

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 28TH DAY OF MAY, 2002, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE ROAD, CHRISTIANSBURG, VIRGINIA:

PRESENT: Mary W. Biggs -Chair
Larry N. Rush (Left 9:35 p.m.) -Vice Chairman
Gary D. Creed -Supervisors
John A. Muffo
Annette S. Perkins
C.P. Shorter (Arrived 8:05 p.m.)
Jeffrey D. Johnson -County Administrator
L. Carol Edmonds -Assistant County Administrator
Martin M. McMahon -County Attorney
T.C. Powers, Jr. -Planning Director
Robert C. Parker -Public Information Officer
Vickie L. Swinney -Secretary

ABSENT: James D. Politis -Supervisor

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

AMEND THE MEETING ORDER

The Chair announce that the order of the meeting has been changed due to Supervisor Rush leaving at 9:30 p.m. The Old Business and New Business will be acted upon first and then they will proceed with the Public Hearings.

OLD BUSINESS

Abandonment - Portion of Oilwell Road (SR 824)

WHEREAS, The Virginia Department of Transportation has constructed Oilwell Road (SR 824), as a rural addition to the secondary highway system; and

WHEREAS, The sketch, attached and incorporated herein as a part of this resolution, defines adjustments required in the secondary system of state highways as a result of that construction; and

WHEREAS, The new road serves the same citizens as served by those portions of the old road identified in the sketch to be abandoned, which portions no longer serve a public need; and

WHEREAS, The portion of old road identified to be abandoned is deemed by the Virginia Department of Transportation to no longer provide public convenience sufficient to warrant maintenance at public expense as part of the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby abandons Section I of the secondary system of state highways, pursuant to §33.1-155 of the Code of Virginia.

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

Conveyance of Right-of-Way Oilwell Road (SR 824)

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to convey the following described real estate by quitclaim deed to Dale J. Echols and Teresa A. Echols:

Beginning at a point on Oilwell Road, said point being approximately .65 mile in a southwesterly direction from Route 824 and thence leaving Oilwell Road at a right angle to the northerly side for a distance of 20 feet to a point, thence turning right 90 degrees and parallel with the sixty foot (60') road, 20 feet to a point,

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and thence turning right 90 degrees for a distance of 20 feet to a point on the edge of Oilwell Road as shown on the attached sketch and describing a square of land adjacent to the sixty foot (60') road to be used as a vehicular turning area.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees that Mary W. Biggs, Chairperson of the Board of Supervisors, shall execute the said Quitclaim Deed to Dale J. Echols and Teresa A. Echols on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

NEW BUSINESS

Health Insurance - Amend Joint Powers Agreement - New River Valley Consortium

WHEREAS, By resolution dated June 22, 1998 the Montgomery County Board of Supervisors authorized the County's participation in the New River Valley Consortium for purposes of soliciting health insurance proposals; and

WHEREAS, This Consortium, made up of other localities and governmental entities throughout the New River Valley, has amended and redrafted the Joint Powers Agreement under which the Consortium operates; and

WHEREAS, The County of Montgomery desires to enter into the amended Joint Powers Agreement dated July 1, 2002 with the Consortium and continue to participate in the New River Valley Consortium for Fiscal year 2002/2003.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby authorizes the County of Montgomery to enter into the amended Joint Powers Agreement dated July 1, 2002 with the New River Valley Health Insurance Consortium and continue the County's participation with the Consortium for Fiscal Year 2002/2003.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes Mary W. Biggs, Chairperson, to sign the New River Valley Joint Powers Agreement on behalf of the Board of Supervisors of Montgomery County, Virginia.

School Funds-supplemental Appropriation

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

09	School Operating Fund	
	564000 Operations and Maintenance	\$ 200,000

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

Revenue Account:

02 451203	General Fund Balance	\$200,000
	Facilities Maintenance Reserve	

Said resolution appropriates General Fund Balance for replacement of the underground hot and chilled water circulating pipes at Christiansburg High School.

Addition to The Secondary System of of State Highways - Crozier Court Subdivision

WHEREAS, The street described below is shown on a plat in the Clerk’s Office of the Circuit Court and was established prior to 1969 and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county’s current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia; and

WHEREAS, After examining ownership of all property abutting the street, this Board finds that speculative interest does not exist.

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:

ADDITION:

Crozier Court Subdivision

<u>Name of Street:</u>	<u>Length</u>
Crozier Court (SR 1043)	
From: State Route 833	0.14 mi
To: Cul-de-sac	

Plat Recorded: March 13, 2001
Plate Book 22 Page 45

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', 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 Engineer for the Virginia Department of Transportation.

PUBLIC HEARINGS

Rezoning Request

Norwood Development (Agent: Gay & Keese, Inc.) requests to rezone 4.27 acres from General Business (GB) and 9.06 acres from Agriculture (A-1) to Light Industrial (M-L), with possible proffered conditions, allow storage warehouses. The property is located on the north side of Radford Road (US Route 11), east of the Rock Road (SR 688) intersection and is identified as Tax Parcel No. 90-A-35, 90-A-38, 90-A-39 and a portion of 90-A-37 (Acct ID #'s 015052, 020774, 006165, and 017479) in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Note: This public hearing was originally continued by the Board at their April 22, 2002 meeting until June 24, 2002, pending a recommendation from the Planning Commission.

Rezoning Request

William & James Deemer (Agent: Coal Bank Ridge, LLC) requests to rezone approximately 183 acres from Agriculture (A-1) to Rural Residential (RR), with possible proffered conditions, to allow the subdivision of property. The property is located on the southern side of Coal Bank Hollow Road, just north of the Town of Blacksburg and is identified as Tax Parcel No. 28-A-40,41 (Acct ID # 017656, 017658) in the Mount Tabor Magisterial District. The property currently lies in an area designated as Conservation/Rural in the Comprehensive Plan.

Amend Montgomery County Zoning Ordinance

Montgomery County Planning Commission proposes amendments to Sections 10-21 (A-1 Agriculture District), 10-23 (R-R Rural Residential District), 10-25 (R-2 Residential District), 10-27 (RM-1 Multiple-Family Residential District), 10-41 (Supplemental District Regulations), 10-45 (Sign Regulations), 10-47 (Non-Conformities), 10-52 (Administration, Enforcement and Public Hearings) and 10-61 (Definitions) of the Montgomery County Zoning Ordinance.

PUBLIC ADDRESS SESSION

INTO WORK SESSION

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

New River Valley Community Services Board

OUT OF WORK SESSION

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

ADDENDUM

CONSENT AGENDA

Approval of Minutes

Minutes of april 15, 2002 and april 18, 2002

Sheriff- Supplemental Appropriation

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, 2002, for the function and in the amount as follows:

321	Sheriff Grants	\$1,875
320	Sheriff – County	\$ 460
310	Sheriff – Comp Board	<u>\$2,838</u>
	Total	\$5,173

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

Revenue Account

424401	State Grants	\$1,500
419117	DARE Donations	\$375
419104	Confiscations	\$460
419108	Recovered Costs	<u>\$2,838</u>
	Total	\$5,173

Said resolution appropriates monies from a Division of Motor Vehicles Grant, DARE donations, forfeited asset confiscations, and recovered costs.

School Funds-supplemental Appropriation

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

09	School Operating Fund	
	561000 Instruction	\$61,494

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

Revenue Account:

09 433206	Gaps Education Grant	\$ 61,494
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Said resolution appropriates grant funds

Commonwealth's Attorney

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, 2002 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$250
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The sources of the funds for the foregoing appropriation is as follows:

Revenue Account

419104	Confiscations	\$250
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Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

Library - Appropriation Adjustment

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was adjusted for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

710	Montgomery Library	\$5,037
720	Floyd Library	<u>\$2,355</u>

Total \$7,392

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

Revenue Account

02710-424409 State Library Grant	(\$5,258)
02710-416158 Donation	\$ 295
02710-424401 Outreach Grant	\$10,000
02720-424409 State Library Grant	(\$928)
02720-416158 Donations	<u>\$3,283</u>
Total	\$7,392

Said resolution adjusts the appropriation for use by the Library.

Escrow/Security Deposits: Erosion and Sediment Control

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, 2002, for the function and in the amount as follows:

400	General Services	\$ 10,806
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance	\$10,806
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Said resolution appropriates escrows and security deposit refunds for erosion and sediment control projects.

PRESTON FOREST SUBDIVISION PHASE 8 - FINAL PLAT

WHEREAS, Preston Forest Subdivision Phase 8 consists of 17 lots located off South Jefferson Forest Lane (SR 818) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Preston Forest Subdivision, Phase 8 (Simon & Associates Job No. 0050-01A dated May 11, 2000), Mt. Tabor Magisterial District.

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

Holiday - Independence Day July 4

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby declares the Fourth of July holiday to include Friday, July 5th in addition to Thursday, July 4, 2002.

RESOLUTIONS OF APPRECIATION

Montgomery County Planning Commission-L. Richard Daub

WHEREAS, L. RICHARD DAUB has faithfully served as a member of the Montgomery County Planning Commission since 1992; and

WHEREAS, L. Richard Daub has served as Chairman and Vice Chairman of the Planning Commission as well as liaison to the Montgomery County Public Service Authority; and

WHEREAS, The County recognizes the impartial and dedicated service that *L. Richard Daub* 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 *L. Richard Daub*.

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

Montgomery-Floyd Regional Library Board-Jane Mitchell

WHEREAS, Jane N. Mitchell has faithfully served as a member of the Montgomery-Floyd Regional Library Board since July, 1994; and

WHEREAS, The County recognizes the excellent and dedicated service that **Jane N. Mitchell** 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 **Jane N. Mitchell.**

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

Social Services Board-Emily Stuart

WHEREAS, Emily Stuart has faithfully served as a member of the Social Services Board since July, 1994; and

WHEREAS, The County recognizes the excellent and dedicated service that **Emily Stuart** 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 **Emily Stuart.**

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

COUNTY ATTORNEY'S REPORT

Chrisman Mill Road
Field Use Agreement - Soccer

COUNTY ADMINISTRATOR'S REPORT

Montgomery County Farm Bureau - Over Population of Deer
Revenue Sharing Projects
New River Valley Economic Development Alliance
Courthouse Renovation

BOARD MEMBERS' REPORTS

Supervisor Rush

Supervisor Muffo

Supervisor Perkins

Supervisor Creed

Supervisor Politis

Supervisor Shorter

Supervisor Biggs

INTO CLOSED MEETING

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

Section 2.2-3711 (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. Blacksburg Shell Building - Haleos Bankruptcy
- (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. Human Services Commission
 2. Industrial Development Authority
 3. Montgomery County Planning Commission (2 Appt)
 4. Zoning Appeals Board

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

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

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

APPOINTMENTS

HUMAN SERVICES COMMISSION

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints _____ to the Human Services Commission effective June 1, 2002 and expiring May 31, 2005.

INDUSTRIAL DEVELOPMENT AUTHORITY

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints _____ to the Industrial Development Authority effective June 1, 2002 and expiring February 22, 2003.

Said appointment fills the unexpired term of J. Daniel Hardy, Jr., resigned.

MONTGOMERY COUNTY PLANNING COMMISSION (2 APPOINTMENTS)

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints/reappoints _____ to the Montgomery County Planning Commission effective June 1, 2002 and expiring May 31, 2006.

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints _____ to the Montgomery County Planning Commission effective June 1, 2002 and expiring May 31, 2006.

BOARD OF ZONING APPEALS

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge, the appointment of _____ to the Board of Zoning Appeals effective June 1, 2002 and expiring May 31, 2007.

OTHER BUSINESS

ADJOURNMENT

On a motion by seconded by and carried unanimously, the Board adjourned to Monday, June 3, 2002 immediately after the Public Service Authority meeting.

The meeting adjourned at ?