

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY
COUNTY, VIRGINIA HELD ON THE 8th DAY OF FEBRUARY, 1999 AT 7:15 P.M. IN THE
BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Mary W. Biggs	-Vice Chairman
	Ira D. Long	-Supervisors
	Annette S. Perkins	
	James D. Politis	
	Larry N. Rush	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert Isner	-Economic Development Director
	Steve Phillips	-Public Facilities Director
	Linda Crable	-Assistant Public Facilities Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

DELEGATIONS

Virginia's Explore Park

Explore Park Executive Director Roger Ellmore presented a report to the Board, describing the Park's 1998 attractions and programs, and plans for expansion in 1999 and beyond. Highlights of the report include: 1998 attendance exceeded 90,000; paid attendance increased 38% to more than 49,000; educational programs increased 24%, serving more than 15,000 students from 22 cities and counties; and the Brugh Tavern and Restaurant served more than 32,000 customers. The Virginia's Explore Park future attractions and programs include the 1850's Stone Grist Mill; expansion of current mountain bike and hiking trails; Blue Ridge Garden Festival; and planning and designing for state-of-the-art education center.

Courts and Administration Facilities Study

Jay Moore, consulting architect from Moseley, Harris, and McClintock, presented the Courts and Administrative Facilities Master Plan, which describes several options for relieving overcrowding in the County's court system, and providing for the immediate and long-term administrative space needs of county government and schools administration. The planning process includes access and document space requirements for designated county functions over the next twenty (20) years . It also identifies and develops three (3) alternative concepts in providing the required space. The scope of the study included seven (7) areas: Courts; General Government; Human Services; Public Service Authority; Public Schools Administration; and Sheriff. The three (3) alternative concepts are identified as follows:

Alternative Concept 1

- Build a new County Administration Building on county property adjacent to the Courthouse.
- Convert Courthouse and Annex for use exclusively by Courts and Sheriff
- Finish/Renovate Enterprise Development Center for School Administration
- Public Facilities to remain/expand at current location
- Expand Courthouse in future to meet 20 years needs

Cost: \$27,663,000

Alternative Concept 2A

- Finish/Renovate Enterprise Development Center for County Administration
- Convert Courthouse and Annex for use exclusively by Courts and Sheriff
- Convert Christiansburg Middle School for use by School Administration
- Public Facilities to remain/expand at current location
- Expand Courthouse in future to meet 20 years needs

Cost: \$22,035,000 (Plus the cost of new middle school to replace Christiansburg Middle School)

Alternative Concept 2B

- Finish/Renovate Enterprise Development Center for County Administration
- Convert Courthouse and Annex for use exclusively by Courts and Sheriff
- Public Facilities to remain/expand at current location
- Expand Courthouse in future to meet 20 years needs

Cost: \$20,911,000

The advantages and disadvantages of each concept were also presented to the Board.

PUBLIC ADDRESS SESSION

There were no speakers.

ADDENDUM

On a motion by Ira D. Long, seconded by Joe C. Stewart and approved unanimously, the following addendum dated February 8, 1999 was added to the agenda:

Authorization to Fill Position

Collection-2 Part-time Site Attendants

Industrial Development Authority

Change the first paragraph of the resolution to state that the Industrial Development Authority has acquired an option to purchase property located in the County of Montgomery for the purpose of industrial development; exercising of said option being eminent;

The vote on the following motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
Ira D. Long	
Annette S. Perkins	
Larry N. Rush	
Joe C. Stewart	
Joseph V. Gorman, Jr.	

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously, the Consent Agenda dated February 8 1999 was approved with the addendum added.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Ira D. Long	
James D. Politis	
Mary W. Biggs	
Joe C. Stewart	
Larry N. Rush	
Joseph V. Gorman, Jr.	

Approval of Minutes of January 11, 1999 and January 18, 1999

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously, minutes of

January 11, 1999 and January 18, 1999 were approved.

Schedule Public Hearing Conveyance of Right-of-way Easement to American Electric Power

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia , pursuant to Section 15.2-1800 of the Code of Virginia, 1950, as amended, schedules a public hearing for Monday, March 8, 1999 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia, for the purpose of receiving citizens comments on the proposed conveyance of right-of-way easement to American Electric Power in order to provide electrical services to the new high school in Elliston, Va from Rt. 11/460. This property is a portion of the new high school site adjacent to Rt. 11/460 in the Shawsville Magisterial District of Montgomery County, Virginia.

Amendment to Subdivision Ordinance - Refer to Planning Commission

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

WHEREAS, Residents of Preston Forrest recently appeared before the Board of Supervisors requesting that their roads be resurfaced with bituminous concrete, as the Virginia Department of Transportation cannot use chemicals to melt ice and snow on the existing roads which have a prime and double-seal surface; and

WHEREAS, The Montgomery County subdivision ordinance does not currently require that new public streets be surfaced with bituminous concrete, thus new public roads are commonly built with a prime and double-seal surface.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby refers to the Planning Commission for review and recommendation a proposed amendment to Section 8-152 of the Montgomery County subdivision ordinance, New Streets, making it a requirement that bituminous concrete be used to surface new public streets.

Industrial Development Authority Application for Industrial Access Roads Funds - Elliston/Lafayette Industrial Park

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

WHEREAS, The Montgomery County Industrial Development Authority has acquired an option to purchase property located in the County of Montgomery for the purpose of industrial development; exercising of said option being eminent; and

WHEREAS, The existing public road network does not provide for adequate access to this property and it is deemed necessary that improvements be made to Route 11/460 and Route 626; and

WHEREAS, The County of Montgomery hereby guarantees that the necessary right of way for this improvement and utility relocations or adjustments, if necessary, will be provided at no cost to the Industrial Access Fund.

NOW, THEREFORE, BE IT RESOLVED THAT, The Montgomery County Board of Supervisors hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to this property.

BE IT FURTHER RESOLVED, That the Montgomery County Board of Supervisors hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the road; this surety shall be executed by the Department of Transportation in the event that sufficient qualifying capital investment does not occur on parcels served by the roadway improvements within three years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

Authorization to Fill Position

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to fill the following position:

- Laborer - Building & Grounds, Public Facilities
- Human Resources Director

Appointments

Pepper's Ferry Regional Wastewater Treatment Authority

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby reappoints **George A. Gray** to the Pepper's Ferry Regional Wastewater Treatment Authority effective February 9, 1999 and expiring February 8, 2003.

Community Action, Inc.

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints **Jeffrey D. Johnson** to the Community Action, Inc., effective February 9, 1999 and expiring June 30, 2000.

This appointment fills the unexpired term of Meg Goepel.

OLD BUSINESS

Discussion - School Roof Replacement Plan-Virginia Public School Authority (VPSA) Bond Funding

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby opens the floor for the purpose of discussion on the School Roof Replacement Plan- Virginia Public School Authority (VPSA) Bond Funding.

The Board of Supervisors, after discussion, concurred with the Montgomery County School Board's "Option A" School Roof Replacement Plan dated January 5 , 1999. They also concurred with borrowing funds from the Virginia Public School Authority (VPSA) through bond sales to cover the cost of expenditures estimated at \$1,127,914.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
Ira D. Long	
James D. Politis	
Joe C. Stewart	
Mary W. Biggs	
Annette S. Perkins	
Joseph V. Gorman, Jr.	

NEW BUSINESS

Remove from Agenda - Turman Lumber request for Industrial Revenue Bonds

The Chairman removed the Issuance of Industrial Revenue Bonds for Turman Lumber at the request of Turman Lumber's lawyers, Gentry Locke Rakes and Moore. They were not prepared to proceed at this time.

Additional Appropriation: Blacksburg Shell Building Property

On a motion by Ira D. Long, seconded by Mary W. Biggs 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, 1999, for the function and in the amount as follows:

520	Debt Service	\$265,082
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

7000-00	Undesignated Fund Balance	\$265,082
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Said resolution appropriates a portion of fund balance set aside for capital reserves to provide sufficient funds for the Blacksburg Shell Building land.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Annette S. Perkins	
Larry N. Rush	
Ira D. Long	
Joe C. Stewart	
Joseph V. Gorman, Jr.	

COUNTY ATTORNEY'S REPORT

Coal Miner's Park The County Attorney reported that the closing on the purchase of 16 acres of land for a proposed Coal Miner's Park is scheduled for later this month. The land is located along the Huckleberry Trail.

Zoning Appeals Case The County Attorney updated the Board on Mr. Oliver's appeal regarding the Orchard's Townhouses being built in Blacksburg. Mr. Oliver's concern was the set back of the townhouses from the street. The Zoning Administrator stated that since the streets are private streets, the ordinance where a minimum of a 40 ft set back is required of all structures from a right of way does not pertain to private streets, only public. Mr. Oliver appealed this decision to the Zoning Appeals Board and the BZA upheld the Zoning Administrator's decision. Mr. Oliver has now appealed to the Circuit Court.

COUNTY ADMINISTRATOR'S REPORT

VACo/VML Legislative Day The County Administrator reminded the Board of Supervisors the VACo/VML Legislative Day will be held February 11, 1999 and registrations start at 1:00 p.m.

Road Update The road update report is in the Board's packet for review. The County Administrator said if Board Members had any additional road concerns, they would be added to the list.

Replacement of Street Signs The process is underway to replace missing street and road signs in the County. The Public Facilities Director is also getting information and pricing on a road sign machine. It may be feasible for the County to purchase this machine and make their own signs rather than purchasing the signs from an outside source. The Chairman asked the County Administrator to check with the Towns of Christiansburg and Blacksburg since they already own a sign machine to see if the county could contract with them in making signs.

Mt. Zion Road The County Administrator reported that the residents of Mt. Zion Road are being contacted about changing the name on a portion of Mt. Zion Road to Longshop Road. All residents have to be notified and have to agree to changing the name. A resolution should be on the February 22, 1999 Board's agenda.

Courts and Administration Space Study The County Administrator explained that the next step is to set up a meeting with the Circuit Court Judge and present him with the report on the Courts and Administration Space Study. A letter has been sent to Judge Grubbs requesting a meeting.

BOARD MEMBERS' REPORTS

Supervisor Stewart reported that VDOT needs to be contacted again about the ditch line and water problem on Seneca Hollow Road. VDOT did bring gravel and filled the ditch but the problem is reoccurring.

Shawsville Clinic Supervisor Stewart asked if any of the Board Members heard if the Shawsville Clinic and Meadowbrook Nursing Home was closing. The County Administrator said he would check into this matter.

Supervisor Biggs School Board Meeting The public hearing was held on the proposed school budget for FY 1999-2000 on February 2, 1999. The School Board will be delivering the proposed budget to the County at a later date. Supervisor Biggs distributed out information on teachers' salaries prepared by the Schools Director of Personnel.

Planning Commission Meeting Mr. Stewart has applied for a special use permit for his property in the 177 Corridor area. Supervisor Biggs said she will not be able to attend the next Planning Commission meeting and asked Supervisor Long if he would go in her place.

Supervisor Biggs thanked the Public Information Officer, Robert Parker, for the Montgomery County Government Employees' Calendar for 1999.

Supervisor Rush Boy's and Girl's Club There will be a meeting held on February 17, 1999 with Bob Anderson in reference to forming a Boy's and Girl's Club in Montgomery County.

Supervisor Perkins Economic Development Commission Discussed priorities for Montgomery County at the last meeting. A copy of the report will be included in the Board's Friday Report.

Human Services Commission Pam McCune, Senior Policy Analyst for the Comprehensive Services Act for at Risk Children, was a guest speaker at the Human Services Commission meeting. Ms. McCune spoke on the Comprehensive Services Act and the changes that are occurring.

Chairman Gorman Montgomery Regional Solid Waste Authority The transfer station is in use by the Montgomery Regional Solid Waste Authority. There are also 35 bills related to solid waste being introduced in the General Assembly this year. Delegate Morgan Griffith is in charge of a task force to help reduce the number of bills being introduced.

1999 Project Priorities The Board of Supervisors 1999 Project Priorities is in the Board Packet. The priorities for 1999 are as follows: 1) Blacksburg School Site, Construction of a new school and renovation of high school and/or middle school; 2) Christiansburg Middle School; 3) Zoning Ordinance; 3) Water & Sewer Study; 3) CIP Budget Categories; 4) Route 114 Upgrade-Funding Plan; 5) Route 8 Upgrade-Funding Plan; 5) Subdivision Ordinance-Road Upgrade Amendment; 6) Reduce Unpaved Road Mileage; 7) Local Fuel Tax by Local Referendum; 8) Reduce Merchants Capital Tax.

County Administrator's Evaluation The County Administrator's Evaluation was sent to each Board Member to review.

INTO EXECUTIVE SESSION

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

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

- Section 2.1-344(A)
- (3) Discussion or Consideration of the Condition, Acquisition, or Use of Real Property for Public Purpose
 - 1. Consolidated Collection Site
 - (1) Discussion of Appointment of Personnel
 - 1. Parks and Recreation Commission
 - (7) Consultation with Legal Counsel and Briefings by Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provision of Legal

Advice by Counsel

1. Shelor Automotive Group vs.
Montgomery County

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Joe C. Stewart	None
Annette S. Perkins	
James D. Politis	
Mary W. Biggs	
Ira D. Long	
Larry N. Rush	
Joseph V. Gorman, Jr.	

OUT OF EXECUTIVE SESSION

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

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

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Joe C. Stewart	None
Annette S. Perkins	
James D. Politis	
Mary W. Biggs	
Ira D. Long	
Larry N. Rush	
Joseph V. Gorman, Jr.	

CERTIFICATION OF EXECUTIVE SESSION

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

WHEREAS, The Board of Supervisors of Montgomery County has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the executive meeting were heard, discussed or considered by the Board.

VOTE

AYES

Joe C. Stewart
Annette S. Perkins
James D. Politis
Mary W. Biggs
Ira D. Long
Larry N. Rush
Joseph V. Gorman, Jr.

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

Parks and Recreation Commission

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints **Steve Huppert** to the Parks and Recreation Commission effective February 9, 1999 and expiring February 8, 2002.

ADJOURNMENT

On a motion by Mary W. Biggs seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, February 22, 1999 at 7:15 p.m.

The meeting adjourned at 10:35 p.m.