehicle used by such member, and that a disabled Veteran, as defined by the Code of Virginia, shall not be required to purchase such license.

Section XII. Severability

Should any section of this ordinance be adjudicated unlawful or unconstitutional by a court of competent jurisdiction, the remaining section shall remain in effect and shall be enforced by officers of the County.

Adopted this 20th day of May, 2002.

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

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

- b. Proposed change in the Consumer Utility Tax Ordinance to include in that ordinance a ten- percent (10%) tax on the first Thirty Dollars (\$30.00) of charge for local mobile telecommunications services.

Chairman Sheffey and Mr. Huber explained the current utility tax ordinance, as well as the proposed ordinance change extending the current utility tax on land line phones to cell phones.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

Supervisor Fariss requested confirmation that the proposed change in tax would affect only the cell phones and not electrical and utility tax and requested the ordinance be corrected.

Supervisor Cook questioned if staff is able to determine if Fairlawn residents are being taxed by Pulaski County and not the City of Radford. Ms. Burchett explained each telephone company has separate codes for individual residences and that Verizon had assured staff that their records accurately reflect where each residence is located.

Chairman Sheffey opened the public hearing and called for citizen comments on the proposed ordinance change.

Mr. DeWayne Blankenship advised that cell phone companies cannot provide specific information on a residential location. He further advised the audience in attendance at the Board meeting that all seats for Board of Supervisors are up for election in one year.

There being no further comments, the public hearing was closed.

Supervisor Cook advised he is not opposed to the tax, but requested that staff determine accuracy of billing practices.

On a motion by Mr. Conner, seconded by Mr. Hale and carried, that the following ordinance be adopted:

BE IT ORDAINED BY THE PULASKI COUNTY BOARD OF SUPERVISORS, THAT THE FOLLOWING AMENDMENTS ARE MADE TO THE PULASKI COUNTY UTILITY TAX ORDINANCE AS SHOWN BY THE CHANGES IN EACH SECTION IN BOLD ITALIC PRINT:

**PULASKI COUNTY UTILITY TAX ORDINANCE**

I. **NAME:**

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

II. **AUTHORITY:**

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

III. **DEFINITIONS:**

- A. Person: The word "person" shall include individuals, firms, partnerships, associations, corporations and combination of individuals of whatever form and character.
- B. Utility Service: The term utility service as used in this ordinance shall mean local telephone service, ***including mobile local telecommunications services***, (excluding long distance charges), electrical services, and residential, commercial and industrial natural gas services provided and used within the boundaries of Pulaski County, Virginia, excluding the Towns of Dublin and Pulaski, Virginia.
- C. Purchaser: The term purchaser shall include every person, as above defined, who purchases the defined utility services.
- D. Seller: The term seller shall include any person, as previously defined, who sells or furnishes telephone, electrical services, and residential, commercial and industrial natural gas consumption services.
- E. Residential Users: The term residential user shall mean the owner or tenant of any private residential property, or the tenant of any multi-family residential unit who is responsible for the payment of utility services for said property except that such term shall mean any person furnished utility service classified as "residential" under tariffs filed with the State Corporation Commission.
- F. Commercial or Industrial User: The term commercial or industrial user shall mean the owner or tenant of property used for commercial or industrial purposes, including the owners of apartment buildings and trailer courts receiving utility service through master meters, except that such term shall mean any person furnished utility service classified as "business" under tariffs filed with the State Corporation Commission.

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

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

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

A. TELEPHONE:

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

B. On purchasers of telephone utility service for commercial or industrial purposes, the tax shall be in the amount of twenty percent (20%) of the charge (exclusive of any federal or state tax thereon) made by seller against the purchaser with respect to such commercial or industrial utility service; provided, however, that in case any monthly bill of such commercial or Industrial user shall exceed one hundred dollars (\$100.00) no tax shall be computed on such excess.

C. Notwithstanding the above, on the purchasers of mobile local telecommunication services, the tax shall be in the amount of ten percent (10%) of the monthly gross charge to the consumers of mobile local telecommunications, however in the case any monthly single service bill shall exceed thirty dollars (\$30.00) per month, no tax shall be charged on such excess.

ELECTRIC:

In accordance with Virginia Code Section 58.1-3814, effective January 1, 2001, there is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by such providers, as follows:

- (1.) Residential consumers: Such tax shall be 20% times the minimum monthly charge(s) imposed upon the consumer plus the rate of \$.01525 on each kWh delivered monthly to residential consumers by the service provider not to exceed \$3.00 monthly.
- (2.) Non-residential consumers: such tax on non-residential consumers shall be the rates per month for the classes of non-residential consumers as set forth below:

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

- (i) Commercial – Such tax shall be 20% times the minimum monthly charge(s) imposed upon the consumer plus the rate of \$.01415 on each kWh delivered monthly, not to exceed \$20.00 per month.
- (ii) Industrial consumers – Such tax shall be 20% times the minimum monthly charge(s) imposed upon the consumer plus the rate of \$.01515 on each kWh delivered monthly, not to exceed \$20.00 per month.

Where a commercial or industrial user is served by more than one (1) meter, the said maximum amount of charge subject to the tax shall be computed as to each meter. Where a commercial or industrial user is served by more than three (3) meters at one (1) business location, a refund may be requested by the commercial or industrial user for all but the three (3) highest monthly bills at that one (1) business location. Such refund request should be made no more than once annually. Refunds are to be authorized by the County Administrator or his or her designee.

C. GAS:

In accordance with Virginia Code Section 58.1-3814, there is hereby imposed and levied a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities classified by "class of consumers" as such term is defined in Virginia Code Section 58.1-3814 J., as follows:

- (1.) Residential consumers: Such tax on residential consumers of natural gas shall be 20% times the minimum monthly charge(s) imposed upon the customer plus the rate of \$0.15492 per CCF delivered monthly to residential customers, not to exceed \$3.00 per month.
- (2.) Non-residential consumers: Such tax on non-residential consumers shall be at the rates per month shown for each CCF delivered by pipeline distribution company or a gas utility for the classes as set forth below:
  - (i) Commercial consumers – such tax shall be 20% times the minimum monthly charge(s) imposed upon the customer plus the rate of \$0.14618 on each CCF delivered monthly to commercial/industrial consumers, not to exceed \$20.00 per month.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

- (ii) Industrial consumers - such tax shall be 20% times the minimum monthly charge(s) imposed upon the customer plus the rate of \$0.14618 on each CCF delivered monthly to commercial/industrial consumers, not to exceed \$1,000.00 per month.
- (3.) The conversion of tax pursuant to this ordinance to monthly CCF delivered shall not be effective before the first metering after December 31, 2000 prior to which time the tax previously imposed by this jurisdiction shall be in effect.
- (4.) For the purposes of this ordinance (CCF) shall mean (100 cubic feet).
- D. Bills shall be considered monthly bills if submitted twelve times annually for a period of approximately one month or portion thereof. In the event that bills shall be rendered for utility services herein stated on a basis other than one month, the tax imposed hereby shall be computed pro rata as if such bill was rendered on a monthly basis with the rates named herein applied.

V. **COLLECTION:**

- A. It shall be the duty of every seller in acting as the tax collecting medium or agency for the County of Pulaski to collect from the purchaser, for the use of the County the tax hereby imposed and levied at the time of collecting the purchase price charged therefore, and the taxes collected during each calendar month or billing period shall be reported by each seller to the Commissioner of Revenue of the County and each seller remit the amount of tax shown by said report to have been collected to the County Treasurer on or before the last day of the first calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. The required reports shall be in the form prescribed by the Board of Supervisors.
- B. In all cases where the seller collects the price for utility service in stated periods, the tax imposed and levied by this ordinance shall be computed on the amount of purchase during the month or period according to each bill rendered, provided, the amount of tax to be collected shall be the nearest whole cent to the amount computed.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

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

VI. **RECORDS:**

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

VII. **EXEMPTIONS:**

- A. The United States of America, the State of Virginia and the political subdivisions, boards, commissions and authorities thereof, are hereby exempted from the payment of the tax imposed and levied by this ordinance with respect to the purchase of utility service used by such governmental agencies.
- B. The tax hereby imposed and levied on purchasers with respect to local exchange telephone service shall apply to all charges made for local exchange telephone service, except local messages which are paid for by inserting coins in coin-operated telephones.

VIII. **PENALTIES:**

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

IX. **COMMENCEMENT:**

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

X. **SEVERABILITY:**

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

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

Voting yes: Mr. Sheffey, Mr. Hale, Mr. Conner.

Voting no: Dr. Fariss, Mr. Cook

On a motion by Dr. Fariss, seconded by Mr. Hale and carried, the Board requested staff arrange for a survey of the Fairlawn/Snowville area of Pulaski County to confirm where utility taxes are being paid.

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

Voting no: none.

- c. A rezoning request by Irene King Robinson (Life Estate) from Residential (R) to Agricultural (A1) on property identified by tax map no. 028-001-0000-0015, (1.000 acres), located at 6646 Hickman Cemetery Rd., (Rt. 624), Cloyd District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval.

Chairman Sheffey opened the public hearing on this matter.

Mr. Mack Farmer, nephew of Irene King Robinson, requested the Board approved the request.

There being no further comments, the public hearing was closed.

On a motion by Mr. Conner, seconded by Dr. Fariss and carried, the Board approved the rezoning request, as recommended by the Planning Commission, to allow placement of a single-wide manufactured home on the property as second dwelling for the applicant's grandson.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

- d. A rezoning request by **Thomas M. Perdue & Carolyn P. Johnson** from Residential (R1) to Conditional Residential (R3) on a 29.09 acre portion of property identified by tax map no. 055-001-0000-0023, (174.775 total acres), located on the north & south sides of Country Club Dr. east of Lee Hwy (Rt. 11) and just north of Thornspring Golf Course, Massie District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval of Concept Plan 2.

Chairman Sheffey opened the public hearing on this matter.

Mr. Tom Perdue explained the proposed rezoning and requested the Board approve the request.

There being no further comments, the public hearing was closed.

On a motion by Mr. Cook, seconded by Mr. Conner and carried, the Board approved the rezoning request and Concept Plan 2, as recommended by the Planning Commission, to allow development of this property, which lies adjacent to the Thornspring Golf Course.

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

Voting no: none.

- e. A request by **Helen C. Hall (Life Estate)** for an Amendment to the Pulaski County Zoning Ordinance to add a use not provided for, per Section 17-5, to allow a dance hall as either a use by-right, by Conditional Use Permit (CUP) or Special Use Permit (SUP) in the Agricultural District (A1); and

Mr. Tickner explained the request and advised the Planning Commission recommended approval of the amendment to allow a dance hall by Special Use Permit in the Agricultural District (A1).

Chairman Sheffey opened the public hearing on this matter.

Ms. Janet Thompson expressed concern regarding the traffic control, debris along the road and the potential for destruction of property, should the request be approved.

Mr. Margie Hall clarified the requested amendment was not for a dance hall, but a place for people to gather and "socialize".

Ms. Helen Hall spoke in favor of the request.

Ms. Donna Phibbs spoke in favor of the request.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

There being no further comments, the public hearing was closed.

On a motion by Mr. Hale, seconded by Dr. Fariss and carried, the Board approved the requested amendment to allow for a use not defined in the Agricultural (A-1) Zoning District in association with a dance hall located at 5077 Ponderosa Road.

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

Voting no: none.

A request by **Helen C. Hall (Life Estate)** for consideration of a Conditional Use Permit (CUP) or Special Use Permit (SUP) to allow a dance hall on property identified as tax map no. 061-002-0000-0002, zoned Agricultural (A1), (11.943 acres), located at 5027 Ponderosa Rd. (Rt. 634), Robinson District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval.

Chairman Sheffey opened the public hearing on this matter.

Ms. Janet Thompson expressed concerns regarding the operations and activities to be held at the location of the proposed rezoning.

Ms. Margie Hall requested the Board approve the request for activities on Friday and/or Saturday nights.

Mr. E. W. Harless expressed concern about the activities being held on Friday and Saturday nights.

Dr. Fariss called for all those in favor of the request to stand that were in attendance at the meeting. The majority of the audience stood in favor of the request. Dr. Fariss called for all those opposed to the request to stand. One person stood in opposition to the request.

There being no further comments, the public hearing was closed.

On a motion by Dr. Fariss, seconded by Mr. Hale and carried, the Board approved the request, with the stipulation that there will be no alcohol allowed on the premises, hours of operation will be limited to either a Friday or Saturday night, but not both nights in one week, with the hall closing at 11:00 p.m., and that all Health Department regulations are met.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

- f. A request by **Wayne G. & Ella L. Brookman** for a Special Use Permit (SUP) to allow an accessory building above 150 sq. ft. without a principal dwelling per Section 5B-3 on property identified as tax map no. 048-005-0000-0122, zoned Residential (R1), on the south side of Rigney Dr. (Rt. 1046), 440 ft east of Springer Ave. (Rt. 1065), Cloyd District.

Mr. Tickner explained the request and advised the Planning Commission recommended approval.

Supervisor Cook indicated staff was responsible for researching subdivision covenants before bringing the matter before the Board. Staff advised the Board that on previous occasions the county attorney had advised county staff was under no obligation to research covenants and advised there were no comments at the Planning Commission meeting regarding this matter.

Chairman Sheffey opened the public hearing on this matter.

Mr. Wayne Brookman explained the request and advised that neighbors had indicated they were pleased that the property had previously been considered a dumping ground and had now been cleaned up. Mr. Brookman requested the Board approve the requested Special Use Permit.

On a motion by Mr. Cook, seconded by Mr. Conner and carried, the Board approved the Special Use Permit, as recommended by the Planning Commission, to allow for placement of an accessory structure, in excess of 150 square feet, without a principal dwelling, with said lot located in Highland Park on Rigney Drive.

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

- g. A request by **Walter Daniel Lambert** for amendment to a Special Use Permit (SUP) to allow operation of a flea market six (6) days a week on property known as Wings of Eagles Church, identified by tax map no. 038-006-0000-0008, zoned Commercial (CM1), (1.430 acres), located at 6975 Lee Highway (Rt. 11), 350 ft. west of Camelot Farms Road, Cloyd District.

Chairman Sheffey advised this matter had been tabled by the Planning Commission; however, since the hearing was advertised, the Board would allow for public comments.

Chairman Sheffey opened the public hearing.

Mr. DeWayne Blankenship advised the county requires a yard sale permit be purchased and asked if Mr. Lambert is going to be required to purchase a permit each day.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

Mr. Tickner explained that this particular piece of property was being considered a flea market. Supervisor Fariss asked if there are any restrictions on how long a flea market could be held and would it constitute a car lot since the owner has vehicles on the property with "for sale" signs.

Mr. DeWayne Blankenship questioned the non-profit status of the request.

Staff was requested to confirm what constitutes a church, yard sale, vehicles sales lot and flea market and provide the Board with information at its June 24 meeting.

- h. An initiative by the County of Pulaski for consideration of amendments to various sections of the Pulaski Co. Zoning Ordinance including combining special use and conditional use permits, revised definitions, site plan bond requirements, references to the Virginia Code, accessory structure requirements, administrative variances, sign regulations, and other miscellaneous changes.

Mr. Tickner explained the proposed zoning amendments.

On a motion by Dr. Fariss, seconded by Mr. Hale and carried, the Board tabled action on the proposed zoning amendments and requested the following action be taken by staff:

- Strike Article 18-6.9 regarding the requirement to record all site plans;
- Change bond requirement to require bonds only when a certificate of occupancy is requested and improvements are not completed;
- Get information from other counties regarding site plan requirements, specifically Carroll, Wythe, Bland and Smyth counties;
- Compile a list of incomplete or non-compliance site plans to date;
- Check with county attorney on whether or not the Building inspector can withhold a certificate of occupancy Based on outstanding zoning issues

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

Voting no: none.

5. Highway Matters:

The Board met with Assistant Resident Engineer Dale Stancill regarding the following highway matters:

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

a. Follow-up from Previous Board meeting:

1. Request for Speed Study on Rt. 788, Jennings Rd., Rt. 787, Peak Creek Road, and Rt. 644/763, Hurston Road

Mr. Stancill advised work on these roads is ongoing.

2. Stilwell Road Improvements Update

Mr. Stancill advised representatives of VDOT had been unable to contact Mr. Stilwell, but will continue to their efforts. Supervisor Cook offered to assist in contacting Mr. Stilwell.

3. Request for Guardrails Along Owens Road

Mr. Stancill advised the request had been placed on the guardrail waiting list, as well as plans to determine adequate shoulder availability and the exact location.

VDOT was requested to provide an update from the last two years of guardrail installation, as well as a listing of guardrail locations currently on the waiting list.

b. Request for Speed Limit on Rt. 11 at intersection of Falling Branch Road

Staff confirmed the road reference should be New River Road, and not Falling Branch Road. Mr. Stancill advised VDOT will conduct an informal speed study. Staff was requested to place this item on the June 24 agenda for an update from VDOT.

c. Rural Addition Status Report

Mr. Huber reviewed the current rural addition listing with the Board of Supervisors for which staff believes right-of-way is generally available. The Board was requested to select up to two roads per district as priorities for the rural additions listing.

Supervisors noted road priorities as follows:

- ◆ Supervisor Fariss – Lindsey Road, Smythers Mt. Road & Rich Hill Road
- ◆ Supervisor Cook – Akers Drive (Draper side of Peaks Knob) & Shelia Drive
- ◆ Supervisor Sheffey – Walker Road and extension of Collier St.)

## BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

There were no noted rural additions requested in the districts represented by Supervisors Conner and Hale.

### d. Board of Supervisors Concerns

Supervisor Fariss requested clarification regarding the Cripple Creek Road status as a connector road vs. road going up the mountain.

Supervisor Cook inquired regarding the status of Cooks Lane. Mr. Stancill advised VDOT will check and report back to Board at its June 24 meeting.

Supervisor Conner expressed concern that the improvements to Little Creek Bridge are only temporary. Mr. Stancill advised VDOT will monitor the repairs.

Supervisor Fariss inquired regarding the status of the railroad crossing in Dublin.

Mr. Stancill advised of work by VDOT to extend the acceleration lane at Exit 98, with work to begin the week of May 20, or possibly May 27.

Supervisor Conner inquired regarding work being done on Interstate 81. Mr. Stancill advised VDOT is working on safety enhancement projects, including rumble strips and guardrails.

Mr. Stancill advised VDOT work for Cox Hollow Road should be completed within two weeks, weather permitting.

### e. Citizen Concerns

There were no citizen comments regarding roads matters.

## 6. Treasurer's Report

Treasurer Rose Marie Tickle presented a monthly report. The Board complimented Ms. Tickle and her staff in distributing tax tickets in a timely manner.

## 7. Citizens' Comments

Mr. E. W. Harless thanked the Board of Supervisors for their service. Mr. Harless expressed concerns regarding questions posed as to where Fairlawn residents pay their cell phone taxes. Further, Mr. Harless expressed concern over the county's lack of knowledge on which localities taxes are being credited, before a tax is approved.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

Ms. Colleen Oakley expressed concern regarding the lack of control of black vultures in the county and requested the Board provide any assistance available. Chairman Sheffey advised that Extension Agent Richard White had been asked to provide information regarding controlling, rather than eradicating, black vultures and that information had been provided previously to the Board.

Staff was directed to compose a letter of concern to federal legislators regarding control of black vultures.

8. Reports from the County Administrator & Staff:

a. Key Activity Timetable

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

Staff clarified that the proposed \$75 per hour rate for garbage crews only apply to special events and that community cleanups would continue to be free.

Supervisor Fariss inquired as to the status of the Central Youth Gym kitchen renovations and requested the following improvements to the Central Youth Gym bathrooms: signage of women's and men's bathrooms, installation of wooden barrier to prevent tripping on ledge, better lighting and painting.

Supervisors Fariss and Cook urged moving forward on the initiative with the Town of Pulaski on joint recreation issues.

Staff advised the benchmarking study conducted recently by Virginia Tech students had suggested adding Board Goals to the Key Activity Timetable.

b. Deed of Release – Vest & Wright, Inc.

Mr. Huber presented photographs of the subdivision which indicates the property is ready for development and advised there did not appear to be any reason to hold restriction on the deed which is currently in place.

On a motion by Dr. Fariss, seconded by Mr. Cook and carried, the Board approved the release of the conditions on the deed with Vest and Wright, Inc., a copy of which is filed with the records of this meeting.

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

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

c. Appointments:

The Board delayed action on appointments until the Closed Meeting session of the Board meeting.

9. Items of Consent:

On a motion by Mr. Cook, seconded by Dr. Fariss and carried, the Board approved the items of consent as follows, except for item "g – New River Valley Visitor's Alliance Office Space" and "j – Appropriation of \$900 for Additional Circuit Court Computer", as noted.

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

a. Approval of Minutes of April 15, 22, 29 & 30, 2002

The Board approved the minutes of the Board of Supervisors meetings for April 15, 22, 29 and 30, 2002, as presented.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 36449 through 36638, subject to audit.

c. Appropriations and Transfers:

1. Interoffice Transfer #11 - \$54,874.45

The Board approved the interoffice transfer #11 in the amount of \$54,874.45 as presented.

2. General Fund #18 - \$1,102.00; #19 - \$200.00

The Board approved the General Fund #18 Appropriation as follows:

<u>Revenues</u> – 1615-0700 RIF	(1,102.00)
<u>Expenditures</u> – 50-5604 RIF	1,102.00

The Board approved the General Fund #19 Appropriation as follows:

<u>Revenues</u> – 1899-60 – Office on Youth Donations	\$200.00
<u>Expenditures</u> – 5322-5412 – Office on Youth Educational Supplies	\$200.00

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

3. School Fund Appropriation #3 - \$61,756.88

The Board approved the School Fund #3 Appropriation as follows:

Revenues:

3016121100 – Substitute Teacher Fees	\$ 5,447.87
3018031300 – Refunds	11,536.96
3018993200 – Telephone Tolls	4.98
3019010500 – Property Damage	200.00
3019012500 – School Activity Reimbursement	15,821.14
3019012600 – Comprehensive Serv. Reimb.	<u>28,745.93</u>

TOTAL \$61,756.88

Expenditures

6229-6011-23 – Office Supplies	\$ 1,375.87
6133-3310 – Repairs & Maintenance	<u>61,381.01</u>

TOTAL \$61,756.88

4. Capital Improvement Appropriation #8 – \$11,212.00 & Capital Improvement Fund Departmental Transfer#1

The Board approved the Capital Improvement Fund #8 as follows:

Revenues

4101-00 – General Fund Insurance Recovery	\$(11,212.00)
5102-00 – Transfer from General Fund	11,212.00

Expenditures

020-3102-700501 – Sheriff’s Office Motor Vehicles	\$ 11,212.00
---	--------------

CIP Departmental Transfer #1

Expenditures

8122-6001 – New Century Commerce Park	\$(62,270.00)
9101-3002 – Debt Service – Professional Services	1,500.00
9101-9037 – Debt Service Courthouse & Peppers Ferry	60,079.00
9101-9050 – Other Debt Service Charges	<u>691.00</u>

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

d. Ratification

There were no items submitted for ratification.

e. Contract Approvals

There were no contracts submitted for approval.

f. Personnel Changes

The Board reviewed recent personnel changes as prepared by Assistant County Administrator Nancy M. Burchett.

g. New River Valley Visitor's Alliance Office Space

On a motion by Dr. Fariss, seconded by Mr. Cook and carried, the Board denied a request for use of county designated office space at the Dublin Town Office by the New River Valley Visitor's Alliance.

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

Voting no: none.

h. Property/Auto/General Liability Insurance Renewal FY 03

The Board approved renewal of existing property, auto and general liability coverage through VACorp.

i. Fiscal Agent Agreement - New River/Mount Rogers Workforce Investment Board

The Board approved adoption of an agreement providing for payment of \$65,000 in the 2002-03 fiscal year to the New River Planning District Commission, a copy of which is filed with the records of this meeting.

j. Appropriation of \$900 for Additional Circuit Court Computer

On a motion by Dr. Fariss, seconded by Mr. Cook and carried, the Board denied a request for an additional appropriation of \$900 for a computer and requested staff advise the Clerk may use funds from the Clerk's general fund operations budget, if desired.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

k. Bike Virginia Support

The Board approved a request from the Bike Virginia organization for use of a van to support the scheduled June ride.

l. Selection of Reassessment Firm

The Board approved contracting with Wingate Appraisal Service based on previous history of appraisals in Pulaski County and familiarity with the software. The following pricing was approved: \$15.95 per parcel or \$341,330 based on 21,400 parcels.

m. Building Usage Application

The Board approved a request by the Greater Pulaski Alliance for use of the courthouse lawn for fundraising activities in June, July and August for the annual "Lunch on the Lawn".

10. Citizen Comments

Mr. Paul Burke of Wampler Eanes inquired regarding the award of reassessment proposals.

Ms. Jean Anderson inquired regarding the procedure followed for selection of the reassessment firm. Staff provided an explanation of the procedures followed.

11. Other Matters from Supervisors

On a motion by Dr. Fariss, seconded by Mr. Conner and carried, the Board approved proceeding with the location of a new animal shelter facility on the former Cloyd's Mountain location.

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

Voting no: Mr. Sheffey, Mr. Hale.

Staff was requested to determine ownership of the Lions Soccer Field and provide the information via an upcoming weekly update.

12. Closed Meeting –2.2-3711.A.1.3.5.7

On a motion by Mr. Hale, seconded by Mr. Conner and carried, the Board entered the Closed Meeting session for discussion of the following:

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

Property Disposition or Acquisition – Pursuant to Virginia Code Section 2.2-3711(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- ◆ Rt. 11 Surplus Property
- ◆ Lease of Renfro Space

Personnel – Pursuant to Virginia Code Section 2.2-3711(A)1 discussion for consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees, regarding:

- ◆ Appointments

Prospective Industry – Pursuant to Virginia Code Section 2.2-3711(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.

- ◆ None

Legal Matters – Pursuant to Virginia Code Section 2.2-3711(A)7 consultation with legal counsels and briefing by staff for discussion of specific legal matters and matters subject to probable litigation regarding:

- ◆ None

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

Return to Regular Session

On a motion by Mr. Hale, seconded by Mr. Cook and carried, the Board returned to regular session.

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

Certification of Conformance with Virginia Freedom of Information Act

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board of Supervisors adopted the following resolution certifying conformance with the Virginia Freedom of Information Act.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

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 2.2-3712(D) 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,  
Mr. Conner.

Voting no: none.

\*Property Disposition or Acquisition

Rt. 11 Surplus Property

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board approved scheduling of a public hearing for its June 24, 2002 meeting to consider disposition of the Rt. 11 surplus. Further, staff was requested to solicit "Request for Proposals" for the development.

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

Voting no: none.

Lease of Renfro Space

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board approved leaving of the existing Renfro space to Volvo.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

\*Personnel

On the motion of Mr. Cook, seconded by Mr. Conner and carried, the Board approved the following appointments:

1. Building Appeals Committee

The Board reappointed Tom Douthat and Paul Shelor for a term of four years ending June 30, 2004 with a vacancy existing. Staff was requested to place action on the June 24 Board agenda to fill the vacancy.

2. New River Community Services Board

The Board reappointed Joan Knode and Harold Chrisley for four-year terms with said terms ending June 30, 2005.

3. New River Highlands Resource Conservation Council

The Board reappointed Walter Paulson for a term ending June 30, 2003.

4. PEP Committees

The Board reappointed Mike Williams, Debbie Brown and Joe Weddle for additional terms. Staff was requested to extend an invitation on behalf of the Board to Dave Spangler and Lynn White.

5. Social Services

The Board reappointed Supervisor Joe Sheffey to the Social Services Board for a term ending June 30, 2006.

The Board appointed Reverend Mike Travis to fill an unexpired term of a previous Board member, with said term ending January 31, 2004.

6. Town of Pulaski Flood Control Committee

The Board appointed Fred Blevins and Dan Bell to the Town of Pulaski Flood Control Committee.

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

Voting no: none.

BOARD OF SUPERVISORS MEETING MINUTES OF MAY 20, 2002

12. Adjournment

It was moved by, seconded by Mr. Hale, seconded by Mr. Conner and carried that the Board of Supervisors adjourn to reconvene on Monday, June 3, 2002. This meeting shall be held at 7:00 p.m. at the County Administration Building, 143 Third Street, NW, Pulaski, Virginia.

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

Voting no: none.

---

Joseph L. Sheffey, Chairman

---

Peter M. Huber, County Administrator