

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 11TH DAY OF DECEMBER, 2000 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	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. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Sandy	-Zoning Administrator
	Ron Bonnema	-County Engineer
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

Proposed Conveyance of Right-of-Way Easement to American Electric Power

Conveyance of Right-of-Way Easement to American Electric Power in order to locate electric power lines to serve the Plum Creek Consolidated Collection Site located on Hornsby Lane in the Riner Magisterial District.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Mike Pace spoke in support of the construction of a telecommunications tower at the American Electric

Power Edgemont substation. Mr. Pace represents SunCom who has intentions to co-locate on the tower if constructed. The tower has three confirmed co-locators and would provide coverage for gaps that now exist. Mr. Pace requested that the Board consider making a decision at tonight's meeting instead of referring it back to the Planning Commission for further evaluation.

Rick Whitney spoke in opposition to the VMH request to rezone 5.8 acres located east of Cedar Hills Drive, adjacent to the Town of Blacksburg. Mr. Whitney stated that the rezoning was not properly channeled and does not meet the rezoning requirements.

Jeanne Stosser spoke in opposition to the VMH rezoning request. Ms. Stosser stated that there should be a definite plan for public water and sewer before approval of the rezoning.

Janaka Capser, director of Virginia Mountain Housing, stated he was available to answer any questions the Board may have on the VMH rezoning request.

Mickey Apgar addressed the Board concerning Green Hill Lane, which is listed on Montgomery County's Rural Addition Priority list. Mr. Apgar stated that before the Virginia Department of Transportation could take over the maintenance of Green Hill Lane, several utility poles need to be moved. He requested funding from the County to help pay for the moving of these poles. Mr. Apgar thanked the Board for their consideration.

Ed Hicklin, LMW Engineering, stated he was available to answer any questions the Board may have concerning the VMH rezoning request.

DELEGATION

County Web Page

Mr. Howard Boggess and Ms. Camille Chapman from Anderson and Associates presented an update on Montgomery County's Web Page. Mr. Boggess gave a brief summary of the web page project background and the different phases of the project. Mr. Boggess and Ms. Chapman showed the Board other county and state sites.

INTO WORK SESSION

On a motion by C.P. Shorter, 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:

Traffic Study - Prices Fork Elementary School

The vote on the foregoing motion was as follows:

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AYE

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

NAY

None

Montgomery County Sheriff, Doug Marrs, reported to the Board of Supervisors that the Montgomery County Sheriff's Office Law Enforcement Division and Crime Division conducted a study of the vehicular traffic pattern at Prices Fork Elementary. It was determined that there were problems in the afternoon during school release, with the number of parents arriving to pick up their children. The number of vehicles exceeds the number of parking spaces available. Sheriff Marrs stated he has placed a crossing guard in the afternoon to help direct traffic until a long term solution can be found.

OUT OF WORK SESSION

On a motion by Annette S. Perkins, seconded by Joe C. Stewart 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

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

NAY

None

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated December 11, 2000 was approved. The vote was as follows:

AYE

Joe C. Stewart None

NAY

James D. Politis
C.P. Shorter
Larry N. Rush
John A. Muffo
Annette S. Perkins
Mary W. Biggs

Schedule Public Hearing - Board of Supervisors- Fiscal Year 2001-2002 County Budget

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby schedules a public hearing for Monday, January 8, 2001 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving citizens' comments on the following:

Fiscal Year 2001-2002 County Budget

-The purpose of this hearing is to gather citizen comments on the upcoming fiscal year budget.

Addition to the Secondary System of State Highways - Forest View Lane

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

WHEREAS, The street described below is shown on a plat recorded in the Clerk's Office of the Circuit Court 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 1950, as amended, and the Department's Subdivision Street Requirements; and

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

NOW THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors 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 1950, as amended:

ADDITION:

Forest View Subdivision

<u>Name of Street:</u>	<u>Length</u>
Forest View Lane	
From: Route 681 Nellies Cave Road	0.19 mi
To: cul-de-sac	

Plat Recorded,10-06-98
Deed Book: 18 Page:260

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, This Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-229, Code of Virginia 1950 as amended; and

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

Addition to the Secondary System of State Highways - Parkway Drive, Falling Branch Industrial Park

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

WHEREAS, The Montgomery County Industrial Development Authority, utilizing the Virginia Department of Transportation's Industrial Access Road Funds, constructed Project 1416-060-209, M501 to serve part of the Falling Branch Industrial Park as described below:

Beginning at a point at the End of State Maintenance on Route 1416, and thence extending in a southwesterly direction, 0.65 mi. to a Cul-De-Sac.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors requests the following street be added to the secondary system of highways, pursuant to section 33.1-221 of the Code of Virginia 1950, as amended:

ADDITION:

Parkway Drive - Falling Branch Industrial Park

<u>Name of Street:</u>	<u>Length</u>
Parkway Drive	

From: End of State Maintenance (SR 1416) 0.65 mi

To:Cul-De-Sac.

Plat Recorded: November 14, 1997

Plat Book: 17 Page 230

Plat Recorded: April 3, 1998

Plat Book: 18, Page 77

BE IT FURTHER RESOLVED, That the Montgomery County Board of Supervisors guarantees a clear and unrestricted 120 ft. right-of-way with necessary easements for cuts, fills, and drainage, as recorded in the Montgomery County Clerk of Circuit Court's Office in Plat Book 17, Page 230, dated November 14, 1997, and Plat Book 18, Page 77 dated April 3, 1998.

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

APPOINTMENTS

Montgomery Regional Economic Development Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Todd Murray** to the Montgomery Regional Economic Development Commission as a non-elected representative of the Blacksburg Regional Chamber of Commerce effective January 1, 2001 and expiring December 31, 2003.

Montgomery Regional Economic Development Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia reappoints **Ann Carter** to the Montgomery Regional Economic Development Commission as an elected representative of the Town of Christiansburg effective January 1, 2001 and expiring December 31, 2003.

Montgomery Regional Economic Development Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **John T. Overton** to the Montgomery Regional Economic Development Commission as a non-elected

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representative of the Town of Christiansburg effective January 1, 2001 and expiring December 31, 2001.

Said appointment fills the unexpired term of Gerald Higgins, resigned.

Transportation Safety Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Walter W. Viohl, Jr.** to the Transportation Safety Commission effective January 1, 2001 and expiring December 31, 2003.

Transportation Safety Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Chief William H. Brown** to the Transportation Safety Commission effective January 1, 2001 and expiring December 31, 2003.

Transportation Safety Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Chief Gary Brumfield** to the Transportation Safety Commission effective January 1, 2001 and expiring December 31, 2003.

Transportation Safety Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Kenneth Neal Turner** to the Transportation Safety Commission effective January 1, 2001 and expiring December 31, 2003.

Emergency Services Director

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Jeffrey D. Johnson, County Administrator**, as Director of Emergency Services effective January 1,

2001 and expiring December 31, 2001.

OLD BUSINESS

Request for Tax Exempt Status Montgomery County Christmas Store

On a motion by Annette S. Perkins, seconded by Joe C. Stewart and carried unanimously,

**RESOLUTION SUPPORTING THE DESIGNATION
OF THE MONTGOMERY COUNTY CHRISTMAS STORE
AS EXEMPT FROM PERSONAL PROPERTY TAXATION
BY THE GENERAL ASSEMBLY OF VIRGINIA**

WHEREAS, The Montgomery County Christmas Store is a non-stock, non-profit organization that provides Christmas for those families in Montgomery County that need assistance; and

WHEREAS, The Montgomery County Christmas Store owns personal property in Montgomery County, Virginia at West Main Street (Oct. To Dec.) Christiansburg, Virginia 24073, January to October - behind Coming, Christiansburg, Virginia; and

WHEREAS, The personal property of the Montgomery County Christmas Store is used exclusively for charitable and benevolent purposes; and

WHEREAS, Personal property used exclusively for charitable and benevolent purposes by a qualifying organization shall be exempt from taxation as authorized by Article X, Section 6 (a)(6) of the Constitution of Virginia, upon action by the General Assembly of Virginia, so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization classified; and

WHEREAS, The Montgomery County Christmas Store has requested the Board of Supervisors of Montgomery County, Virginia, to support their effort in seeking personal property tax exempt status from the General Assembly of Virginia; and

WHEREAS, Based on this request, the Board of Supervisors of Montgomery County, Virginia has conducted a public hearing, following proper notice as required by Section 30-19.04 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia has examined and considered the following factors before the adoption of this resolution in support of the tax exempt status of the Montgomery County Christmas Store:

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1. The Montgomery County Christmas Store is a non-profit organization that is exempt from state sales tax. The Montgomery County Christmas Store is not exempt from federal income taxation pursuant to Section 501 C (3) of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to the Montgomery County Christmas Store.
3. No director or officer of the Montgomery County Christmas Store is paid any compensation in excess of the value of the services performed in such position with the organization. Currently, there are no paid positions within the Montgomery County Christmas Store.
4. No part of the net earnings of the Montgomery County Christmas Store inures to the benefit of any individual. The services provided by the Montgomery County Christmas Store are generated by funds received from fees donations, contributions, and grants from private entities. No significant portion of the services provided by the Montgomery County Christmas Store is generated by funds received by local, state or federal grants.
5. The Montgomery County Christmas Store provides services for the common good of the public.
6. No part of the activities of the Montgomery County Christmas Store involves carrying on propaganda or otherwise attempting to influence legislation. The organization does not participate in, or intervene in, any political campaign on behalf of any candidate for public office.
7. The Montgomery County Christmas Store has no rule, regulation, policy or practice which discriminates on the basis of religious conviction, race, color, sex or national origin.
8. In 2000, the above mentioned personal property is assessed at a value of \$7,700.00 with personal property taxes in the amount of \$188.65.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the Board of Supervisors of Montgomery County, Virginia, supports the request of the Montgomery County Christmas Store for exemption from taxation of its personal property assessed at a value of \$7,700.00 with personal property tax 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 that such exemption should be categorized as charitable and

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benevolent.

2. That the County Administrator is directed to forward a certified copy of this resolution to the members of the General Assembly representing the County of Montgomery with the request that the proper legislation be introduced in the General Assembly to achieve the purposes of this resolution.

The vote on the foregoing resolution was as follows:

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

Special Use Permit - American Electric Power -Telecommunications Tower

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

WHEREAS, The Interstate-81 corridor between Christiansburg and Radford with its scenic agricultural and rural vistas provides a positive image of Montgomery County to countless residents and travelers; and

WHEREAS, The 17 existing AEP transmission towers in the Edgemont substation area may provide co-location opportunities for telecommunication carriers that would be less visually obtrusive than a new 225' tower next to the Interstate.

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the American Electric Power Company request for a 225' telecommunication tower at the existing Edgemont substation is **referred back to the Planning Commission**; and

FURTHER, TradeWind Communications, consultant to Montgomery County, is directed to work with AEP and the identified carriers (Triton/Suncom, Verizon/GTE and Ntelos) to evaluate the feasibility of their co-location on existing AEP transmission towers and to advise the Planning Commission of their findings.

The vote on the foregoing resolution was as follows:

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

Rezoning Request and Special Use Permit - Ernest J. Woods

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

BE IT RESOLVED, By the Board of Supervisors on Montgomery County, Virginia that the Ernest J. Woods request for a Special Use Permit (Tax Parcel 106-7-6) to allow a contractor's equipment storage yard in an Agriculture (A-1) Zoning District located on the south side of Flanagan Drive, Gardner Estates Subdivision, approximately 1000 feet west of the Flanagan Drive/Riner Road intersection in the Riner Magisterial District is hereby approved subject to the following six conditions:

1. The property will contain no more than thirty (30) vehicles or pieces of equipment related to the contracting business at any time. All vehicles and equipment will be maintained in good working condition.

2. A minimum of 14 evergreen trees (1 between each existing dogwood tree) will be planted along the eastern boundary of the fill area. Evergreens must be six (6) feet tall at time of planting. Front of site will be landscaped in accordance with the current zoning ordinance requirements (7 canopy trees, 9 understory trees and 20 shrubs). Property boundary with Lot 5 will be planted in similar manner as Eastern boundary of fill area (i.e. 13 dogwoods and 14 evergreens). All landscaping must be installed within 90 days of approval of Special Use Permit unless extended at the discretion of the Zoning Administrator due to weather.

3. No repair work will occur on this site.

4. There will be no storage of fuel on site.

5. There will be no lighting installed on the site.

6. Eastern facing slope of filled area must be re-graded and re-vegetated to comply with Erosion and Sediment Control Regulations. This work must be performed within 90 days of approval of Special Use Permit unless extended at the discretion of the Zoning Administrator due to weather.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None

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

Comprehensive Plan Amendment

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, the Montgomery County Comprehensive Plan Map is **TABLED** pending action by the Blacksburg Town Council on the provision of public water and sewer to Tax Parcel No. 57-A-27,28, approximately 22 acres.

The vote on the foregoing motion was as follows:

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

Rezoning Request - VMH, INC. (Agent: LMW, P.C.)

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, the VMH, Inc. (Agent: LMW, P.C.) request to rezone 5.8 acres of land located adjacent to the Town of Blacksburg, east of Cedar Hill Drive in the Mt. Tabor Magisterial District from General Business (GB) to Residential (R-2) is hereby **TABLED** pending action by the Blacksburg Town Council on the provision of public water and sewer.

The vote on the foregoing motion as follows:

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

Rezoning Request - Garry Davis

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously,

**ORDINANCE 2000-20
An Ordinance Amending
the Zoning Classification of 6.24 acres
from A-1 (Agriculture) to Rural
Residential (R-R).**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 6.24 acres of land is hereby changed, amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R).

This action was commenced upon the application of Garry Davis.

These tracts or parcels of land are identified as being shown on Tax Parcel No. 76-A-20 and 126A 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.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
Larry N. Rush	
John A. Muffo	
Annette S. Perkins	

Joe C. Stewart
James D. Politis
Mary W. Biggs

Special Use Permit -E.L. & Daphne B. Sledd

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

BE IT RESOLVED, By the Board of Supervisors on Montgomery County, Virginia that the E.L & Daphne Sledd request for a Special Use Permit in (Tax Parcel 138-A-80A) to allow an automotive repair shop in an Agriculture (A-1) Zoning District located at 6424 Riner Road on the northeast side of the SR 8/SR 716 intersection in the Riner Magisterial District is hereby approved subject to the following seven conditions:

1. The owner will submit a Form 7 to the Virginia Department of Environmental Quality (DEQ) for review within 45 days of approval of the Special Use Permit. A permit from DEQ shall be obtained if required. Copies of all correspondence shall be forwarded to the Zoning Administrator.
2. The existing garage building shall not be used for any commercial purposes other than the use of a bodywork, welding and paint shop for cars and light trucks. Moreover, this operation shall occupy no more than 1200 square feet of the existing garage.
3. There will be no more than six (6) damaged or inoperable vehicles on the site at any one time. All tools, equipment and materials will be located inside the building. All repair work will be conducted inside the garage.
4. The business will have no more than one sign (6" x 18") to identify the property for deliveries.
5. There shall be no noise in excess of 40 dba from the automotive repair shop at property lines with adjoining property owners.
6. No repair work will occur between the hours of 8:00 p.m. and 7:00 a.m. No repair work shall occur on Sundays.
7. Failure to comply with all conditions of this Special Use Permit after due notice from Zoning Administrator will result in revocation of permit from Board of Supervisors.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None

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

Special Use Permit - Daniel & Brenda Meredith

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

BE IT RESOLVED, By the Board of Supervisors on Montgomery County, Virginia that the Daniel & Brenda Meredith request for a Special Use Permit (Tax Parcel Nos. 83B-a-24,25,26,27,28) to allow a contractor's equipment storage yard in an Agriculture (A-1) Zoning District located at the end of state maintenance of SR 816 at 1144 Flick Drive in the Shawsville Magisterial District is hereby approved subject to the following six conditions:

1. There shall be no noise from the contractor's storage yard in excess of 40 dba at property lines with adjoining property owners between the hours of 8:00 p.m. and 7:00 a.m.
2. The property will contain no more than five (5) 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 outside of the Roanoke River floodway.
3. This Special Use Permit will expire four (4) years from the date of approval by the Board of Supervisors. The Zoning Administrator can grant a single six (6) month extension to this time limit after receipt of a written request from the property owner.
4. No repair work will occur on site.
5. There will be no storage of fuel on site.
6. Any lighting installed on site will be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties.

The vote on the foregoing resolution was as follows:

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

Rezoning Request - Cleveland L. Duncan, Sr. (Agent: David Beasley)

On a motion by Annette S. Perkins, seconded by Joe C. Stewart and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia the Cleveland L. Duncan, Sr (Agent: David Beasley) request to rezone 5.9068 acres located on the north side of Lovely Mount Drive (SR664) approximately 1000 feet east of Wintergreen Drive (SR 787)/SR 664 intersection in the Riner Magisterial District from Agriculture (A-1) to Rural Residential (R-R) is hereby **TABLED** pending discussion with the applicant concerning proffers on water and sewer restrictions and a single entrance onto Lovely Mount Drive.

The vote on the foregoing motion was as follows:

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

Special Use Permit - George E. Via, III

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors on Montgomery County, Virginia that the George E. Via, III request for a Special Use Permit (Tax Parcel 110-A-18) to allow a 160 foot radio communications tower in an Agriculture (A-1) Zoning District located on the northwest side of Fishers View Road (SR 609) on Fishers View Mountain in the Shawsville Magisterial District is found substantially in accord with the Comprehensive Plan (2232 review) and hereby approved subject to the following five conditions:

1. Tower structure shall be setback a minimum of one hundred fifty (150) feet from the common property line with Mr. Coleman (Tax Parcel No. 110-A-18A).
2. This permit is to authorize construction of one lattice telecommunications tower in accordance with the provisions of the zoning ordinance. The height of the new tower and attached antennas shall be no greater than one hundred sixty (160) feet above finished ground elevation as stated on the approved FCC permit.
3. All additional regulations specified for freestanding telecommunication towers in Section 10-48 of the zoning ordinance shall be met.
4. A survey including the lease area and access road shall be submitted to the Zoning Administrator prior to issuance of a building permit.
5. Public safety providers (Sheriff, rescue squads and fire departments) shall be provided space at the site for their antennas at no rental cost.

The vote on the foregoing motion was as follows:

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

Chair Biggs asked for clarification from Mr. Jeff Thrap, Director of Engineering, of the New River Valley Radio Partners, about the letter sent to the County Administrator agreeing to allow public safety providers on the site. Chair Biggs asked what it meant by communication equipment would be allowed as long as it didn't interfere with the radio equipment. She asked if this meant if the equipment from the Sheriff's Department and fire and rescue interfered with the radio equipment then they would not be allowed to co-locate on the tower. Mr. Thrap explained that the Sheriff and fire and rescue equipment would be allowed on the site. He said that the interference of equipment was for any communications company who may want to co-locate on the tower also. If any of their equipment interferes with the radios equipment and the public safety providers, then the communications company would have to remove their equipment.

Conveyance of Right-of-way Easement to American Electric Power- Plum Creed Consolidated Collection Site

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the conveyance of right-of-way easement to American Electric Power on Hornsby Lane in order to provide electrical service to the Plum Creek Consolidated Collection site.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to American Electric Power on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing motion was as follows:

AYE

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

NAY

Rural Addition Priority List

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Road Viewers' Report for Fiscal Year 2000-2001 is hereby accepted and the Rural Addition Priority List is approved as follows:

Priority 1 **Former State Route 701.** Beginning at a point on Route 657, 0.05 mi. south of Route 808, and thence extending in a south westerly direction 0.25 mi. to a turn-around. Estimated project cost - \$54,000.

Priority 2 **Nature's Way Road.** Beginning at the end of state maintenance of Route 734, 0.20 mi. northeast of Route 785, and thence extending in a northeasterly direction 0.54 mi. to a cul-de-sac. Estimated project cost - \$85,500.

Priority 3 **Green Hill Lane.** Beginning at a point on Route 11/460, 0.2 mi. east of Route 626, and thence extending in a northerly direction 0.25 mi. to a turn-around. Estimated project cost - \$31,800.

- Priority 4** **Big Vein Road.** Beginning at a point on Route 652, 0.3 mi. west of Route 696, and thence extending in a northerly direction 0.5 mi. to a turn-around. Estimated project cost - \$66,600.
- Priority 5** **Cornbread Road.** Beginning at a point on Route 665, 0.40 mi. west of Route 787, and thence extending in a southerly direction 0.45 mi. to a turn-around. Estimated project cost - \$68,600.
- Priority 6** **Regency Road.** Beginning at a point on Route 753, 0.04 mi. north of Route 11/460, and thence extending in a westerly direction 0.05 mi. to a turn-around. Estimated project cost - \$8,000.
- Priority 7** **Sunflower Road.** Beginning at the end state maintenance of Route 729, 1.0 mi. north of Route 612, and thence extending in a northerly direction 0.70 mi. to a turn-around. Estimated project cost - \$211,500.
- Priority 8** **Brake Road.** Beginning at the end of State maintenance of Route 831 and extending in a southerly direction 0.671 mi. to a turn-around. Estimated project cost - \$120,000.
- Priority 9** **Wrights Way.** Beginning at a point on Route 785 and extending in a northerly direction .17 mi to a turn-around. Estimated project cost - \$40,000.
- Priority 10** **Opal Lane.** Beginning at a point on Route 815, 0.95 mile north of Route 785 and thence extending in an easterly direction 0.20 mile to a turn around. Estimates project cost - \$40,000.

The vote on the foregoing resolution was as follows:

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

VDoT Six Year Road Improvement Plan

On a motion by Joe C. Stewart, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, in cooperation with representatives of the Virginia Department of Transportation, have prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary Highway System in Montgomery County for which funds are to be budgeted in fiscal years 2001-2007; and

WHEREAS, A duly advertised public hearing was conducted at the County Courthouse in Christiansburg, Virginia at 7:15 p.m. on November 27, 2000 for the purpose of informing interested citizens of the proposed Six-Year Plan and for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County hereby approves the aforementioned Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years 2001-2007.

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the fiscal year, 2001-2002 by the Virginia Department of Transportation Resident Engineer.

The vote on the foregoing motion was as follows:

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

NEW BUSINESS

School Crossing Guard at Prices Fork Elementary School

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

BE IT RESOLVED That the Board of Supervisors of Montgomery County, Virginia directs the County Administrator to ensure a school crossing guard is provided at the Prices Fork Elementary School each afternoon on school days.

FURTHER, BE IT RESOLVED, That The Board of Supervisors authorizes a maximum of \$3,000 annually for this purpose.

The vote on the foregoing resolution was as follows:

AYE NAY

Annette S. Perkins None

Larry N. Rush

John A. Muffo

Joe C. Stewart

James D. Politis

C.P. Shorter

Mary W. Biggs

VDoT-Revenue Sharing Funds

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

WHEREAS, The “Revenue Sharing Program” allows the Virginia Department of Transportation (VDoT) to provide state funds to match local funds for the construction, maintenance, or improvement of primary and secondary highways; and

WHEREAS, This cooperative program between local governments and VDoT allows for an increased number of road improvements; and

WHEREAS, The Commonwealth Transportation Board annually appropriates funds for this purpose; and

WHEREAS, Localities who wish to participate in this program must notify VDoT of its intent to participate in the “Revenue Sharing Program” and the amount of local funds to be provided, not to exceed \$500,000; and

WHEREAS, Application for these funds must be made by resolution of the governing body for the purpose of the following:

1. Deficits on completed construction or improvements
2. Supplemental funding for ongoing construction or improvements

3. Supplemental funding for future construction or improvements listed in the adopted Six-Year Plan
4. Construction or improvements not included in the adopted Six-Year Plan
5. Construction or improvements necessary for the acceptance of specific subdivision streets otherwise eligible for the acceptance into the system for maintenance.
6. Unprogrammed maintenance whose accomplishment is consistent with VDOT's operating policies.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to submit a draft policy to the Board for the use of State Revenue Sharing funds.

The vote on the foregoing motion was as follows:

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

Reallocation - Shawsville Middle School Cafeteria/Kitchen Addition

Supervisor Politis made a motion, seconded by Supervisor Rush, to table the proposed resolution pending additional information from the School Board.

The vote was as follows:

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

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

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, by resolution dated October 26, 1998 approved \$500,000 for a new cafeteria in the former Shawsville High School; and

WHEREAS, The revised total cost of the cafeteria project is currently \$783,532, based on bids received in September 2000; and

WHEREAS, Savings from the Eastern Montgomery High School project shows \$285,755 in uncommitted funds is available; and

WHEREAS, The Montgomery County School Board states that no additional funds will be required to complete the Eastern Montgomery High School or the Shawsville Middle School cafeteria/kitchen project.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby approves an additional \$283,532 for the Shawsville Middle School cafeteria/kitchen project to be obtained from existing Eastern Montgomery High School project funds.

The vote on the foregoing resolution was as follows:

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

Supervisor Rush commented that he supports the school system. He voted in favor of building a new high school in Elliston and voted in favor of on adding the track at the new school so the students would not have to be transported to the old high school to practice. He noted for the record that the Board needs more information from the School Board about the renovations for a new cafeteria before appropriating additional funds.

Montgomery County Government Center - Award Construction Contract

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a construction contract to Swope Construction Company of Bluefield, West Virginia for

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the Montgomery Government Center and Change Orders may not exceed ten percent of the original award of \$6,414,000.

The vote on the foregoing motion was as follows:

AYE

James D. Politis

C.P. Shorter

Annette S. Perkins

John A. Muffo

Larry N. Rush

Mary W. Biggs

NAY

Joe C. Stewart

Stormwater Detention Agreement with the Virginia Department of Transportation for Parkway Drive, Falling Branch Industrial Park,

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

WHEREAS, The Montgomery County Industrial Development Authority, utilizing the Virginia Department of Transportation's Industrial Access Road Funds, constructed Parkway Drive, Falling Branch Industrial Park, Project 1416-060-209, M501 to serve part of the Falling Branch Industrial Park; and

WHEREAS, The Virginia Department of Transportation requires Montgomery County to maintain the Stormwater Detention Area serving Parkway Drive, Falling Branch Industrial Park, Project 1416-060-209, M501; and

WHEREAS, Montgomery County and the Virginia Department of Transportation must execute a Stormwater Detention Agreement for Parkway Drive, Falling Branch Industrial Park, Project 1416-060-209, M501, in order for the Virginia Department of Transportation to accept Parkway Drive into the State's secondary system of highways.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves entering into a standard Stormwater Detention Agreement with the Virginia Department of Transportation in order for Parkway Drive, Falling Branch Industrial Park, Project 1416-060-209, M501, to be added to the State's secondary system of highways.

BE IT FURTHER RESOLVED, That Mary W. Biggs, Chairman, and Jeffery D. Johnson, County Administrator, are authorized and directed to execute and deliver said documents on behalf of the Board of Supervisors to the Virginia Department of Transportation.

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

The vote on the foregoing motion was as follows:

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

COUNTY ATTORNEY'S REPORT

NUI Corporation Merger with Virginia Gas/SCC The County Attorney reported he received a letter from the State Corporation Commission that a public hearing will be held on January 16, 2001 at the Roanoke County Courthouse. He stated he would be present to represent Montgomery County. The public hearing will be for comments on the merger of NUI Corporation with Virginia Gas Company. Comments concerning the propose gas pipeline will not be allowed.

Virginia Gas Pipeline Certification - SCC The County Attorney reported that Stacy Snyder filed a second petition to the State Corporation Commission on behalf of concerned citizens about the gas pipeline. The SCC rejected the petition as they did the first petition filed.

Tax Exemption for Retirees The County Attorney reported to the Board his findings on tax exemption for retirees. He reported that the County does have an ordinance for tax relief for the elderly and handicapped for those who meet income requirements which is set by the Code of Virginia.

Referendum for Taxes to Fund Roads There is no enabling legislation to allow a referendum for local taxes for road use. The County would have to request the General Assembly to approve such legislation.

Redistricting The County Attorney distributed information from the redistricting in 1991 to the Board. He informed the Board that a redistricting committee was formed with nine members, one from each election district, ane one from the League of Women Voters and NAACP. County staff included the Registrar, County Attorney, and the County Planner. The County Attorney advised the Board they will need to decide on how to proceed by the end of January. The Board by consensus agreed to have a work session on redistricting at their January 22, 2001 meeting.

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BOARD MEMBERS' REPORTS

Supervisor Perkins Human Service Agencies Budget Review - A joint budget hearing with surrounding localities have been scheduled for January 17, 2001 to meet with the Human Service Agencies. This will give the agencies a chance to present their budget request. Also discussed was the use of citizen committees being utilized more in the upcoming year.

Former Supervisor Mary Fessler Supervisor Perkins informed the Board that Mary Fessler, former supervisor for Montgomery County, passed away. A memorial service will be held at the Blacksburg Library, Sunday, December 17, 2000 at 2:00 p.m.

Supervisor Muffo reported that the Virginia Tech's University Honors Applied Local Government Class presented their report on potential uses for the donated AEP parcel to the Parks & Recreation Commission on December 6, 2000.

Planning Commission - a joint meeting with the Montgomery County Planning Commission and the Town of Blacksburg Planning Department was held. The main topic of discussion was telecommunications towers. The meeting was very productive.

Supervisor Rush reported he attended the Parks and Recreation Commission meeting. As reported by Supervisor Muffo, a presentation on potential uses for the donated AEP parcel was presented. The Parks & Recreation Commission will review all options presented and will make a recommendation to the Board of Supervisors.

Supervisor Stewart reported that the hanging trees on Brake Road were cut down. He doesn't know who cut the trees down but they did a fine job.

Supervisor Politis reported that the new Director of Social Services is Linda Nisbett.

Supervisor Shorter Joint Meeting with the School Board At the December 6th joint meeting with the School Board, discussions included appointing a Task Force to explore the idea of joint administration and operational functions between the Board of Supervisors and the School Board. Supervisor Shorter believes this could better serve the County, the Schools and the citizens, and volunteers to be on the Task Force.

Joint VACo/VML Legislative Day will be held February 1, 2001 in Richmond. Supervisor Shorter plans to discuss the SCC's easement process with the state legislators.

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Chair Biggs reported the next County/Town Liaison meeting will be held December 20, 2000. She will be adding to the agenda the use of land at the new Blacksburg Middle School Site. Chair Biggs stated that she has received several calls from citizens about the land being used for recreational purposes.

Construction Update - Montgomery County Schools Chair Biggs distributed a construction update report prepared by the School Board. The report includes project updates for Eastern Montgomery High School, Shawsville Middle School Cafeteria, New Blacksburg Middle School, and the New Christiansburg Middle School.

New River Valley Community Services Chair Biggs distributed a copy of the letter from the New River Valley Community Services in response to the Board's resolution requesting information as to why they have a deficit.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by John A. Muffo 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) (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Parks and Recreation Commission
2. Transportation Safety Commission (2 Appointments)

The vote on the foregoing motion was as follows:

AYE

NAY

John A. Muffo None

Annette S. Perkins

Joe C. Stewart

James D. Politis

C.P. Shorter

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Larry N. Rush
Mary W. Biggs

OUT OF 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 ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by Larry N. Rush, 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

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

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

Parks and Recreation Commission

On a motion by Larry N. Rush, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia **reappoints James C. Stewart** to the Parks and Recreation Commission effective January 1, 2001 and expiring December 31, 2003.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

Transportation Safety Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Charlie Elgin** to the Transportation Safety Commission effective January 1, 2001 and expiring December 31, 2003.

The vote on the foregoing motion was as follows:

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

Transportation Safety Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Lester J. White, Jr.** to the Transportation Safety Commission effective January 1, 2001 and expiring December 31, 2003.

The vote on the foregoing motion was as follows:

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

ADJOURNMENT

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the Board adjourned to January 8, 2001 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins

C. P. Shorter

Larry N. Rush

Joe C. Stewart

James D. Politis

John A. Muffo

Mary W. Biggs

NAY

None

The meeting adjourned at 10:50 p.m.