

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 12TH DAY OF JANUARY, 1998 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT: Joseph V. Gorman, Jr. -Supervisors
Mary W. Biggs
Ira D. Long
Larry N. Rush
Annette S. Perkins
James D. Politis
Joe C. Stewart (7:15 p.m.)
Jeffrey D. Johnson -County Administrator
L. Carol Edmonds -Assistant County Administrator
Martin M. McMahan -County Attorney
T. C. Powers, Jr. -Planning Director
Bob Isner -Economic Development Director
Steve Phillips -Public Facilities Director
Judy W. Kiser -Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

INTO EXECUTIVE SESSION

On a motion by Ira D. Long, seconded by Mary W. Biggs 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) (1) Discussion of the Appointment of Personnel
1. Discussion of the Election of Board Chairman and Vice Chairman

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.

CERTIFICATION OF EXECUTIVE SESSION

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

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

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

The County Administrator explained that until a new Chairman was elected, he would conduct the meeting.

ELECTION OF CHAIRMAN

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

BE IT RESOLVED, That Joseph V. Gorman, Jr. be and hereby is, elected as Chairman of the Montgomery County Board of Supervisors for the calendar year 1998, or until a successor is elected.

ELECTION OF VICE CHAIRMAN

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That Larry N. Rush be and hereby is, elected as Vice Chairman of the Montgomery County Board of Supervisors for calendar year 1998.

SELECTION OF REGULAR MEETING DATE

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors, for calendar year 1998, shall be the 2nd and 4th Monday of each month beginning at 7:00 p.m. in Room 327, third floor, Montgomery County Courthouse, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

ESTABLISH COMPENSATION OF BOARD CHAIRMAN

The Chairman explained that compensation for the Chairman, Vice Chairman and Supervisor members was set by ordinance on May 12, 1997. Since there has been no change since that time, this matter was removed from the agenda.

In order to accommodate the large number of citizens in the audience, the Board moved across the hall to Courtroom B.

RULES OF ORDER AND PARLIAMENTARY PROCEDURE

Supervisor Biggs made a motion, seconded by Supervisor Stewart, for approval of the Rules of Order.

At the request of Supervisor Long and the concurrence of the Board, rule #22 was deleted.

On the original motion by Mary W. Biggs, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, by authority of Section 2-8(d) of the Montgomery County Code that the following rules of order and parliamentary procedures shall govern the transaction of business at its meetings:

- Rule 1** The current edition of ***Roberts Rules of Order*** shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.
- Rule 2** The Board may ***temporarily suspend*** any of its rules by a vote of two-thirds of the members present.
- Rule 3** No ordinance or resolution ***appropriating money exceeding the sum of \$500***, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.
- Rule 4** A subject(s) may be ***added to the Agenda*** following the Delegation portion of the meeting.
- Rule 5** ***Discussion of Agenda items*** will occur only after a motion is made.
- Rule 6** In any case in which there shall be a ***tie vote*** of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.
- Rule 7** When any motion, resolution, or ordinance has been ***once acted upon*** by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.
- Rule 8** A motion to ***reconsider*** a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.
- Rule 9** When the Board wishes to ***annul some action it has previously taken***, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in

order if action has already been taken which cannot be undone.

- Rule 10** The County Administrator is hereby authorized to prepare for each meeting a **consent agenda** for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.
- Rule 11** Any member of the Board may request to have any item **removed from the consent agenda**. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.
- Rule 12** A single motion and roll call vote in favor thereof shall approve all items remaining on the **consent agenda**.
- Rule 13** The County Administrator is hereby authorized to **provide agendas** for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to **mail such agendas** to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.
- Rule 15** The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.
- Rule 16** **Public Address** portion of the meeting will be limited to 30 minutes. Individual speakers will be limited to 3 minutes.
- Rule 17** Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.
- Rule 18** **Non-Agenda items** may be included for discussion and action during Board Members' Reports segment of the meeting.
- Rule 19** Motions for **tabling** an item should include conditions for removal from the table.
- Rule 20** Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.
- Rule 21** Appointments of individual members of the Board of Supervisors for yearly **appointments to various Boards**, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year).

The Chairman suggested that sometime during the calendar year, the Board look at Rule #21 and consider changing the time of appointment of Board members to the various boards and commissions from the first meeting of the calendar year to the second meeting.

PUBLIC HEARING-FY 1998-99 COUNTY BUDGET

The Chairman called the public hearing to order for the purpose of receiving comments on the following:

Fiscal Year 1998-99 County Budget

Lyric Council-Lindsay West The Lyric Council is requesting \$10,000 from the Board of Supervisors as a one-time expenditure to help with the completion of the renovations to the Lyric Theatre in Blacksburg.

James J. Owen-Smithfield Plantation \$10,000 is requested from Montgomery County to help fund a full-time administrator position for Smithfield Plantation.

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

DELEGATIONS

Jefferson National Forest Access Road

This Delegation was the result of a letter from the National Forest Service stating their intention to close access to Forest Road 188.1 due to illegal dumping of trash, surface damage to the road with no funds available for appropriate repairs, and a petition with over 200 signatures asking that the road not be closed to hunters.

Paul Allen Linkous, speaking on behalf of the Virginia Hunters, addressed the proposed closing of the access road to the National Forest at the top of Brush Mountain at Preston Forest. Since the Hunters have agreed to adopt the road and clean up all the trash, the Forest Service has agreed to leave the road open.

PUBLIC ADDRESS SESSION

John Kelso-Access Road to Jefferson National Forest Mr. Kelso, who is a resident of Preston Forest, said this road is heavily used by people other than those living in Preston Forest. He has witnessed partying, illegal dumping, vandalism, etc. He asked that the Board of Supervisors support the closing of the road at the Preston Forest end.

Andrea Kelso-Access Road to Jefferson National Forest Since moving to the Preston Forest subdivision, Ms. Kelso said they have interacted with the Forest Service Ranger to solve problems associated with public use of the road by persons who leave signs of irresponsibility, poor judgment, disrespect and vandalism. She believes that vehicular access to the road reinforces blatant lawlessness in the form of combining driving with alcohol consumption with the current absence of Forest Servicing policing and maintenance. Ms. Kelso also read the following letter into the record:

“Date: Mon, 12 January, 1998
From: Jane A. Wemhoener
To: Andrea Kelso
Subject: Re: Forest Service Road Closure

I cannot make the Board Meeting tonight, but please feel free to read my (and Charlie’s) stand on this to the Board.

Far too often I have found hunters skirting the edges of our property in Preston Forest, and seen evidence of their sprinkling salt on the road to attract deer, or found them waiting in their darkened cars at night to stun the approaching deer with their headlights. (What sportsmen!!) They have frightened one of my neighbors on Smithfield Drive by parking in front of her home, and they keep many of us who have children and pets virtual prisoners in our homes until their “season” is over. It’s not safe to be outside because of their irresponsible hunting practices.

If closing the Forest Road near Preston Forest Drive has the added benefit of deterring these hunters, who feel the need to trek through neighborhoods to seek their prey, then I’m utterly and wholeheartedly in favor of closing the road. My children, and their right to be safe in their own yard, are far more important to me and, I would hope, to my community, than the convenience of

any group of hunters. Keep them out. Close the road.

Jane Wemhoener
Charlie Howe
Smithfield Drive
Preston Forest”

Charles Parry-Access Road to Jefferson National Forest Mr. Parry addressed his concern about speeding on the road, periodically knocking down mailboxes and signs.

The County Administrator will look into coordinating with the Sheriff to address the problems with drunk drivers, illegal dumping, etc.

ADDENDUM-ADD TO EXECUTIVE SESSION

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously, the following item was added to the Executive Session:

- Section 2.1-344(A) (7) Consultation with Legal Counsel Pertaining to Actual Litigation
 - 1. Board of Supervisors v Kinsey Shane and Associates

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously, the Consent Agenda dated January 12, 1998 was approved. The vote was as follows:

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

Approval of Minutes of December 8, 1997

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously, the Minutes of December 8, 1997 were approved.

Supplemental Appropriation-Library

On a motion by Larry N. Rush, seconded by Ira D. Long 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, 1998, for the function and in the amount as follows:

420	Montgomery Library	\$ 894
421	Floyd Library	<u>\$ 1,828</u>
	Total	\$ 2,722

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
1515-08	Library Donations	\$ 894
1515-09	Floyd Donations	<u>\$ 1,828</u>
	Total	\$ 2,722

Said resolution appropriates donations for use by the Library.

Grant Appropriation-Sheriff

On a motion by Larry N. Rush, seconded by Ira D. Long 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 ended June 30, 1998, for the function and in the amount as follows:

510	Grants	\$31,459
-----	--------	----------

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

Revenue Account

240456	V-STOP Grant	\$31,459
--------	--------------	----------

FURTHER, BE IT RESOLVED, That a transfer is hereby authorized as follows:

FROM:

550	General Contingencies	(\$13,863)
-----	-----------------------	------------

TO:

510	Grants	\$13,863
-----	--------	----------

Said resolution appropriates monies from the state V-STOP Grant program and the local match.

Supplemental Appropriation-Bridge at Elliston/Lafayette Elementary School

On a motion by Larry N. Rush, seconded by Ira D. Long 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 ended June 30, 1998, for the function and in the amount as follows:

979	Elliston Bridge	\$30,000
-----	-----------------	----------

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

Revenue Account

190171	Recovered Costs - Elliston Bridge	\$30,000
--------	-----------------------------------	----------

Said resolution appropriates proceeds received from the Virginia Department of Transportation to offset the cost of bridge repairs.

Commonwealth's Attorney

On a motion by Larry N. Rush, seconded by Ira D. Long 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 ended June 30, 1998, for the function and in the amount as follows:

330	Commonwealth's Attorney	\$ 2,322
-----	-------------------------	----------

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

Revenue Account

1901-70	Confiscations	\$ 468
2301-00	Shared Expense	<u>1,854</u>

Total \$2,322

BE IT FURTHER RESOLVED, That a transfer is hereby authorized as follows:

FROM:

550 General Contingencies (\$544)

TO:

330 Commonwealth's Attorney \$544

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services and appropriates monies from the State Compensation Board and the local match for the purchase of a computer and two printers.

Recovered Costs-Sheriff

On a motion by Larry N. Rush, seconded by Ira D. Long 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 ended June 30, 1998, for the function and in the amount as follows:

310	Sheriff-County/State	\$ 1,608
311	Sheriff-100% County	\$ 3,409
510	Grants- Crime Prevention	\$ <u>129</u>
		\$ 5,146

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

Revenue Account

410131	Insurance Recoveries - Sheriff	\$1,608
190105	Recovered Costs - Sheriff	\$3,295
190134	Confiscations - Sheriff	\$ 114
240447	DCJS Crime Prevention Grant	\$ <u>129</u>
		\$5,146

Said resolution appropriates monies to cover the cost of security patrols at VA Tech ball games; insurance claim recoveries; conference refunds; and the County's share of forfeiture funds from the Department of Justice.

Supplemental Appropriation-Parks and Recreation

On a motion by Larry N. Rush, seconded by Ira D. Long 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, 1998, for the function and in the amount as follows:

171	Parks and Recreation	\$ 100
-----	----------------------	--------

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

Revenue Account

1899-04	County Park Equipment	\$ 100
---------	-----------------------	--------

Said resolution appropriates donations for use by Parks and Recreation.

Supplemental Appropriation-Social Services

On a motion by Larry N. Rush, seconded by Ira D. Long 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, 1998, for the function and in the amount as follows:

410	Social Services	\$3,790
-----	-----------------	---------

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

Revenue Account

240102	Public Assistance	\$3,790
--------	-------------------	---------

Said resolution appropriates an additional allocation from the state department of Social Services to assist with the Welfare Reform program.

Falling Branch Industrial Park-Conveyance of 0.227 Acre to VDOT by Industrial Development Authority

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves the proposed conveyance by the Industrial Development Authority of Montgomery County, Virginia (IDA) to the Virginia Department of Transportation (VDOT) of 0.227 acre and related utility easements for the construction of the new Interstate-81 interchange near Falling Branch Elementary School. This property is a portion of tax parcels no. 529-26-7,8,9 and 559-A-3 located in the Town of Christiansburg, Shawsville Magisterial District, that land conveyed by the Board of Supervisors to the IDA, subject to the Board of Supervisors reserving the right to approve any future sale, lease, transfer, conveyance or encumbrance of this property by the IDA.

FURTHER, BE IT RESOLVED, That the Chairman of the Board of Supervisors is hereby authorized and directed to execute all documents necessary for the IDA to complete this transaction.

Falling Branch Industrial Park Access Road-Authorization to Obtain Surety Bond Payable to the Virginia Department of Transportation for Development of Falling Branch Industrial Park Access Road Project

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

WHEREAS, The Industrial Development Authority of Montgomery County, Virginia has acquired property located in the County of Montgomery for the purpose of industrial development; and

WHEREAS, This property is expected to be the site of new capital investment in land, buildings, and manufacturing equipment which will provide substantial employment; and

WHEREAS, The subject property has no access to a public street or highway and will require the construction of a new roadway to connect with Falling Branch Road (Extension of 460-3A); and

WHEREAS, On February 3, 1997, the Board of Supervisors of Montgomery County, Virginia passed a resolution applying for Industrial Access Road Funds to construct a new roadway to connect with Falling Branch Road (Extension of 460-3A); and

WHEREAS, In this said resolution, the Montgomery County Board of Supervisors agreed to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the costs of the road; this surety shall be exercised by the Virginia Department of Transportation in the event that sufficient qualifying capital investment does not occur in Falling Branch Industrial Park within in three years of the Commonwealth Transportation Board's allocation of funds; and

WHEREAS, On February 20, 1997, the Virginia Department of Transportation allocated \$450,000 (\$300,000 unmatched and \$150,000 matched), with a \$150,000 local contribution, of

the 1996-1997 Fiscal Year Industrial, Airport, and Rail Access Fund in order to provide adequate access to Falling Branch Industrial Park, located in Montgomery County, Virginia, Project Number 1416-060-209.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby authorizes and directs Jeffery D. Johnson, County Administrator, to obtain an appropriate surety in the amount of \$450,000 payable to the Virginia Department of Transportation, for development of an Industrial Access Road for Falling Branch Industrial Park, which shall be exercised by the Virginia Department of Transportation in the event that sufficient qualifying capital investment does not occur in Falling Branch Industrial Park by February 20, 2000; and

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

APPOINTMENTS

Adjustment and Appeals Board

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, does hereby reappoint Oscar D. Gray to the Adjustment and Appeals Board, effective January 1, 1998 and expiring December 31, 2002.

Agency on Aging

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, does hereby reappoint Martha H. Bolt to the Agency on Aging, effective January 1, 1998 and expiring December 31, 1999.

Montgomery Regional Economic Development Commission

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, does hereby reappoint T.W. Johnson to the Montgomery Regional Economic Development Commission, effective January 1, 1998 and expiring December 31, 2001.

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, does hereby reappoint Ann H. Carter to the Montgomery Regional Economic Development Commission, effective January 1, 1998 and expiring December 31, 2001.

Resolution of Appreciation-Economic Development Commission-T.W. "Hap" Bonham

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

WHEREAS, T. W. "Hap" Bonham served on the Montgomery Regional Economic Development Commission from June 1992 to December 1997 and presided as Chair in 1997; and

WHEREAS, T. W. "Hap" Bonham demonstrated visionary leadership of a superior quality of life for all Montgomery County area citizens; and

WHEREAS, T.W. "Hap" Bonham contributed much volunteer time to the considerable work of the Industry Attraction Committee; and

WHEREAS, T. W. "Hap" Bonham continues to be vitally interested in economic

development in Montgomery County and is fully supportive of the Montgomery Regional Economic Development Commission's mission; and

WHEREAS, T. W. "Hap" Bonham completed his term as the representative of the Town of Blacksburg to the Montgomery Regional Economic Development Commission as of December 31, 1997.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, extends a unanimous vote of sincere appreciation and gratitude to **T. W. "Hap" Bonham** for sharing his leadership, counsel, and time toward the enhancement of Montgomery County's economic prosperity.

FURTHER, That the original of this resolution be presented to **T.W. "Hap" Bonham** and that a copy be part of the official Minutes of Montgomery County.

Virginia Association of Counties (VACo) Committees

Education Steering Committee-Supervisor Biggs

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

WHEREAS, Supervisor Mary W. Biggs has been invited to serve on the Virginia Association of Counties (VACo) Education Steering Committee.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Biggs for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, That the Board of Supervisors endorses Supervisor Biggs' participation on the Education Steering Committee.

Environment and Agriculture Committee-Supervisor Gorman

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

WHEREAS, Supervisor Joseph V. Gorman, Jr. has been invited to serve on the Virginia Association of Counties (VACo) Environment and Agriculture Committee.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Gorman for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, That the Board of Supervisors endorses Supervisor Gorman's participation on the Environment and Agriculture Committee.

Transportation Committee-Supervisor Long

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

WHEREAS, Supervisor Ira D. Long. has been invited to serve on the Virginia Association of Counties (VACo) Transportation Committee.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Long for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, That the Board of Supervisors endorses Supervisor Long's participation on the Transportation Committee.

Nominations Committee-Supervisor Long

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

WHEREAS, Supervisor Ira D. Long has been invited to serve on the Virginia Association of Counties (VACo) Nominations Committee.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Long for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, That the Board of Supervisors endorses Supervisor Long's participation on the Nominations Committee.

OLD BUSINESS

Rezoning Request

-G. Douglas & Helene B. Jones/W.W. Hall (Agent: Rod Crowgey) request to rezone 21.79 acres; Portions of Tax Parcels No. 67-A-184,185,186, 191,191A,197 and 202 from A-1 (Agricultural) to GB (General Business). Property is located on the east side of Yellow Sulphur Road, between Jennelle Road and the Blacksburg Town Limits. The Comprehensive Plan designates this area for urban expansion.

ORDINANCE 1998-1

An Ordinance amending or changing the zoning classification of 21.79 acres from Agriculture (A-1) to General Business (GB).

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 21.79 acres of land is hereby changed, amended and rezoned from the zoning classification of Agriculture (A-1) to General Business (GB) subject to the following proffered conditions:

1. There shall be a maximum of two entrances from Yellow Sulphur Road with an internal road system of a minimum width of 18 feet constructed to VDOT standards; however, such internal roads shall not necessarily be located as shown on the map dated 6 November, 1997; all internal roads shall be clearly designated as roads and will be separate from parking areas.
2. Property shall be serviced by both public water and public sewer;
3. All outdoor lighting shall utilize shielding or other design features to direct the light downward and minimize its spill-over to adjoining properties;
4. A development and landscaping plan shall be submitted at time of submission of application for building permit which shall comply with applicable County zoning ordinance in effect at time of such submittal;
5. There shall be no billboard advertising signs located on the property.
6. There shall be a minimum 40 foot front setback and minimum 10 foot side and rear setbacks; the rear lot line shall be buffered by white pines to be planted by VDOT interior on its common property line with the subject property; any buffering not furnished by VDOT will be provided by the applicant;
7. All outside storage for materials, equipment or trash shall be screened;
8. The following uses shall be prohibited:
 - a. Automotive, truck, trailer, machinery and farm implement sales, service, rental; and repair establishments;
 - b. Strip type shopping center;

- c. Drive-in theaters, golf driving ranges, miniature golf courses and similar outdoor amusements or commercial recreation establishments;
- d. Public billiard parlors and poolrooms, theaters, bowling alleys, dance halls, pinball arcades and similar forms of public amusement.
- e. Kennel not associated with a veterinary office;
- f. Radio stations;
- g. Custom meat cutting, processing and packaging (excluding the slaughtering of animal) and meat markets;
- h. Public utilities, except the sewer pump station to be constructed on the property as shown on the map submitted;
- I. Mini warehouses;
- j. Building material sales with outside storage areas;
- k. Cemetery;
- l. Church;
- m. Day Care facility;
- n. Fire, police or rescue facility;
- o. Homeless shelter;
- p. Motor vehicle rentals;
- q. Park or park and ride lot;
- r. Manufactured home sales;
- s. Motor fuel sales;
- t. Livestock market;
- u. Recycling facility; and,
- v. Freestanding telecommunications towers.

This action was commenced upon the application of G. Douglas & Helene B. Jones/W.W. Hall (Agent: Rod Crowgey)

These tracts or parcels of land are identified as being property shown as Portions of Tax Parcels Nos. 67-A-184,185,186,191,191A,197, and 202 located on the east side of Yellow Sulphur Road, between Jennelle Road and the Blacksburg Town Limits.

This ordinance shall take effect upon adoption.

The vote was as follows:

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

NEW BUSINESS

Christiansburg Downtown Development-Request for Funding-Transfer from Contingencies

On a motion by Ira D. Long, seconded by Larry N. Rush and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

<u>FROM:</u>		
550	General Contingencies	(\$3,000)
<u>TO:</u>		
450	Other Agencies	\$3,000

Said resolution transfers funds from General Contingencies to contribute to the Christiansburg & Montgomery County Chamber of Commerce for the Christiansburg Downtown Development Program.

The vote on the foregoing resolution was as follows:

AYE

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

NAY

Joe C. Stewart

Planning Recommendations

Rezoning Request

-Turman Lumber Company request to rezone 19.659 acres, Tax Parcel No. 104-A-68, from A-1 (Agriculture) to M-1 (Industrial). Property is located on Fire Tower Road, immediately north of the existing Turman sawmill, in the Riner Magisterial District. The Comprehensive Plan designates this area agricultural.

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

BE IT RESOLVED, That the Turman Lumber Company request to rezone 19.659 acres, Tax Parcel No. 104-A-68, from A-1 (Agriculture) to M-1 (Industrial) located on Fire Tower Road, immediately north of the existing Turman sawmill, in the Riner Magisterial District is hereby **tabled** in order to allow the Planning Commission time to study (1) Comprehensive Plan compatibility and (2) public sewer availability.

The Board reconvened in the Board Chambers.

DELEGATIONS (cont'd)

FY 1998-99 Revenue Estimates and Status of Budget Requests

The Assistant County Administrator presented revised revenue projections for FY 98 and preliminary revenue projections for FY 99.

COUNTY ADMINISTRATOR'S REPORT

Bridge at Elliston/Lafayette Elementary School The Public Facilities Director reported bids have been received for the fencing to go along the bridge and work should begin very shortly.

Health and Human Services Building Signs Contract has been made with a sign company and signs have been ordered.

Blacksburg Shell Building The Economic Development Director reported that, weather permitting, they will have the final grading done, the glass installed, electrical completed, and the final roof seal finished by the end of the month. A ribbon cutting ceremony will be announced in the near future. Plans will be coordinated with the County Administrator's office before a date is set.

Health Tex Project At its December meeting, the IDA approved the contract for \$1.3 million. The low bidder was US Construction in Roanoke. The contract will be awarded after final review of the documents. The first phase of renovation, which includes a new central electrical connection, new insulated glass, upgraded sprinkler systems and upgrade in water and sewer connections, should be completed by early summer. The building will be marketed as a multi-tenant, economic development small business center.

Falling Branch Industrial Park Final drawings have been approved by VDOT for the access road. VDOT will go out to bid on the project in late February. The IDA portion of the project will go out to bid at the end of this month. Work on the interior roads of the park, sewer, water

connections and building of future building pads is scheduled to begin in early spring.

Huckleberry Trail The Planning Director reported that the contractor is working mainly on the bridge abutments, and have gotten the fill to the point where they are starting to pour the concrete portion of the abutments. This project is expected to be completed prior to the mid-summer completion date listed on the contract.

BOARD MEMBERS' REPORTS

Supervisor Biggs-School Board At their meeting on December 16th, the School Board passed a resolution requesting that enough land be purchased for constructing a new middle school and a new high school in the Blacksburg strand.

At their January 6th meeting, the School Board elected Jim Klagge chairman and Wat Hopkins vice chairman. Work sessions for the school budget have been set, and the school's budget hearing has been scheduled for January 27th at 7 p.m.

Planning Commission At their meeting on Wednesday, January 14th, the Planning Commission will deal with the Brush Mountain Estates rezoning request. Beginning January 28th, a work session will be scheduled for every 4th Wednesday to work on the zoning ordinance revisions.

Supervisor Perkins-New Supervisors' Forum Supervisor Perkins attended the new supervisors forum in Richmond. Discussions she attended included the Comprehensive Services Act, economic development, planning and zoning, and an information session on the possibilities for the personal property tax being eliminated.

Supervisor Politis-New Supervisors' Forum Supervisor Politis said the discussions on the Dillon Rule was very informative and changed his perception on how to generate tax revenue. The discussions on roads were also very helpful. Overall, the conference provided an overwhelming amount of useful information.

Supervisor Rush-Cable System Supervisor Rush has noticed reserved space for Pulaski County and Radford on the Cable System, and asked why Montgomery County doesn't have a space reserved.

The County Administrator said if the need arises, the county can reserve a channel on the cable system.

Chairman Gorman-Transportation Safety Commission met and had a long session with Dan Brugh, Department of Transportation Resident Engineer, with the primary topic being Route 114. Mr. Brugh still recommends that Montgomery County, and as many citizens as possible, attend the public hearing in late February or early March in Salem, and appeal for support to eliminate the safety problems on 114. Mr. Brugh indicated there is approximately \$6 million to begin planning on this project, but confirmation won't be forthcoming until after the legislative session.

Planning District Commission The PDC sponsored a panel for American Electric Power and the opponents of the 765 kV power line last week. The Chairman and the County Administrator, as well as former Supervisor Henry Jablonski, attended the meeting. Committee is scheduled to meet later this month and act upon and make a recommendation to the PDC. Mr. Jablonski believes very strongly that Montgomery County needs to support the resolution that is already on record.

Roanoke County has written indicating that there has been discussion about the possibility of a boundary adjustment between Montgomery and Roanoke County. Over the years, there have been problems that need to be reconciled about building permits, schools, etc. There needs to be further study of the request before it is brought before the Board for any action.

Project Priorities During the past year a number of items have remained in the forefront of interest for the Board. In order to consolidate interests into some order of priority, the Chairman provided a list of items and asked that Board members rank the items in order of their priority. The responses will be consolidated and the results will be used for a future work session.

County Administrator-Commerce Park The County Administrator reported that the next meeting is February 12th at 7:00 p.m. at the PDC office. He will provide an analysis of that

meeting to the Board of Supervisors and what initiatives Montgomery County would have to take to meet the requests that were made.

INTO EXECUTIVE SESSION

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

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

- Section 2.1-344(A) (1) Discussion of the Appointment of Personnel
1. Commerce Park Feasibility Committee
 2. Emergency Services (Chairman of the Board of Supervisors)
 3. Facilities Use and Space Study (FUSS) (School Site Selection Committee) (Chairman of the Board of Supervisors and County Administrator)
 4. Fairview District Home (1 elected representative from the Board of Supervisors)
 5. Falling Branch Advisory Committee (1 elected representative from the Board of Supervisors)
 6. Finance Board (1 elected representative from the Board of Supervisors, usually Chairman)
 7. Greenbox Committee (1 elected representative from the Board of Supervisors)
 8. Human Services Commission Liaison to the Executive Committee (1 elected representative from the Board of Supervisors)
 9. Library Board Liaison (1 elected representative from the Board of Supervisors)
 10. Montgomery County Improvement Council (1 elected representative from the Board of Supervisors)
 11. Montgomery Regional Economic Development Commission (1 elected representative from the Board of Supervisors)
 12. Parks and Recreation Commission (1 elected representative from the Board of Supervisors)
 13. Planning Commission Liaison and Alternate (2 elected representatives from the Board of Supervisors)
 14. Planning District Commission (1 elected representative from the Board of Supervisors)
 15. Real Estate Committee (2 elected representatives from the Board of Supervisors)
 16. Resource Conservation and Development District (1 elected representative from the Board of

Supervisors)

17. Roads Committee (2 elected representatives from the Board of Supervisors)
 18. Road Viewers Board (7 elected representatives from the Board of Supervisors)
 19. School Board Liaison (1 elected representative from the Board of Supervisors)
 20. Shawsville Area Library Building Committee Liaison (1 elected representative from the Board of Supervisors)
 21. Transportation Safety Commission (1 elected representative from the Board of Supervisors)
 22. Utilities Committee (Chairman of the Board of Supervisors and the County Administrator)
 23. Parks and Recreation Commission (3 citizen members)
- (7) Consultation with Legal Counsel Pertaining to Actual Litigation
1. Board of Supervisors v Kinsey Shane and Associates

OUT OF EXECUTIVE SESSION

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

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

CERTIFICATION OF EXECUTIVE SESSION

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

Mary W. Biggs
Ira D. Long
Larry N. Rush
Annette S. Perkins
James D. Politis

Joe C. Stewart
Joseph V. Gorman, Jr.

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

BOARD APPOINTMENTS

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representatives to the indicated boards, commissions and committees, effective January 1, 1998 and expiring December 31, 1998:

<u>Board/Commission</u>	<u>Supervisor</u>
Commerce Park Feasibility Committee	<u>Larry N. Rush</u> <u>Joseph V. Gorman, Jr.</u>
Emergency Services	<u>Joseph V. Gorman, Jr.</u>
Facilities Use and Space Study (FUSS) (School Site Selection Committee)	<u>Jeffrey D. Johnson, County Administrator</u> <u>Joseph V. Gorman, Jr., Chairman of the Board</u>
Fairview District Home -	<u>Joe C. Stewart</u>
Falling Branch Advisory Committee	<u>Ira D. Long</u> <u>Joseph V. Gorman, Jr.</u>
Finance Board	<u>Joseph V. Gorman, Jr., Chairman</u>
Greenbox Committee	<u>Ira D. Long</u>
Human Services Commission Liaison to the Executive Committee	<u>Annette S. Perkins</u>
Library Board Liaison -	<u>Larry N. Rush</u>
- Montgomery County Improvement Council	<u>James D. Politis</u>
- Montgomery Regional Economic Development Commission	<u>Annette S. Perkins</u>
Parks and Recreation Commission	<u>Larry N. Rush</u>
Planning Commission Liaison	<u>Mary W. Biggs</u> <u>Ira</u> <u>D. Long (Alternate)</u>
Real Estate Committee	<u>Joe C. Stewart</u> <u>James D. Politis</u>
Resource Conservation & Development District	<u>Joseph V. Gorman, Jr.</u>

Roads Committee	<u>Joe C. Stewart</u> <u>James D. Politis</u>
Road Viewers Board	<u>(all Board Members)</u>
School Board Liaison	<u>Mary W. Biggs</u> <u>Annette S. Perkins (Alternate)</u>
Shawsville Area Library Building Committee Liaison	<u>Joe C. Stewart</u>
Transportation Safety Commission	<u>James D. Politis</u>

Utilities Committee

The Board reaffirmed the resolution adopted on January 9, 1995 constituting the membership of the Utilities Committee as the Chairman of the Board and the County Administrator.

Planning District Commission

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That the Board of Supervisor of Montgomery County, Virginia hereby appoints **Joseph V. Gorman, Jr.** to the Planning District Commission, effective January 1, 1998 and expiring June 30, 1998, to fill an unexpired term..

Parks and Recreation Commission

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, does hereby reappoint **James C. Stewart** to the Parks and Recreation Commission, effective January 1, 1998 and expiring December 31, 2001.

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, does hereby reappoint **Victor B. Ham** to the Parks and Recreation Commission, effective January 1, 1998 and expiring December 31, 2001.

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, does hereby reappoint **Michael Ewing** to the Parks and Recreation Commission, effective January 1, 1998 and expiring December 31, 2001.

ADJOURNMENT

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Board adjourned to Monday, January 26, 1998 at 7:00 p.m.

The meeting adjourned at 10:30 p.m.

CHAIRMAN

ATTEST: _____
COUNTY ADMINISTRATOR