

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 11<sup>TH</sup> DAY OF JUNE , 2001 AT 7:15 P.M. IN COURTROOM B, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	John A. Muffo	-Supervisors
	Annette S. Perkins	
	C.P. Shorter	
	Joe C. Stewart	
	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 Chairman called the meeting to order and the Pledge of Allegiance was recited.

**PUBLIC ADDRESS SESSION**

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

**ADDENDUM**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the following addendum dated June 11, 2001 was added to the Agenda under New Business:

Accepting the Dedication for Public Park Purposes the Property Owned by the Trustees of the Community Park at Mccoy, Virginia

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		
Joe C. Stewart		
C.P. Shorter		
Larry N. Rush		
Mary W. Biggs		

**CONSENT AGENDA**

On a motion by C.P. Shorter, seconded by Larry N. Rush and carried unanimously, the Consent Agenda dated June 11, 2001 was approved.

The vote on the foregoing motion was as follows:

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

**Economic Development - Falling Branch Industrial Park**

On a motion by C.P. Shorter, seconded by Larry N. Rush 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, 2001 for the function and in the amount as follows:

810	Economic Development	\$304,320
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108 Recovered Costs \$304,320

BE IT FURTHER RESOLVED, That a transfer from the General Fund to the County Capital Projects Fund for the fiscal year ending June 30, 2001 is hereby authorized, as follows:

FROM:

02 General Fund (\$304,320)

TO:

12 County Capital Projects Fund \$304,320

Said resolution appropriates monies received from the Virginia Department of Transportation as reimbursement for a portion of costs associated with the Falling Branch Industrial Park Access Road and transfers those funds to the County Capital Projects Fund for other Falling Branch Industrial Park costs.

**School Operating Fund: Supplemental Appropriation**

On a motion by C.P. Shorter, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that an appropriation reduction in the General Fund for the fiscal year ending June 30, 2001 is hereby authorized, as follows:

521 Grants (\$63,802)  
Virginia Juvenile Community Crime Control Act  
(VJCCCA)Wilson Avenue

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

Revenue Account

02-451206 Wilson Avenue VJCCCA (\$63,802)

FURTHER, BE IT RESOLVED, That an appropriation to the School Operating fund for the fiscal year ending June 30, 2001 is hereby authorized, as follows:

09 School Operating Fund \$63,802

Revenue Account:

09-451102 Wilson Avenue VJCCCA \$63,802

Said resolution provides the School Operating Fund with reimbursement for services paid through the County's allocation under the Virginia Juvenile Crime Control Act for the Wilson Avenue School Program.

**Building and Grounds - Appropriate Insurance Recovery**

On a motion by C.P. Shorter, seconded by Larry N. Rush 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, 2001 for the function and in the amount as follows:

400	Buildings and Grounds - Courthouse	\$1,545
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The source of the funds for the foregoing appropriation is as follows:

Revenue Accounts:

441101	Insurance Recoveries	\$1,545
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Said resolution appropriates funds received from the insurance company due to a water break in the Commissioner of Revenue's office.

**INTO WORK SESSION**

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

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

1. Amendment to the Montgomery County Zoning Ordinance
2. Peppers Ferry Wastewater Treatment Authority - Wastewater Capacity

**The Chair noted that the work session for Peppers Ferry Wastewater Treatment Authority - Wastewater Capacity will be continued to the July 9, 2001 meeting pending receipt of additional information.**

The vote on the foregoing motion was as follows:

AYE                      NAY                      ABSENT

C.P. Shorter                      None                      James D. Politis  
Joe C. Stewart  
Annette S. Perkins  
John A. Muffo  
Larry N. Rush  
Mary W. Biggs

**OUT OF WORK SESSION**

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

BE IT RESOLVED, That 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>
Joe C. Stewart	None	James D. Politis
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		
C.P. Shorter		
Mary W. Biggs		

**OLD BUSINESS**

**Special Use Permit - Johnny H & Carolyn S. Jones**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Johnny H. & Carolyn S. Jones request for a Special Use Permit for a contractor's equipment storage yard located at 1819 Ellett Road approximately 700 feet north of the intersection with Pike Lane in Agriculture (A-1), on Tax Parcel No. 79-3-19A (Account ID #026404) in the Shawsville Magisterial District is hereby approved subject to the following conditions:

1. The property will contain no more than seven (7) vehicles or pieces of equipment related to the contracting business at any time. All vehicles and equipment will be maintained in

good working condition and stored at least fifty (50) feet from the right of way of Ellett Road.

2. No "for hire" repair work will occur on site.
3. There will be no storage of fuel on site.
4. Any lighting installed on site will be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties.
5. The height of the building must not exceed twenty-two (22') measuring from floor to ridge.

The vote on the foregoing motion was as follows:

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

**Amendment to the Montgomery County Zoning Ordinance**

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

**Ordinance 2001-08  
An Ordinance Amending the  
Montgomery County Zoning Ordinance**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Zoning Ordinance is hereby amended as follows:

Additions shown in **bold underline**. Deletions shown in **~~bold strikethrough~~**.

**Section 10-21. A-1 Agricultural District.**

- (4) *Uses permissible by special use permit.*
- (h) Custom meat cutting, processing and **packaging sales, including slaughter**
- (mm) Structures over ~~sixty-five (65)~~ **forty (40)** feet in height.

**(oo) Flea Market (also subject to requirements of Article VI of the County Code).**

**(pp) Impervious lot coverage greater than 20% but less than 25%.**

**(qq) Stone engraving and sales**

(5) *Lot requirements.*

(b) *Density.* In addition to the minimum required lot area defined above, the maximum gross density (total number of lots per parent parcel after subdividing) for residential development in the A-1 district shall be in accord with the following sliding scale:

<i>Parent Parcel Area</i>	<i>Total Lots Permitted on Parent Parcel</i>
0.0 to 10.0 acres	Up to 3 lots
More than 10.0 acres up to 30.0 acres	Up to 4 lots
More than 30.0 acres up to 50.0 acres	Up to 5 lots
More than 50.0 acres up to 70.0 acres	Up to 6 lots
More than 70.0 acres up to 90.0 acres	Up to 7 lots
More than 90.0 acres up to 110.0 acres	Up to 8 lots
More than 110.0 acres up to 130.0 acres	Up to 9 lots
More than 130.0 Acres	One (1) additional lot for every 20 acres over 130 acres

All lots in the A-1 district are subject to **the above sliding scale and** all applicable regulations for on-site water supply and wastewater treatment, which may limit the number of lots permitted; except for **green space (open space) lots and conservation easements**, public utility, telecommunications towers or public water or sewer installation lots **or similar** which are not for habitation and which may be a minimum of ten thousand (10,000) square feet.

Moreover, the board of supervisors may authorize the issuance of a special use permit for more lots than the total permitted by the sliding scale in situations where a family subdivision conflicts with the sliding scale.

(e) *Maximum coverage.* No more than twenty (20) percent of any lot shall be covered by buildings or other impervious structures **unless approved by special use permit but shall not exceed twenty-five (25) percent.**

### **Section 10-23. R-R. Rural Residential District.**

(4) *Uses permissible by special use permit.*

**(q) Structures over fifty (50) feet in height.**

**Section 10-25. R-2 Residential District**

(5) *Lot requirements.*

(a) *Minimum lot area.* ~~Twenty~~ **Fifteen** thousand ~~(20,000)~~ **(15,000)** square feet.-

(d) *Minimum width.* ~~One hundred (100)~~ **Ninety (90)** feet at the setback line of the front yard.

**Section 10-27. RM-1 Multiple-Family Residential District.**

(6) *Building requirements.*

(a) *Minimum yards.*

(2) *Side.* Twenty-five (25) feet.

(a) Between townhouse groups **and two-family units**: Fifteen (15) feet.

**Section 10-28. GB General Business.**

(3) *Uses permitted by right.*  
**(oo) Garden Center.**

(4) *Uses permissible by special use permit.*

**(t) Stone engraving and sales.**

**Section 10-29. CB Community Business.**

(4) *Uses permissible by special use permit.*

**(t) Stone engraving and sales.**

**Section 10-30. M-1 Manufacturing.**

- (4) *Uses permissible by special use permit.*
- (r) **Slaughterhouse.**
- (5) *Lot requirements.*
- (a) *Minimum lot area. ~~One (1) acre~~ **Three (3) acres** except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.*
- (c) *Minimum width. ~~Fifty (50)~~ **Seventy-five (75)** feet **for lots sharing access with another lot, one hundred fifty (150) feet otherwise.** Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.*

**Section 10-31. M-L Manufacturing-Light.**

- (5) *Lot requirements.*
- (a) *Minimum width. Seventy-five (75) feet **for lots sharing access with another lot, one hundred (100) fifty (150) feet otherwise.** Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.*

**Section 10-33. PIN Planned Industrial.**

- (6) *Building requirements.*
- (a) *Minimum yards.*
  - 1. *Front. ~~Twenty (20)~~ **Fifty (50)** feet when opposing street frontage is residential district; thirty-five (35) feet otherwise.*
- (b) *Maximum building height. ~~Twenty (20)~~ **Fifty (50)** feet.*

**Section 10-34. PUD-COM Planned Unit Development-Commercial District.**

- (4) *Uses permissible by special use permit.*

- (b) Building greater than ~~thirty-five (35)~~ fifty (50) feet in height.

**Section 10-35. PUD-RES Planned Unit Development-Residential District.**

- (6) *Building requirements.*
- (b) *Maximum building height.* ~~Twenty (20)~~ Thirty-five (35) feet in height unless authorized by special use permit.

**Section 10-37. Flood damage prevention overlay.**

- (7) *Use limitations.*
- (a) *Generally.* Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility. New or replacement dwellings or other structures in floodplain or floodway areas and not provided for in subsection (6)(a)2. must provide an elevation certificate that conclusively demonstrates that the dwelling or structure is at least one (1) foot above the base flood elevation. Interior repairs and renovations to such dwellings and structures are not restricted. Prior to the issuance of any permit, the zoning administrator and building official shall require all applications to demonstrate compliance with all applicable county, state and federal laws or system.
- (e) *Mobile homes.* All mobile homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code. All such mobile homes must provide an elevation certificate that conclusively demonstrates that the dwelling or structure is at least one (1) foot above the base flood elevation.

**Section 10-39. Route 177 Corridor Overlay District.**

- (4) *Uses permitted by special use permit.* Uses permitted by special use permit shall be in accord with the provisions of the underlying base district ~~except that minor and major subdivisions are only permitted by special use permit.~~
- (5) *Lot requirements.*

- (a) **In General Business (GB) and Community Business (CB) the maximum lot coverage by buildings and paved areas shall be fifty (50) percent. This open space coverage requirement can be reduced to forty (40) percent during the site plan review process by incorporating innovative and creative features into the development design, such as, but not limited to the following:**
- 1. Providing for shared driveways, access by an internal service street or long-term interparcel connections through right-of-way dedication.**
  - 2. Exceeding landscaping requirements by increasing size of trees or shrubs at time of planting, increasing minimum bufferyard width, increasing number of trees and/or shrubs to be planted, protecting existing vegetation, etc.**
  - 3. Exceeding building and yard setbacks from Route 177.**
  - 4. Use of monument style signs of quality construction that are less than eight (8) feet in height.**
  - 5. Protection of scenic views, both views into the development and from the development.**
  - 6. Design of building that pays careful attention to "roofscape" and facade design- as well as back of structures.**

#### **Section 10-41. Supplemental District Regulations.**

- (1) Accessory uses and structures.
- (a) Accessory uses and structures are permitted in connection with, and incidental and subordinate to a permitted principal use or structure and in compliance with all other provisions of this chapter. **Accessory structures shall not exceed sixteen (16) feet in height or 850 square feet in area unless authorized by special use permit.**
- (b) Residential accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:
9. Private garage, carport. **Maximum height and area shall be sixteen (16) feet and 850 square feet respectively unless authorized by special use permit clearly subordinate to principal structure.**
- (17) Prohibited use of manufactured homes.**

**(a) A manufactured home shall not be used for the purpose of an accessory use, such as a separate storage facility except as permitted in subsections 1 and 2 below.**

**(1) Emergency uses of individual manufactured homes shall be allowed in all residential districts where a natural disaster or fire has destroyed or damaged normal dwellings. This emergency use would alleviate the hardships inflicted on the people involved. A temporary manufactured home permit shall be required prior to the placement of the manufactured home and the zoning administrator shall set the time period that such use is permitted. The zoning administrator may grant one(1) extension of the time period of up to six (6) months.**

**(2) Manufactured homes shall be permitted as temporary offices or storage structures (not for permanent residential use) in business, industrial or residential districts in the construction phase of buildings or other construction projects in such districts. A temporary manufactured home permit shall be required prior to the placement of the manufactured home and the zoning administrator shall set the time period that such use is permitted. The zoning administrator may grant one (1) extension of the time period of up to six (6) months.**

**(b) An individual manufactured home shall not be attached to another manufactured home, travel trailer or single-family dwelling.**

#### **Section 10-45. Sign regulations.**

(a) *General provisions.*

(3) *Permits not required.*

(g) Temporary signs as defined and as specified herein may be used in every zoning district unless otherwise prohibited:

4. Political campaign signs, no more than twelve (12) square feet in area, on any privately owned lot or parcel. ~~Each sign shall be erected no more than sixty (60) days prior to the nomination, election or referendum it purports to advertise and shall be removed no more than fifteen (15) days after the announced results of that nomination, election or referendum.~~

#### **Section 10-46. Performance standards.**

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(9) *Light and glare.*

- (a) *General requirements.* All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles and/or street lighting) must not cause illumination in excess of 0.25 footcandles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the C-1, A-1, R-R, districts, lights shall be shielded so that glare of the bulb is not visible beyond the property line of the parcel. **A lighting plan meeting the above requirements shall be submitted to the zoning administrator for all projects that require a site development plan in accordance with Section 10-53(3) of this chapter. The zoning administrator for minor projects can waive this requirement with limited impact on adjacent properties.**

**Section 10-48. Additional regulations for special uses.**

(2) *Sawmills and chipmills.*

- (c) The board of supervisors may establish **any additional** conditions on the operation of any sawmill or chipmill, depending upon the specific features of the site, the subject of such conditions which may include but are not limited to periods and hours of operation, noise levels, screening, setbacks, access, storage areas, parking and loading, odors, waste disposal and materials storage.

(3) *Slaughter houses.*

- (b) The permit shall be granted for a period not to exceed five (5) years, upon which time it shall be reviewed by the board of supervisors and may or may not be renewed depending upon whether the operator has adhered to the conditions of the permit, ~~and whether conditions in the area have changed so as to warrant a cessation of the use.~~
- (c) Hours of operation shall be established by the board, ~~and shall not extend into the period between 8:00 p.m. and 8:00 a.m.~~
- (i) The board of supervisors may establish **any additional** conditions on the operation of any slaughterhouse, depending upon the specific features of the site, the subject of such conditions which may include but are not limited to periods and hours of operation, noise levels, screening, setbacks, access, storage areas, parking and loading, odors, waste disposal and materials storage.

### Section 10-53. Required development approvals.

- (1) *Zoning permits.*
  - (d) *Duration of valid zoning permit.* Any zoning permit issued shall become invalid if the authorized work is not commenced within ~~one (1) year~~ six (6) months of the date of issuance, or is suspended or abandoned for a continuous period of ~~one (1) year~~ six (6) months. The zoning administrator may, upon good cause shown, extend a permit with or without charge for an additional period not exceeding ~~one (1) year~~ six (6) months.

### Section 10-54. Special development approvals.

- (1) *Zoning amendment.*
  - (g) *Limitation on application after denial.* After the official denial of an application **by the Board of Supervisors**, substantially the same application concerning any or all of the same property shall not be filed within ~~three (3) months~~ one (1) year of the date of denial.

### Section 10-61. Definitions.

~~*Building, height of:* The vertical distance measured from the level of the curb of the established curb grade opposite the middle of the front of the structure to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height between the eave and ridge of any other pitched roof. For buildings setback from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.~~

*Flea Market:* A place where any person or group of vendors, whether professional or nonprofessional, offer for sale, trade or barter any goods regardless of whether they are new, used antique, or homemade; and regardless of whether they are offered for sale in open air buildings or temporary structures. The term "flea market" does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as "garage sales" or "yard sales," provided that such sales do not occur more frequently than once every sixty (60) days. The term "flea market" also shall not include any business or occupation, which has a valid business license or special use permit which pertains to the sale, trade or barter of goods.

*Garage, private:* Accessory building used for the storage of not more than three (3) automobiles, sport utility vehicles or similar small trucks per dwelling unit served, such vehicles

being owned or leased and used by the occupants of the principal building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature. On a lot occupied by a multi-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1.5) times as many automobiles as there are dwelling units. **Maximum height and area shall be sixteen (16) feet and 850 square feet respectively unless authorized by special use permit.**

*Slaughterhouse:* A place where livestock is slaughtered **and may be cut into pieces for shipping off-site, cut, packaged and/or processed.**

**Stone engraving and sales: An establishment used for the engraving, polishing and sales of pre-cut tombstones and other stone monuments.**

The vote on the foregoing ordinance was as follows:

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

## **NEW BUSINESS**

### **Resolution of Recognition - Joe C. Draper**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

***WHEREAS, Joseph C. Draper*** has faithfully served as a member of the Montgomery County Planning Commission for 24 years (1977-2001); and

***WHEREAS,*** During his tenure ***Joseph C. Draper*** has used his technical skills and professional expertise in the development of three Comprehensive Plans for Montgomery County and major revisions to both the Subdivision Ordinance and Zoning Ordinance; and

***WHEREAS,*** The County recognizes the impartial and dedicated service that ***Joseph C. Draper*** 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 *Joseph C. Draper*.

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

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
C.P. Shorter		
Joe C. Stewart		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

**Appropriation of the FY 2001-2002 Budget**

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

BE IT RESOLVED, That the following appropriation for the fiscal year ending June 30, 2002 be and the same is hereby made effective July 1, 2001 for the organizations indicated as follows:

**EXPENDITURE ACCOUNTS  
TO BE APPROPRIATED**

**1. GENERAL FUND**

100	Board of Supervisors	\$ 171,501
110	County Administrator	713,819
120	County Attorney	167,772
130	Financial and Management Services	454,154
132	Insurance	125,449
140	Information Management Services	665,921
150	Commissioner of Revenue	479,075
152	Assessment - 100% County	350,446
160	Treasurer	488,857
162	Collections - 100% County	330,440
170	Registrar	257,678

180	Internal Services	401,580
200	Commonwealth Attorney	497,794
210	Circuit Court	124,924
220	General District Court	21,644
230	Juvenile and Domestic Relations Court	12,974
240	Magistrate	5,810
250	Circuit Court Clerk - 100% County	490,376
310	Sheriff-Co/State Support	4,711,767
320	Sheriff-County Support	470,454
330	Fire and Rescue	445,936
400	General Services	3,086,851
510	Comprehensive Services	942,725
520	Human Services	268,310
530	Public Health	348,817
540	Social Services	4,486,282
700	Parks and Recreation	524,140
710	Regional Library	1,530,411
800	Planning and Inspections	617,083
810	Economic Development	260,829
900	Revenue Refunds	104,456
910	Other Agencies	740,513
920	General Government Debt Service	2,070,367
950	Contingencies - General	261,266
960	Contingencies - Special	116,862
990	Adjustments for Internal Services	<u>(64,059)</u>
	<b>TOTAL GENERAL FUND</b>	<b>\$ 26,683,224</b>

**2. LAW LIBRARY FUND**

290	Law Library	<b>\$ 17,600</b>
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**3. 600 SCHOOL OPERATING FUND**

610	Instruction	<b>\$ 51,090,938</b>
620	Administration, Attendance, and Health	2,222,044
630	Pupil Transportation	2,852,564
640	Operations and Maintenance	8,000,320
650	Other Non-Instructional Operations	45,778
700	Debt Service	<u>5,323,964</u>
	<b>TOTAL SCHOOL OPERATING FUND</b>	<b>\$ 69,535,608</b>

4	621	SCHOOL ECIA FUND	\$	1,099,250
5.	651	SCHOOL CAFETERIA FUND	\$	<u>2,737,840</u>
		TOTAL SCHOOL	\$	3,837,090
		SPECIAL FUNDS		
<b>GRAND TOTAL EXPENDITURES</b>			<b>\$</b>	<b>100,073,522</b>

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

### ESTIMATED RESOURCES

#### 1. GENERAL FUND

##### A. REVENUE

General Property Taxes	\$	38,242,201
Other Local Taxes		7,790,919
Other Undesignated Revenue		1,202,566
Resources Designated by Department		<u>11,617,594</u>
<b>Subtotal</b>	<b>\$</b>	<b>58,853,280</b>

##### B. OTHER

Transfer to School Operating Fund-Operations	(26,846,092)
Transfer to School Operating Fund-Debt Service	<u>(5,323,964)</u>
<b>Subtotal</b>	<b>\$ (32,170,056)</b>

**TOTAL GENERAL FUND RESOURCES:\$ 26,683,224**

#### 2. LAW LIBRARY FUND

A. REVENUE	\$	15,000
B. USE OF FUND BALANCE		<u>2,600</u>

**TOTAL LAW LIBRARY FUND RESOURCES \$ 17,600**

#### 3. SCHOOL OPERATING FUND

A.	REVENUE	\$	37,365,552
B.	TRANSFER FROM GENERAL FUND		<u>32,170,056</u>
	<b>TOTAL SCHOOL OPERATING FUND</b>	<b>\$</b>	<b>69,535,608</b>
<b>4.</b>	<b>SCHOOL CAFETERIA FUND RESOURCES</b>	<b>\$</b>	<b>2,737,840</b>
<b>5.</b>	<b>ECIA(ESEA) FUND RESOURCES</b>	<b>\$</b>	<b><u>1,099,250</u></b>
	<b>GRAND TOTAL ALL RESOURCES</b>	<b>\$</b>	<b><u>100,073,522</u></b>

FURTHER, The Treasurer is hereby authorized to make the necessary transfers between funds as required to keep expenditure accounts appropriated by the Board of Supervisors and revenue estimates approved by the Board of Supervisors in balance by Fund.

FURTHER, The Treasurer is hereby authorized to make the necessary wire transfers, as appropriate.

Said resolution appropriates the budget for fiscal year 2001-2002. The monies budgeted in Special Contingencies to regrade the Compensation Plan have been removed from this account and distributed to the applicable divisions.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
C.P. Shorter	Larry N. Rush	Joe C. Stewart	James D. Politis
Annette S. Perkins			
John A. Muffo			
Mary W. Biggs			

**Reconciliation of Compensation Board Budgets**

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

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

150	Commissioner of Revenue	\$ (5,787)
160	Treasurer	\$ (7,252)

200	Commonwealth Attorney	\$ 4,495
250	Circuit Court Clerk	\$ 5,847
310	Sheriff	<u>\$65,958</u>
	Total	\$63,261

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

Revenue Account

150-423100	Shared Expense-Commissioner of Revenue	\$ (5,787)
160-423100	Shared Expense-Treasurer	\$ (7,252)
200-423100	Shared Expense-Commonwealth Attorney	\$ 4,495
250-416010	Fees Circuit Court Clerk	\$ 5,847
310-423100	Shared Expense-Sheriff	<u>\$65,958</u>
	Total	\$63,261

Said resolution adjusts the Constitutional Officers' budget to reconcile with the Compensation Board approved amounts.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Annette S. Perkins	Joe C. Stewart	James D. Politis
John A. Muffo		
Larry N. Rush		
C.P. Shorter		
Mary W. Biggs		

**Capital Projects Fund**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Capital Projects Fund is granted an appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

12	County Capital Projects	
800	Digital Photos	\$ 105,600

800	GIS System	\$ 139,266
140	E-Government	\$ 196,730
910	Develop Center -NRCC	\$ 65,041
910	Service Center - NRCC	\$ 25,149
170	Voting Machines	\$ 15,000
330	Blacksburg Fire Department/Brush Truck	\$ 45,000
330	Christiansburg Rescue /Vehicle Extrication	\$ 60,000
330	Riner Fire Department - Fire Engine Replacement	\$ 350,000
330	Christiansburg Fire Department - Brush Truck	<u>\$ 140,000</u>
	Total	\$1,141,786

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

Revenue:

General Fund Balance	\$ 410,000
1999C Bond Proceeds - Fund Balance	<u>\$ 731,786</u>
Total	\$1,141,786

The vote on the following motion was as follows:

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

**School Operating Fund**

On a motion by C.P. Shorter, seconded by John A. Muffo 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, 2001 for the function and in the amount as follows:

09	School Operating Fund	\$184,528
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The source of funds for the forgoing appropriations is as follows:

Revenue Account

424234	Benefits Over State Agency	\$184,528
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FURTHER, BE IT RESOLVED, That an appropriation reduction in the School Operating Fund for the fiscal year ending June 30, 2001 is authorized as follows:

09 School Operating Fund (\$127,500)

Revenue Account

451101 Transfer from the General Fund (\$127,500)

FURTHER, BE IT RESOLVED, That an appropriation change in the General Fund for the fiscal year ending June 30, 2001 is authorized as follows:

Revenue Account

02 General Fund \$127,500  
419108 Recovered Costs

Transfers

451202 Transfer to School Operating \$127,500

Said resolution reimburses the School Operating Fund and the General Fund for costs incurred in the removal of underground storage tanks.

The vote on the foregoing motion was as follows:

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

**Revenue Refunds: Supplemental Appropriation**

On a motion by Larry N. Rush, seconded by C.P. Shorter 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, 2001, for the function and in the amount as follows:

900 Revenue Refunds \$40,000

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



Mary W. Biggs

**2001 Virginia Transportation Program Public Meeting**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Representatives of the Board of Supervisors of Montgomery County, Virginia have attended the Commonwealth Transportation Board's Preallocation hearings for a number of years to advocate for a resolution to the traffic problems along the US 460 corridor between Blacksburg and Christiansburg and Christiansburg and Interstate 81; and to recognize the desirability of a direct link between Roanoke and VPI&SU; and

WHEREAS, The Board has emphasized needed improvements to Interstate 81 between Christiansburg and Roanoke with its heavy tractor-trailer and vehicular traffic which hampers traffic flow and will potentially impair economic development efforts and subject residents to greater risks from hazardous materials accidents; and

WHEREAS, The Board has expressed grave concern relative to conditions on Virginia Route 114 in Montgomery and Pulaski Counties, a major transportation artery serving as an east-west connector through the New River Valley which passes through residential and commercial development; and

WHEREAS, 39 accidents in 1997 occurred on Route 114, claiming the lives of five citizens and injured 34 citizens; and

WHEREAS, The residents who live along Route 114 and the surrounding area have presented petitions with over 393 signatures to the Board of Supervisors requesting that the safety of this road be enhanced, including turn lanes and widening of the road; and

WHEREAS, The Board has expressed concern relative to conditions on Virginia Route 8 in Montgomery and Floyd Counties; and

WHEREAS, 3 accidents in a 3 ½ week period occurred on Route 8, claiming the lives of 4 citizens; and

WHEREAS, Route 8 provides the only access to Floyd County from Interstate 81 at Christiansburg; and

WHEREAS, Route 8 is a high traffic road with high population growth along the Route 8 corridor; and

WHEREAS, The above routes have been identified as critically needed projects in order to

improve the capacity, condition and efficiency of our regional transportation system.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia emphasizes its continued desire for completion of the above projects and expresses sincere appreciation to the Commonwealth Transportation Board for recognizing and considering the Montgomery County Board of Supervisors' comments to the aforementioned projects.

FURTHER, The Board of Supervisors of Montgomery County, Virginia hereby **opposes** the Dublin-Blacksburg connector (NRV Link) and reaffirms that the Dublin-Blacksburg connector (NRV Link) is not a priority for Montgomery County.

FURTHER, That the Montgomery County, Virginia Board of Supervisors recognizes the importance of an overall regional plan in linking development patterns and economic development opportunities and also expresses support for improvements to US 11 in Pulaski County; and continuing improvements to Virginia 8, including the intersection of Route 8 and Fairview Church Road; as well as US 460 in order to provide interstate access for Floyd and Giles counties.

FURTHER, The Montgomery County Board of Supervisors acknowledges the Virginia Department of Transportation's efforts to accelerate the construction of Alternate 3A.

FURTHER, The Board of Supervisors of Montgomery County, Virginia requests the expansion of U.S. Route 114 to a four-lane primary highway and expresses its appreciation to the Commonwealth Transportation Board for adding State Route 114 to the 6-Year Primary Road Plan for Preliminary Engineering Studies.

FURTHER, The Montgomery County Board of Supervisors urges the Commonwealth Transportation Board to identify funding for right-of-way acquisition and construction for the four laning of SR 114 as soon as possible.

The vote on the foregoing motion was as follows:

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

**Parks and Recreation Commission - Recommendations for the AEP Donated Land**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

WHEREAS, On February 16, 2000 American Electric Power (AEP) donated to Montgomery County a 12.378 acre parcel of land located on Shelor Lane, west of the end of Crestwood Drive, and adjoining the town limits of Blacksburg on the north and west; and

WHEREAS, By resolution dated November 22, 1999 the Board of Supervisors authorized and directed the Parks and Recreation Commission to conduct community meetings in the Shelor Lane/Crestwood Drive area for public discussion and citizen input for potential recreational facilities on the 12.378 acre parcel and make a recommendation to the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby accepts the following recommendations made by the Montgomery County Parks and Recreation Commission for use of the 12.378 acre parcel of land located on Shelor Lane:

1. Be left in a near natural state for nature studies programs or activities by the Montgomery County School System, Virginia Tech, Scouting Programs, 4-H Programs, and other study groups.
2. That trails be developed around the perimeter of the site and border areas to accommodate walkers and study groups
3. A trail be developed linking Nellie's Cave Park to this property for joint usage.
4. Small parking areas be developed at both the lower and upper portions of the property for visitors.
5. Develop small picnic sites in proposed park in the wooded sections of the property.
6. Install traditional playground equipment for small children near picnic sites.
7. The small house located on the property be kept for a possible nature studies museum or exhibit for a future resource.

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
Joe C. Stewart		

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

**Accepting the Dedication for Public Park Purposes the Property Owned by the Trustees of the Community Park at McCoy, Virginia**

On a motion by C.P. Shorter, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The Trustees of the Community Park at McCoy, Virginia desire to dedicate to the County of Montgomery, Virginia, the 4.7853 acres located on McCoy Road in the Prices Fork Magisterial District (the "Park Property") for the purpose of locating a County Park; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, desires to accept the dedication of the Park Property for the purpose of locating and maintaining a County Park.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby agrees to accept the dedication by the Trustees of the Community Park at McCoy, Virginia, of the Park Property for the purpose of locating and maintaining a County Park.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Mary W. Biggs is hereby authorized to accept the dedication of Public Park on behalf of the County which said acceptance shall be evidenced by the execution of the Deed by Mary W. Biggs, Chairperson of the Board of Supervisors of the County of Montgomery, Virginia.

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		
C.P. Shorter		
Larry N. Rush		
Joe C. Stewart		
Mary W. Biggs		

**COUNTY ATTORNEY'S REPORT**

**Purchase of Property** The County Attorney reported the County closed on the Flinchum and the Albert

property in McCoy today. This property will be used for a new fire department and park in McCoy.

## **COUNTY ADMINISTRATOR'S REPORT**

**Road Update** The County Administrator reported that a copy of the updated road report is provided in the Board's packet for their review. He noted that the Virginia Department of Transportation (VDoT) has to obtain an environmental clearance permit in order to clean out culverts. He also noted that they have to do their own inspections for entrances. The County Administrator said that since the County has to inspect the entrances also, that maybe they could work together.

**Entrance to Veterans War Memorial - SunnySide/Tom's Creek** The County Administrator reported that VDOT is requesting a \$2,500 bond from the Sunnyside/Toms Creek Veterans Association to construct a commercial entrance into the site where the war memorial will be constructed. VDoT has stated they will be willing to forego the bond if the County would be responsible for overseeing that the site is constructed to VDoT standards. Supervisor Shorter noted that the Veterans Association has worked hard on the war memorial and he would support the County overseeing the construction of a commercial entrance.

### **Veterans War Memorial - SunnySide/Tom's Creek**

On a motion by C.P. Shorter, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The Sunnyside/Toms Creek Veterans Association is constructing a Veterans War Memorial in the Sunnyside/Toms Creek Community; and

WHEREAS, As part of the construction of the Memorial the Virginia Department of Transportation is requiring a commercial entrance to be constructed and bonded; and

WHEREAS, Since the Veterans Association is unable to post a bond for the work to be done on the commercial entrance, the Board of Supervisors is willing to ensure that the Association constructs the entrance as required by VDoT.

NOW THEREFORE BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board agrees to stand behind and ensure that the Sunnyside/Toms Creek Veterans Association properly constructs and installs the Commercial entrance serving the Memorial site as required by VDoT regulations in lieu of the Veterans Association posting a bond for construction.

The vote on the foregoing motion was as follows:

AYE

NAY

ABSENT

John A. Muffo None  
Annette S. Perkins  
Joe C. Stewart  
Larry N. Rush  
C.P. Shorter  
Mary W. Biggs

James D. Politis

## **BOARD MEMBERS' REPORTS**

Supervisor Perkins reported that the Voter Registrar's office will demonstrate the Optec Eagle Voting Machine on June 27, 2001, 9:30 a.m. at the Christiansburg Library.

Supervisor Muffo reported that the final interviews were conducted for selecting a consulting firm for the Comprehensive Plan Study. Negotiations should begin shortly.

Supervisor Shorter received a call from a citizen concerning Wake Forest Road. This road needs to be regraded due to the number of potholes.

Prices Fork Elementary Supervisor Shorter asked what the status was on the Prices Fork ballfields, the widening of the parking lot, and the installation of lights.

Prices Fork Water Supervisor Shorter expressed concerns with the water situation in the Prices Fork area. He asked what the maintenance cost would be for running water from Blacksburg to Prices Fork, could a cost vs profit analysis be done.

Blacksburg Middle School Supervisor Shorter asked why a tar and gravel roof was being put down at the Blacksburg Middle School instead of a rubber membrane. He expressed concerns that this type of roof will not hold up. The County Administrator said he would contact the School Superintendent.

County Wide Speed Study Supervisor Shorter asked the status of a County wide speed study.

Resource Conservation & Development ( RC& D) - Supervisor Shorter attended the RC& D meeting. He reported that the RC&D has applied for a grant to construct a stormwater management model. He will keep the Board updated on any information he receives.

Supervisor Rush asked if a financial report on the Shelor case could be prepared. He wants to know how much Shelor paid in merchants capital tax last year.

Supervisor Biggs reported a copy of the Memorandum of Understanding for the transition of the Regional Airport Authority is provided in the Boards packet for their review.

2002 Legislative Resolution VACo has started the process of developing its 2002 Legislative Program. VACo is requesting that any proposals be submitted by July 2, 2001. The County's 2002 Legislative resolution will be on the June 25<sup>th</sup> agenda.

Employee Recognition Dinner Chair Biggs reminded Board members of the Employee Recognition Dinner scheduled for Friday, June 15, 2001.

County/School Liaison The following items were discussed at the County/School Liaison meeting.

-School Bus Maintenance - Chair Biggs noted that if any Board members have specific questions concerning school bus maintenance to get the questions to her or the County Administrator and they would forward them to the School.

-Belview Elementary School The Planning Commission requested how many students the Belview Elementary School can accommodate. There are several housing projects underway that will influence the enrollment of children at Belview.

-Substance Abuse Superintendent Morton reported that substance abuse awareness in the schools is a major goal. Individual schools are responsible for what programs are made available to the students.

-Prices Fork Elementary Lights Chair Biggs reported that the School Board was not aware of any problems with lack of lights at the Prices Fork Elementary School. She said the principal needs to be contacted about the problem. Supervisor Shorter stated he has contacted the principal on numerous occasions about the light situation.

-School Roof Program - The School Roof Program is scheduled to be funded for two more years. The School will devise a new plan to take effect in 2008. The County Administrator suggested the Board consider setting up a School Roof Reserve Fund to be funded during the five year lapse.

HAELOS Tour- Several of the Board members and County staff toured the Haleos facilities on June 6, 2001. Board members who were unable to attend can contact the County Administration office to arrange a tour.

Joint Meeting with Radford City Council A joint meeting with Radford City Council and the Board of Supervisors to discuss the 177 Corridor will need to be scheduled in July or August.

Eastern Montgomery High School and Blacksburg High School Graduation Chair Biggs attended Eastern Montgomery High School's first graduation and attended Blacksburg High School's graduation also.

Prices Fork Ballfield The County Administrator reported that the Prices Fork ballfields are scheduled to be worked on this fall. The Mid-County ballfields will be closed when the Prices Fork fields are open.

Dominion Gas The County Administrator reported that Dominion Gas contacted him for permission to go onto the County's property at PineyWoods for surveying for the proposed gas pipeline.

### **INTO CLOSED MEETING**

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

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

- Section 2.1-344(A) (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. IDA of the City of Roanoke v the County of Montgomery, et.al
  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. Business Prospect

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
C.P. Shorter		
Joe C. Stewart		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

### **OUT OF CLOSED MEETING**

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

BE IT RESOLVED, That 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>
Larry N. Rush	None	James D. Politis
C.P. Shorter		
Joe C. Stewart		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by John A. Muffo, seconded by Larry N. Rush 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 2.1-344.1 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**

Larry N. Rush  
C.P. Shorter  
Joe C. Stewart  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs

#### **NAYS**

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

**ADJOURNMENT**

On a motion by Larry N. Rush, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Monday, June 25, 2001 at 7:15 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 9:15 p.m.