

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8th DAY OF MAY 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 Marrs	
	John A. Muffo	
	Annette S. Perkins (arrived 9:05 p.m.)	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahan	-County Attorney
	Robert C. Parker	-Public Information Officer
	Bob Isner	-Economic Development Director
	Brian Hamilton	-Economic Development Associate Director
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by James D. Politis 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. Mid-County Complex

- (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. CPMT
 - 2. Planning Commission
 - 3. Montgomery Regional Solid Waste 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. Lease Agreement with Luna Technologies for Blacksburg Technology Manufacturing Building

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		
Mary W. Biggs		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis 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 Marrs	None	Annette S. Perkins
Mary W. Biggs		
James D. Politis		
John A. Muffo		
Gary D. Creed		
Steve L. Spradlin		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis 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
James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins

ABSENT DURING MEETING

Annette S. Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARING

Proposed Ordinance – Temporary Change in the C-1 Voting Precinct

An Ordinance Temporarily Changing The C-1 Precinct Voting Place From the Shawsville Elementary School Located at 4390 Riffe Street in the County of Montgomery, Virginia, to the Meadowbrook Branch Public Library Located at 267 Alleghany Springs Road, In the County of Montgomery, Virginia, For the June 13, 2006, Primary Election Only.

Randy Wertz, Montgomery County Registrar, explained the need for a temporary location for the C-1 Precinct Voting Place for the June Primary Election. The Shawsville Elementary School will be undergoing carpet replacement during the summer school break; therefore, will not be available for the June Primary Election. They contacted the Library officials to obtain permission to use the community room at the Meadowbrook Public Library for the June election. As stated, the Meadowbrook Public Library is a temporary location only.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

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

DELEGATION

Department of Environmental Quality (DEQ)

Steve Dieterich, Frank Adams, and Mike Scanlon with the Department of Environmental Quality (DEQ) presented information about air quality in Montgomery County.

Frank Adams reported that the Roanoke Times ran an Associated Press article regarding air quality and risk associated with air quality in Virginia. The Associated Press analysis reported breathing poor air quality may be hazardous to your health. The article also emphasized that the air quality in the New River Valley ranked among the top 5 worst air in Virginia. Pulaski County ranked 3rd and Radford ranked 5th. The Associated Press study looked at how much and what kind of substances industries release. The Department of Environmental Quality indicated that the air pollution study (Toxic Release Inventory – TRI) was flawed and the study did not present a true factor of emissions. DEQ states that they don't come up with the same ranking as the Associated Press and does not think the data was used properly. The TRI is a screening tool to indicate amounts of emissions being released into the air. Montgomery County has approximately 1% emissions in Virginia, with 75% of the 1% coming from Radford Arsenal. Mr. Frank reported that the Head of Toxicology at the Health Department in Richmond reported that the data from the AP study was misleading and that the public has no cause for concern.

Mike Scanlan, DEQ's Air Permit Manager in Roanoke, reported that in Virginia, there are some industries that are permitted to emit toxics into the air; however, DEQ does not allow emissions of toxic chemicals that would threaten the health of citizens. Mr. Scanlan reported that industries that do produce toxics are required to obtain an air permit, which requires quantities to be below impact thresholds. The permit specifies limit, control, and monitoring of each industry.

The Board expressed concern that DEQ did not issue a press release in response to the AP's article. Any type of article that warns the residents of hazards to their health is a concern and if there are facts that there is misleading information, then the residents of any locality has the right to be informed of those facts.

The Board also requested Mr. Dieterick to discuss the article in the Roanoke Times on limiting the consumption of fish caught at Claytor Lake and New River due to the amount of PCB levels in the fish. Mr. Dieterick indicated that decades ago the release of chemicals that contain PCB levels were allowed to be released into the environment. These chemicals were outlawed around 30 years ago. Today there are numerous rivers that contain PCP including the fish. DEQ is in the process of conducting water emission studies in the rivers and lakes in Virginia. So far, only one study has been completed. DEQ has estimated the water emission test for part of the New River to North Carolina, should be complete in 2009. The Virginia Department of Health has issued a list of fish consumption advisories in Virginia and a list of precautions to those who do eat the fish in the areas listed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated May 8, 2006 was approved.

The vote on the foregoing motion was as follows:

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

A-FY-06-107
COMMISSIONER OF THE REVENUE
DEPARTMENT OF ASSESSMENT
RECOVERED COST

On a motion by Mary W. Biggs, 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:

152	Commissioner of the Revenue	\$2,432
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$2,432

Said resolution appropriates funds received as recovered costs to be used to cover a portion of the cost of printing personal property cards.

A-FY-06-108
TREASURER
DMV STOP FEES

On a motion by Mary W. Biggs, 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 appropriations for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

162	Treasurer	\$4,363
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>		
02 411605	DMV Stop Fees	\$4,363

Said resolution appropriates DMV Stop Fees collected to pay the associated fee to the DMV.

A-FY-06-109
SHERIFF
RECOVERED COSTS

On a motion by Mary W. Biggs, 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:

310	Sheriff – Comp Board	\$2,021
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$2,021

Said resolution appropriates recovered costs for deputies working security, restitution for damage caused by inmates, refunds, and a DARE donation.

R-FY-06-165
DISABILITY SERVICES BOARD
APPOINTMENT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Mary B. Critzer**, in her capacity as Human Services Director, to the Disability Services Board effective May 9, 2006 and expiring May 8, 2009.

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-06-166
INDUSTRY APPRECIATION WEEK

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Montgomery Regional Economic Development Commission recognizes the role of existing business and industry in the thriving economy of Montgomery County; and

WHEREAS, Existing business and industry provide essential employment opportunities for the citizens of Montgomery County; and

WHEREAS, Existing business and industry make significant contributions to promote educational opportunities and a variety of activities which increase the quality of life in the County; and

WHEREAS, Existing business and industry provide revenues from which the entire citizenry benefits.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby recognizes the existing businesses and industries of Montgomery County.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby declares the week of **May 14-20, 2006, Industry Appreciation Week** in Montgomery County.

R-FY-06-167
ADDITION TO VDOT'S
SECONDARY SYSTEM OF STATE HIGHWAYS
STRATFORD VIEW DRIVE (SR 1145)

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The street described below is shown on a plat in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised the Montgomery County Board of Supervisors that the street meets the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements; and

WHEREAS, Montgomery County and the Virginia Department of Transportation have entered into an agreement on September 27, 1993 for Comprehensive Stormwater Detention, which applies to the this request for addition.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time:

ADDITION:

Sterling Manor Subdivision

<u>Name of Street:</u>	<u>Length</u>
Stratford View Drive (SR 1145)	
From: Prices Fork Road (SR 685)	0.47 mi
To: Cul-de-sac	
Plat Recorded: 9/8/1999	
Plat Book: 19, Page 206, Slide 858 Et Al	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Administrator for the Virginia Department of Transportation.

OLD BUSINESS

**ORD-FY-06-24
AN ORDINANCE TEMPORARILY
CHANGING THE C-1 PRECINCT POLLING PLACE
FROM THE SHAWSVILLE ELEMENTARY SCHOOL
LOCATED AT 4390 RIFFE STREET
IN THE COUNTY OF MONTGOMERY, VIRGINIA,
TO THE MEADOWBROOKE BRANCH PUBLIC LIBRARY
LOCATED AT 267 ALLEGHANY SPRINGS ROAD
IN THE COUNTY OF MONTGOMERY, VIRGINIA, FOR THE
JUNE 13, 2006 PRIMARY ELECTION ONLY**

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

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that due to a temporary loss of space at the Shawsville Elementary School because of interior renovation work, the C-1 Precinct Polling Place at the Shawsville Elementary School located at 4390 Riffe Street in the County of Montgomery, Virginia, shall be temporarily moved to the Meadowbrooke Branch Public Library located at 267 Alleghany Springs Road in the County of Montgomery, Virginia, for the June 13, 2006 Primary Election only. The C-1 Precinct Polling Place shall return to the Shawsville Elementary School located at 4390 Riffe Street for the November 6, 2006, General Election.

THIS ORDINANCE shall take effect upon approval by the Board of Supervisors and subsequent U. S. Justice Department approval.

The vote on the foregoing ordinance was as follows:

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

NEW BUSINESS

**R-FY-06-168
RESOLUTION GRANTING
BLUE RIDGE CHRISTIAN CAMP
AN ADDITIONAL ONE (1) YEAR PERIOD TO
START SUBSTANTIAL CONSTRUCTION UNDER
SPECIAL USE PERMIT**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, On June 14, 2004 the Board of Supervisors approved an amendment to a Special Use Permit dated July 28, 1986 issued to the Blue Ridge Christian Camp to allow a new dining, residential and indoor activity improvements to a church-oriented campground on 47 acres located at 1755 Sterling Drive; and

WHEREAS, Blue Ridge Christian Camp has been actively raising funds for the construction project and working with Anderson and Associates on a plan for the Waste Water and Septic Treatment System; and

WHEREAS, On April 15, 2006 Blue Ridge Christian Camp advised the County that the Camp needed an additional year extension to start substantial construction on the improvements authorized by the amended Special Use Permit; and

WHEREAS, Pursuant to Section 10-54(3)(j) of the Code of Montgomery County, the Board of Supervisors has the authority to grant an extension for a period not to exceed one year for the applicant to start substantial construction, upon the request of the applicant.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that pursuant to the authority granted under Section 10-54 (3)(j) of the Code of Montgomery County, Virginia, the Board hereby grants a one year extension to Blue Ridge Christian Camp to start substantial construction on the improvements at 1755 Sterling Drive as authorized by the June 14, 2004 amended Special Use Permit.

The vote on the foregoing resolution was as follows:

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

INTO WORK SESSION

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 Work Session for the purpose of discussing the following:

1. Department of Social Services – Continuation of funding for an Eligibility Worker position.
2. Future Capital Projects for Public Safety – Sheriff’s Office/Jail

The vote on the foregoing motion was as follows:

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

Department of Social Services – Continuation of an Eligibility Worker Position

Ann Hess, DSS Board Chair, explained the need for the continuation of an eligibility worker position for the Department of Social Services. The need for DSS services are increasing yearly. The VIEW program (welfare to work) is expected to double next year due to the changes by the State. The eligibility worker position screens applicants to determine if they are eligible for services offered by DSS. This position was authorized in 2004 for twelve months. Ms. Hess requested that this position be converted into a permanent position. This position requires a 50% local match, which would be an estimated cost of \$20,000.

Future Capital Projects for Public Safety – Sheriff’s Office/Jail

Supervisor Marrs discussed the need for a new Sheriff’s office and renovation of the existing jail. He stressed that this project not be overlooked when the Board discusses capital projects for the schools and courthouse. Supervisor Marrs suggested that the Sheriff’s Office and Jail be done at the same time the Courthouse is being renovated. He believes this will save the County time and money.

Supervisor Creed suggested that the Sheriff be allowed to use the first floor in the Courthouse since there will be space available

The Board instructed the County Administrator to include plans for a new Sheriff’s Office and Jail in the Courthouse study to determine if it would be feasible to build a new Sheriff’s office or locate the office in the Courthouse?

OUT OF WORK SESSION

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

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

The vote on the foregoing motion was as follows:

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

Supervisor Annette Perkins arrived at 9:05 p.m.

COUNTY ADMINISTRATOR’S REPORT

FY 2006-2007 Budget – Draft Resolution

The County Administrator reported the State has not yet adopted the State Budget. Therefore, the County’s budget has not been submitted for approval. Staff has provided a draft resolution for the Board’s review based upon the Boards intent regarding the budget and real estate tax increases for future school capital projects. The resolution provides instructions on the intent for 2 cents of the real estate taxes and 1 cent of the real estates for FY 2007, and the intent regarding 1 cent of the real estate tax for FY 2008.

Consolidated Collection Sites – Paving

At the April 10, 2006 Board meeting, the Board instructed County staff to prepare a cost estimate depicting the cost to pave the consolidated collection sites. A report has been provided showing four options ranging from complete paving to selected site area paving for the higher traffic use areas. The costs range from \$344,318 to \$191,989.

Several Board members felt that the entire area of the collection sites do not need to be paved, only the area where the compactor is, which is the higher traffic area. They asked that a cost estimate be provided on paving just where the compactors are located. Supervisor Spraldin also suggested that staff get feedback from the Consolidated Collection Site Attendants as to what areas they think should be paved.

Potential Capital Projects Debt

The County Administrator reported that Board members requested the estimated buying power on 1 cent of the real estate tax. It is estimated that 1 cent will provide \$500,000 in revenue. Therefore, according to the County's Financial Advisors, if the County issues bonds at 4.5% = \$6.3 million and 5.5% = \$5.8 million.

BOARD MEMBERS' REPORTS

Supervisor Biggs expressed the need to hold a joint meeting with the School Board in order to discuss and identify capital needs. She reported she and other Board members are receiving numerous e-mails and letters concerning the Price's Fork Elementary School and the Elliston/Lafayette Elementary School. The Board of Supervisors needs direction on how to respond to citizens concerns. The County Administrator will add this item to the next County/School Liaison meeting.

Supervisor Muffo - New Executive Director for New River Valley Community Services Supervisor Muffo announced the new Executive Director for NRVCS is Lester Saltzberg. Mr. Saltzberg is a native of New York and comes to us from Henrico County area. Lynn Chenault was due to retire in January 2006 and had graciously stayed on as Executive Director in order for the Community Services Board to search for a new director.

Supervisor Politis Christiansburg Rescue Squad – Riner Station Supervisor Politis announced that Fralin and Waldron, Inc., has pledged a total of \$3,000 to benefit the CRS-Riner Station. The pledge will be distributed in three annual installments of \$1,000 beginning in 2006. Supervisor Politis submitted the first check from Fralin and Waldron, Inc. in the amount of \$1,000 to the County Administrator. He asked that a thank you letter be sent to Fralin and Waldron, Inc.

Brain Injury Services of Southwest Virginia – Supervisor Politis reported representatives from Brain Injury Services of SWVA contacted him about their request for funding for FY 2006-2007 in the amount of \$10,000. They asked the Board to reconsider their request to fund their operation for the upcoming year. Supervisor Politis recommended appropriating \$5,000 in the upcoming year.

Several Board members requested additional information on this request, such as what are other localities contributing, if any? How many Montgomery County citizens are being served? The County Administrator reported the information requested will be provided at the May 22, 2006 Board meeting.

Supervisor Perkins - Planning District Commission – 2007 Annual Projects Supervisor Perkins reported that Planning District staff has provided their list of 2007 projects for approval by the PDC Board. Included in the project list is the Link Road, a connector road from Pulaski County to Blacksburg. In the past she has always voted no or abstained on the entire project list due to the Board of Supervisors' opposition to the Link Road. The Board believes that their focus should be on upgrading Peppers Ferry Road (Route 114) and Riner Road (Route 8). Supervisor Perkins asked the Board for direction on how to vote at the next PDC meeting on the annual projects. Supervisor Spradlin instructed that this item be included on the next Board Agenda for discussion.

Supervisor Marrs – Western Virginia Regional Jail Authority Supervisor Marrs updated the Board on the regional jail project. They have awarded a contract for the site work and the construction work is expected to go out for bid in the Fall of 2006. They are anticipating an opening date in 2009. The Finance Committee will be meeting to discuss the financing of the jail.

Supervisor Creed reported he has received numerous phone calls, emails, and letters from citizens about the need for new schools and requesting the Board's support. He stated for the record he is in full support of new schools in Price's Fork, Elliston/Lafayette and in Auburn. He believes the citizens of Montgomery County need to be aware of the Board's support.

Supervisor Spradlin agrees with Supervisor Creed's remarks that the Board is in support of new schools.

Industry Appreciation Day is scheduled for May 18, 2006.

Coal Miners Heritage Day is scheduled for June 10, 2006.

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, May 22, 2006 at 6:00 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 9:40 p.m.

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