

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 STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-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. McMahan	-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 ORDER OF MAY 28, 2002 MEETING

The Chair announced the order of the agenda had been changed due to Supervisor Rush's need to leave the meeting at 9:30 p.m. Old Business and New Business was moved to the top of the agenda, to be followed by Public Hearings.

OLD BUSINESS

Abandonment - Portion of Oilwell Road (SR 824)

On a motion by Larry N. Rush, seconded by Gary D. Creed and carried unanimously,

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.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Larry N. Rush		C.P. Shorter
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

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

On a motion by Gary D. Creed, seconded by Larry N. Rush and carried unanimously,

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, 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.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	James D. Politis
Gary D. Creed		C.P. Shorter
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

NEW BUSINESS

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

On a motion by Larry N. Rush, seconded by Gary D. Creed and carried unanimously,

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.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Larry N. Rush		C.P. Shorter
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

School Funds-Supplemental Appropriation

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 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.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Annette S. Perkins		C.P. Shorter
Gary D. Creed		
Larry N. Rush		
Mary W. Biggs		

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

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously,

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.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Larry N. Rush	None	James D. Politis	Gary D. Creed
Annette S. Perkins		C.P. Shorter	
John A. Muffo			
Mary W. Biggs			

Chrisman Mill Road- Six Year Road Plan - Secondary Roads

The County Attorney reported that if the Board of Supervisors wishes to change the priority of Chrisman Mill Road on the Six Year Road Plan for secondary roads then a public hearing would have to be held. The Board then would have to vote to change the Six Year Road Plan. The County Attorney advised the Board that they have three options: 1) Do Nothing - They could leave their decision standing - At their May 13, 2002 meeting, the Board approved to delay funding to Chrisman Mill Road until they could review the Six Year Road Plan in its entirety; 2) Rescind resolution dated May 13, 2002; or 3) Schedule a Public Hearing to change the position of Chrisman Mill Road on the Six Year Road Plan.

Following a brief discussion, it was the consensus of the Board to rescind their resolution dated May 13, 2002 to delay funding for improvements on Chrisman Mill Road and to request VDoT to move forward with the project.

Chrisman Mill Road - Rescind Resolution Dated May 13, 2002

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the resolution adopted on May 13, 2002 delaying any further funding of improvements to Chrisman Mill Road (SR 661) until the Board of Supervisors could take a closer look at possibly amending the Six Year Road Plan is hereby **RESCINDED**.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	James D. Politis
Gary D. Creed		C.P. Shorter
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

Supervisor Rush noted that he acted hastily to vote on the resolution dated May 13, 2002 to delay funding and should have talked to the residents on Chrisman Mill Road to hear their opinions. Chair Biggs reported that several Board Members have gone out to look at Chrisman Mill Road since May 13th which helped clarify the issue.

Chrisman Mill Road - Request VDoT to Move Forward with Project

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby requests the Resident Engineer of the Virginia Department of Transportation to submit the Chrisman Mill Road (SR 661) project to the Commonwealth Transportation Board and to move forward with improvements.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Annette S. Perkins		C.P. Shorter
John A. Muffo		
Larry N. Rush		
Mary W. Biggs		

PUBLIC HEARINGS

Rezoning Request

Norwood Development (Agent: Gay & Keesee, 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, to 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.

This public hearing was continued by the Board of Supervisors at their April 22, 2002 meeting until June 24, 2002, pending a recommendation from the Planning Commission. Proffers were submitted by the applicant, and the Planning Commission met on May 15, 2002 and recommended approval of the request, subject to those proffers.

Michael Gay, Gay & Keesee Engineering, agent for the applicant, summarized the request and offered to answer any questions the Board may have.

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

Supervisor Shorter arrived at the meeting at 8:05 p.m.

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)

May 28, 2002

Page 8 of 27

in the Mount Tabor Magisterial District. The property currently lies in an area designated as Conservation/Rural in the Comprehensive Plan.

Bill Ellenbogen, applicant, described the project as smart growth. He stated that Coal Bank Ridge LLC has tried to address all the concerns regarding the proposed development. The development is located in an area inclusive for rural residential zoning. The development has been carefully designed to protect ridgeline views of the surrounding area and the major development will occur in the widest portion of the County land. This will allow for a wide buffer of trees to be left on the edge of the property. The area is densely wooded and the woods are being protected by the low density of the subdivision. Mr. Ellenbogen stated that there will be restrictive covenants in place to include restriction of cutting of the larger trees. Approximately 20% of the land will be left in open space. There will be an extensive system of walking trails created at the developer's expense. They are also willing, at the developer's expense to bring public water lines to the proposed site. It is their understanding that the County and the Town of Blacksburg must enter into a water agreement since the proposed site is served by the Public Service Authority. Coal Bank Ridge LLC has a well designed, low density development plan and change in an area that is experiencing growth which is inevitable. Mr. Ellenbogen believes it is up to the developers to see that it is managed growth.

Jim Berger addressed the Board about concerns with the proposed development by Coal Bank Ridge, LLC and submitted the following letter for the record:

“Madam Chair and Members of the Board of Supervisors:

My name is Jim Burger. I live at 701 Bishop Road and my property joins the proposed development. I am the person who sent you the letter early last week on behalf of the 11 neighbors.

As you can tell from the contents of the letter, we have a very different view of the merits of this proposal than the developers. As a matter of fact, we recommended in the letter that the property not be rezoned from A-1 to Rural Residential because:

1. We don't think this development is consistent with the County or Town Comprehensive Plan, which calls for protection of environmentally sensitive areas and rural character of the area north of town, and is the reason the County provides tax incentives through Agriculture Forestal Districts which surrounds this property on two sides.
2. Secondly, because the proposed development is planned to be built on the first prominent ridgeline north of Blacksburg.
3. Because 80% of the soils in the potential building sites are unsuitable for conventional septic systems.

4. Because both the quantity and quality of water in the area are sorely inadequate for 58 additional wells.
5. Because Mt. Tabor Road is already considered unsafe by most residents.
6. Because Bishop Road has a very hazardous entry and exit onto Highway 460 that requires a right turn and a trip nearly to the top of Brush Mountain in order to come back into Blacksburg.
7. Therefore, we believed A-1 zoning still allowed development via the sliding scale rule at a level that was consistent with the capabilities of the soil, water, ridgeline, roads, and intent of the Comprehensive Plan.

Despite these clear and important limitations, the County Planning Commission voted unanimously to recommend rezoning and allow the development. We hope this Board will make a decision with a broader and longer view and consider environmental quality, human safety, and the intent of citizens as reflected in the County Plan, as opposed to making a decision on a strictly pro-development economic perspective.

Given the vote by the Planning Commission, and the possibility that you will approve rezoning and allow this development, our group met with Misters Ellenbogen and Botke last Thursday to determine if we could resolve some of our concerns in the event this development becomes reality.

At the top of the list is access of the development to public water to avoid drilling 58 wells that will surely become problems in a matter of time. A partial solution would be for the County to waive the availability fee to make public water more affordable. At the very least, the Board should require a written proffer from the developer that requires public water.

A seconded unresolved issue is the safety of Bishop Road which is considered by local residents as the North Side Huckleberry Trail. A solution would be to block off access to 460 - most residents would be in favor of this.

A third issue is the placement of dwellings to avoid disruption of the ridgeline.

You will hear more about these concerns from other neighbors following me to the podium.

Thank you for allowing this input for your deliberation.

Sincerely,
(s) Jim Burger, 701 Bishop Road”

Bob Taylor expressed concerns about the rezoning issue. Mr. Taylor stated he supports and agrees with the comments offered by Dr. Jim Burger. He addressed concerns with the water situation. The residents

who live on Bishop Road or surrounding area have water that is supplied by a well. The water supply is marginal at best and the flow rate is very low. The prospect of an additional 58 wells on an already distressed aquifer is very upsetting to say the least. The water is mineral laden and has a sulfurous odor, not suitable for drinking. The developer has stated he is willing to pay the availability fee for the Town of Blacksburg to provide public water but not willing to pay the same fee to the County. Mr. Taylor requested that the County waive the availability fee or require the developer to proffer public water. Mr. Taylor thanked the Board for the opportunity to express his concerns about the rezoning issue.

Harold McNair expressed concerns about the water situation. Mr. McNair believes that drilling 58 wells is not feasible. Not only is there concern with quantity but with quality as well. Mr. McNair brought bottles of water from his well for Board members to sample. He requested that the Board require the developer to provide public water.

Theresa Knox voiced concern about potential traffic problems in the area and presented aerial photos of the proposed site. Ms. Knox stated there are already dangerous intersections in the area, which include Mt. Tabor/460 intersection, North Main Street/460 intersection and Coal Bank Hollow Road/460 intersection. The increase in traffic from the proposed development will only make these areas more dangerous.

Marijke McNair addressed the need for preservation of ridgeline views and the scenic beauty. She believes that building homes on the ridgeline is problematic and urged the Board to require proffers that would be less disturbing to the ridgeline.

Judy Watson expressed several concerns with the proposed development. Ms. Watson stated that she is concerned with the clustering of the houses on the ridgeline which one will be able to see, especially in the winter months. She addressed concerns with the water situation and the location of the old coal mines in the area.

Britt Boucher commended the developer for his efforts to address the neighbors' concerns and proposing a well designed plan for the area which leaves open space and walking trails. Mr. Boucher is concerned with development along the ridgeline and water issues.

Steve Bodtke, Coal Bank Ridge LLC, indicated he and Mr. Ellenbogen have worked diligently to address the concerns that have been raised. They have offered many proffers that were not required to make the development less intrusive, that will be open to the general public.

Frank Law commented that the proposed development is a well thought out plan and will be an asset. Mr. Law commended the developers for trying to address all the concerns raised.

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

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.

Joe Powers, Planning Director, described the changes to the Montgomery County Zoning Ordinance, which are recommended as part of the County's annual review of the Zoning Ordinance.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Danny Rakes addressed the Board concerning fire protection in the Shawsville/Elliston area. Mr. Rakes presented a petition to the Board with 250 signatures requesting that the new fire station be constructed on the west side of Elliston rather than closer to the Roanoke County Line. Mr. Rakes noted that response time is very important and could save lives and structures. He urged the Board to consider their concerns when deciding on where the new fire station should be located.

Charlie Elgin addressed the Board on behalf of the Virginia Farm Bureau concerning the overpopulation of deer in Montgomery County and the destruction and damage to crops and flowers. Mr. Elgin asked the Board to adopt a resolution requesting the Department of Game and Inland Fisheries to extend rifle hunting season for another two weeks for deer of either sex. Several counties have received permission to do so and have seen positive results. If Montgomery County is granted the extension, it would not take effect until the 2003 hunting season. Mr. Elgin asked the Board to please consider this request.

Terry Grimes addressed the Board concerning mental health issues. Ms. Grimes reported on a recent incident that involved an individual with mental illness that ended tragically. She believes that there is a misconception about mental illness and the public needs to become more aware of the problems that exist. She commended the Board of Supervisors for providing funds to the mental health agencies in Montgomery County.

Michael Gay addressed the Board on the timeline for the Norwood Development Rezoning request. He was under the impression that the Board would be taking action at tonight's meeting. The Chair explained they would not be taking action tonight but they could add it to their June 10, 2002 agenda.

Mark Cowgill addressed the Board on mental health. He thanked the Board for their continued support

May 28, 2002

Page 12 of 27

of the New River Valley Community Services Board who serves citizens with mental illness. Mr. Cowgill commended the Board in their efforts to expand this service.

Supervisor Rush left the meeting at 9:35 p.m.

INTO WORK SESSION

On a motion by Gary D. Creed, 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. New River Valley Community Services Board

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

Lynn Chenault, Executive Director of New River Valley Community Services Board, reported on the services provided by the NRVCSB and the funding by the state and localities. Mr. Chenault stated the CSB provides quality mental health, mental retardation, substance abuse and prevention services to children and adults in the area. They try their best to see as many clients as they can, but due to the shortage in staff, they do have to refer those who need help to other agencies. Deborah Williams, Finance Director for CSB, commented on the use of the one time surplus money. Ms. Williams stated the money was used to give CSB employees a one time bonus. This money would not have been feasible to be use the funds for services or hiring of new personnel since they would require on-going revenue.

OUT OF WORK SESSION

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously,

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

Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Annette S. Perkins		Larry N. Rush
John A. Muffo		
C.P. Shorter		
Mary W. Biggs		

ADD TO THE AGENDA - ADDENDUM

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously, the following addendum dated May 28, 2002 was added to the agenda:

INTO CLOSED MEETING

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

5. County Administrator's Evaluation

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Annette S. Perkins		Larry N. Rush
John A. Muffo		
C.P. Shorter		
Mary W. Biggs		

CONSENT AGENDA

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated May 28, 2002 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		Larry N. Rush
C.P. Shorter		
Gary D. Creed		
Mary W. Biggs		

Approval of Minutes - April 15, 2002 and April 18, 2002

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously, the minutes dated April 15 and April 18, 2002 were approved.

Sheriff- Supplemental Appropriation

On a motion by C.P. Shorter, seconded by Gary D. Creed 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, 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

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

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

09	School Operating Fund	
	561000 Instruction	\$61,494

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

Revenue Account:

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

Commonwealth's Attorney

On a motion by C.P. Shorter, seconded by Gary D. Creed 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, 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

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

Library - Appropriation Adjustment

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

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

On a motion by C.P. Shorter, seconded by Gary D. Creed 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, 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

Said resolution appropriates escrows and security deposit refunds for erosion and sediment control projects.

Preston Forest Subdivision Phase 8 - Final Plat

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

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

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

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.

Resolution of Appreciation -Montgomery County Planning Commission-L. Richard Daub

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

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.

Resolution of Appreciation -Montgomery-Floyd Regional Library Board-Jane Mitchell

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

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.

Resolution of Appreciation -Social Services Board-Emily Stuart

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

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

Field Use Agreement - Soccer The County Attorney reported that the agreement to use athletic fields for soccer with the Soccer Association has been changed to a 10 year agreement. The agreement is with the Town of Christiansburg, Montgomery County and the Soccer Association.

COUNTY ADMINISTRATOR'S REPORT

Revenue Sharing Projects The County Administrator reminded Board members to forward their list of projects they would like to be included in the FY 02-03 Revenue Sharing Program.

New River Valley Economic Development Alliance The County Administrator stated he would report on the NRVEDC at the next meeting.

Courthouse Renovation The County Administrator reported there is a need for renovations to the courthouse. He received a report from the Circuit Court Judge on the increase in court cases over the last 30 years. In 1977 total case load for all three courts, Circuit, General District and Juvenile & Domestic Relations Court was 3,551 and the total case load in 2001 was 47,918. The architect firm is in the process of working on a revised renovation plan.

School - Use of Unspent Money The County Administrator reported that an estimated \$85,000 is unspent in the School Board Budget in FY 01-02. They have requested that this money be carried over to be used towards maintenance items. A resolution will be on the next agenda for the Board's consideration.

BOARD MEMBERS' REPORTS

Supervisor Muffo HB 1212 Supervisor Muffo suggested that the Board formally take action to oppose HB 1212. He believes that the local delegates should be made aware of their opposition before the General Assembly meets in January.

Delinquent Tax List Supervisor Muffo stated he was appalled at the names on the delinquent tax list. He believes that the citizens of Montgomery County have the right to know who is not paying their taxes, especially the top 50 delinquencies and would like to see it published in the newspaper.

Supervisor Perkins New River Valley Planning District Commission has approved projects for the upcoming year which include the New River Valley Economic Development Knowledge Works, Pulaski Workforce and the New River Valley Airport overlay.

School Board The School Board received the consultants report on the re-use of school facilities. The School Board will discuss this report at their second meeting in June after they have reviewed the recommendations. They will be looking at the best ideas and the related costs. The School Board has commented that the old Blacksburg Middle School will be used for educational related programs this coming year such as the Boys & Girls Club, Scouts, and Park & Recreational Programs.

Delinquent Juvenile Prevention Supervisor Perkins stated she was amazed at the increased number of case loads in the Juvenile & Domestic Relations Court system. She noted that early prevention is the key, but the State has cut funding in these programs every year.

Supervisor Creed - Real Estate Tax Tickets Supervisor Creed reported he has received several complaints about the real estate tax tickets not having a return address listed.

Location of Elliston Volunteer Fire Department Supervisor Creed made a motion to remove the Elliston/Lafayette Industrial Park as an option to locate the EVFD. * He believes that a new fire station should not be located one mile from the Montgomery County/Roanoke County line and should be moved closer to the Shawsville area in order to have more fire coverage. Supervisor Creed has attended several meetings with the community of Elliston to discuss the idea of where a new fire station should be built. Several ideas were discussed. One idea that seems feasible is that the fire station be built on Crosier Road near Eastern Montgomery High School on the land donated to the Library. If the Library agrees to donate the land for a fire station, they could build the library at the old Shawsville Middle School ball field, if the School agrees. In return of the use of the ballfield, the community would raise money to complete the athletic fields at the high school.

* Motion failed for lack of a second.

Supervisor Shorter agreed that the fire station should not be built in the Industrial Park but action should not be taken tonight. He believes that the Fire & Rescue Task Force needs to discuss the whole service area to decide what is needed in the future.

Supervisor Shorter- Black Vultures Supervisor Shorter has received more calls about the problem with the black vultures killing livestock. The County Administrator stated that Dave Ratcliffe, with the State Department of Game and Inland Fisheries, is working with the Radford Arsenal. The idea of taking (shooting) instead of trapping has been discussed.

Chrisman Mill Road Supervisor Shorter stated that he was surprised that the Chrisman Mill Road resolution was reversed. He thought the idea was to review the entire Six Year Road Plan to see which projects are still needed. He does not believe upgrading Chrisman Mill Road benefits the County.

Chair Biggs apologized, on behalf of the Board, to Supervisor Shorter stating that it was not their intention to take action to rescind the Chrisman Mill Road resolution without his presence. She explained that several Board members did go look at Chrisman Mill Road and talked to the residents who live on the road, and felt they acted too hastily in halting the project. Chair Biggs stated that the Six Year Road Plan will still be reviewed.

Supervisor Biggs County/School Liaison Meeting Supervisor Biggs reported that a tour of the new Blacksburg Middle School is scheduled for June 18th at 6:00 p.m. She noted that the County Administrator and Supervisor Perkins spoke about the request to use surplus funds and re-use of school facilities in their report. They also discussed the scheduling of athletic fields for the Dixie League. It was suggested that the Parks and Recreation Directors from the two towns and county meet with the four school athletic directors quarterly to help work out a schedule for use of the facilities.

Coal Bank Ridge LLC Rezoning Request - Supervisor Biggs noted that Coal Bank Ridge, LLC will be submitting more proffers and a new public hearing will have to be scheduled. The Utilities Committee will be meeting to discuss the possibility of an agreement with the Town of Blacksburg to provide public water.

EXTEND MAY 28, 2002 MEETING

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously, the Board of Supervisors of the County of Montgomery, Virginia hereby continues the May 28, 2002 meeting beyond 11:30 p.m.

The vote on the foregoing motion was as follows:

May 28, 2002
Page 22 of 27

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo None		James D. Politis
Annette S. Perkins		Larry N. Rush
C.P. Shorter		
Gary D. Creed		
Mary W. Biggs		

INTO CLOSED MEETING

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

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

- Section 2.2-3711 (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
5. County Administrator's Evaluation

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo None		James D. Politis
Annette S. Perkins		Larry N. Rush

C.P. Shorter
Gary D. Creed
Mary W. Biggs

OUT OF CLOSED MEETING

On a motion by C.P. Shorter, seconded by John A. Muffo 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>
John A. Muffo	None	James D. Politis
Annette S. Perkins		Larry N. Rush
C.P. Shorter		
Gary D. Creed		
Mary W. Biggs		

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by C.P. Shorter 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

John A. Muffo
Annette S. Perkins
C.P. Shorter
Gary D. Creed
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

James D. Politis
Larry N. Rush

ABSENT DURING MEETING

James D. Politis
Larry N. Rush

APPOINTMENTS

Human Services Commission

On a motion by John A. Muffo, seconded by C. P. Shorter and carried unanimously,

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

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo
C. P. Shorter
Annette S. Perkins
Gary D. Creed
Mary W. Biggs

NAY

None

ABSENT

James D. Politis
Larry N. Rush

Industrial Development Authority

On a motion by John A. Muffo, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Litz VanDyke** 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.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
C. P. Shorter		Larry N. Rush
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		

Montgomery County Planning Commission

On a motion by John A. Muffo, seconded by C. P. Shorter and carried unanimously,

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

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
C. P. Shorter		Larry N. Rush
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		

Board of Zoning Appeals

On a motion by John A. Muffo, seconded by C. P. Shorter and carried unanimously,

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

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
C. P. Shorter		Larry N. Rush
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Monday, June 3, 2002 immediately following the Public Service Authority meeting.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
C. P. Shorter		Larry N. Rush
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		

The meeting adjourned at 12:10 a.m. Tuesday, May 29, 2002.