

## BOARD OF SUPERVISORS MEETING MINUTES OF MAY 19, 2003

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, May 19, 2003 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: Peter M. Huber, County Administrator; Nancy M. Burchett, Assistant County Administrator; David Tickner, Community Development Director; Thomas J. McCarthy, Jr., County Attorney; and Gena T. Hanks, Executive Secretary.

### 1. Invocation

The invocation was delivered by Reverend John Collins of the First Church of the Brethren.

### 2. Additions to Agenda

Mr. Huber advised of one addition to the Items of Consent which is the Claytor Lake Festival fireworks permit issuance.

#### 2a. Presentation of Clean Community Council Plaque

Mr. Marion Lutz presented a memorial plaque for placement in the Board of Supervisors Meeting Room. Supervisor Sheffey commended the efforts of the Clean Community Council.

### 3. Presentation of Resolution

#### a. Nancy Bowman

Mr. Huber advised this resolution was previously presented to Ms. Bowman at a reception in her honor.

#### b. Charles Maus

Supervisor Cook presented a resolution of appreciation to Mr. Charles Maus which was adopted by the Board at its Monday, April 28, 2003 meeting expressing appreciation and gratitude for Mr. Maus' services. Mr. Maus also expressed appreciation to county staff and the Board for their cooperation during his tenure.

4. Public Hearings

- a. A request by **Robinson Properties L L C** for a Special Use Permit (SUP) to allow setback variance, on property known as **First Stop Auto**, identified as tax map no. 056-003-000C-003A, 6 (3.348 total acres), zoned Commercial (CM-1), located at 4676 Cleburne Blvd. (Rt. 100), Draper District.

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

Chairman Sheffey opened the public hearing on this matter.

Mr. Bob Henegar, Mathews and Henegar, explained the details of the proposed plan.

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

It was moved by Mr. Cook, and seconded by Mr. Conner and carried, that the Board approve the Special Use Permit as recommended by the Planning Commission, with the following conditions:

1. The developer must comply with and obtain approval of the Erosion and Sediment Control Plan;
2. The developer will consult with neighbors to the south and reach an agreement on whether that side of the property will be bordered with a fence or landscaping, the results of which will be shared with county staff and indicated on the site plan.

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

Voting no: none.

- b. A request by **Blue Ridge Mountains Council** for a Special Use Permit (SUP) to allow construction of a 199' public safety Communications tower for the State Police on property identified as tax map no. 109-001-0000-0043, (15,850 acres), zoned Conservation (C-1), located at 2600 Max Creek Rd. (Rt. 655), Ingles District.

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

Chairman Sheffey opened the public hearing on this matter.

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Mr. Ronnie Rice of the State Police expressed concern regarding the 199' height limitations. He advised in order to comply with federal regulations the higher tower as proposed would be lighted with a strobe light during the day and red lights at night. He further advised a 250' height would allow for upgrading technology to allow in car computer terminals.

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 Special Use Permit request with the understanding that the county will be allowed placement of a tower to a maximum height of 199 feet with the following conditions recommended by the Planning Commission:

1. Users of the tower may not include any private, for-profit agencies or companies, but may include governmental agencies and the Boy Scouts;
2. Unless required by the FAA or the FCC, the tower shall have no lights in any way;
3. Staff will propose an ordinance amendment to allow towers of this type to a height of 250 feet.

Supervisors directed county staff to review the proposed 250' height limitations with the Planning Commission and County Attorney and provide a recommendation to the Board at its June 23, 2003 Board meeting.

- c. A request by the Steering Committee for Developing Draft Specifications for Occupancy and Use at Claytor Lake for consideration of amendments to the Pulaski County Zoning, Erosion & Sediment Control, and Subdivision Ordinances to reflect draft specifications for private dock facilities and coordinate the permitting process required for other uses.

Chairman Sheffey advised the applicant had withdrawn the request and no public hearing would be held.

- d. An Ordinance to Require Removal, Repair, Etc. of Buildings & Other Structures.

Mr. Tickner explained the purpose of the proposed ordinance and advised the ordinance had been approved on an emergency basis by the Board at its April 28, 2003 meeting and that comments need to be solicited from the public prior to consideration for adoption.

Board members expressed concern that the proposed ordinance did not allow for an appeals process by the property owner.

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Supervisor Sheffey opened the public hearing on this matter.

Ms. Joan Roberts complained about conditions of the property next to 4848 Childress Lane, specifically, the falling apart of a mobile home, and junk on property including refrigerators, etc. Staff was requested to review and provide and update to the Board.

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 tabling action on adoption of the ordinance until its June 23, 2003 meeting and requested county staff consult with the county attorney regarding an amendment to the proposed ordinance to include an appeal process for the property owner other than use of the courts.

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

Voting no: none.

5. Highway Matters:

The Board met with Virginia Department of Transportation (VDOT) Assistant Resident Engineer Dale Stancill regarding the following highway matters:

a. Follow-up from Previous Board Meeting:

1. Dunkard Road

Comments were heard from Ms. Tara Baker and Joyce Thorne expressing concern regarding the Dunkard's Road flooding.

VDOT advised this was considered a construction issue and not a maintenance issue.

Board members encouraged residents to write the VDOT Commissioner regarding this matter and also directed county staff to prepare a letter on the Board's behalf to the VDOT Commissioner requesting use of maintenance funds to address drainage problems.

2. State Park Road, Route 660, Request for Speed Reduction

Mr. Stancill advised VDOT had conducted an informal speed study on this road and felt that it would qualify for a 25 mph posting.

On a motion by Dr. Fariss, seconded by Mr. Conner and carried, the Board requested VDOT conduct a formal speed study on this road and provide an update at a future meeting.

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

Voting no: none.

3. Route 815, Whitt Southern Road

VDOT advised resurfacing will be done this year.

4. Black Hollow Lane

VDOT advised improvements to this road were completed.

5. Falling Branch Road Speed Study

Mr. Stancill advised an informal speed study indicated the road would qualify for a speed reduction.

On a motion by Mr. Cook, seconded by Dr. Fariss and carried, the Board requested VDOT conduct a formal speed study on this road and provide an update at a future meeting.

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

Voting no: none.

6. Rt. 114 Bridge Status

Mr. Huber presented a newspaper article providing an update on the bridge repairs.

On a motion by Dr. Fariss, seconded by Mr. Cook and carried, the Board directed staff to prepare a letter to VDOT requesting the bridge be replaced as soon as possible.

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

Voting no: none.

b. Rural Addition Status Report

The Board reviewed an updated rural addition status report.

Supervisor Fariss requested construction for Rich Hill Lane be staged at the fork in the road at a distance of .45 miles.

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Supervisor Sheffey advised the Salem District Office had agreed to review Deerwood Subdivision. VDOT agreed to review the matter. VDOT was also asked to provide an update to the Board, as well as a review, of the sinkhole requirements.

### c. Board of Supervisors Concerns

Supervisor Conner inquired regarding the status of Hatcher Road. Mr. Stancill advised work should begin soon.

Supervisor Cook expressed concern regarding the cutting of grass along Hurston Road. Mr. Stancill advised VDOT would review this matter.

Supervisor Cook expressed appreciation to VDOT for the work on the bridge off Rt. 100, Peak Creek.

Supervisor Sheffey inquired regarding mowing of secondary roads. Mr. Stancill advised mowing is underway.

Supervisor Sheffey advised of potholes along roads in the Riverwood Subdivision. Mr. Stancill advised VDOT will review the matter.

### d. Citizen Concerns

Mr. Ed Hoggatt requested trimming of brush on Rt. 606 and advised of a sight distance problem across from Post Office on Rt. 606 curve.

Mr. Wayne Lawson of 84 Lumber requested VDOT install a median crossing in front of the entrance to the 84 Lumber Company. Mr. Stancill advised VDOT will review the matter and provide an update.

## 6. Treasurer's Report

Treasurer Rose Marie Tickle presented the monthly report.

## 7. Citizens' Comments

There were no citizen comments at this time.

## 8. Reports from the County Administrator & Staff:

### a. Key Activity Timetable (KAT)

The Key Activity Timetable was reviewed by the Board in detail.

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Supervisor Fariss inquired regarding the status of exhibits in the County Administration Building. Ms. Burchett asked for suggestions from Board members regarding the proposed exhibits. Board members requested exhibits include something from each district.

Supervisor Fariss inquired regarding the status of the permanent handicapped ramp at the County Administration Building. Staff advised of plans to work towards receiving final bids for the proposed elevator and then begin work on the handicapped ramp.

Supervisor Sheffey inquired regarding the status of the Randolph Park lighting. Staff advised the lights are currently being installed on soccer fields and all lights on ball fields are up and operational.

Supervisor Fariss inquired regarding staff findings on the West Nile virus. Staff advised the Health Department has suggested use of a type of "mosquito fish". Board members directed county staff to pursue this type of control.

### b. Appointments

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

## 9. Items of Consent:

On a motion by Dr. Fariss seconded by Mr. Conner and carried, the Board approved all items of consent as recommended by staff, except for item "f – Request for Adoption of Ordinance Allowing for Burial or Cremation of Animals or Fowls Which Have Died", for which any action will be taken separately.

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

Voting no: none.

### a. Approval of Minutes of April 14, 21, & 28, 2003

The Board approved the minutes of the Board of Supervisors meetings of April 14, 21, & 28, 2003.

### b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 4478 through 4868, subject to audit.

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c. Appropriations and Interoffice Transfers

The Board approved interoffice transfer #11 in the amount of \$20,102.01 and General Fund Appropriation #15 as follows:

Revenues

016130-0400	Office on Youth After School Programs	\$ 2,546.81
018030-1300	Refund/Overpayment	1,172.80
024040-3000	Victims Witness Assistance Grant	22,364.00
019020-1500	Deputy Security Recovered Costs	49,490.68
041040-0100	Proceeds from Payoff of Old Renfro Building	<u>3,444,526.07</u>
	TOTAL	\$3,520,100.36

Expenditures

032100-6010	Sheriff's Off. Police Supplies	\$ 1,172.80
032100-1139	Sheriff's Off. Salaries & Wages	49,490.68
053500-1310	Office on Youth Wages After School Program	2,546.81
011010-3600	Board of Supervisors Advertising	10,000.00
021500-3320	J&D Relations Court Maint. Serv. Contr.	564.00
021900-3800	Victims Witness Program Grant	22,364.00
032210-4601	Dublin Fire Dept. Garage Parts	2,967.91
032270-2870	Fire Dept. Vol./Payment in Lieu of Decal	5,550.00
032300-2870	Rescue Vol./Payment in Lieu of Decal	1,125.00
035300-3110	Medical Examiner Fees	600.00
051400-3330	Property Cleanup	6,786.76
071380-3170	County Celebration Fireworks	5,000.00
093000-9209	Transfer to IDA Payoff Old Renfro Building	<u>3,444,526.07</u>
	TOTAL	\$3,552,694.03

d. Ratification:

The Board ratified approval of the following:

1. Application for Highway Safety Project Grant

The Board ratified a grant application by the Sheriff's Department for the above project and confirmed no costs would be borne by the county.

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2. Virginia Juvenile Community Crime Control Act Application

The Board ratified the grant application as presented, a copy of which is filed with the records of this meeting.

3. Electronic Monitoring Services One Time Special Funding Application

The Board ratified a 2003 One Time Special Funding application for electronic monitoring services for the 27<sup>th</sup> District Court Services Unit.

e. Personnel Changes

The Board reviewed recent personnel changes as provided by Ms. Burchett.

f. Request for Adoption of Ordinance Allowing for Burial or Cremation of Animals or Fowls Which Have Died

Staff advised the Health Department was requesting the Board adopt a local ordinance paralleling Section 18.2-510 of the Code of Virginia requiring burial or cremation of animals (see ***enclosed*** code section).

The Board took no action on this matter.

g. Community Telecommunications Plan Support

The Board approved applying for the Appalachian Regional Commission grant of up to \$30,000.

h. Forest Service Shed Agreement

Staff advised the Forest Service is requesting the recently adopted agreement for the placement of a shed at the County Garage cover a period of 20 years, as opposed to the current 15 year timetable.

The Board approved a coverage period of 20 years, contingent on agreement by the Forest Service to relocate the structure, if needed, to accommodate expansion of the Garage facility.

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i. National Emergency Medical Services (EMS) Resolution

The Board adopted the enclosed resolution recognizing May 19 through May 25 as National EMS week:

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs.

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NOW, THEREFORE BE IT RESOLVED in recognition of this event, the Pulaski County Board of Supervisors do hereby proclaim the week of May 19-25, 2002 as EMERGENCY MEDICAL SERVICES WEEK and encourage the community to observe this week with appropriate programs, ceremonies and activities.

j. Fireworks – June 1 – Claytor Lake Festival

The Board approved issuance of a fireworks permit for fireworks to be held on June 1, 2003 by the Claytor Lake Festival Committee.

k. Junk Cars – Clarification of Minutes of August 22, 1994

The Board corrected the minutes of August 22, 1994 at which the Board adopted the Inoperative Vehicle Ordinance and approved filling in a blank in the ordinance in paragraph two to reflect “no more than one inoperative motor vehicle”.

10. Citizen Comments

There were no citizen comments at this time.

11. Other Matters from Supervisors

Supervisor Fariss expressed concern regarding the county's web site, specifically regarding links where access is denied. Staff was requested to review the site and provide an update to Supervisor Fariss.

Supervisor Fariss questioned the E911 usage. Staff advised verification must be done by July 1, 2003 to meet criteria for the enhanced 911 and advised the state will provide a major portion of the funding.

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

It was moved by Mr. Cook, seconded by Mr. Hale and carried, that the Board of Supervisors enter Closed Session for discussion of the following:

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:

- Pulaski County Technology Park

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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.

- Corporate Center Property
- Prospective Business Updates

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. Conner 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 Dr. Fariss, seconded by Mr. Cook and carried, the Board of Supervisors adopted 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 2.2-3712(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.

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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.

### Appointments

a. Public Service Authority Board of Directors

The Board appointed Doug Warren to the unexpired term of Mack Baker, with said term ending January 31, 2005.

b. New River Community Action

The Board reappointed Carolyn Brown for a term ending June 30, 2005.

c. New River Highlands Resource Conservation Council

The Board reappointed Walter Paulson for a one year term ending June 30, 2004.

d. Pulaski Encouraging Progress Committees

Staff was requested to send letters to appointees asking if they have an interest in continuing service on their respective committee.

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13. Adjournment

On a motion by Mr. Hale, seconded by Mr. Conner and carried, the Board of Supervisors voted to reconvene on Monday, June 2, 2003 at 7:00 p.m. for a public hearing in the County Administration Building, 143 Third Street, N. W., in the Town of Pulaski.

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

Voting no: none.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator