

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 27TH DAY OF NOVEMBER, 2000 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT: Mary W. Biggs -Chair
John A. Muffo -Supervisors
Annette S. Perkins
James D. Politis
C.P. Shorter
Joe C. Stewart
Jeffrey D. Johnson -County Administrator
L. Carol Edmonds -Assistant County Administrator
Martin M. McMahan -County Attorney
T.C. Powers, Jr. -Planning Director
Steve Sandy -Zoning Administrator
Robert C. Parker -Public Information Officer
Vickie L. Swinney -Secretary

ABSENT: Larry N. Rush -Vice Chairman

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC HEARINGS

Request for Tax Exempt Status

Montgomery County Christmas Store proposal to request exemption from taxation from the General Assembly of all personal property owned by the Montgomery County Christmas Store, assessed at a value of \$7,700.00 with personal liability in the amount of \$188.65, pursuant to Article X, Section 6(a) (6) of the Constitution of Virginia and the provisions of Chapter 36 of Title 58.1 of the Code of Virginia, 1950, as amended, and such exemption should be categorized as charitable and benevolent.

There being no speakers, the public hearing was closed.

Rezoning Request

Ernest J. Woods request to rezone 5.652 acres (Tax Parcel No.106-7-6) from Agriculture (A-1) to Industrial (M-1) with a Special Use Permit for a contractor's equipment storage yard. Property is located on the South side of Flanagan Drive, Gardner Estates approximately 1000 feet west of the Flanagan Drive/Riner Road intersection in the Riner Magisterial District. The property lies in an area designated as Rural Area in the Comprehensive Plan.

There being no speakers, the public hearing was closed.

Rezoning Request

Park Real Estate (Agent: Nathaniel Haile) request to rezone 38.71 acres

(Tax Parcel No. 77-A-120) from Residential (R-2) to Agriculture (A-1) with a Special Use Permit to allow a golf driving range, offices and retail areas for concrete manufacture and plant nursery, office and construction yard for landscape contractor and research and outreach area for collegiate landscape architecture. Property is located on Route 114 approximately 2.15 miles west of the intersection of US 460 and Route 114 in the Riner Magisterial District. The property lies in an area designated as Urban Expansion in the Comprehensive Plan.

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This request was withdrawn by the applicant.

Rezoning Request

VMH, Inc. (Agent: LMW, P.C.) request to rezone 22.35 acres (Tax Parcel No. 55-(A)-27,28) from General Business & Residential (GB & R-2) to Residential (R-3). Property is located adjacent to the Town of Blacksburg, East of Cedar Hill Drive in the Mt. Tabor Magisterial District. The property lies in an area designated as Agricultural Area in the Comprehensive Plan.

Comprehensive Plan Amendment

Comprehensive Plan Amendment to change the land use designation for Tax Parcel Nos. 55-A-27 (20.383 acres) and 55-A-28 (1.969 acres) from Agriculture to Rural Expansion.

Doug Meredith, LMW Agent, spoke in support of Virginia Mountain Housing's rezoning request. Mr. Meredith indicated that VMH intentions are to build housing duplexes. The Planning Commission has recommended denial of their request due to the lack of public water and sewer to the property and due to the Town of Blacksburg not approving any extension of utilities. Mr. Meredith urged the Board to approve the request contingent upon approval of the Town of Blacksburg for extending utilities to the area, or table the request until such time utilities are extended.

Rick Whitney spoke in opposition to the rezoning request. Mr. Whitney agreed that rezoning from the current general business to residential is more suited to the area but does not agree that it should be rezoned to R-3, but R-2. He also indicated that the applicant has not met the necessary requirements for rezoning. Public water and sewer must be available or scheduled to be available. The area in question does not have public water and sewer available nor is it scheduled, and one cannot assume what the Town of Blacksburg may decide to do on extending the utilities.

Scott Stosser spoke in opposition to the rezoning request. Mr. Stosser agreed with the previous speaker, Mr Whitney.

Jenny Stosser spoke in opposition to the rezoning request. Ms. Stosser indicated that public water and sewer should be available before approving the request. She stated that a definite plan for extension of public utilities from Town of Blacksburg in needed.

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

Rezoning Request

Garry Davis request to rezone 6.24 acres (Tax Parcel Nos. 76-A-126A & 76-A-20) from Agriculture (A-1) to Rural Residential (R-R), with possible proffered conditions. Property is located on the south side of Morning Glory Drive (SR 828), approximately 450 feet west of Walton Road (SR 663) in the Riner Magisterial District.

There being no speakers, the public hearing was closed.

Special Use Permit

E.L. & Daphne B. Sledd request for a Special Use Permit in Agriculture (A-1) (Tax Parcel No. 138-A-80A) to allow an automotive repair shop. Property is located at 6424 Riner Road on the northeast side of the Route 8/Route 716 intersection in the Riner Magisterial District. The property lies in an area designated Conservation/Rural Area in the Comprehensive Plan.

There being no speakers, the public hearing was closed.

Special Use Permit

Daniel & Brenda Meredith request for a Special Use Permit in Agriculture (A-1) (Tax Parcel Nos. 83-B-1-24,25,26,27,28) for a contractor's equipment storage yard. Property is located at the end of state

maintenance of Route 816 at 1144 Flick Drive in the Shawsville Magisterial District. The property lies in an area designated Agriculture/Rural in the Comprehensive Plan.

There being no speakers, the public hearing was closed.

Special Use Permit

George E. Via, III request for a Special Use Permit for a 160 foot Radio Communication Tower on 50.75 acres (Tax Parcel No. 110-A-18) in Agriculture (A-1). The property is located on the northwest side of Fishers View Road (SR 609) on Fishers View Mountain in the Shawsville Magisterial District. The property lies within an area designated as a Conservation Area in the Comprehensive Plan.

Ron Walton New River Valley Radio Partners, spoke in support of the radio communications tower. The tower will provide improved transmission coverage for WFNR-FM radio. Mr. Walton indicated that the tower could accommodate five public safety agencies. The use of the tower would be provided at no charge to the Sheriff's Office, State Police and the local fire and rescue squads who expressed interest in use of the tower.

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

Rezoning Request

Cleveland L. Duncan, Sr. (Agent: David Beasley) request to rezone 5.9068 acres (Part of Tax Parcel No. 103-A-78) from Agriculture (A-1) to Rural Residential (R-R). Property is located on the north side of Lovely Mount Drive (Route 664) approximately 1000 feet east of Wintergreen Drive (Route 787) / Route 664 intersection in the Riner Magisterial District. The property is located within the Route 177 Overlay District and lies within an area designated as Rural Expansion Area in the Comprehensive Plan.

David Beasley spoke in support of the rezoning request. Mr. Beasley stated that the rezoning is compatible with the surrounding area. He also indicated that Mr. Duncan will share a well but will have a separate septic system. There is a consideration of separate well contingent upon approval by the Health Department.

John Simon spoke in support of the request. He stated that the property should have a separate septic system.

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

INTO WORK SESSION

On a motion by Joe C. Stewart, seconded by James D. Politis and carried unanimously,

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

1. The Proposed Six Year Plan for Improvement of the State Secondary Highway System in Montgomery County for 2001-2007.
2. Rural Additions.
3. Maintenance Scheduling

The vote on the foregoing motion was as follows:

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

OUT OF WORK SESSION

On a motion by Joe C. Stewart, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors hereby ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

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

PUBLIC ADDRESS SESSION

Mickey Apgar addressed the Board concerning Green Hill Lane (SR 626). Mr. Apgar said that Green Hill Lane is currently on the Rural Addition List. All proper rights-of way have been given and VDoT is ready to begin work after three utility poles have been moved. Mr. Apgar requested the Board's help in funding the cost of moving the utility poles. He stated that the cost of moving these poles is estimated at \$8,217.00.

Cameron Tabor addressed the Board concerning Mt. Pleasant Road (SR 639). Mr. Tabor stated that Mr. Pleasant Road is currently on the Six Year Road Plan and urged the Board to consider moving the construction date up. The road is in dire need of improvements and is extremely hazardous. The road needs to be widened to allow safe passage, and guardrails need to be installed at several spots along the road. Mr. Tabor thanked the Board for their consideration.

John Simon spoke in support of his request to withdraw 9.8 acres from the Agricultural & Forestal District that is on the agenda for the Board's consideration. Mr. Simon thanked the Board for allowing his request to be placed back on the agenda. He stated he does support the AFD concept and he purchased the property in question in good faith, not knowing it was in an AFD. All title and deed research was done and there was no indication the land was in an AFD. Mr. Simon asked the Board to consider all the facts and consider approving his request. Mr. Simon also spoke in support of a local option fuel tax to provide funding for roads.

ADDENDUM

On a motion by C.P. Shorter, seconded by James D. Politis and carried, the following addenda dated November 27, 2000 was added the agenda:

Resolution of Support - Carilion New River Valley Medical Center

Into Closed Meeting

Section 2.1-344(A) (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

- 1. Plum Creek

The vote in the foregoing motion was as follows:

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

OLD BUSINESS

Withdrawal Request From AFD-3 (Little River) Danbury Ltd

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

Ordinance 2000 - 19
An Ordinance Withdrawing 9.852 Acres
Agricultural & Forestal District-3 (Little River)
Within Montgomery County, Virginia

WHEREAS, Danbury Ltd. has requested to withdraw approximately 10 acres (Tax Parcel 135-A-23D) from Agricultural & Forestal District-3 (Little River); and

WHEREAS, The Board of Supervisors of Montgomery County has processed this request in accordance with Section 15.2-4314 of the Code of Virginia, as amended, and Section 2-150 of the Montgomery County Code, including the holding of a public hearing on January 24, 2000, February 28, 2000 and November 15, 2000 and the receiving of recommendations from the Advisory Committee on Agricultural and Forestal Districts and the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the five criteria for withdrawal in Section 2-150 of the Montgomery County Code have been met and that for good and reasonable cause shown, the 9.852 acres owned by Danbury Ltd. is hereby withdrawn from Agricultural & Forestal District-3.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
C.P. Shorter	None	Joe C. Stewart	Larry N. Rush
John A. Muffo			

Annette S. Perkins
James D. Politis
Mary W. Biggs

NEW BUSINESS

New River Valley Community Services

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

WHEREAS, The County Administrator received a letter dated October 30, 2000 from New River Valley Community Services' Executive Director stating the agency's first quarter financial statement showed a deficit of approximately \$407,000; and

WHEREAS, The Executive Director stated it will be mandatory for agency staff to take 11 days without pay in order to save money; and

WHEREAS, The Executive Director stated that the problem was due to "*changing policies and funding mechanisms on the part of the state,*" mostly Medicaid; and

WHEREAS, The President of the Commonwealth Coalition for Community has asked through a letter to Supervisor Annette Perkins dated November 2, 2000 for assistance from Montgomery County in obtaining answers from New River Valley Community Services explaining the specific causes for the deficit, the status of the current budget and the projected impact on current and future services.

NOW, THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Executive Director of New River Valley Community Services is requested to provide answers to the following questions by the Board of Supervisors' December 11, 2000 meeting:

1. Specifically describe how the first quarter deficit of \$407,000 occurred. (Generally a deficit results from the overstatement of revenue collected or the over expenditure of available funds.)
2. If a \$407,000 deficit occurred in the first quarter, then is it not assumed that the shortfall will occur in the other 3 quarters, with a projected yearly deficit of over a million dollars?
3. Since this deficit has been described as a result of the non-receipt of Medicaid funds, specify the policy changes or actions taken by the Department of Medical Assistance Services that have largely created this problem.
4. Was Medicaid billed for services for clients that were not Medicaid eligible or were the services delivered not covered by Medicaid or both? Specify the services.
5. Were prior year expenditures paid within the current year budget? If so, what was the total and why were the funds not carried forward or appropriated from fund balance to cover the prior year expense?
6. Does NRVCS intend to build a treatment facility at a cost of \$500,000?
7. Is it true that the Clement Street and Club House properties belonged to a subsidiary of NRVCS? Is so, what has happened to the monies received for the properties?
8. What is the anticipated impact on services for fiscal year 2002?

The vote on the foregoing motion was as follows:

AYE NAY ABSENT

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

Carilion New River Valley Medical Center

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Carilion New River Valley Medical Center is presently in the process of seeking approval of its Certificate of Public Need application by the Commonwealth of Virginia in order to add licensed acute care beds to the facility; and

WHEREAS, Carilion New River Valley Medical Center offers a high level of quality in the services it provides; and

WHEREAS, Members of the community have indicated they want to use Carilion New River Valley Medical Center for health care; and

WHEREAS, The availability and accessibility of health services directly impacts the community as a whole; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia is not in the position to determine the need for additional acute care beds at the Carilion New River Valley Medical Center.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia supports the submission of application for a Certificate of Public Need to be determined by the State Commissioner of Health.

The vote on the foregoing motion was as follows:

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

COUNTY ATTORNEY'S REPORT

Redistricting The County Attorney informed the Board that the Constitution requires redistricting every ten years and Montgomery County is scheduled for redistricting in 2001. The County Attorney briefly explained the process and advised the Board that they should start considering how they would like to proceed by January, 2001.

Virginia Gas Pipeline Company - State Corporation Commission The County Attorney reported he had reviewed the State Corporation Commission's (SCC) decision to deny the petition submitted by citizens requesting the Virginia Gas Pipeline Company to hold another public hearing concerning the proposed gas pipeline. The SCC justification for denial was lack of jurisdiction. Citizens are allowed to appeal up to 21 days after an application is approved. The County Attorney stated there is no legal action that can be taken

at this point.

COUNTY ADMINISTRATOR'S REPORT

Telecommunications Task Force Update Joe Powers, Montgomery County Planning Director, gave an update on the progress of the Telecommunications Task Force. The Task Force consists of staff members from the Montgomery County Planning Department, Town of Blacksburg, Town of Christiansburg, and the City of Radford. They are discussing basic issues that should be included in the comprehensive plan on telecommunications towers.

VDoT's Intelligent Transportation System The County Administrator received a letter from Charles Nottingham, Commissioner of the Department of Transportation. The letter is in response to the Board's resolution opposing placement of telecommunications towers within the Virginia Department of Transportation's right-of-way. The Board asked if County Administration could get a copy of VDoT's Intelligent Transportation System Plan.

BOARD MEMBERS' REPORTS

Supervisor Shorter requested the status of a crossing guard placement at Prices Fork Elementary School. The County Administration will follow up with the Sheriff's Department.

Whitethorne Boat Landing Supervisor Shorter requested a letter be sent to the Department of Conservation & Recreation requesting additional lighting at the boat landing at Whitethorne.

Mash Run Road Supervisor Shorter requested an update on the speed study for Mash Run Road.

Supervisor Perkins reported she received a letter from Mr. Jim Noonkester regarding the water issue at Prices Fork. Mr. Noonkester said the Town Council of Blacksburg agreed to serve water to the Prices Fork area and listed the cost. Supervisor Perkins stated that the Town of Blacksburg is scheduled to meet Tuesday, November 28 to discuss the water issue and was not aware they had made a decision.

Virginia Tech Regional Airport Authority A meeting was held on November 20th and a Memorandum of Understanding (MOU) was drafted. The MOU will be forwarded to the state legislators to be introduced into the General Assembly for 2001. The General Assembly must approve the Airport Authority.

Economic Development Commission Echo Star grand opening was held on November 16, 2000. There was a very good turn out.

Supervisor Muffo attended the County/Town Liaison meeting. Discussion centered around concerns with Virginia Tech purchasing private property such as the University Mall.

Supervisor Stewart received a call from a concerned citizen about the new telecommunications tower being constructed in Elliston. He was concerned about the light on the tower and how that would affect surrounding neighbors at night. Supervisor Stewart was informed that the light installed would be a strobe light during the day and a red light at night, and would not cause any bright lights at night to disturb the area.

Supervisor Stewart also questioned why there were no police directing traffic during the hay burning in Elliston. There were several hay bales on fire and created a hazardous driving situation due to the heavy smoke along the road way.

Supervisor Politis requested a resolution be added to the December 11, 2000 agenda that would authorize the County Administrator to draft a policy for the County's participation in VDOT's "Revenue Sharing

Program". This program allows the County to apply for up to \$500,000 in state funds from VDOT, with local matching funds for the purpose of construction and maintenance of roads.

Chair Biggs attended the School Board's public hearing on the School's Proposed Budget for Fiscal Year 2001-2002. Several issues that were discussed were teachers salaries, more aids, secretarial help, need for copiers, maintenance of schools, and the need for an additional assistant superintendent.

VACo Committee Any Board member interested in serving in a VACo Committee needs to turn in their application by Friday, December 1, 2000.

Chair Biggs reminded the Board members that the County Christmas Dinner will be held Friday, December 1, 2000.

Chair Biggs attended the grand opening for the Pilot Post Office and Echo Star.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Annette S. Perkins 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) (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Plum Creek

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

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

- Joe C. Stewart
- James D. Politis
- C.P. Shorter
- Annette S. Perkins
- John A. Muffo
- Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

Larry N. Rush

ABSENT DURING MEETING

Larry N. Rush

ADJOURNMENT

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Wednesday, December 6, 2000 at the Christiansburg High School at 6:30 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 11:00 p.m.

ATTEST: _____

CHAIR

COUNTY ADMINISTRATOR