

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27<sup>TH</sup> DAY OF JUNE 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

|          |                         |                                  |
|----------|-------------------------|----------------------------------|
| PRESENT: | Gary D. Creed           | -Chair                           |
|          | Mary W. Biggs           | -Supervisors                     |
|          | Doug Marris             |                                  |
|          | John A. Muffo           |                                  |
|          | B. Clayton Goodman, III | -County Administrator            |
|          | Martin M. McMahon       | -County Attorney                 |
|          | T.C. Powers             | -Planning Director               |
|          | Robert C. Parker        | -Public Information Officer      |
|          | Steve Sandy             | -Zoning Administrator            |
|          | Vickie L. Swinney       | -Secretary, Board of Supervisors |

|         |                    |              |
|---------|--------------------|--------------|
| ABSENT: | Steve L. Spradlin  | -Vice Chair  |
|         | Annette S. Perkins | -Supervisors |
|         | James D. Politis   |              |

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

### **PRESENTATIONS**

Chair Gary Creed presented resolutions of commendation to Montgomery County Sheriff's Deputy Eric Sutphin and Sergeant Matthew Wilburn, and the Town of Christiansburg's Lieutenant Mark Sisson, who were involved in a shooting incident in Christiansburg on May 9, 2003.

Deputy Sutphin and Sergeant Wilburn received the 2004 Valor Award from the Virginia Sheriff's Association. Deputy Sutphin also received the 2005 Commonwealth Public Safety Officers' Medal of Valor Award.

## **PUBLIC HEARINGS**

### Rezoning Request

**Vernon Taylor requests to rezone a 1.449 acre tract from Agriculture (A-1) to Residential (R-2), with possible proffered conditions, to allow the subdivision of property for an additional single-family residence.** The property is located at 6105 North Fork Road and is identified as Tax Parcel No. 60-A-7A (Acct ID # 030077) in the Shawsville Magisterial District. The property currently lies in an area designated as Village Expansion in the Comprehensive Plan.

The Zoning Administrator provided a brief presentation. The applicant is requesting a rezoning of 1.449 acres from A-1 to R-2 in order to allow the placement of an additional single-family residence. Currently there is a dwelling on site, which is being used by the property owner. A family member will occupy the new dwelling. The property currently lies in an area designated as Village Expansion in the Comprehensive Plan. This request appears to be a logical progression in the Elliston Village core. The only concern is that the existing dwelling and proposed dwelling connect to public water and sewer. Currently the existing dwelling is connected to public water but using a private septic service. The applicant has proffered that both dwellings will be connected to public water and sewer.

At their June 8, 2005 meeting, the Planning Commission found the request to be in conformance with the Comprehensive Plan and recommended approval to the Board of Supervisors, subject to the following condition:

1. The existing dwelling (6105 North Fork Road) and proposed dwelling will be connected to public water and public sewer prior to approval of a building permit for the new dwelling.

There being no speakers, the public hearing was closed.

### Special Use Permit

**Montgomery County Board of Supervisors (Agent: Investigator Edward Hertling) requests a special use permit, with possible conditions, on approximately 116 acres in Agriculture (A-1) to allow a shooting range.** The property is located at 2366 Den Hill Road and is identified as Tax Parcel No. 81-A-14 (Acct ID # 070682) in the Shawsville Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Zoning Administrator provided a brief presentation. The Montgomery County Sheriff's Office is requesting a special use permit to allow a shooting range for law enforcement personnel on approximately 116 acres in A-1. The proposed site is the site of the former Thompson Landfill, which closed in 1988. This appears to be a suitable re-use for this property. It is a large site that is isolated from adjoining residences. The Sheriff's Office currently uses the Tom's Creek Range operated by the Town of Blacksburg; however, complaints of noise and safety are escalating due to encroaching residential development. If the proposed site is

approved, the Town of Blacksburg, Town of Christiansburg, and the New River Criminal Justice Training Academy have expressed interest in using this site. The Zoning Administrator reported that since the construction of a shooting range is being proposed on an existing landfill, all appropriate agencies have been contacted. The Virginia Department of Environmental Quality (DEQ) has offered comments regarding this proposal and its compatibility with the current use of the site. Several issues will have to be addressed to DEQ's satisfaction before opening this facility.

At their June 8, 2005 meeting, the Planning Commission found the request to be in conformance with the Comprehensive Plan and recommended approval to the Board of Supervisors subject to the following conditions:

1. Special Use Permit authorizes use of property for a public safety shooting range and associated training and storage buildings as generally depicted on plans dated April 25, 2005. The property or range shall not be open to the general public, unless supervised by law enforcement personnel for events such as the Citizen Police Academy.
2. Shooting range shall not operate between the hours of 10:00 p.m. to 7:00 a.m. No shooting shall be permitted on Sundays.
3. Shooting range site shall be constructed in substantial accordance with the VA Department of Environmental Quality (DEQ) comments of May 24, 2005 and solid waste permit #038 as well as the "Best Management Practices for Lead at Outdoor Shooting Ranges" publication dated March 2003, as amended, prepared by U.S. Environmental Protection Agency (EPA). The Sheriff's Office shall request a "Certificate of Recognition" from EPA by submitting a notice to the EPA Lead Shot Coordinator in EPA Region 2 within six (6) months of opening the facility stating that they have completed an Environmental Stewardship Plan consistent with the EPA Best Management Practices for Lead at Outdoor Shooting Ranges Manual.
4. Perimeter of property should be properly posted with signage to adequately warn against trespass and identify that the property is used as a shooting range.
5. Entrance to site shall remain gated to restrict public access.
6. No hunting shall be allowed on the property.
7. Range construction shall not begin until the County's Post Closure Care Plan has been updated to include the shooting range and submitted and approved by VA DEQ.

Investigator Edward Hertling, agent for the applicant, spoke in support of the proposed shooting range. He re-emphasized the comments made by the Zoning Administrator. He explained the current site at Tom's Creek is small and restricts the number of officers that can train at one time and the amount of time one can train. The proposed site would allow advanced training and training with other jurisdictions. Investigator Hertling urged the Board to approve this request.

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

### Special Use Permit

**Blacksburg Volunteer Fire Department requests a special use permit, with possible conditions, on approximately .489 acres in Agriculture (A-1) to allow a communications tower approximately 160 feet in height.** The property is located at 3569 Pandapas Pond Road (Forest Service Road) and is identified as Tax Parcel No. 26-A-4 (Acct ID # 018667) in the Prices Fork Magisterial District. The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

The Zoning Administrator provided a brief overview explaining the Blacksburg Volunteer Fire Department (BVFD) request for a special use permit in order to construct a communications tower on Pandapas Pond Road. The tower will be used to handle the fire department and rescue squad antennae for emergency use. The Montgomery County Sheriff's office will also be allowed to install their antennae for communications. The site is located on the forest service road and surrounded by the Jefferson National Forest property. The proposed use is expected to have minimal impact. Traffic is expected to be limited to one to two trips per week. There will be no lighting mounted on the pole and there will be no clearing of trees to install the pole. Since Montgomery County has a policy dealing with communications towers, the applicant was requested to evaluate alternative sites in the area for possible co-locations. After review, the applicant determined that this site was the most desirable for coverage objectives. The Planning staff provided a comprehensive analysis for this request and stated that while improved communications ability for public safety is important, there must be evidence of overwhelming and critical need that can not be met through co-location on existing structures. According to the BVFD, there are three co-location sites located on Brush Mountain within close proximity to Blacksburg. However, it is clear that the sites are inadequate or unavailable. The first site, located near the U.S. Forest Service tower on Brush Mountain, is currently at its capacity and no additional antennas are likely to be added. The second site, the AEP tower located near Preston Forest, also on Brush Mountain, lacks space to accommodate the Fire Department's needs. The final co-location is a 10' water tank, located in Laurel Ridge Subdivision, lacks the height needed and therefore is unsuitable for co-location. The Planning staff found this proposal in conformance with the Tower Agreement and with the comprehensive plan.

At their June 8, 2005 meeting, the Planning Commission found this request to be in conformance with the Comprehensive Plan and recommended approval to the Board of Supervisors subject to the following conditions:

1. Tower shall not exceed a total overall height of 160 feet and shall not have lighting.
2. Tower shall be of a "monopole stealth design" with approximate diameter of two (2) feet @ tree canopy (80 ft) and one (1) foot diameter at top. All antennae shall be mounted within thirty-six (36) inches of the structure. All wiring and cables shall be located inside the pole structure.
3. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted and approved by the Building official prior to issuance of a building permit.

4. Tower structure shall be for governmental agency use only. No platforms or dishes shall be permitted on the structure above the tree line.
5. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
6. Electricity to the site will be permitted provided lines follow existing forest service road west of the Laurel Ridge Subdivision.

Keith Bolte, Fire Chief and Randy Smith, Communications Officer with the Blacksburg Volunteer Fire Department, described the need for a tower. There are infrastructure concerns with the current site, which include inadequate coverage, interference, lack of a generator backup power and security. The solution is to erect a new tower site on Brush Mountain which will be used by the Blacksburg Fire Department, Blacksburg Rescue Squad, Montgomery County Sheriff's Office, and the Long Shop/McCoy Fire Department.

John Pettengill expressed concerns about the proposed tower site. He is not opposed to the construction of the tower but for potential earthquakes along the fault line and suggested an earthquake study be done before approving the request for a tower. Mr. Pettengill also expressed concern about the chain link fence being proposed around the site, he believes a wall constructed around the site would provide more safety.

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

Proposed Amendment to Chapter 7, Code of Montgomery County, Virginia  
Entitled Offenses - Miscellaneous

**An Ordinance Amending Chapter 7 of the Code of the County of Montgomery, Virginia Entitled Offenses – Miscellaneous by Adding Section 7-10 Requiring Viewing Areas of a Movie Arcade to Be Visible from a Continuous Main Aisle and Not Be Obscured by Any Curtain, Door, Wall or Other Enclosure.**

The County Attorney provided a brief explanation of the proposed amendment. It shall be unlawful for any person to own, maintain or operate a movie arcade where the viewing area is not visible from a continuous main aisle and is obscured by any curtain, door, wall or other enclosures. This proposed ordinance is not directed at the content of the showing, rather at controlling offensive and illegal activity within the booths.

There being no speakers, the public hearing was closed.

## **DELEGATION**

### **Vacation of Right-Of-Way - Birdie Road**

Request to Vacate a portion of Right-of-Way - Birdie Road

**Elaine E. Flippo request to vacate the portion of Birdie Road right-of-way (designated on original plat) adjoining Lot 713 of Blacksburg Country Club Estate** (Tax Parcel No. 056-3-713, Account ID# 003991) and add this portion to Lot 713 in accordance with the provisions of Section 15.2-2272.2 of the Code of Virginia, as amended.

Request to Vacate a portion of Right-of-Way - Birdie Road

**Frank Tomasson Jannuzi and Barbara G. Jannuzi request to vacate a portion of Birdie Road right-of-way (designated on original plat) adjoining Lot 712 of Blacksburg Country Club Estate** (Tax Parcel No. 056-3-712, Account ID# 012463) and add this portion to Lot 712 in accordance with the provisions of Section 15.2-2272.2 of the Code of Virginia, as amended.

The Planning Director briefly explained the above requests. Birdie Road was designed for construction during the development of Blacksburg Country Club Estates. Over the years Birdie Road was not built and most likely will not be. The property owners of Lot 712 and Lot 713 in Blacksburg Country Club Estates are requesting the right-of-way designated for Birdie Road be conveyed back to them.

The County Attorney recommended a public hearing be held in order to receive public comments on the above request. The Board at this time voted to schedule a public hearing on the above requests.

**R-FY-05-258**  
**SCHEDULE PUBLIC HEARING**  
**PROPOSED ORDINANCE**  
**VACATING BIRDIE ROAD LOCATED**  
**IN SECTION 3 OF THE**  
**BLACKSBURG COUNTRY CLUB ESTATES SUBDIVISION**

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

The Board of Supervisors of the County of Montgomery, Virginia hereby schedules a public hearing for Monday, July 25, 2005, at 7:15 or as soon thereafter in the County Government Center, 755 Roanoke Street, Christiansburg, Virginia, in order to hear citizens comments on the Board of Supervisors' intention to adopt an Ordinance Vacating Birdie Road Located in Section 3 of the Blacksburg Country Club Estates Subdivision.

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 |
| Mary W. Biggs |            | James D. Politis   |
| Doug MARR     |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

### **PUBLIC ADDRESS SESSION**

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

### **ADDENDUM**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the following addendum dated June 27, 2005 was added to the agenda under New Business:

### **Department of Social Services – Additional Appropriation**

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 |
| Doug MARR     |            | James D. Politis   |
| John A. Muffo |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

### **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by Doug MARR and carried unanimously, the Consent Agenda dated June 27, 2005 was approved.

The vote on the foregoing motion was as follows:

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

**Approval of Minutes**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the minutes dated May 23, 2005 were approved.

**A-FY-05-121  
GENERAL DISTRICT COURT  
TRANSFER FROM GENERAL CONTINGENCIES**

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 a transfer of appropriation is hereby authorized, as follows:

**FROM:**

950 General Contingencies (\$200)

**TO:**

220 General District Court \$200

Said resolution transfers appropriated funds from General Contingencies to the General District Court's Office to cover telephone expense in excess of the original appropriation.

**A-FY-05-122  
HUMAN SERVICES  
TRANSFER FROM GENERAL CONTINGENCIES**

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 a transfer of appropriation is hereby authorized, as follows:

**FROM:**

950 General Contingencies (\$15,000)

**TO:**

520 Human Services \$15,000

Said resolution transfers appropriated funds from General Contingencies to Human Services to cover the cost of a leave payout for a long time employee who is retiring.

**A-FY-05-123**  
**PARKS AND RECREATION**  
**SUPPLEMENTAL APPROPRIATION**  
**DONATIONS**

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, 2005, for the function and in the amount as follows:

|     |                      |       |
|-----|----------------------|-------|
| 700 | Parks and Recreation | \$900 |
|-----|----------------------|-------|

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

Revenue Account

|        |           |        |
|--------|-----------|--------|
| 416158 | Donations | \$ 900 |
|--------|-----------|--------|

Said resolution appropriates funds received as donations.

**A-FY-05-124**  
**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, 2005, for the function and in the amount as follows:

|     |                |       |
|-----|----------------|-------|
| 310 | Sheriff- State | \$374 |
|-----|----------------|-------|

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

Revenue Account

|        |                      |       |
|--------|----------------------|-------|
| 441101 | Insurance Recoveries | \$374 |
|--------|----------------------|-------|

Said resolution appropriates insurance recoveries for the Sheriff's office.

**A-FY-05-125**  
**SHERIFF**  
**PROJECT LIFESAVER APPROPRIATION**

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, 2005, for the function and in the amount as follows:

|     |                |       |
|-----|----------------|-------|
| 321 | Sheriff Grants | \$160 |
|-----|----------------|-------|

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

Revenue Account

|        |                   |       |
|--------|-------------------|-------|
| 424401 | Project Lifesaver | \$160 |
|--------|-------------------|-------|

Said resolution appropriates Project Lifesaver funds.

**A-FY-05-127**  
**SCHOOL FUNDS**  
**SUPPLEMENTAL APPROPRIATION**

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 School Operating and School Cafeteria Funds were granted appropriations in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

|    |                       |                  |
|----|-----------------------|------------------|
| 09 | School Operating Fund |                  |
|    | 1000 Instruction      | \$270,000        |
| 11 | School Cafeteria Fund | <u>\$269,000</u> |
|    | Total                 | \$539,000        |

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

Revenue Account:

|           |              |                  |
|-----------|--------------|------------------|
| 09 433226 | Title II     | \$270,000        |
| 11 451203 | Fund Balance | <u>\$269,000</u> |
|           | Total        | \$539,000        |

Said resolution appropriates additional funds for the School Operating and School Cafeteria Funds.

**OLD BUSINESS**

**R-FY-05-249  
AMERICAN ELECTRIC POWER  
RIGHT-OF-WAY EASEMENT  
MEADOWBROOK PUBLIC LIBRARY**

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

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the conveyance of a right-of-way easement to American Electric Power in order to provide an underground utility line to serve the new Meadowbrook Public Library located on Alleghany Springs Road.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to American Electric Power 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>      |
|---------------|------------|--------------------|
| Mary W. Biggs | None       | Annette S. Perkins |
| John A. Muffo |            | James D. Politis   |
| Doug Marrs    |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

**R-FY-05-250  
COURTHOUSE MAINTENANCE FEES**

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

WHEREAS, The State Code allows a total of \$4.00 to be charged for the Law Library fee and the Courthouse Maintenance fee; and

WHEREAS, The Courthouse maintenance fee is currently \$2.00 and the Law Library Fee is \$2.00 for a total of \$4.00 for both fees; and

WHEREAS, In FY 05, revenue from the Courthouse Maintenance fee is expected to generate \$55,948 with \$9,000 paid to Blacksburg; and

WHEREAS, Maintenance costs for the existing courthouse totaled \$563,154 in FY 03 and \$640,736 in FY 04 for an average of \$10 per sq ft; and

WHEREAS, Custodial costs for the expanded courthouse are estimated at \$1.14 per sq ft or \$114,000 annually; and

WHEREAS, The cost of both maintenance and custodial services for the new courthouse facility is estimated at \$1.2 million annually, and debt service cost for the renovated courthouse is estimated at \$1.6 million annually, totaling \$2.8 million annually; and

WHEREAS, Revenue from maintenance fees to offset the facility cost is \$56,000 or 2% of the total cost, leaving 98% of the cost not covered by user fees; and

WHEREAS, A \$10 increase of the fee would generate \$280,00 or 10% of the facility costs, leaving 90% to the cost not covered by user fees.

NOW THEREFORE BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby supports an increase in the Courthouse Maintenance Fee from \$2.00 to \$10.00, and authorizes the County Administrator, Supervisor Politis, and Supervisor Creed to approach legislators to support this increase.

The vote on the foregoing resolution was as follows:

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

## **NEW BUSINESS**

### **R-FY-05-251 AMENDMENT TO MONTGOMERY COUNTY'S PROCUREMENT POLICIES AND PROCEDURES**

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Commonwealth of Virginia has adopted legislation known as the Virginia Public Procurement Act (Chapter 43 of Title II, Section 2.2-4300 et seq.); and

WHEREAS, By resolution adopted on the 14<sup>th</sup> day of February, 1984, the Board of Supervisors of Montgomery County, Virginia, enacted procedures for the procurement of goods and services for the County, which resolution has been amended from time to time, most recently having been on June 24, 2002; and

WHEREAS, The Board of Supervisors now deems it to be in the best interest of the County to again amend the resolution of February 14, 1984 to provide for changes in small purchase procedures.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Procurement Resolution of February 14, 1984 is hereby amended as follows:

1. Single quotes will be allowed by departments for purchases under \$2,000.
2. For purchases of \$1,001 to \$2,000 Purchase Orders are required.
3. Such small purchases shall provide for competition when ever practicable.

FURTHER, BE IT RESOLVED, All officers, offices, departments and agencies of Montgomery County will comply with this Act.

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 |
| Mary W. Biggs |            | James D. Politis   |
| Doug Marrs    |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

**R-FY-05-252**  
**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE DEPARTMENT OF SOCIAL SERVICES**  
**AND MONTGOMERY COUNTY**

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

WHEREAS, The Department of Social Services employees participated in the County's recent Compensation and Classification Study; and

WHEREAS, The Social Services Board has requested that the Department of Social Services (DSS) employees be included in the County's Uniform Compensation Plan; and

WHEREAS, Based on the FY 2006 state budget allocation, state and federal funds provide \$4,464,443 or 89% of the departmental funds; and

WHEREAS, Prior to inclusion in the Uniform Compensation and Classification Plan, local funding was provided only in the amount required to meet the mandated matching requirement; and

WHEREAS, Inclusion in the Uniform Compensation and Classification Plan will increase the local funding provided this department above the mandated matching shares; and

WHEREAS, A Memorandum of Understanding will clarify the responsibilities for each function shared between the County and Social Services and sets forth a budget management plan necessary to track revenue and expenditures in the County's centralized system.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that after approval by the Social Services Board, the County Administrator is hereby authorized to sign the MOU 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>      |
|---------------|------------|--------------------|
| Mary W. Biggs | None       | Annette S. Perkins |
| Doug Marrs    |            | James D. Politis   |
| John A. Muffo |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

**R-FY-05-253**  
**A RESOLUTION ESTABLISHING**  
**THE ANNUAL COMPENSATION**  
**FOR MEMBERS OF THE BOARD OF SUPERVISORS**  
**TO BE EFFECTIVE JANUARY 1, 2006**

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

WHEREAS, On July 1, 1997, the Board of Supervisors established the annual salary for members of the Board to the current salary of \$9,000 per annum with the Chair and Vice-Chair receiving an additional \$1,800 and \$1,200 respectively per annum; and

WHEREAS, Pursuant to Section 15.2-1414.2 of the Code of Virginia, as amended, the Board of Supervisors may establish by a recorded vote of a majority present, an annual compensation for each member of the Board of Supervisors to become effective as of January 1 of the next year; and

WHEREAS, Pursuant to Section 15.2-1414.3 of the Code of Virginia, as amended, the Board of Supervisors may establish the annual compensation for each member of the Board of Supervisors at \$11,000 per annum with the Chair receiving an additional \$1,800 per annum and the Vice-Chair an additional \$1,200 per annum.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby establishes that:

1. The annual compensation for each member of the Board of Supervisors for their services in attending the meetings of the Board and in discharging the duties imposed by law upon them shall be \$11,000 per annum.

2. The Chair shall receive an additional \$1,800 per annum as compensation for discharging the duties as Chair of the Board of Supervisors. The Vice-Chair shall receive an additional \$1,200 per annum as compensation for discharging the duties as Vice-Chair of the Board of Supervisors.
3. This Resolution establishing the annual compensation for each member of the Board of Supervisors shall take effect on January 1, 2006.

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    |            | James D. Politis   |
| Mary W. Biggs |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

**R-FY-05-254**  
**400<sup>TH</sup> ANNIVERSARY OF JAMESTOWN**  
**VIRGINIA 2007 COMMUNITY PROGRAMS**

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

WHEREAS, In 2007, Virginia, the nation, and the world will commemorate the 400<sup>th</sup> anniversary of the founding of Jamestown, the first permanent English settlement in North America; and

WHEREAS, Our nation's democratic traditions, customs, language, representative government, free enterprise system, and diversity all emerged from that pivotal moment in America's history and this anniversary offers the opportunity to demonstrate how the lessons and legacies of the Jamestown founders are alive today and more meaningful than ever for all Americans; and

WHEREAS, Jamestown 2007 continues a tradition of commemorations observed every 50 years since 1807 through special events and educational programs; and

WHEREAS, Virginians and others worldwide are invited to recognize and honor these great and enduring American legacies; and

WHEREAS, The goal of Virginia's 400th anniversary, in 2007 is to capture the spirit, imagination, and diversity of the people of Virginia, and develop that energy into a myriad of signature events, national and international programs that bring new tourism, new economic development and renewed historical awareness of Virginia's role as the birthplace of modern America and the cradle of American democratic traditions, ideologies and principles; and

WHEREAS, At the heart of the two-year Jamestown 2007 commemoration will be a series of 12-15 large scale professionally produced special events and longer-term programs that promise to be entertaining, educational, cultural and memorable, including a six-month-long promotional sailing of a replica of the Godspeed into several eastern seaboard ports; a “National Teach-In” broadcast to every school in America, events featuring accomplishments and future contributions of African-Americans and Native Americans, a worldwide forum on “The Future of Democracy”; a yearlong “World of 1607” museum exhibit at Jamestown Settlement, plus others; and

WHEREAS, The series of Signature Events and Programs will span nearly two years, beginning in the Spring of 2006 and concluding in the Spring of 2008; and

WHEREAS, A major focus of the commemoration is the creation of a statewide program involving all parts of Virginia and citizens from all walks of life, which gives communities across Virginia the opportunity to spotlight their unique contributions to Virginia’s history and culture and their community pride; and

WHEREAS, To be recognized as an official Virginia 2007 Community, cities, towns, and counties are asked to organize a committee of community leaders, examine the community’s history, and complete a project to preserve that history; evaluate the community as a place to live, work, and visit; adopt a project of lasting value to the community to be finished during or before 2007; and plan local commemorative activities for 2007, including an invitation to former citizens and all Americans to “come home to Virginia”; and

WHEREAS, The Virginia 2007 Community Program is an opportunity to pause and remember the past, reflect on your values, and make your community a better place to live, work, and visit, and is an opportunity to show off the heritage and special qualities of the entire Commonwealth; and

WHEREAS, This dynamic program encourages each citizen, in every community across the state, to showcase for the nation and the world how their local culture, heritage, and history contributed to Virginia’s key role in the development of modern America; and

WHEREAS, Communities are encouraged to develop their own legacy projects and events, including such things as new museums, hiking trails, beautification programs, a sculpture garden, exhibits, student exchange programs, heritage trails, and theatrical productions; and

WHEREAS, The goal of the Virginia 2007 Community Program is to have 100% participation from all cities, towns, and counties across the Commonwealth. As of March 2005, 110 communities are planning Virginia 2007 Community Programs.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to prepare and submit the appropriate application materials for designation of Montgomery County as an official Virginia 2007 Community.

BE IT FURTHER RESOLVED, The Montgomery County Board of Supervisors hereby confirms that the publication of an official Montgomery County history book and companion audio-video program will constitute the County's official Virginia 2007 Community Program.

The vote on the foregoing resolution was as follows:

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

**A-FY-05-128**  
**SOCIAL SERVICES**  
**ADDITIONAL APPROPRIATION**

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 to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

|     |                 |           |
|-----|-----------------|-----------|
| 540 | Social Services | \$300,705 |
|-----|-----------------|-----------|

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

| <u>Revenue Account</u> |                   |
|------------------------|-------------------|
| 424102                 | Public Assistance |
|                        | \$300,705         |

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

| <u>FROM:</u> |                       |
|--------------|-----------------------|
| 950          | General Contingencies |
|              | (\$5,338)             |

| <u>TO:</u> |                 |
|------------|-----------------|
| 540        | Social Services |
|            | \$5,338         |

Said resolution appropriates additional state funding for the View Working and Transitional Day care (10% local match), Non-view Day care (10% local match), Special Needs Adoption (no match), AFDC Foster Care (no match), and Headstart Transition to Work (no match) programs.

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    |            | James D. Politis   |
| Mary W. Biggs |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

### **INTO WORK SESSION**

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

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

1. Meadowbrook Library Furnishings
2. Historic Tax District

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 |
| Doug Marrs    |            | James D. Politis   |
| John A. Muffo |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

### **Meadowbrook Public Library Furnishings**

The County Administrator reported at their June 22, 2005 meeting, the Library Board of Trustee established a priorities list for funding the equipment and furnishings for the Meadowbrook Public Library. The list included nine (9) priority levels that ask for funds from the County ranging from \$231,758 to \$0. The first three priorities eliminate furnishings from various rooms, such as remove furnishings for the meeting room, conference room, and the public coffee area. The other priorities reduce the number of full-time coordinators and part-time employees. This will result in reducing the hours Meadowbrook Public Library hours of operation from 60 hours per week to 40 hours per week. The County Administrator also reported the possibility of year-end operating savings of \$113,273. The Library, in the past, has used any year-end savings for the purchase of collections. If year-end savings are used toward the purchase of furnishings for the Meadowbrook Public Library, then collection purchases would be reduced and all library branches would be affected negatively. Therefore, if all possible savings are incurred the County would be asked to contribute \$21,957 for the furnishings as follows:

|                                     |                  |
|-------------------------------------|------------------|
| Original Furnishings Request Amount | \$277,500        |
| Less: Unnecessary shelving          | <u>\$ 45,742</u> |
| Subtotal: Furnishing Request        | \$231,758        |
| Less: Priority 2 Savings            | \$ 11,004        |
| Less: Priority 3 Savings            | <u>\$ 35,524</u> |
| Subtotal: Furnishings Request       | \$185,230        |
| Less: Grant Fund Receipt            | \$ 50,000        |
| Less: Use of Projected Savings      | <u>\$113,273</u> |
| Total Estimated Funding from County | \$ 21,957        |

If grant funding is not received, this amount would be increased by \$50,000 and if the County asked the Library Board to use only half of the projected savings, then another \$56,635 would increase the County's participation in the project, resulting in contributing \$71,957 to \$128,592.

The County Administrator reported that all parties are striving for the same goal, the successful opening of the new Meadowbrook Public Library in October 2005.

### **Historic District Tax Incentives**

The County Administrator explained that the Town of Blacksburg asked the County some time ago to consider enacting the appropriate ordinance which would permit the property owners located in the Blacksburg Historic District certain tax incentives. Currently, the program only provides the Town property owners with tax incentives in the Town. A County ordinance would allow Town property owners to receive tax incentives or tax savings for new construction for both town and county taxes. This would result in a stronger incentive program, which would assist the Town in promoting its desired growth strategies in its Historic District. To date, only three property owners participate in this program. The County tax rate is three times the Town's rate so it is expected that more properties may participate. The actual loss of revenue to the County would be negligible.

The County Administrator reported there are many issues remaining unresolved and much detail work remain to be done. If a tax incentive is provided for historic districts, then it should be county wide. This could possibly be developed during the Village Planning. The County Administrator requested that the Board of Supervisors authorize county staff to proceed with drafting an ordinance.

By consensus of the Board, county staff was authorized to move forward with drafting and ordinance to establish historic district tax incentives.

**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 hereby 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>      |
|---------------|------------|--------------------|
| Doug Marrs    | None       | Annette S. Perkins |
| Mary W. Biggs |            | James D. Politis   |
| John A. Muffo |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

**R-FY-05-255  
MEADOWBROOK PUBLIC LIBRARY  
FURNISHINGS**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby agrees to contribute \$21,957 toward the purchase of furnishings for the Meadowbrook Public Library.

BE IT FURTHER RESOLVED, The Board of Supervisors may consider this issue again at a future board meeting.

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 |
| Mary W. Biggs |            | James D. Politis   |
| Doug Marrs    |            | Steve L. Spradlin  |
| Gary D. Creed |            |                    |

**COUNTY ADMINISTRATOR'S REPORT**

Riner Cannery The County Administrator presented a status report on the Riner Cannery. The process for opening the cannery for this season has begun and the boiler has been repaired. There are no confirmed costs on the other piece of equipment to be repaired. A citizen steering committee has been established to guide the cannery operations and is pursuing repair to this piece of equipment.

## **BOARD MEMBERS' REPORTS**

**Supervisor Marrs** attended the Fairview District Home meeting. He reported there is a dire need of repairs to the plumbing system at the Fairview Home. The Fairview Home will probably in the future send a request to all participating localities for funding to cover this expense.

**Supervisor Biggs** commented on the proposed public safety shooting range requested by the Sheriff's Office. She has received concerns about the noise, and requests that the public be permitted to use the range when not in use by law enforcement.

**Supervisor Muffo** reported that he lives 2 miles from the Tom's Creek Shooting Range and the noise is a nuisance. Also, the neighborhood is getting closer due to the increase in development.

**Community Services Board Appointments** Supervisor Muffo reported that the interview committee interviewed three applicants for the vacant position on the Community Services Board. All three applicants are excellent candidates and he believes it will be hard to decide whom to choose.

**Supervisor Creed** reported that the Western Virginia Regional Jail Authority will meet the first Thursday of each Month. The Authority has created sub-committees, which will also meet monthly.

## **INTO CLOSED MEETING**

On a motion by Doug Marrs, seconded by John A. Muffo 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      (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. Parks and Recreation Commission
  2. Transportation Safety Commission

- (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 2005005
  - 2. Project 2005008
  - 3. Project 2005030
  - 4. Project 2005037
  - 5. Project 2005039
  - 6. Project 2005040
  
- (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 Property

The vote on the foregoing motion was as follows:

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

**OUT OF CLOSED MEETING**

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

## **CERTIFICATION OF CLOSED MEETING**

On a motion by John A. Muffo, seconded by Doug Marrs 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**

Doug Marrs  
John A. Muffo  
Mary W. Biggs  
Gary D. Creed

#### **NAYS**

None

#### **ABSENT DURING VOTE**

Annette S. Perkins  
James D. Politis  
Steve L. Spradlin

#### **ABSENT DURING MEETING**

Annette S. Perkins  
James D. Politis  
Steve L. Spradlin

**OTHER BUSINESS**

**APPOINTMENTS – TRANSPORTATION SAFETY COMMISSION**

**R-FY-05-256  
APPOINTMENT  
TRANSPORTATION SAFETY COMMISSION**

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 appoints **Malvin L. Wells** to the Transportation Safety Commission effective June 28, 2005 and expiring February 24, 2006.

Said appointment fills the unexpired term of Gabriel S. Quesinberry, resigned.

The vote on the foregoing resolution was as follows:

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

**R-FY-05-257  
APPOINTMENT  
TRANSPORTATION SAFETY COMMISSION**

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 appoints **Neal Turner, Emergency Services Coordinator**, to the Transportation Safety Commission effective June 28, 2005 and expiring June 27, 2008.

BE IT FURTHER RESOLVED, 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.

