

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23rd DAY OF MAY 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Steve L. Spradlin	-Vice Chair
	Mary W. Biggs	-Supervisors
	Doug Marris	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning Request – Continued

Emory Elliott (Agent: Catherine Hauck) requests to rezone 1.97 acres from Agriculture (A-1) to Community Business (C-B), with possible proffered conditions, to allow a restaurant.

The property is located at 4338 Prices Fork Road and is identified as Tax Parcel No. 51-A-101 (Acct ID # 013755) in the Prices Fork Magisterial District. The property currently lies in an area designated as Village Core in the Comprehensive Plan.

The Chair announced that this public hearing would be continued in order for the Planning Commission to submit their recommendations to the Board of Supervisors. At their May 11, 2005 and May 18, 2005 meeting, the Planning Commission tabled this request for up to ninety (90) days to allow the applicant to address the following concerns:

1. Compliance with DEQ requirements for the underground storage tanks located on the property.
2. A formal proffering of uses that will be excluded.
3. A formal proffering to remove the existing manufactured home from the property.

There being no speakers, the public hearing was continued until such time the Planning Commission has submitted their recommendations to the Board of Supervisors, not to exceed ninety (90) days.

Special Use Permit

Nathaniel Haile requests a special use permit, with possible conditions, in Agriculture (A-1) to allow a landscape contractor's equipment storage yard. The property is located at 4612 Riverside Drive and is identified as Tax Parcel No. 50-A-26 & 27A (Acct ID # 018171, 024025) in the Prices Fork Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Zoning Administrator provided a brief overview of the above request. Mr. Haile, the applicant, owns Haile Landscaping Design. He has requested to use his property located at 4612 Riverside Drive, off McCoy Road, as an equipment storage yard. The storage yard would not serve as his office nor would any retail service be generated at this property.

The site has access to both McCoy Road and Riverside Drive. The McCoy Road entrance does not meet sight distance requirements and poses a safety concern especially with large vehicles hauling equipment. VDOT has requested that this entrance be closed and the applicant use Riverside Drive, if the Special Use Permit is approved.

At their May 11, 2005 meeting, the Planning Commission recommended approval of the Special Use Permit to the Board of Supervisors subject to the following conditions:

1. Special Use Permit authorizes use of property for landscaping contractor's storage yard and residential use only. No retail sales of any nature shall occur on site.
2. Non-family employees shall be limited to six full-time and eight part-time. Property shall contain no more than ten employee vehicles and ten pieces of landscaping equipment at any time. There shall be no office established at the site.
3. Hours related to the business shall be limited to 7:30 a.m to 7:30 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturdays. No work or business related traffic shall occur beyond these hours or on Sunday.

4. Onsite fuel storage tanks shall meet all Federal and State containment regulations including building and fire prevention codes. Compliance shall be achieved within 60 days of approval of this permit.
5. Existing access onto McCoy Road shall be removed and ditching and shoulder restored to VDOT specifications within thirty (30) days of approval of this permit.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

The following citizens addressed the Board of Supervisors about the School Board's decision to close the cannery at the Aburn High School: Kelly Brennan, Carola Haas, Arnold Lafon, Del Dyer, Bob Poff, Nick Rose, Lucy Goldberg, Margaret Merrill, and Elizabeth McConnell. Many organizations use the cannery to make apple butter for fundraising, such as the Mt. Tabor Ruritan Club and the Montgomery Museum. They spoke in support in keeping the cannery open and finding solutions to make the cannery self-supporting, such as seeking grant funding.

Members of the Board of Supervisors also expressed concern with the closing of the cannery and asked if the cannery could remain in operation for another year until the County had time to pursue other options. The County Administrator explained that the Montgomery County School Board would need to be involved since the cannery has been included in their budget in the past. They would have to agree to continue maintaining the operation until the Board of Supervisors can determine if the cannery is to remain open, how it will be funded and who will operate it. The County Administrator stated information on the operation of the cannery would be provided to the Board at their June 13, 2005 meeting.

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

CONSENT AGENDA

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously, the Consent Agenda dated May 23, 2005 was approved.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs
Steve L. Spradlin
Annette S. Perkins
Doug Marrs
James D. Politis
John A. Muffo
Gary D. Creed

NAY

None

Approval of Minutes

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously, the minutes dated March 28, April 7, April 11 and April 20, 2005 were approved.

**A-FY-05-104
COMMONWEALTH'S ATTORNEY**

On a motion by James D. Politis, seconded by Steve L. Spradlin 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, 2005 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$36
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419104	Confiscations	\$36
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Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-05-105
SOCIAL SERVICES
ADDITIONAL APPROPRIATION**

On a motion by James D. Politis, seconded by Steve L. Spradlin 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, 2005, for the function and in the amount as follows:

540	Social Services	\$159,500
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The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

424102	Public Assistance	\$153,350
451203	Fund Balance	<u>\$ 6,150</u>
		\$159,500

Said resolution appropriates additional state funding for View Working/Transitional Daycare, Foster Care, Safe & Stable Families, Head Start Transition to Work, Purchased Services, Adult Protective Services, Adoption Subsidy programs and decreases funding for Non-View Daycare.

**A-FY-05-106
RSVP GRANT**

On a motion by James D. Politis, seconded by Steve L. Spradlin 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, 2005, for the function and in the amount as follows:

520 Human Services	\$487
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
25202-433107 Grant	\$487

Said resolution appropriates additional grant funds.

**A-FY-05-107
TREASURER
SUPPLEMENTAL APPROPRIATION**

On a motion by James D. Politis, seconded by Steve L. Spradlin 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, 2005, for the function and in the amount as follows:

162 Treasurer	\$2,789
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>	
02 411605 DMV Stop Fees	\$2,789

Said resolution appropriates DMV Stop Fees collected to pay the associated fee to the Department of Motor Vehicles.

A-FY-05-108
SHERIFF
SUPPLEMENTAL APPROPRIATION

On a motion by James D. Politis, seconded by Steve L. Spradlin 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, 2005, for the function and in the amount as follows:

310	Sheriff	\$98,973
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424415	Jail Block	\$98,973

Said resolution appropriates Jail Block funds received in excess of the previous appropriations.

A-FY-05-109
SHERIFF
RECOVERED COSTS

On a motion by James D. Politis, seconded by Steve L. Spradlin 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, 2005, for the function and in the amount as follows:

310	Sheriff - Comp Board	\$ 2,468
320	Sheriff- County	\$114,026
321	321 Sheriff - Grants	<u>\$ 200</u>
	Total	\$116,694

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

<u>Revenue Account</u>		
419108	Recovered Costs	\$ 3,419
441101	Insurance Recoveries	\$ 265
424401	Project Lifesaver	\$ 200
424401	Wireless 911 Funds	\$1 7,016
451203	Undesignated Fund Balance	<u>\$ 95,794</u>
	Total	\$116,694

WHEREAS, By resolution dated August 23, 2004 the Board referred said request to the Virginia Department of Transportation for a traffic study on Huff Lane (SR 733) to determine the feasibility of reducing the speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDoT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does recommend reducing the speed limit at this time to 25 mph.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that a speed limit reduction on Huff Lane (SR 733) will be undertaken at this time and will be posted as VDoT's work schedule permits, and extends its appreciation to the Virginia Department of Transportation for the report.

R-FY-05-230
ACKNOWLEDGE SPEED STUDY
MILLSTONE RIDGE ROAD (SR 1060)

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors received a petition from concerned citizens requesting a speed study on Millstone Ridge Road (SR 1060); and

WHEREAS, By resolution dated April 11, 2005 the Board referred said request to the Virginia Department of Transportation for a traffic study on Millstone Ridge Road (SR 1060) to determine the feasibility of reducing the speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDoT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does recommend reducing the speed limit at this time to 25 mph.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that a speed limit reduction on Millstone Ridge Road (SR 1060) will be undertaken at this time and will be posted as VDoT's work schedule permits, and extends its appreciation to the Virginia Department of Transportation for the report

INTO WORK SESSION

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

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

1. Regional Jail

The vote on the foregoing motion was as follows:

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

Regional Jail

Sheriff Tommy Whitt addressed the Board concerning the future needs of the Montgomery County Jail. Sheriff Whitt stated that Montgomery County, along with Roanoke County, Franklin County and the City of Salem, has met extensively to discuss future jail needs in each locality. This has been a long process and they are at a stage where they need to move forward. He asked the Board’s consideration in moving forward with Montgomery County’s jail needs.

Sheriff Tommy Whitt, Captain Robby Hall, and the Assistant County Administrator made a presentation on addressing future Montgomery County jail capacity needs. The Assistant County Administrator indicated that the data provided in this report represents estimates only and is based on the best information available at the time of the analysis.

The current jail has a 60 bed capacity and the total projected beds needed by the County are as follows:

Year 2012	192
Year 2018	226
Year 2030	296

Four scenarios for addressing jail capacity needs were reviewed with pros and cons for each scenario as follows:

1. Scenario A – Build on the Existing Jail Site – assuming state participation in 20% of costs.
2. Scenario B – Build on the Existing Jail Site – assuming no state participation in the costs.
3. Scenario C – Build at the New River Valley Jail site.
4. Scenario D – Join the Proposed Regional Jail Authority.

The estimated cost for each scenario is as follows:

Scenario A - \$22 million. If the state participates 20%, then the local cost is estimated at \$17.5 million.

Scenario B - \$22 million

Scenario C - \$21 million – If the state participates 50%, then the local cost is estimated at \$10.4 million. Also is it likely that a repayment to existing localities for space and support areas would be required. The cost is not known.

Scenario D - \$10.7 million – Montgomery County' share is 20% of \$53.2 million (Total estimated cost to build a new regional jail is \$88.7 million less the state's projected cost of \$35.5 million)

The Assistant County Administrator also reported that if Scenario D were considered, there would be a need for renovation at the current jail site with a projected estimated cost of \$2 million. This would bring the total estimated cost to \$12.7 million.

The County Administrator explained that a resolution to consider joining the regional jail authority is on the agenda for the Board's consideration. He stressed that if the Board of Supervisors does consider joining the Regional Jail Authority, this does not commit Montgomery County to participating in building a new regional jail. The Board could, at any time, withdraw before the Authority incurs any obligation. All participating jurisdictions are being asked to adopt a resolution for an agreement for the creation of the Western Virginia Regional Jail Authority. This is needed in order for the Authority to submit all necessary requests to the Department of Corrections by July 2005 for approval and on the General Assembly's agenda in 2006 for review and approval. This is necessary to be included in the State's budget for FY 2006-2007.

The Board of Supervisors discussed this issue and the future needs of the Montgomery County Jail. Supervisor Spradlin stated for the record that he agrees that Montgomery County does need to address the needs of the jail; however, he does not appreciate the time restraint that the Board of Supervisors has been given. He believes that the citizens of Montgomery County should be allowed to respond and comment on the proposed regional jail and Montgomery County's

participation. The Board should not indebt the citizens of the county for \$12 million without having a public hearing on the issue.

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>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marris	
Steve L. Spradlin	
Gary D. Creed	

OLD BUSINESS

**R-FY-05-231
REMOVE FROM THE TABLE
REZONING REQUEST
CHILDRESS FARMS INC.**

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby **removes from the table** Childress Farms, Inc. request to rezone a 15.15 acre portion of 65-acre tract of land from the zoning classification of Agriculture (A-1) to Rural Residential (R-R).

The vote on the foregoing motion was as follows:

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

ORD-FY-05-27
AN ORDINANCE AMENDING THE ZONING
CLASSIFICATION OF 15.15 ACRE PORTION OF 65-ACRE TRACT
FROM AGRICULTURE (A-1) TO RURAL RESIDENTIAL (R-R)
CHILDRESS FARMS INC.

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 15.15 acre portion of 65-acre tract of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) with the following proffered conditions:

1. Childress Farms, Inc., agrees to participate with the County and VDOT to pave frontage road 059 to VDOT Standards. Childress Farms, Inc.'s liability for funding the cost of the paving shall not exceed \$50,000. The County shall have no financial liability toward the cost of paving. Childress Farms, Inc., shall post with the County a letter of credit in an amount not to exceed \$50,000 in a form acceptable to the County as security to cover Childress Farms, Inc's paving cost liability before any subdivision plat subdividing the property may be recorded.

This action was commenced upon the application of Childress Farms, Inc. (Agent: Simon Associates).

The property is located on the northwest side of Seven Mile Tree Road approximately 1 mile southeast of the Mud Pike intersection and is identified as Tax Parcel No. 105-A-15 (Acct ID # 003378) in the Riner Magisterial District. The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

R-FY-05-232
A RESOLUTION FORMING THE
WESTERN VIRGINIA REGIONAL JAIL AUTHORITY,
APPROVING THE CREATION AGREEMENT
AND APPOINTING REGIONAL JAIL BOARD MEMBERS

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

WHEREAS, Section 53.1-95.2 et seq. of the Code of Virginia allows two or more counties or cities, or a combination thereof, by resolution to form a regional jail authority for the purpose of providing for the local correctional needs of the participating jurisdictions; and

WHEREAS, The Counties of Roanoke, Franklin, and Montgomery, and the City of Salem desire to create a regional jail authority, to be called the “Western Virginia Regional Jail Authority” (hereinafter “Authority”), for the purpose of owning, operating, managing, maintaining, regulating, planning for and financing of the Western Virginia Regional Jail to be located in the County of Roanoke; and

WHEREAS, The Board of Supervisors of the County of Montgomery desires to become a member of the Western Virginia Regional Jail Authority and approve the proposed Agreement for Creation of the Western Virginia Regional Jail Authority, which said Agreement is hereby incorporated and made a part of this Resolution by reference.

NOW, THEREFORE, BE IT RESOLVED By The Board of Supervisors of the County of Montgomery that:

1. The Board of Supervisors hereby approves the Agreement for Creation of the Western Virginia Regional Jail Authority presented to the Board of Supervisors this date, and authorizes Gary Creed, Chair of the Board of Supervisors to execute the said Agreement on behalf of the County of Montgomery, Virginia.
2. Inasmuch as the Sheriff is a member of the Board of the Authority by law and agreement, the Board of Supervisors also appoints Doug Marrs, Board of Supervisors member, and Clay Goodman, County Administrator, as members of the Authority, and Gary D. Creed, Chair of the Board of Supervisors, and Carol Edmonds, Assistant County Administrator, as alternate members.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
Annette S. Perkins
John A. Muffo
James D. Politis
Mary W. Biggs
Gary D. Creed

NAY

Steve L. Spradlin

R-FY-05-233
RESOLUTION OF COMMENDATION
DEPUTY ERIC E. SUTPHIN

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

WHEREAS, On May 9, 2003 Officer Scott Hylton made contact with a vehicle driven by a male subject at the Stop-In on Roanoke Street in Christiansburg who was suspected of being the operator of a vehicle previously involved in a high speed pursuit with the Blacksburg Police Department and also a suspect of shoplifting that had occurred a few minutes earlier on the opposite side of town; and

WHEREAS, Officer Hylton was physically attacked and disarmed of his duty pistol during the initial seconds of his encounter with the suspect and was subsequently shot with his own duty weapon; and

WHEREAS, The suspect got into his vehicle and was attempting to leave the Stop-In parking lot when *Montgomery County Sheriff's Deputy Eric Sutphin* arrived and struck the driver's side door of the suspect's vehicle and was successful in his attempt to stop the vehicle; and

WHEREAS, The suspect opened fire on *Deputy Sutphin* through the windshield of his patrol vehicle and as *Deputy Sutphin* returned fire the suspect fled on foot; and

WHEREAS, Although *Deputy Sutphin* was struck in the arm and chest he displayed extraordinary bravery and valor as he continued to assist in the apprehension of the suspect; and

WHEREAS, *Deputy Eric Sutphin* was awarded the Commonwealth Public Safety Medal of Valor by the Governor and the 2004 Virginia Sheriffs Association Valor Award for his personal bravery and uncommon valor.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of all of its citizens, recognizes and wishes to pay tribute to *Deputy Eric Sutphin* of the Montgomery County Sheriff's Office, a brave man who risked his life in the name of justice and for the protection of others.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to *Deputy Eric Sutphin* and a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

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

R-FY-05-234
RESOLUTION OF COMMENDATION
SERGEANT MATTHEW WILBURN

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

WHEREAS, On May 9, 2003 Officer Scott Hylton made contact with a vehicle driven by a male subject at the Stop-In on Roanoke Street in Christiansburg who was suspected of being the operator of a vehicle previously involved in a high speed pursuit with the Blacksburg Police Department and also a suspect of shoplifting that had occurred a few minutes earlier on the opposite side of town; and

WHEREAS, Officer Hylton was physically attacked and disarmed of his duty pistol during the initial seconds of his encounter with the suspect and was subsequently shot with his own duty weapon; and

WHEREAS, The suspect got into his vehicle and was attempting to leave the Stop-In parking lot when Montgomery County Sheriff's Deputy Eric Sutphin arrived and struck the driver's side door of the suspect's vehicle and was successful in his attempt to stop the vehicle; and

WHEREAS, The suspect opened fire on Deputy Sutphin through the windshield of his patrol vehicle and as Deputy Sutphin returned fire the suspect fled on foot; and

WHEREAS, *Montgomery County Sheriff's Deputy Sgt. Matthew Wilburn* and Lt. Mark Sisson of the Christiansburg Police Department arrived and gave foot pursuit of the suspect; and

WHEREAS, The suspect confronted and given multiple commands to drop the weapon and surrender but the suspect refused to obey and gunshots were exchanged and the suspect continued to run; and

WHEREAS, The suspect was again confronted and given multiple commands to surrender but refused to do so; and

WHEREAS, When the suspect came out from behind a board fence and pointed his weapon at the three officers, the three officers opened fire on the suspect mortally wounding him, displaying extraordinary personal bravery and valor in putting their own lives at risk to protect the safety of the citizens; and

WHEREAS, **Sgt. Matthew Wilburn** was awarded the 2004 Virginia Association Valor award for his personal bravery and uncommon valor.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of all of its citizens, recognizes and wishes to pay tribute to **Sgt. Matthew Wilburn** of the Montgomery County Sheriff's Office, a brave man who risked his life in the name of justice and for the protection of others.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Sgt. Matthew Wilburn** and a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

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

R-FY-05-235
RESOLUTION OF COMMENDATION
LT. MARK SISSON
CHRISTIANSBURG POLICE DEPARTMENT

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

WHEREAS, On May 9, 2003 Officer Scott Hylton made contact with a vehicle driven by a male subject at the Stop-In on Roanoke Street in Christiansburg who was suspected of being the operator of a vehicle previously involved in a high speed pursuit with the Blacksburg Police Department and also a suspect of shoplifting that had occurred a few minutes earlier on the opposite side of town; and

WHEREAS, Officer Hylton was physically attacked and disarmed of his duty pistol during the initial seconds of his encounter with the suspect and was subsequently shot with his own duty weapon; and

WHEREAS, The suspect got into his vehicle and was attempting to leave the Stop-In parking lot when Montgomery County Sheriff's Deputy Eric Sutphin arrived and struck the driver's side door of the suspect's vehicle and was successful in his attempt to stop the vehicle; and

WHEREAS, The suspect opened fire on Deputy Sutphin through the windshield of his patrol vehicle and as Deputy Sutphin returned fire the suspect fled on foot; and

WHEREAS, *Lt. Mark Sisson* of the Christiansburg Police Department and Montgomery County Sheriff's Deputy Sgt. Matthew Wilburn arrived and gave foot pursuit of the suspect; and

WHEREAS, The suspect confronted and given multiple commands to drop the weapon and surrender but the suspect refused to obey and gunshots were exchanged and the suspect continued to run; and

WHEREAS, The suspect was again confronted and given multiple commands to surrender but refused to do so; and

WHEREAS, When the suspect came out from behind a board fence and pointed his weapon at the three officers, the three officers opened fire on the suspect mortally wounding him, displaying extraordinary personal bravery and valor in putting their own lives at risk to protect the safety of the citizens.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of all of its citizens, recognizes and wishes to pay tribute *to Lt. Mark Sisson*, a brave man who risked his life in the name of justice and for the protection of others.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to *Lt. Mark Sisson* and a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

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

R-FY-05-236
RESOLUTION OF APPRECIATION
MONTGOMERY COUNTY PLANNING COMMISSION
HARRY C. NEUMANN

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

WHEREAS, Harry C. Neumann has faithfully served as a member of the Montgomery County Planning Commission since from June 1986 to December 1990 and from June 1993 to May 2005; and

WHEREAS, Harry C. Neumann has served as Chairman of the Planning Commission in 2001 and 2002, Vice Chair in 2000 and Secretary in 1995-96; and

WHEREAS, Mr. Neumann's service to the community is evidenced by his efforts in the development of Montgomery County's 2025 Comprehensive Plan and major revisions to both the Subdivision Ordinance and Zoning Ordinance; and

WHEREAS, The County recognizes the impartial and dedicated service that *Harry C. Neumann* has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *Harry C. Neumann*.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to *Harry C. Neumann* and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
James D. Politis
Mary W. Biggs
Steve L. Spradlin
Annette S. Perkins
John A. Muffo
Gary D. Creed

NAY

None

R-FY-05-237
RESOLUTION OF APPRECIATION
MONTGOMERY COUNTY PLANNING COMMISSION
CHARLIE W. ELGIN, JR.

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

WHEREAS, Charlie W. Elgin, Jr. has faithfully served as a member of the Montgomery County Planning Commission since September 1999; and

WHEREAS, Charlie W. Elgin, Jr. has served as Chairman of the Planning Commission in 2005, Vice Chair in 2003-04 and Secretary in 2001-02; and

WHEREAS, Mr. Elgin's service to the community is evidenced in his contribution to the development of the County's 2025 Comprehensive Plan; and

WHEREAS, The County recognizes the dedicated service that *Charlie W. Elgin, Jr.* has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *Charlie W. Elgin, Jr.*

BE IT FURTHER RESOLVED, That the original of this resolution be presented to *Charlie W. Elgin, Jr.* and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
James D. Politis
Mary W. Biggs
Steve L. Spradlin
Annette S. Perkins
John A. Muffo
Gary D. Creed

NAY

None

R-FY-05-238
RESOLUTION OF APPRECIATION
MONTGOMERY COUNTY PLANNING COMMISSION
DON W. LINKOUS

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

WHEREAS, Don W. Linkous has faithfully served as a member of the Montgomery County Planning Commission since 1996; and

WHEREAS, Don W. Linkous has served as Chairman of the Planning Commission in 2003-04, Vice Chair 2001-02 and Secretary in 2000; and

WHEREAS, Mr. Linkous' service to the community is evidenced in his contribution to the development of the County's 2025 Comprehensive Plan; and

WHEREAS, The County recognizes the dedicated service that *Don W. Linkous* has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *Don W. Linkous*.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to *Don W. Linkous* and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
James D. Politis
Mary W. Biggs
Steve L. Spradlin
Annette S. Perkins
John A. Muffo
Gary D. Creed

NAY

None

R-FY-05-239
RESOLUTION OF APPRECIATION
MONTGOMERY COUNTY PLANNING COMMISSION
MALVIN L. WELLS

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

WHEREAS, Malvin L. Wells has faithfully served as a member of the Montgomery County Planning Commission since 1981; and

WHEREAS, Malvin L. Wells has served as Chairman of the Planning Commission in 1987-88 and 1998-99, Vice Chair in 1986 and 1994, and Secretary in 1985; and

WHEREAS, Mr. Wells' service to the community is evidenced by his work on the 1983 Comprehensive Plan, the 1990 Comprehensive Plan, and the County's 2025 Comprehensive Plan and major revisions to both the Subdivision Ordinance and Zoning Ordinance, as well as his work on the 5-Year Capital Improvements Program; and

WHEREAS, The County recognizes the impartial and dedicated service that *Malvin L. Wells* has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude *to Malvin L. Wells.*

BE IT FURTHER RESOLVED, That the original of this resolution be presented to *Malvin L. Wells* and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
James D. Politis
Mary W. Biggs
Steve L. Spradlin
Annette S. Perkins
John A. Muffo
Gary D. Creed

NAY

None

COUNTY ADMINISTRATOR'S REPORT

Meadowbrook Library Furnishings The County Administrator reported that information on the furnishings for Meadowbrook Library would be available at the June 13, 2005 board meeting.

Virginia Association of Counties (VACo) – 2005 Achievement Awards The County Administrator reported that Montgomery County would be submitting an application for the 2005 VACo's Achievement Awards. Community involvement in developing the 2025 Comprehensive Plan will be submitted for an award

Cooperative Coyote Damage Control Program At the March 14, 2005 Board meeting, Supervisor Spradlin reported that the coyote problem in Montgomery County is getting worse and requested staff to survey surrounding localities to determine their interest in participating in a joint effort for a coyote damage control program.

The counties of Craig, Floyd, Giles, Pulaski, and Roanoke were contacted and following responses have been received:

Craig County – Do not wish to participate

Floyd County – Is interested in accessing how to reduce the coyote population.

Giles County – Already has an active coyote bounty program, but would be happy to discuss participation in a joint effort.

Pulaski County – No response

Roanoke County – Do not wish to participate

Chad Fox, District Supervisor for USDA Wildlife Services, suggests the best management option to reduce coyote damage is an integrated wildlife damage management program.

By consensus, the Board authorized the County Administrator to work with Floyd County and Giles County and with the USDA Wildlife Services, to assess options for controlling coyote population and damage.

BOARD MEMBERS' REPORTS

Supervisor Biggs attended the Library Board meeting held at the new CRC Branch Library. The Library has an average of 15 people visting per day and they have issued 36 new library cards. The next meeting of the Library Board is scheduled for June 15, 2005 at the Floyd Library.

MUNIS – Supervisor Biggs requested an update on MUNIS. The County Administrator stated he would provide a report for the Board.

Supervisor Muffo attended a meeting of the Art Museum in Roanoke. Virginia Tech President Charles Steger was one of the speakers, with an emphasis on K-12 education and the increased use of technology.

On May 16, 2005 the Montgomery County Sheriff's Office held a ceremony to honor fallen officers. Supervisor Muffo found this ceremony very impressive.

Ellett Vally Loop Trail On May 12, 2005, Supervisor Muffo and Supervisor Creed met with representatives from the Town of Blacksburg, and the Parks & Recreation Directors of Blacksburg and Montgomery County. The Community Design Assessment Center of Virginia Tech will be seeking grant opportunities and have requested \$1,700 each from Montgomery County and the Town of Blacksburg to help with cost of writing the grant proposals. Supervisor Muffo reported that Montgomery County has remaining funds from the initial start up funds to cover this request.

Supervisor Creed reported the Meadowbrook Library is progressing nicely. As the County Administrator reported, information on the furnishings for Meadowbrook Library will be on the Board's June 13th agenda.

ADJOURNMENT

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously, the Board adjourned to Monday, June 13, 2005 at 7:15 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 9:30 p.m.

APPROVED: _____ ATTEST: _____
Gary D. Creed B. Clayton Goodman, III
Chair County Administrator