

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24TH DAY OF APRIL 2006, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marris	
	John A. Muffo	
	Annette S. Perkins (Arrived 6:30 p.m.)	
	B. Clayton Goodman, III	-County Administrator
	Martin M. McMahon	-County Attorney
	Bob Isner	-Economic Development Director
	Brian Hamilton	-Associate Economic Development Director
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	James D. Politis	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. Bethel Elementary School Property

- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement has Been Made of the Business= or Industry's Interest in Locating or Expanding its facilities in the Community.

1. Project # 2006-008

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Industrial Development Authority

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Huckleberry Ridge LLC Rezoning

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins
Doug Marrs		James D. Politis
Mary W. Biggs		
John A. Muffo		
Steve L. Spradlin		

Supervisor Perkins arrived at 6:30 p.m.

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Doug Marris and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marris	None	James D. Politis
Gary D. Creed		
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Steve L. Spradlin		

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

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

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

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

VOTE

AYES
Mary W. Biggs
Annette S. Perkins
John A. Muffo
Gary D. Creed
Doug Marris
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

Supervisor Perkins certified the Closed Meeting for the time she was present in Closed Meeting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit – Brush Mountain Estates, LLC (Agent: NTELOS)

Brush Mountain Estates, LLC (Agent: NTELOS) requests a special use permit on approximately 5.08 acres in Agriculture (A-1) to allow the replacement of an existing sixty (60) foot telecommunications tower and equipment shelter with a one-hundred twenty (120) foot telecommunications tower and associated ground equipment cabinets. The property is located on the north side of Mtn. Mission Church Road (SR 778) approximately 300 feet west of Belaire Drive and is identified as Tax Parcel No. 15-8-3 (Acct ID # 036240) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

The Planning Director provided a summary on the special use permit request. NTELOS is requesting to replace an existing sixty foot telecommunications tower and equipment shelter with a one hundred twenty foot telecommunications tower and associated ground equipment cabinets. The Planning Director explained the site where the existing tower is located was owned by the National Forest at one time. The developer of Brush Mountain and the National Forest did a land swap, which transferred the ownership of the tower to Brush Mountain Estates, LLC. When the tower site was owned by the National Forest, the tower did not fall under any County policies.

At their April 12, 2006 meeting, the Planning Commission recommended denial of this request due to the proposed replacement of the existing non-conforming structure would place the new tower approximately 50 feet from the side property lines, which do not meet the current setback requirement of 100 feet from all property lines for new telecommunications structures.

In the Planning Commission's discussion the Commissioners in support of the request stated that the replacement of the tower was in compliance with the policies of the comprehensive plan and the regional telecommunications policy and that the replacement tower proposed would not have a significant negative impact on surrounding properties. The Planning Commission voted 4 -3 for denial of the special use permit.

The Planning Director reported that NTELOS has requested a continuance of their request in order to allow them time to address the issues raised by the Planning Commission.

Mike Pace, agent for NTELOS, requested the Board consider a continuance of their request to address the concerns raised by the Planning Commission. NTELOS looked at a number of sites to determine the best possible site to locate a cell tower. They have found an alternate location for the tower on the existing site that will conform to the County's setback requirements. Mr. Pace asked the Board to consider their request for continuance.

Kenneth Moore spoke in opposition to the proposed SUP. Mr. Moore recently purchased a lot in Brush Mountain Estates and urged the Board to deny this request.

Randall Price spoke in opposition to the proposed SUP. Mr. Price submitted a petition with 120 signatures who oppose the request and urge the Board to deny this request. Residents who live in Brush Mountain Estates believe that the tower will permanently alter the landscape of Brush Mountain and will be detrimental to the beauty and mountain views of the neighborhood. A cell tower would de-value the property.

Anne Price spoke in opposition to the proposed SUP. Ms. Price stated that the proposed tower is in the section of Brush Mountain Estates that is scheduled to be developed last and the tree canopy will be lost due to construction making the tower more visible. She informed the Board that one home buyer has delayed the closing on a home until the outcome of the special use permit request. She urged the Board to deny this request.

Dan Swanson spoke in opposition to the proposed SUP. Mr. Swanson provided a brief history of the existing tower. The tower has been inoperable since 1978 and he was informed that the tower would be dismantled. The existing tower is invisible during full foliage of the trees, but is visible during winter season. His property is 75 feet from the proposed site and would negatively impact his property. Mr. Swanson urged the Board to deny this request.

Mike Crawley spoke in opposition to the proposed SUP. Mr. Crawley believes the tower would produce radiation and urged the Board to deny this request.

Matthew Dorn spoke in opposition to the proposed SUP. Mr. Dorn commented that the tower would be seen in Blacksburg and Pandapas Pond. He stated the tower would have a negative aesthetic impact on the beautiful mountain view.

Rene Neron spoke in opposition to the proposed SUP. Mr. Neron stated that the request does not conform to the County Code nor the Regional Tower Policy. The discontinuation of a non-conforming use applies. He urged the Board to deny this request.

Brian Mehalik spoke in opposition to the proposed SUP. Mr. Mehalik stated that, according to the County's Regional Tower Policy, a tower should be constructed where it has the least negative impact on residential areas. This request is not in conformance with the County's Policy.

Linda Mehalik spoke in opposition to the proposed SUP. Ms. Mehalik stated one of the reasons she lives in Blacksburg is not to live near a cell tower. She commented that there are numerous potential landowners who are considering canceling contracts to build their house in the Brush Mountain Estates because of the proposed tower. The tower would have a negative impact on the value of homes and resale values. The decrease in home values would mean a decrease in property taxes.

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

The County Attorney advised the Board that the applicant has proposed an alternative site that would meet the 100 feet setback requirements. NTELOS will provide revised drawings and plans.

Supervisor Biggs requested that NTELOS perform a balloon test for a 24-48 hour period.

The Chair announced he would entertain a motion on NTELOS's request for a continuation of their request in order to address the concerns raised by the Planning Commission and to provide additional information on the alternative location. The Board agreed that the Planning Commission should be allowed to review and comment on the alternative location.

R-FY-06-159
SPECIAL USE PERMIT AMENDMENT
BRUSH MOUNTAIN ESTATES (AGENT: NTELOS)
REFERRAL TO THE PLANNING COMMISSION

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

WHEREAS, Brush Mountain Estates (Agent: Ntelos) has filed a special use permit request on approximately 5.08 acres in Agriculture (A-1) to allow the replacement of an existing sixty (60) foot telecommunications tower and equipment shelter with a one-hundred twenty (120) foot telecommunications tower and associated ground equipment, on property located on the north side of Mountain Mission Church Road (SR 778) approximately 300 feet west of Belaire Drive and is further identified as Tax Map Number 15 A 3 Parcel No. 036240 in the Mount Tabor Magisterial District; and

WHEREAS, The Applicant desires to amend its application to change the location of the proposed tower from the present location of the existing 60 foot tower to a location behind the existing tower closer to the 40 foot private access easement so that side setbacks on the new proposed tower will be conforming.

NOW, THEREFORE BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby agrees to refer the Brush Mountain Estates (Agent, Ntelos) Tower Special Use Permit request to the Planning Commission for the holding of a new Public Hearing in order for the Planning Commission to provide a new recommendation to the Board on the amended request for a Special Use Permit to allow a 120 foot Telecommunication Tower on the property identified above.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby directs staff to schedule and advertise a new public hearing for the Board of Supervisors on this amended request.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
Steve L. Spradlin		

PUBLIC ADDRESS

Bernadette Mondy spoke in favor of a new Price's Fork Elementary School. Ms. Mondy stated that Price's Fork is a village with great deal of history and distinct and separate identity from the Town of Blacksburg. One of the defining aspects of that identity is the community school. The Price's Fork Elementary School is both the heart of the community and civic focal point. She asked that a new school be constructed within the Village of Price's Fork to continue this tradition. Ms. Mondy also described some current problems at the existing school, which include inadequate emergency preparedness, lack of pickup/drop off space for students, outside classroom facilities, inadequate library facilities, and inadequate work space for special needs teachers. One of the mobile units was vacated due to mold; therefore, this displaces the music teacher who now conducts classes from an AV cart. Ms. Mondy urged the Board to move forward with the project.

Joseph McDonald, a fifth grade student at Price;s Fork Elementary School, spoke in support of a new school. Mr. McDonald expressed several concerns with the current school such as lack of gym space and inadequate library space. He believes the students deserve better.

William Sharpe, a student at Price's Fork Elementary School, spoke in support of a new school. Mr. Sharpe submitted letters of fellow student's ideas about what needs to be done with the school. Only half of the students wanted a new school, while others wanted updating and remodeling of the existing school. One major concern with the existing school is the parking area. A need for a safer parking area for student drop off/pick up, buses, and walkers. A second concern is the mobile trailers used for classrooms. Mr. Sharpe stated some of his ideas include lockers, bigger playground, air conditioning, gym facilities, updated bathrooms, new windows, and more parking.

Eric Frith, attorney for Huckleberry Ridge, LLC, spoke in support of the Huckleberry Ridge's request to rezone 63 acres from A-1 to PUD-Res. Mr. Frith stated that Montgomery County is a growing county and will continue to grow because it is a great place to live. The Board of Supervisors has the ability to help guide growth and development. Montgomery County's Comprehensive Plan encourages where development should occur. The Huckleberry Ridge LLC's rezoning request is within the Urban Expansion Zone and meets the criteria of urban expansion. Mr. Frith stated that this area would be developed, but the remaining factor is how it will be developed. Does the Board want to see a quality development, such as Huckleberry Ridge, or something other? Mr. Frith believes his client has addressed in good faith all the issues that were raised by the Planning Commission by proffering a grade separate crossing across the Huckleberry Trail, which addresses the safety concern. He understands the traffic concern and his client has done everything in its power to address the bridge issue and is proffering to allocate funding toward upgrading the bridge. He urged the Board to consider approving the rezoning request.

Alice Cox spoke in support of a new Price's Fork Elementary School. Ms. Cook explained that she is a teacher and teachers are very resourceful; however, it is increasingly difficult to meet the needs of the students when there is insufficient space, no air conditioning, classes being conducted in mobile units, and the art teacher teaching from an AV cart. Ms. Cox urged the Board to move forward with this project.

Bill McDonald spoke in support of a new Price's Fork Elementary School. Mr. McDonald, a farmer, believes you have to renovate and build new facilities over the years in order to operate properly. Now is the time to update Price's Fork Elementary School and invest in the future.

T.J. Maloney expressed concerns with the proposed Huckleberry Ridge, LLC rezoning. Ms. Maloney commented that she is not against development but against the amount of development. She believes the Huckleberry Ridge, LLC proposed plan is too large for the Merrimac Community. She is against the number of apartments and commercial dwellings being proposed. Mr. Maloney believes only the developers will make a profit off this development while the citizens of the County will have to pay for new roads, water and sewer lines, and new schools that will have to be provided to the development.

John Early expressed concerns with the proposed Huckleberry Ridge, LLC rezoning. Mr. Early stated that the existing roads will not be able to handle the increased traffic the development will bring. Currently there are 3,700 vehicles per day on High Top Road and believe the development

will increase the number of vehicles to 6,000 per day. He also expressed concerns with the sewer capacity and asked the Board to solve one problem before another one is created.

Ivan Beliveau, member of Huckleberry Ridge LLC, spoke in support of their proposal. Mr. Beliveau believes their plan to be a great proposal and conforms with the comprehensive plan. He expressed appreciation to the Planning Staff for their help. Mr. Beliveau asked the Board for their approval of his rezoning request.

Charlie Bowles addressed the Board about the need for a new Auburn Middle School. Mr. Bowles believes that the community needs to address their concerns to the Montgomery County School Board. He believes that the School Board is at fault by not developing a comprehensive school construction plan. There has been piece meal construction in the past. Mr. Bowles also expressed the need for more maintenance to the roads.

Heather Schaerer addressed the Board with concerns about the proposed Huckleberry Ridge, LLC, development. Ms. Schaerer urged the Board to use their best judgment when deciding to approve/deny this rezoning. She is against such a large development in the Merrimac Community. She asked that the developers revise their plan to construct a smaller development.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by Doug MARR and carried unanimously, the Consent Agenda dated April 24, 2006 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Doug MARR		
Mary W. Biggs		
Annette S. Perkins		
Steve L. Spradlin		

Approval of Minutes

On a motion by Annette S. Perkins, seconded by Doug MARR and carried unanimously, the minutes dated March 27, 2006 were approved.

A-FY-06-95
BOARD OF SUPERVISORS
RECOVERED COSTS

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

100	Board of Supervisors	\$20,575
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The sources of funds for the foregoing appropriation are as follows:

451203	Undesignated Fund Balance	\$ 2,000
419108	Recovered Costs	<u>\$18,575</u>
		\$20,575

Said resolution appropriates recovered costs from the sale of fuel at the former CJ&S property and professional services costs and appropriates fund balance to cover increased fringe benefits and compensation increases approved after the FY 06 budget was adopted.

A-FY-06-96
SHERIFF
PROJECT LIFESAVER PROGRAM

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

322	Sheriff – Grants	\$ 150
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	Project Lifesaver	\$ 150

Said resolution appropriates recovered costs for Project Lifesaver.

A-FY-06-97
COMMONWEALTH'S ATTORNEY
SUPPLEMENTAL FUNDING
STATE COMPENSATION BOARD

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$ 12,660
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
423100	Shared Expenses	\$ 9,204
451203	Fund Balance	<u>\$ 3,456</u>
	Total	\$ 12,660

FURTHER BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund will be granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, contingent upon approval by the Compensation Board at their April 25, 2006 meeting, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$13,450
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
423100	Shared Expenses	\$ 8,324
451203	Fund Balance	<u>\$ 5,126</u>
	Total	\$13,450

Said resolution appropriates additional state funds approved for equipment and the local match and appropriates additional state funds for equipment and the local match contingent upon approval by the State Compensation Board at their April 25, 2006 meeting.

A-FY-06-98
SCHOOL OPERATING FUND
SUPPLEMENTAL APPROPRIATION

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

610000	School Operating Fund - Instruction	\$ 120,592
620000	School Operating Fund - Oper. & Main.	<u>\$ 6,795</u>
	Total	\$ 127,387

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
433234	Detention Home Reading	\$ 24,371
424293	Virtual Advanced Placement	\$ 27,000
433219	Sp Ed-Pre-School Mini Grant	\$ 55,631
433211	Medicaid Reimbursement	<u>\$ 20,385</u>
	Total	\$127,387

Said resolution appropriates additional resources for the School Operating Fund.

A-FY-06-99
EMERGENCY SERVICES COORDINATOR
HOMELAND SECURITY GRANT

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

111	Emergency Services Coordinator Grants	\$278,839
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	State Grants	\$278,839

Said resolution appropriates Homeland Security grant funds for Fire and Rescue.

A-FY-06-100
MT. ZION ROAD
VDOT REVENUE SHARING PROJECT
APPROPRIATE COUNTY'S PORTION OF COST

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

100	Board of Supervisors	\$10,000
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balance	
	-Road Maintenance Reserve	\$10,000

Said resolution appropriates a portion of the County's FY 2005-06 VDOT Revenue Sharing funds for improving the site distance at 3298 Mt. Zion Road (SR 655).

A-FY-06-101
NEW RIVER VALLEY
REGIONAL WATER STUDY
PLANNING DISTRICT COMMISSION

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

910	Outside Agencies	
	Planning District Commission	\$7,000

The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$7,000
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Said resolution appropriates the County's share to continue participation in the New River Valley Regional Water Supply Study.

R-FY-06-157
FINAL PLAT
WALNUT CREEK SUBDIVISION
PHASE I

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

WHEREAS, Walnut Creek Subdivision Phase 1 consists of 37 lots located off Houchins Road (SR 758) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities: and

WHEREAS, The developer of Walnut Creek Subdivision Phase 1 has agreed that said responsibility for stormwater detention facilities shall be assumed by the homeowners association; and

WHEREAS, Walnut Creek Subdivision has an emergency access road proffered by the developer; and

WHEREAS, The developer of Walnut Creek Subdivision Phase 1 has agreed that all liability for the maintenance and operation of the emergency access road shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Walnut Creek Subdivision Phase 1 (Gay and Neel Inc. Job No. 1505.1 dated 01/18/06 and printed on April 12, 2006, Shawsville Magisterial District including: (1) the stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association and (2) the emergency access road, the responsibility for maintenance of which shall be assumed by the homeowner's association.

FURTHER, The Chairman is hereby authorized to sign said subdivision plat.

R-FY-06-158
2232 INTERGOVERNMENTAL REVIEW
CHRISTIANSBURG RESCUE SQUAD
RINER STATION

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

WHEREAS, In accordance with state law, the Board of Supervisors by Resolution of July 13, 1998, established a policy for Planning Commission review of any public building, structure, facility or area prior to its construction, establishment or authorization in accordance with Section 15.2-2232 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Planning Commission at its Regular Meeting of April 12, 2006 held a public hearing and approved the Christiansburg Rescue Squad Riner Station as being substantially in accord with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby acknowledges the findings of the Planning Commission.

OLD BUSINESS

R-FY-06-160
REMOVE FROM THE TABLE
HUCKLEBERRY RIDGE, LLC
REZONING REQUEST AND REQUEST FOR A
50 FOOT PUBLIC RIGHT-OF-WAY TO
CROSS THE HUCKLEBERRY TRAIL

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that Huckleberry Ridge, LLC and Henry Heth Estates request to rezone approximately 63 acres from the zoning classification of Agriculture (A-1) to Planned Unit Development Residential (PUD-Res) located south east of the intersection of Merrimac Road (Rte.657) and Hightop Road (Rte. 808) and is identified as Tax Parcel Nos. 66-A-91, 92 & 67-A-229 (Acct # 010584, 010585, & 035616) in the Prices Fork Magisterial District and the request for a fifty (50) foot public right of way to cross the Huckleberry Trail to provide public ingress and egress to the proposed Huckleberry Ridge Subdivision is hereby **removed from the table**.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Steve L. Spradlin		

R-FY-06-161
DENIED
REZONING REQUEST
APPROXIMATELY 63 ACRES FROM AGRICULTURE (A-1) TO
PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-RES)
FOR THE PROPOSED HUCKLEBERRY RIDGE DEVELOPMENT
IDENTIFIED AS TAX PARCEL NUMBERS 66-A-91,92 AND 67-A-229
AND REQUEST FOR A 50 FOOT PUBLIC RIGHT-OF-WAY
TO CROSS THE HUCKLEBERRY TRAIL

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Huckleberry Ridge, LLC and Henry Heth Estates request to rezone approximately 63 acres from the zoning classification of Agriculture (A-1) to Planned Unit Development Residential (PUD-Res) located south east of the intersection of Merrimac Road (Rte.657) and Hightop Road (Rte. 808) and is identified as Tax Parcel Nos. 66-A-91, 92 & 67-A-229 (Acct # 010584, 010585, & 035616) in the Prices Fork Magisterial District (District E) does not meet the requirement of public necessity, convenience, general welfare and good zoning practice because the existing road network that provides public access for this proposed development (Hightop Road and Merrimac Road) cannot adequately service the proposed density for this development in a safe and orderly fashion and therefore **is hereby denied.**

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Huckleberry Ridge, LLC and Henry Heth Estates request for a fifty (50) foot public right of way to cross the Huckleberry Trail to provide public ingress and egress to the proposed Huckleberry Ridge Subdivision **is hereby denied.**

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins

Mary W. Biggs

Doug Marrs

Gary D. Creed

Steve L. Spradlin

NAY

John A. Muffo

ABSENT

James D. Politis

Motion was for denial.

Supervisor Muffo commented for the record that the Board is telling people the County does not want sprawl. The Huckleberry Ridge development is an attempt, not to create sprawl, but an attempt to concentrate development. We keep telling people we want green space and communities. Yet when a development is proposed to have a community and green space the Board denies them, not only in Montgomery County but in other communities as well. He understands the road issue is a legitimate concern. High Top Road and Merrimac Road are not the best of roads. Supervisor Muffo believes the County needs to encourage this kind of development as opposed to sprawl. The Board needs to plan growth because in the future one will ask what happened when there are ¼ acre lots sprawled across the County.

Supervisor Spradlin commented for the record that the Huckleberry Ridge is a beautifully planned design; however, he feels it is in the wrong place. One issue of concern is if the Planned Unit Development (PUD) was approved, then it would be the first PUD approved by the Board that fronts two secondary roads. There is no primary road access to this PUD. Other PUD's that have been approved by the Board fronts a primary road. Supervisor Spradlin stated he could support this PUD if it fronted a primary road. Another issue of concern is the amount of density proposed. Under the County's comprehensive plan, this area is under the Urban Expansion Area. Just because it is designated under urban expansion, does not mean we have to meet the maximum expansion possible. He believes a common sense approach should be taken.

Supervisor Spradlin disagreed with the developers when they said they have tried to address all concerns. He has encouraged the developers and engineers to hold a community meeting to discuss the proposed development. This has not taken place, which concerns him. He believes that this is a huge impact to the community and they should have a voice on how it is developed. Supervisor Spradlin stated that the road conditions greatly concerns him as he does not feel Merrimac Road or High Top Road can handle the amount of increased traffic that would possibly be added if this particular development was approved. As a Supervisor, his main concern is the health, safety and welfare of our citizens. This rezoning directly relates to the safety of the citizens and he does not want to create a situation where there would be unsafe road conditions; therefore, he cannot vote for approval.

NEW BUSINESS

**A-FY-06-103
SCHOOL RESOURCE OFFICERS
FY 2005-2006 APPROPRIATION**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Montgomery County Sheriff's Department submitted grant applications soliciting funding for School Resource Officers for Christiansburg Middle School, Shawsville Middle School, and Auburn Middle School for FY 2005-2006; and

WHEREAS, The Montgomery County School Board has indicated the need for one school resource officer to be located at the Christiansburg Middle School, and has agreed to support the local match requirements for this position.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes an officer for the Christiansburg Middle School, Shawsville Middle School and Auburn Middle School for FY 2005-2006.

FURTHER, BE IT RESOLVED, The Board of Supervisors accepts the conditions of the program that requires a local match of 38.77% or \$16,043 for each officer.

FURTHER, BE IT RESOLVED, The Montgomery County Public Schools will pay the cost of the local match of \$16,043 for the school resource officer at the Christiansburg Middle School and the County will pay the cost of the local match for the school resource officer at Shawsville Middle School and Auburn Middle School for a total of \$32,086

FURTHER, BE IT RESOLVED, The Board of Supervisors acknowledges that local dollars will be needed for the continuance of these positions in the future.

FURTHER, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

321	School Resource Officers	\$108,097
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
State Grants		\$ 76,011
451203	Undesignated Fund Balance	<u>32,086</u>
	Total	\$108,097

BE IT FURTHER RESOLVED, That a transfer is authorized as follows:

FROM:		
451200	School Operating	(\$16,043)
TO:		
321	School Resource Officer Grant Program	\$16,043

Said resolution appropriates the School Resource Officer Grant funds and transfers the schools' portion of the match.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Steve L. Spradlin		

**A-FY-06-104
SOCIAL SERVICES
SUPPLEMENTAL APPROPRIATION**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

540	Social Services	\$ 454,167
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
451203	Fund Balance	\$ 19,400
424104	Public Assistance	\$ 306,167
424105	Purchase of Service	\$ 128,600
	Total	\$ 454,167

Said resolution appropriates additional funds allocated by the State of Virginia and the County's local match requirement based on FY 06 mid year allocations for Public Assistance and Purchase of Service.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		
Gary D. Creed		
Doug Marris		
Mary W. Biggs		
Steve L. Spradlin		

**A-FY-06-105
SOCIAL SERVICES**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation for Social Services needs adjusted to reflect the appropriate amount of revenue Social Services expects to receive from Federal Pass Thru Dollars for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

<u>Revenue Account</u>		
451203	Fund Balance	\$ 72,239

The source of funds to be decreased is as follows:

434402	Federal Pass Through	\$ (72,239)
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Said resolution increases the County's general fund support to the Department of Social Services and reduces the amount of revenue expected to be received from Federal Pass-Thru, as was contained in the Department of Social Services Budget for FY 06. The increase in general fund balance is expected to offset the revenue shortfall expected at year-end FY 06.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Doug Marris		
Mary W. Biggs		
Annette S. Perkins		
Steve L. Spradlin		

R-FY-06-162
BALL FIELD AGREEMENT
BETWEEN
MONTGOMERY COUNTY
AND
MONTGOMERY COUNTY SCHOOL BOARD

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby enters into an agreement with the Montgomery County School Board for the development and use of recreational fields at the Auburn Elementary School and the Shawsville Elementary School.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes B. Clayton Goodman, III, County Administrator, to sign said agreement on behalf of the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Steve L. Spradlin		

R-FY-06-163
RESOLUTION AUTHORIZING A
COUNTY- WIDE BAN ON OPEN FIRES

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, On March 16, 2006, the Montgomery County Emergency Services Coordinator was advised by the Virginia Department of Forestry the need of a county-wide ban on open air burning; and

WHEREAS, Due to the condition of the forest floor caused by lack of rain the Virginia Department of Forestry felt the danger of uncontrolled wild fire was extremely high; and

WHEREAS, The Emergency Services Coordinator, in consultation with the County Administrator and with the Fire Chiefs of Christiansburg, Blacksburg, Riner, Elliston and Long Shop-McCoy Fire Departments, a ban on open air burning was instituted on March 31, 2006; and

WHEREAS, All citizens were given notice of the ban through numerous media resources such as radio, television, newspaper, and through two-way radio frequencies to all fire and rescue personnel.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia approves a county-wide ban on open air burning effective March 31, 2006 and supports continuation of the ban until lifted by the Virginia Department of Forestry.

FURTHER, BE IT RESOLVED, The County Administrator is authorized to enact future bans as needed or requested by the Virginia Department of Forestry.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Steve L. Spradlin		

**A-FY-06-106
FIRE AND RESCUE
RINER FIRE DEPARTMENT
FIRST RESPONDER PROGRAM**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

330 Fire and Rescue	\$3,676
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203 Undesignated Fund Balance	\$3,676

Said resolution appropriates funds to establish a new First Responder program in the Riner Fire/Rescue district.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Steve L. Spradlin		

COUNTY ADMINISTRATOR'S REPORT

FY 2005-2006 Revenue Sharing - County Wide Paving

VDOT's Resident Engineer has submitted a request for payment of the County's share for county-wide paving in the amount of \$70,960. In the FY 2005-2006 Revenue Sharing Program there is \$141,920 for county-side paving, which \$70,960 is the County's share. The Resident Engineer is also requesting the Board to determine which roads to pave. He advises that its best not to have too many sites because you get a lower price for paving for fewer longer sections.

The County Administrator recommended that this issue be referred to the Roads Committee for review and report back to the Board of Supervisors at their May 8, 2006 meeting.

Supervisor Creed commented that revenue sharing funds have been distributed evenly over the majority of the County except in Supervisor Perkins district, District A. He stated that Supervisor Perkins has expressed concern over the past year on Craigs Creek Road and trying to get it paved. He believes the money available for paving should be allocated to District A.

R-FY-06-164 REVENUE SHARING PROGRAM FY 2005-06 COUNTY WIDE PAVING

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the use of \$141,920 in FY 2005-2006 Revenue Sharing funding to be used for paving in District A at the discretion of Supervisor Annette Perkins.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Steve L. Spradlin		

County Administrator's Report Continued

Joint meeting with Town of Blacksburg, Montgomery County Public Schools, and Board of Supervisors

The County Administrator reported that May 30 and May 31, 2006 are possible dates that the Town Council of Blacksburg can meet. He asked the Board members to check their calendars and let him know to confirm a date. Topic of discussion for this joint meeting is to discuss the old Blacksburg Middle School and a new stadium for Blacksburg.

Supervisor Biggs commented that Board members need guidance on citizens inquires about future school capital projects. It appears that communities are competing with each other on when they will get a school. As in past discussions, there is a need for a new elementary school in Prices Fork and Elliston-Lafayette and also a new middle or high School in Riner. Supervisor Biggs believes a joint meeting with the School Board to discuss capital projects is needed.

BOARD MEMBERS' REPORTS

Supervisor Creed 7 cent real estate tax increase – Supervisor Creed reported that at the last meeting the Board increased the real estate taxes by 7 cents. Of that 7 cents, 4 cents is allocated to balance the budget, 2 cents allocated for school capital projects for construction of 3 new schools, and 1 cent is for additional fuel cost if needed. Supervisor Creed proposed that the balance from the 1 cent for fuel be transferred to school capital projects at the end of the year. He stated that will give the County 3 cents in new school construction and believes that is will only take another 2 cents to be able to construct 3 schools. He believes that 1 cent equals \$10 million and it will take 5 cents to construct 3 schools.

Eminent Domain Supervisor Creed commented that the County has been looking for land for new school sites. He believes that if the County cannot negotiate an agreement on land then they can always use their option of eminent domain. This allows the County the power to take private property for public use.

Supervisor Muffo – RSVP Recognition Luncheon The Retire Seniors Volunteer Program (RSVP) held their annual recognition luncheon. The volunteers continue to amaze him with their continued desire to help the community and donation of their time. The total number of hours volunteered last year valued at \$600,000.

Montgomery County Chamber of Commerce held their ribbon cutting on April 19, 2006 at their new location, 103 Professional Park Drive in Blacksburg

Supervisor Marrs Western Virginia Regional Jail Authority – The Human Resources Committee is scheduled to go to Richmond on May 18, 2006 to meet with the State Compensation Board to discuss the number of positions needed at the regional jail.

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Board Adjourned to Monday, May 8, 2006 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
Steve L. Spradlin		

The meeting adjourned at 9:40 p.m.

APPROVED: _____ ATTEST: _____
Steve L. Spradlin B. Clayton Goodman, III
Chair County Administrator