

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 25, 2016, beginning with a Closed Session at 5:30 p.m. in the Board Room of the County Administration Building, 143 Third Street in the Town of Pulaski, the following members were present: Andy McCready, Chairman; Charles Bopp, Vice-Chairman; Joseph Guthrie; Ranny O'Dell and Dean Pratt. Staff members present included: Peter Huber, County Administrator; Tim Kirtner, Acting County Attorney and Michael Solomon, Economic Development Director. Joining the regular session at 7:00 p.m. were Karen Thompson, Assistant County Administrator, Management Services; Anthony Akers, Assistant County Administrator, Human Services; Diane Newby, Finance Director; Danny Wilson, Zoning Administrator and Ashley Edmonds, Clerk to the Board.

1. Closed Session – 2.2-3711.A.1.3.5.7

Chairman McCready called the meeting to order and advised a Closed Session would need to be held as follows:

A Closed Session is requested pursuant to Section 2.2-3711.A.1.3.5.7 of the 1950 Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition, and prospective industry matters.

On a motion by Mr. Bopp, seconded by Mr. Pratt and carried, the Board of Supervisors entered a Closed Session for discussion of the following:

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
- Tool Allowance Pay

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:

- None.

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's 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:

- Class Action Lawsuit
- RFP – Legal Services/County Attorney

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

Return to Regular Session

On a motion by Mr. Pratt, seconded by Mr. O'Dell and carried, the Board returned to regular session.

Voting yes: Mr. McCreedy, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

Certification of Conformance with Virginia Freedom of Information Act

On a motion by Mr. Bopp, seconded by Mr. O'Dell 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.

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: Mr. McCreedy, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

Mr. McCreedy described the purpose of the Closed Session and action needed to return to open session.

2. Welcome, Pledge and Invocation

A. Welcome

Mr. McCreedy welcomed those in attendance at the Board meeting at 7:12 p.m.

B. Pledge of Allegiance

Mr. O'Dell led the Pledge of Allegiance.

C. Invocation

Bishop David Hoover, Pulaski Christian Church, led the Invocation.

3. Recognitions

A. Featured Department

Mr. McCreedy introduced Mr. Akers to update the Board on the status of the Drug Court. Mr. Akers spoke about the National Prescription Drug Abuse and Heroin Summit he attended with

Leroy Robinson, a Drug Court participant. Prescription drug and opiate abuse is a rising epidemic in West Virginia, Kentucky, Ohio and Southwest Virginia and incarceration is not a solution. Mr. Akers cautioned those listening to be careful how we label individuals as drug abuse is a disease and most abusers want help. He continued by thanking the Board of Supervisors for their support of the Drug Court and stated there were currently nine participants with four individuals on the waiting list. Drug Court has four phases and is very impactful on the community by bringing families together and saving the County \$172,000 to date by avoiding incarceration costs. Mr. Akers introduced four participants (Leroy Robinson, Travis Sutphin, Dustin and Kim) who spoke about their experiences with Drug Court. Drug Court is currently working on a re-entry program – a concerted effort to help participants get jobs, homes, driver's licenses, etc. and needs additional funding to assist with housing costs. The Board members asked the participants questions regarding future plans and lessons learned. Mr. McCready spoke of compassion, the victims of addiction (children and families) and how investing in other's lives does not just save the individual but families and society.

#### 4. Additions to Agenda

Mr. Huber introduced Markie Quesenberry, Community Development Secretary/Receptionist; reminded the Board of the invitation to the New River Valley Regional Commission's Annual Dinner and Awards Ceremony on Wednesday, May 11, 2016, at the Draper Mercantile (the deadline for RSVPs is Wednesday, April 27, 2016) and added under Highway Matters – Request for VDOT to review weight limit on Commerce Street Bridge which is affecting trash trucks serving the Case Knife Road community.

#### 5. Public Hearings

##### A. Rezoning Request – Puckett Property

Mr. Wilson provided an overview of the request to a rezoning to Rural Commercial (RC) in order to reopen a neighborhood store that has been closed since the 1980s. VDOT reviewed the property for site distance and feels confident the applicant could reopen the store and there would be no negative impacts to traffic. Mr. Wilson provided the following staff analysis (*noted in italics*):

#### **Staff Analysis**

*The Unified Development Ordinance (UDO) specifies that the Intent of the Rural Commercial (RC) District is as follows:*

**Statement of Intent:** *The intent of this district is to provide for the small-scale commercial development in either a neighborhood or rural setting. Specifically, this district is designed to fulfill the following objectives:*

*Limit the scale and intensity of uses and development to encourage compatibility with residential and agricultural uses;*

*Provide for convenient access to goods and services for citizens in the surrounding area and pass by traffic;*

*Allow for unique economic opportunities for citizens and businesses; and*

*Preserve traditional development patterns of small-scale retail, service, and other similar*

*business establishments that compliment residential or agricultural uses throughout the County.*

*The proposed rezoning meets the Intent of the RC District, as the applicant's intent is to re-open a neighborhood scale store to serve the immediate area, which is located in a rural part of the County. Both the existing building and lot size limit the size of the commercial operation, which will easily fit within the maximums identified in the UDO. The existing building is about 580 square feet.*

*This is the first property seeking to be zoned Rural Commercial, as the RC District is a new district that was created as part of the UDO. The property location, scale, and use fits with the discussions had during the UDO adoption for the RC District.*

*The Future Land Use Map depicts the subject property as Planned Unit Development (PUD). As PUD can include commercial uses, and the Comprehensive Plan lists a goal of this area to be "support limited commercial development to serve residents of the area." As the property is identified as PUD on the Future Land Use Map, the rezoning is in conformance with the Comprehensive Plan.*

*Staff does not anticipate any negative impacts from the rezoning request and recommends approval of the rezoning request.*

*A public hearing was held during the Planning Commission meeting, at which time two citizens spoke in favor of the petition. No one spoke against the petition during the public hearing. Staff received three responses back from adjacent property mailings – 2 opposed on the rezoning (on the same sheet) and 1 not opposed to the rezoning.*

*The Planning Commission recommended unanimous approval of the rezoning request to rezone parcel #100 – 1- 58 from Low Density Residential to Rural Commercial.*

*Mr. McCready opened the public hearing. Mrs. Brenda Blackburn, 6497 Ruebush Road, Dublin, supported the application as she felt the area need a store. There were no additional comments and Mr. McCready closed the public hearing.*

*On a motion by Mr. Guthrie, seconded by Mr. O'Dell and carried, the Board accepted the Planning Commission recommendation to rezone parcel #100 – 1- 58 from Low Density Residential to Rural Commercial.*

*Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.*

*Voting no: None.*

#### **B. Special Use Permit – Above Ground Storage Tanks (Liquefied Propane)**

*Mr. Wilson provided an overview of the request by the applicant for approval of a Special Use Permit for Above Ground Storage Tanks for the storage of up to 30,000 gallons of liquefied propane. The property is zoned Commercial (CM) and according to Table 4.1 of the Unified Development Ordinance (UDO), Above Ground Storage Tanks are allowed via a Special Use Permit (SUP).*

**Staff Analysis**

The UDO specifies that the Intent of the Commercial (CM) District is as follows:

**A. Statement of Intent:** The intent of this district is to provide for community and regional scale commercial development. In addition to a variety of retail sales, offices, restaurants and service businesses, this district generally features large – scale development that may include high traffic generators that require access to major transportation corridors. Specifically, this district is designed to fulfill the following objectives:

- Provide for both local and regional scale commercial development;
- Provide for diverse economic opportunities for citizens and businesses;
- Allow for a wide range of commercial uses to encourage mixed commercial centers
- Limit negative impacts to rural and residential areas from noise, traffic, light and other associated impacts from commercial development; and
- Encourage commercial development that supports local and regional economic growth

Article 4 of the UDO identifies specific conditions for the placement of Above Ground Storage Tanks, which should be considered during the SUP process. The conditions are as follows:

- Tanks storing materials that are classified as hazardous shall be double walled;
- The tank shall be protected from accidental vehicular collision by the placement of concrete bollards or barriers along any side of the tank abutting an area that may have vehicular traffic;
- The tank shall be at least fifteen (15) feet from any dumpster or other refuse collection areas;
- When a tank is placed on a lot adjoining a residentially – zoned lot and the tank is within one hundred – fifty (150) feet of the dwelling on that residentially – zoned lot, the tank shall be shielded from view if that lot by landscaping as approved by the UDO Administrator;
- Tanks shall be screened with landscaping from any public roadway;
- Tank farms, either above ground or below ground, that consists of more than fifteen (15) tanks and/or more than 10,000 gallons may only be permitted via Special Use Permit; and
- Tanks used for storage of agricultural grain and/or feed shall be excluded from these requirements.

The proposed request for a Special Use Permit appears to be in conformance with all of the provisions contained within the UDO. The property is located such that potential impacts to adjacent properties will be minimal. The likelihood of impacts to residential properties is very small, as the subject property has 1 – 81 and an off – ramp that border it on two sides and a third side adjoining a vacant commercial property that was used for a motel. The fourth side of the property is adjacent to land being used for agricultural purposes that does not contain a residential structure. Staff does not anticipate problems arising from the issuance of the requested SUP and recommends approval of the SUP.

A public hearing was held during the Planning Commission meeting, at which time the applicant and applicant's attorney spoke in favor of the petition. No one spoke against the petition during the public hearing. Staff received two responses back from adjacent property mailings – 1 opposed to the SUP and 1 that did not have enough information to decide.

The Planning Commission recommended unanimous approval to issue the Special Use Permit from Above Ground Storage Tanks for the storage of up to 30,000 gallons of liquefied propane.

Mr. McCready opened the public hearing. Mrs. Brenda Blackburn, 6497 Ruebush Road, Dublin, questioned the possible odor from the property. The applicant responded by advising Mrs. Blackburn that there was an odor during leaking but this is a rare occurrence. The applicant's attorney, Sam Campbell, provided additional details on the project and Mr. McCready and Mr. Guthrie expressed concern over the possible narrow spot on the property where an out of control vehicle from Interstate 81 may enter and hit the tanks. The applicant expressed the same concern and advised the company is very safety conscious. The applicant advised that a safety feature, like a berm or other landscape could be added to address the concern. There were no additional comments and Mr. McCready closed the public hearing.

On a motion by Mr. Pratt, seconded by Mr. Guthrie and carried, the Board accepted the Planning Commission recommendation to issue the Special Use Permit for Above Ground Storage Tanks for storage up to 30,000 gallons of liquefied propane.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

#### C. Unified Development Ordinance Text Amendments

Mr. Wilson provided an overview of the amendments to the Unified Development Ordinance. Attached in the April 25, 2016, BoardDocs agenda is a list of the proposed amendments. Staff recommends the UDO Text Amendments be approved as drafted and a public hearing was held during the Planning Commission meeting, at which no one spoke. The Planning Commission recommended unanimous approval of the Unified Development Ordinance Text Amendments.

Mr. McCready opened the public meeting. Board members asked questions regarding animal standards however there were no questions or comments from the public. Mr. McCready closed the public hearing.

On a motion by Mr. Guthrie, seconded by Mr. O'Dell and carried, the Board accepted the Planning Commission recommendation to approve the Unified Development Ordinance Text Amendments.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

6. Highway Matters

A. Follow – Up from Previous Board Meeting

While reviewing the Key Activity Timetable (KAT), Mr. McCreedy asked staff to flip the order of the spreadsheet so that current issues are at the top of the page. Mr. Clarke provided updates on the following:

- Maple Street and Giles pothole is repaired
- VDOT is in preparation for various overlays
- Old Route 100 wide patching
- Kent Farm Road bridge with the closure of a dead end road
- Little Creek drainage

B. Six Year Road Improvement Plan

Mr. Guthrie requested the addition of Route 687 Church Hill Lane paving as item #7 as it was first on the waiting list in 2007. Mr. Clarke added the item to the Six Year Road Improvement Plan resolution.

On a motion by Mr. Guthrie, seconded by Mr. O'Dell and carried, the Board accepted and approved the six-year road improvement plan with the addition of Route 687, Church Hill Lane.

Voting Yes: Mr. Pratt, Mr. Bopp, Mr. McCreedy, Mr. O'Dell, Mr. Guthrie.  
Voting No: None.

C. Resolution Designating Case Knife Road as A Rural Rustic Road

On a motion by Mr. Pratt, seconded by Mr. Bopp and carried, the Board approved the resolution designating Case Knife Road as a Rural Rustic Road.

Voting yes: Mr. McCreedy, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.  
Voting no: None.

D. County Interstate 81 Northbound Entrance Sign

On a motion by Mr. O'Dell, seconded by Mr. Pratt and carried, the Board approved the application for demolition permit with the understanding that a construction permit would also be allowed.

Voting yes: Mr. McCreedy, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.  
Voting no: None.

E. Citizen Comments on Highway Matters

Mr. Frank Leonetti, 4848 Miller Ridge, Dublin and Bob Rogers, Miller Ridge Road, Dublin, spoke to the Board regarding the inclusion of Miller Ridge in Dublin into the secondary road system. Mr. Clarke, VDOT, was asked to review Miller Ridge's eligibility for state maintenance.

## F. Board of Supervisors Comments

Mr. Guthrie:

- Expressed appreciation to VDOT for work on Giles Avenue
- Repair of shoulder on Route 100
- Review damage to CV Jackson Road due to construction equipment
- Pothole near Morgan Farm Road
- Unspecified need for repairs on Belspring Road
- Speed limit on Route 11 – East and West end of Dublin – consideration of 45 MPH speed limit

Mr. O'Dell:

- Water in Ditch line – Dallas Freeman Road
- Wilderness Road/Claytor Dam Road intersection – need for a stop or yield sign and stone
- Route 611/Old Route 100 intersection – remove stop sign island
- Route 672 at 2772 and 2662 addresses – need to remove water
- Max Creek Hill on 693 - ditch clean out/consider rip rap or gabion baskets
- Route 611/F047 – boulders in area

Mr. Bopp:

- Expressed thanks to Anthony Barnes for responding to questions

Mr. Pratt:

- Thanked VDOT for hole patching on Draper Valley and Honaker Road

Mr. McCready:

- Interstate 81 South at mile marker 104.3 – pavement deterioration/safety concern

7. Presentations and Citizens Comments (related to items on agenda)

A. Citizens Comments Related to Items on Agenda

Mr. McCready explained the purpose of this "Citizen Comments" section was to allow citizens to speak to any item on the current agenda only.

There were no citizen comments related to items on the agenda.

8. Treasurer's Report

Ms. Worrell provided the monthly reports and answered the Board's questions regarding municipal derivatives.

9. Reports from the County Administrator & Staff

A. Appointments

Mr. Huber announced the following appointments for approval by the Board:

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 25, 2016

New River Community College

- Walter "Benny" Keister
- James "Jim" Loux

Board of Zoning Appeals

- Howard Sadler

Pulaski County Sewerage Authority

- Joseph Guthrie
- Randy Miles

Commonwealth of Virginia Interoperability Panel

- Chris Akers
- Brad Nester
- Melissa Looney

On a motion by Mr. Bopp, seconded by Mr. O'Dell and carried, the Board confirmed the appointments.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

On a motion by Mr. Guthrie, seconded by Mr. O'Dell and carried, the Board approved the Tool Allowance for all garage mechanics at \$1,420 per year.

## B. Four-Year Goals

The four (4) – year goals were not reviewed.

## C. New River Valley Comprehensive Economic Strategy Projects

The following projects were added to the New River Valley Comprehensive Economic Strategy:

- Sewer to Riverbend area of Route 114
- 40,000 square foot shell building

## D. Pulaski County Maintenance Facility Cameras

Mr. Huber discussed with the Board the need for cameras at the Maintenance Facility. The Board advised checking on pricing from firm that installed cameras at Library.

On a motion by Mr. Bopp, seconded by Mr. Guthrie and carried, the Board tabled the discussion pending review of additional information.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

E. VSBFA Loan Resolution and Documents – PADS Project

On a motion by Mr. Bopp, seconded by Mr. Pratt and carried, the Board approved the moral obligation, support agreement and general certificates for the VSBFA Loan Resolution for the PADS project.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

F. Broadband Services

On a motion by Mr. O'Dell, seconded by Mr. Bopp and carried, the Board approved the contract with Consulting Gateway Corporation.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

G. Riverlawn Elementary Refinancing Options

On a motion from Mr. Bopp, duly seconded and carried, the Board approved staff to take all acts necessary to complete refinancing using scenario #1.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

H. Ratification of QZAB School Loan Application

Mr. Huber advised the Board of the submission of the letter of intent with two options for exiting if desired.

On a motion from Mr. Guthrie, seconded by Mr. Pratt and carried, the Board ratified the letter of intent of the QZAB School Loan Application.

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

10. Items of Consent

On a motion by Mr. Bopp, seconded by Mr. Guthrie and carried, the Board approved the Items of Consent, with the exception of Item A as follows:

Voting yes: Mr. McCready, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.

A. Approval of March 28, 2016, Regular Meeting Board Meeting Minutes

The Board deferred approval of the March 28, 2016, Board meetings, as presented.

B. Accounts Payable

The Board approved accounts payable for checks numbered 2050584 through 2050981, subject to audit.

C. Interoffice Transfers and Budget Adjustments

The Board approved the interoffice transfer #10 in the amount of \$72,585.53. The following listing of budget adjustments were also approved: School Fund #6: \$62,500.00 School Capital Fund #2: \$377,370.00; School Fund #5; General Fund #2016-17; General Fund #2016-16: \$4,186.50.

D. Approval of Contracts, Change Orders, Etc.

There were no contracts, change orders, etc. to be considered by the Board.

E. Personnel Changes

The Board ratified approval of personnel changes that were presented in weekly updates from April 1, 2016, through April 22, 2016.

F. Ready Set Go! Program Mitigation Grant

The Board approved the acceptance of the Ready Set Go! Mitigation Grant awards in the total of \$4,024.50 for wildfire prevention promotional activities (with a copy of the description of the program and grant application filed in the BoardDocs agenda).

G. Financial Support for Pulaski County Drug Court

The Board approved \$10,000 in financial support for housing for the Pulaski County Drug Court participants.

H. Virginia Cooperative Extension Summer Internship

The Board approved \$2,400 for Virginia Cooperative Extension Summer Internship program.

11. Citizen Comments and Presentations (unrelated to items on the current agenda)

A. Citizen Comments

Paul Pallante, Fairlawn, requested clarification regarding the CEDS program.

Walt Viars, Draper, described continuing efforts to address his bamboo problem. Mr. Viars asked the Board to contact Nick Rush regarding change in State classification allowing local government eradication efforts.

12. Other Matters from Supervisors

None.

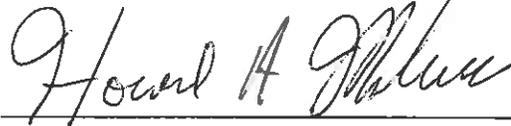
## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 25, 2016

13. Adjournment

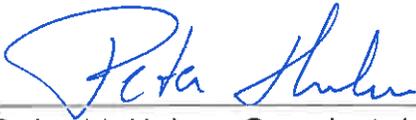
On a motion duly made, seconded and carried, the Board of Supervisors adjourned its regular meeting. The next meeting of the Board of Supervisors is a Budget Work Session to be held on Monday, May 2, 2016, at 6:00 p.m. at the County Information Technology Training Center, 89 Commerce Street, in the Town of Pulaski. The next regular Board of Supervisors meeting is scheduled for Monday, May 23, 2016, beginning with a Closed Session at 6:00 p.m. and the regular meeting at 7:00 p.m. with said meeting to be held in the County Administration Building, Board Room, 143 Third Street N.W. in the Town of Pulaski.

Voting yes: Mr. McCreedy, Mr. O'Dell, Mr. Guthrie, Mr. Bopp, Mr. Pratt.

Voting no: None.



Howard A. McCreedy, Chairman



Peter M. Huber, County Administrator