

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 13TH OF APRIL, 1998 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman	-Chairman
	Larry N. Rush	-Vice Chairman
	Ira D. Long	-Supervisors
	Mary W. Biggs	
	Annette S. Perkins	
	James D. Politis	
	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
	Judy W. Kiser	-Administrative Assistant
	Vickie Swinney	-Secretary

CALL TO ORDER AND PUBLIC HEARINGS

Chairman Gorman called the public hearing to order in the Board Chambers, the public hearing location having been moved across the hall from Courtroom B, the public present being so notified.

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

Proposed Ordinance Abolishing the D-91-1 Voting Precinct

-Located at the Christiansburg Armory by splitting the precinct into the new D-1 voting precinct with the polling location at the Christiansburg Armory and the new D-5 voting precinct with the polling location at the Montgomery-Floyd Regional Library, Christiansburg Branch.

There being no speakers either for or against the proposed ordinance abolishing the D-91-1 voting precinct, the public hearing was closed.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC ADDRESS SESSION

Rod Crowgey-Retirement Management Corporation Rezoning

- Retirement Management Corp. (Agent: Rodney G. Crowgey) request to rezone 1.2 acres, Tax Parcel No. 106-11-4; from A-1 (Agriculture) to CB (Community Business). Property is located at 3055 Riner Road in the Riner Magisterial District. Mr. Crowgey, local attorney, spoke as an agent of the Retirement Management Corporation and is willing to answer any question the Board or the public may have on the rezoning request of the Retirement Management Corporation located at 3055 Riner Road.

Charles Bowles-Retirement Management Corporation Rezoning

Mr. Bowles spoke against the rezoning request of the Retirement Management Corporation. He stated that he is against spot zoning in the Riner District. He said Riner should stay a small community and not be built into a town.

Bill Williams-Montgomery County Planning Commission Rezoning

-Montgomery County Planning Commission request to rezone approximately 43 acres from A-1 (Agriculture) and GB. (General Business) to R-1 (Residential). Property is Tax Parcels Nos. 83-A-52,53,54,54A,55,56,57,58,58A,59, and 72; 83C1-6-1,3, and 6; and 83C1-A-63,64,65,67,68,69,74,75,76,77,78,79,81,82, and 83. located in the western area of Shawsville, between Roanoke Road and the Norfolk Southern railroad tracks, in the Shawsville Magisterial District. Mr. Williams spoke in favor of the rezoning request of the Montgomery County Planning Commission. He spoke in support of rezoning his property to residential.

Jessica Wilson-Montgomery County Planning Commission Rezoning

Ms. Wilson spoke in favor of the rezoning request in the Shawsville area. She stated that there were historical homes in this district and the owners have spent numerous amount of time and money renovating their homes and believes that the request for residential rezoning should be approved.

Jack Hinshelwood-Montgomery County Planning Commission-Rezoning

Mr. Hinshelwood spoke in favor of the rezoning request by the Montgomery County Planning Commission. He stated that the request provides zoning consistent with the existing uses in the area and he believes the proposed zoning request is good planning.

Macon Sammons-Montgomery County Planning Commission-Rezoning

Mr. Sammons spoke in favor of the rezoning requested by the Montgomery County Planning Commission. He believes the Board should approve the zoning as requested.

Ray Epperly-Montgomery County Planning Commission-Rezoning

Mr. Epperly spoke in opposition to the rezoning. He would like for his property to remain zoned as Agriculture.

Frances Teileman-Proposed Ordinance Abolishing the D-91-1 Voting Precinct

Ms. Tillman is the Chairman of the Montgomery County Electoral Board and she spoke in favor of splitting the voting precinct.

CONSENT AGENDA

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated April 13, 1998 was approved. The vote was as follows:

AYE

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

NAY

NONE

Approval of Minutes

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously, the Minutes of March 9, March 16 and March 23, 1998 were approved as corrected.

Appropriation of Funds for Capital Improvements Projects

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, 1998 for the function and in the amount as follows:

961 Joint Automation Plan	\$88,500
964 Parks and Recreation-Frog Pond Decks	<u>\$11,500</u>
	\$100,000

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

Revenue Account:

7000-16 Designated General Fund Balance	\$100,000
---	-----------

Said resolution appropriates funds in the current year for two Capital Improvement projects previously recommended for funding in FY 98-99, allowing other projects to be funded in the FY 98-99 budget based on the recommendations of the Capital Improvement Project Committee.

Appropriation of Interest Proceeds-VPSA 1997-1

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 School Construction 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:

988 New Auburn Elementary School	\$41,000
----------------------------------	----------

Revenue Account

150119 Interest on Investments	\$41,000
--------------------------------	----------

Said resolution appropriates interest estimated on the VPSA 1997-I bond account.

Recovered Costs-Public Facilities

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, 1998, for the function and in the amount as follows:

150 Public Facilities	\$99
-----------------------	------

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

Revenue Account

1901-47 Recovered Costs-Public Facilities	\$99
---	------

Said resolution appropriates funds received as a reimbursement for a canceled seminar.

Supplemental Appropriation-Refund of Bond Bid

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, 1998, for the function and in the amount as follows:

130 Finance Department	\$8,700
------------------------	---------

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

<u>Revenue Account</u>		
4101-09	Bid Bond	\$8,700

Said resolution appropriates return of a deposit used for a bid bond.

Additional Appropriation-Regional Library

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors 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	Regional Library	\$3,158
421	Floyd Library	<u>\$ 745</u>
		\$3,903

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

<u>Revenue Account</u>		
7000-10	Montgomery Library Savings	\$3,158
7003-11	Floyd Library Savings	<u>\$ 745</u>
	Total	\$3,903

Said resolution appropriates monies from the Library's savings accounts to pay for expenses incurred during the Director's search.

Recovered Costs-Sheriff

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, 1998, for the function and in the amount as follows:

310	Sheriff-County/State	\$ 4,701
311	Sheriff-100% County	\$ 420
510	DARE	<u>\$ 128</u>
		\$ 5,249

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

<u>Revenue Account</u>		
1901-05	Recovered Costs- Sheriff	\$ 3,202
4101-31	Insurance Recoveries	\$ 1,919
1901-49	Recovered Costs - DARE	<u>\$ 128</u>
		\$ 5,249

Said resolution appropriates monies to cover the cost of security patrols at the Blacksburg Inn, recovered costs from extraditions and insurance claims, and donations to the DARE program.

Supplemental Appropriation-Commonwealth's Attorney

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, 1998, for the function and in the amount as follows:

330	Commonwealth's Attorney	\$ 87
-----	-------------------------	-------

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

<u>Revenue Account</u>	
190170 Confiscations	\$ 87

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

Recovered Costs-Elliston Volunteer Fire Department

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, 1998, for the function and in the amount as follows:

440 Elliston Volunteer Fire Department	\$ 833
--	--------

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

<u>Revenue Account</u>	
1502-07 Sale of Surplus/Salvage	\$ 833

Said resolution appropriates monies received from the sale of a 1974 Dodge pick-up truck.

School Operating Fund-Supplemental Appropriation

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 reduction to the annual appropriation for the fiscal year ending June 30, 1998, for the function and in the amount as follows:

510 Grants	(\$74,982)
Virginia Juvenile Community Crime Control Act (VJCCCA)	

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

<u>Revenue Account</u>	
5199-04 Transfer to School Operating Fund	(\$74,982)

FURTHER, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1998 for the function and in the amount, as follows:

991 School Operating Fund	\$74,982
---------------------------	----------

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

<u>Revenue Account:</u>	
5199-01 Transfer From the General Fund	\$74,982

Said resolution increases the transfer to the School Operating Fund to provide reimbursement to the schools for services paid through the County's allocation under the Virginia Juvenile Community Crime Control Act (VJCCCA).

Purchase Playground Equipment for Plum Creek Park

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 agrees to award purchase orders to **Miracle Recreation Company C/O Site Concepts** of Chesapeake, Virginia for \$10,140 and to **Bliss Products C/O Little Tikes** of Bryson City, North Carolina for \$3,774 for outdoor playground equipment for Plum Creek Park. This purchase was competitively bid under IFB # 98-29.

Purchase Upgrade Radio System for Christiansburg Volunteer Fire Department

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 agrees to award a purchase order to **Two-way Radio, Incorporated** of Wytheville, Virginia for the purchase and installation of a Low-band Radio, 300 Watt R.F. Amplifier, Repeater Interface, High-band Radio, VHF Antenna, Low-band Antenna to work in conjunction with a previous installation at the Hubble water tank, and thirteen (13) High-band Portables, for a total of \$13,419. This is a sole source purchase as Two-Way Radio, Incorporated has been providing this service and equipment to the County's radio systems, including the Christiansburg Volunteer Fire Department, since 1974.

Recognition of the Reverend Dr. Ellison Smyth

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

WHEREAS, The Reverend Dr. Ellison A. Smyth was a long-standing member of the Blacksburg community, who was born on the V.P.I. campus in 1903, graduated from V.P.I. in 1925, served as the pastor of Blacksburg Presbyterian Church from 1948 to 1969, and remained as pastor-emeritus and respected resident until his death in 1998; and

WHEREAS, Ellison Smyth was a gentlemanly but insistent leader for the integration of his church and its pre-school program; and

WHEREAS, Ellison Smyth was a leader in the community for the peaceful and timely integration of the public schools in Montgomery County, despite the resistance of those who would have preferred closing the schools to integrating them; and

WHEREAS, Ellison Smyth was one of the founders of the Council on Human Relations of Montgomery County, which was instrumental in facilitating the peaceful integration of schools and other public facilities, and which remains an important voice in our community for racial harmony; and

WHEREAS, Ellison Smyth was married for sixty years to Mary Linda Vardell Smyth, who also was a leader for the integration of schools and other public facilities.

NOW THEREFORE BE IT RESOLVED, By The Board of Supervisors of Montgomery County, Virginia, that the Reverend Dr. Ellison A. Smyth be commemorated and honored for his courage, compassion, and fervor in improving the education of children of all races, and consequently the lives of all members of the Montgomery County community.

National Emergency Medical Services

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

WHEREAS, There are over 750 *emergency medical service (EMS)* units across the Commonwealth, staffed by more than 35,000 volunteer and career providers who generously give of their time and skills to provide emergency assistance to people in need at all hours of the day; and

WHEREAS, *EMS* teams include emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, dispatchers, police and sheriff's department personnel, educators, and others; and

WHEREAS, Well-trained *rescue squads* exist throughout Montgomery County and the Commonwealth to provide our citizens ambulance service and emergency medical treatment at any time day or night, at home, work, school, at the scene of accidents and wherever else necessary; and

WHEREAS, *EMS* is an important public service that has helped to save countless lives in the nation, the Commonwealth of Virginia, and Montgomery County; and

WHEREAS, *Montgomery County's EMS* teams merit our strong respect and admiration for their bravery, dedication, hard work and sacrifice for helping make Montgomery County a better place to live work and raise a family.

NOW THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby proclaim May 17-23, 1998, as ***EMERGENCY MEDICAL SERVICES WEEK in Montgomery County***, and bring this observance to the attention of all grateful Montgomery County citizens.

Alpha Phi Omega

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

WHEREAS, Alpha Phi Omega (APO) is the largest collegiate National Service Fraternity in the United States, with more than 260,000 men and women alumni, is open to all enrolled students, is based on the principles of the Boy Scouts of America, and has 330 active Chapters on as many college and university campuses; and is growing at the rate of about 5,000 alumni each year; and

WHEREAS, The Zeta Beta Chapter of Alpha Phi Omega has for five decades given continuous leadership and voluntary service to Virginia Polytechnic Institute and State University, to Montgomery County, to the New River Valley, to the Commonwealth of Virginia and to our Nation; and

WHEREAS, APO's work through its Zeta Beta Chapter within Virginia Tech, Montgomery County and New River Valley communities is remarkable in both its breadth and its depth; and

WHEREAS, The Zeta Beta Chapter conceived, initiated, and conducted an exciting, fun-filled K.I.D. S Camp, (Kids Involved In Doing Science); an overnight (Friday-Sunday) science and math camp for 5th and 6th grade at-risk students; and

WHEREAS, Zeta Beta for nearly fifty years, has operated the Blood Mobile on the Virginia Tech campus, which has grown to be the largest collection point in the entire two-state Appalachian Region of the American Red Cross; and

WHEREAS, Zeta Beta provides volunteer service and leadership in numerous other programs such as the Humane Society, Special Olympics, sober rides, SHARE; and

WHEREAS, Zeta Beta demonstrates the Cardinal Principles of APO , these being LEADERSHIP, FRIENDSHIP, and SERVICE, and has done so for FIFTY CONSECUTIVE YEARS.

NOW THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, on behalf of the citizens of Montgomery County, does hereby commend the Zeta Beta Chapter of Alpha Phi Omega and extends a unanimous vote of appreciation for the five decades of dedication and services provided to the citizens of Montgomery County; and

BE IT FURTHER RESOLVED, That the original of this resolution be presented to Alpha Phi Omega, and that a copy be included in the official minutes of the Board of Supervisors.

APPOINTMENTS

Appointment to the Local Emergency Planning Committee (LEPC)

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby recommends the appointment of **Wayne Myers** to the Local Emergency Planning Committee, effective April 14, 1998.

Appointment to the Parks & Recreation Commission

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints **Martin Jansons** to the Montgomery County Parks and Recreation Commission, effective April 14, 1998 and expiring April 13, 2001.

Appointment to the Resource Conservation and Development (RC&D)

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints **James D. Politis** to serve as the alternate representative on the Resource Conservation and Development (RC&D), effective April 14, 1998 and expiring December 31, 1998.

OLD BUSINESS

Rezoning Request

- Retirement Management Corp. (Agent: Rodney G. Crowgey) request to rezone 1.2 acres, Tax Parcel No. 106-11-4; from A-1 (Agriculture) to CB (Community Business). Property is located at 3055 Riner Road in the Riner Magisterial District.

Supervisor Rush made a motion, seconded by Supervisor Long, to direct staff to prepare an ordinance for approval, based on the findings of the Board, to be placed on the agenda for action at the Board’s meeting of April 27, 1998.

Following discussion by the Board, on a substitute motion by Ira D. Long, seconded by Joe C. Stewart and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Retirement Management Corp. (Agent: Rodney G. Crowgey) request to rezone 1.2 acres, Tax Parcel No. 106-11-4; from A-1 (Agriculture) to CB (Community Business) located at 3055 Riner Road in the Riner Magisterial District is referred back to the Planning Commission for clarification as to compliance or non-compliance with the Comprehensive Plan and the reasons therefor.

The vote on the forgoing motion was as follows:

AYE

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

NAY

Larry N. Rush

Rezoning Request

-Edwin B. Fast (Draper-Aden Associates) request to rezone 2.2 acres, Tax Parcel No. 51 (A) 25 from A-1 (Agriculture) to R1 (Residential). Property is located on the North side of Prices Fork

Road midway between Rte. 657 and Rte. 654 in the Prices Fork Magisterial District.

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 Edwin B. Fast (Draper-Aden Associates) to rezone 2.2 acres, Tax Parcel No. 51 (A) 25 from A-1 (Agriculture) to R1 (Residential) located on the North side of Prices Fork Road midway between Rte. 657 and Rte. 654 in the Prices Fork Magisterial District is hereby **tabled** in order to allow the Planning Commission time to evaluate the amended request from 2.2 acres to 0.66 acre.

FURTHER, The Planning Commission is directed to address compliance or non-compliance with the Comprehensive Plan.

Rezoning Request

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried, the

-Montgomery County Planning Commission request to rezone approximately 43 acres from A-1 (Agriculture) and GB. (General Business) to R-1 (Residential).Property is Tax Parcels Nos. 83-A-52, 53, 54, 54 A, 55, 56, 57, 58, 58 A, 59, and 72; 83 C 1 - 6 - 1, 3, and; and 83 C 1 - A - 63,64,65,67,68,69,74,75,76,77,78,79,81,82, and 83, located in the western area of Shawsville, between Roanoke Road and the Norfolk Southern railroad tracks in the Shawsville Magisterial District, is hereby **tabled** on the advice of the legal counsel.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Mary W. Biggs	Larry N. Rush	Joe C. Stewart
Annette S. Perkins		
James D. Politis		
Ira D. Long		
Joseph V. Gorman, Jr.		

Ordinance Amendment

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

ORDINANCE 1998-5

Proposed Ordinance Amendment-amending Chapter 8, Article II, Entitled Buildings, Section Sections 8-17, 8-21 And 8-23 And Repealing Article III, Division 2 Entitled Plans; Permits Sections 8-81 Through 8-92

BE IT ORDAINED by the Board of Supervisors of Montgomery County, Virginia, that Chapter 8, Article II, Sections 8-17, 8-21 and 8-23 respectively be amended and reordained and that Article III, Division 2, Sections 8-81 through 8-92 be repealed as follows:

Section 8-17. Violations and penalties.

Any person, firm or corporation who shall fail, refuse or neglect to comply with or who shall otherwise violate the provisions of this article, which includes the building code, shall be punished by a fine of not more than ~~one thousand dollars (\$1,000.00)~~ two thousand five hundred dollars (\$2,500.00).

Section 8-21. Board of appeals.

(a) Pursuant to Code of Virginia, section 36-105, there is hereby created a board of

building code appeals whose composition, duties and responsibilities shall be prescribed in the building code.

(b) The board of supervisors may, by resolution provide for compensation for the members of the board of building code appeals.

(c) The board of supervisors may, by resolution, set a fee for noting an appeal to the board of building code appeals. Appeals from the office of the building official concerning the application of the Building Code or refusal to grant a modification to the provisions of the Building Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure shall first lie with the board of building code appeals.

Section 8-23. Removal, repair or securing of buildings.

(a) *Duty of owner.* The owner of property within the county shall, at such time as the board of supervisors may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the county.

(b) *Authority of board generally.* The board of supervisors through its agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the county, when the owner of the property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the county. No action shall be taken by the board of supervisors to remove, repair or secure any building, wall or other structure for at least thirty days following the later of the return of the receipt or newspaper publication.

~~DIVISION 2. PLANS; PERMITS~~

~~Sec. 8-81. Applications.~~

~~(a) — Except as provided for in section 8-64, no person may engage in any land disturbing activity until such person has submitted to the county, has had reviewed by and has had approved by the plan approving authority an erosion and sediment control plan for such land disturbing activity.~~

~~(b) — If individual lots or sections in a residential development are being developed by different property owners, then all land disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an “agreement in lieu of a plan” signed by the property owner and specifying what type of measures will be used to control erosion on the site.~~

~~(c) — It is intended that this article be an adjunct to both the county’s subdivision and zoning ordinances wherein such apply to the development and subdivision of land within the county or such apply to development on previously subdivided land within the county.~~

~~Sec. 8-82. — Reserved.~~

~~Sec. 8-83. — Plan format and requirements.~~

~~The erosion and sediment control plan required under this article shall detail those methods and techniques to be utilized in the control of erosion and sedimentation.~~

~~Sec. 8-84. — Standards and specifications - Sources.~~

~~(a) — As a minimum, the erosion and sediment control plan shall follow the format detailed in Chapter 3, 6 “Preparing an Erosion and Sediment Control Plan,” inclusive of the Virginia Erosion and Sediment Control Handbook, second edition 1980, as amended from time to time, which by reference is adopted as part of this article.~~

~~(b) Approved standards and specifications for control techniques to be utilized in preparing this plan are set forth in Chapter 6 of the Virginia Erosion and Sediment Control Handbook, second edition 1980, as amended from time to time, which by reference are adopted as a portion of this article. The above requirements are included in the county erosion and sediment control handbook.~~

~~(c) Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached or any portion of the site. Temporary soil stabilization shall be applied within seven (7) days to denuded areas that may not be at final grade but will remain dormant (undisturbed) for longer than thirty (30) days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one (1) year. Furthermore, all trenches for utilities are to be backfilled and compacted within fifteen (15) days of approval of the utility system or backfill inspection and seeded and mulched within a reasonable time.~~

~~Sec. 8-85. Approval.~~

~~An erosion and sediment control plan submitted under the provisions of this article will be acted on in forty-five (45) days from receipt by either approving or disapproving in writing and giving specific reasons for disapproval. If no formal action has been taken by the plan approving authority in forty-five (45) days after the receipt of the plan, the plan shall be deemed approved.~~

~~Sec. 8-86. Specific details of plan submission and approval.~~

~~(a) The preparation and submission of three (3) copies of the erosion and sedimentation control plan to the building official shall be the responsibility of the owner, lessee or duly authorized agent of either the owner or lessee. The building official shall forward two (2) copies of the plan to the plan approving authority.~~

~~(b) In determining the adequacy of the plan, the plan approving authority shall be guided by the requirements and recommendations contained in the county erosion and sediment control handbook.~~

~~(c) The plan shall be approved, within forty-five (45) days from receipt thereof, if such plan meets the requirements of the local control program and if the person responsible for carrying out the plan certifies that he will properly perform the control measure included in the plan.~~

~~(d) If the plan is disapproved within forty-five (45) days from receipt thereof, the plan approving authority shall specify in writing such modifications, terms and conditions as will permit approval of the plan and communicate these requirements to the applicant.~~

~~(e) If no action is taken by the plan approving authority within forty-five (45) days of receipt of the plan, the plan shall be deemed approved. Certification of this fact shall be provided by the plan approving authority to the person or agency issuing grading, building or other permits for activities involving land disturbing activities so that such permits may be issued.~~

~~(f) A plan for which land disturbing activities involve lands under the jurisdiction of this local control program and one (1) or more other local control programs may, at the option of the applicant, be submitted to the state soil and water conservation board for review and approval rather than submission to each jurisdiction concerned.~~

~~(g) An approved plan may be changed by the authority which has approved the plan in the following cases:~~

~~(1) Where inspection had revealed the inadequacy of the plan to satisfy applicable regulations; or~~

~~(2) When the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the local control program, are agreed upon by the plan approving authority and the~~

person responsible for carrying out the plan.

~~Sec. 8-87. Issuance of land disturbing permit-Fees.~~

~~(a) Except as provided in section 8-64, no person shall engage in any land disturbing activity as defined in section 8-61 within the county until he has acquired a land disturbing permit. No building permits for activities which involve land disturbing activities shall be issued unless the applicant has an approved erosion and sedimentation control plan and has acquired a land disturbing permit as required by this article.~~

~~(b) Issuance of a land disturbing permit is conditioned on an approved erosion and sediment control plan which shall be presented at the time of application for such a permit and, in addition, fulfillment of the requirements in section 8-89, concerning a performance bond and on the fees levied for land disturbing activities in this section.~~

~~(c) A plan review and inspection fee as set from time to time by resolution of the board of supervisors shall be paid at the time of filing erosion and sediment control plans.~~

~~Sec. 8-88. Same-Requirements; payment.~~

~~(a) See sections 8-87 and 8-89. A written application (Form A) attached to the ordinance of June 23, 1975 from which this section is derived shall be submitted to the administrator along with two (2) copies of the approved plan and the required fees and performance bond.~~

~~(b) Checks shall be made payable to the treasurer of the county.~~

~~Sec. 8-89. Certification-Bonding of performance.~~

~~All control measures required by the provisions of this article shall be undertaken at the expense of the owner or his agent and pending such actual provision thereof, the owner or his agent shall execute or file with the administrator, prior to issuance of the land disturbing permit, an agreement and bond in an amount of the estimated cost of land reclamation and control measures as determined by the administrator, guaranteeing that the required control measures required by the plan will be properly and satisfactorily undertaken and maintained.~~

~~If the county must undertake or maintain control measures upon failure by the permittee, then the county may collect from the permittee for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.~~

~~Within sixty (60) days of the achievement of adequate stabilization of the disturbing activity, such bond shall be terminated.~~

~~Sec. 8-90. Inspection and enforcement.~~

~~Inspection and enforcement of this article shall rest with the administrator. The right of entry to conduct such inspections and to monitor, install, reinstall or maintain erosion and sediment control measure, in the event the applicant fails to install or maintain such measures after notice in writing shall be expressly reserved in the permit.~~

~~Sec. 8-91. The department of planning and inspections-Duties and responsibilities.~~

~~(a) The department of planning and inspections is responsible for developing and implementing a systematic program for on-site inspection to ensure that the erosion and sediment control measures on approved erosion control plans are actually provided.~~

~~(b) Such department is also responsible for developing and implementing a file system of land disturbing projects. The file should contain a record of each inspection, date of inspection, date land disturbing activities commenced and comments concerning compliance or noncompliance. In cases of noncompliance, the report shall contain statements of the conservation measures needed for compliance and a recommended time in which such measures should be commenced and/or completed.~~

~~(c) — Upon determination that a violation exists the department of planning and inspections shall prepare a notice to comply which shall contain a detailed description of the conservation measures necessary for compliance. When no action is taken within forty-eight (48) hours of delivery of the notice to comply, the department of planning and inspections shall prepare a letter of intent to utilize the performance bond, to correct the deficiency. This letter of intent will be cleared by the county attorney and sent by registered mail to the person responsible for carrying out the plan. If no action is taken within the time specified in the letter, such to be dependent upon the urgency of the action, the county administrator will be requested in writing, with a copy to the person responsible for carrying out the plan, to undertake the corrective conservation measures.~~

~~(d) — The department of planning and inspections shall notify all permit issuing authorities, when a notice to comply has been issued, to withhold all future permits to the violator until the violation is corrected, and, upon failure to comply within the time specified in the notice to comply, the permit for the project in violation may be revoked.~~

~~(e) — Such department shall be responsible for handling complaints concerning absent or ineffective erosion control measures.~~

~~(f) — When upon investigation, it is determined that ineffective erosion control measures are being followed but such measures comply with the approved erosion control plan, the department of planning and inspections shall notify the plan approving authority.~~

~~(g) — The department of planning and inspection may require the owners of identified erosion impact areas to stabilize those areas, and may require that erosion and sediment control plans be approved prior to such stabilization if the work is expected to be extensive enough to warrant the guidance of a plan.~~

~~(h) — The chief administrative officer of the county may issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. When the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in section 8-91(e).~~

~~Sec. 8-92. — Preliminary plans.~~

~~(a) — A preliminary erosion and sediment control plan may be required in conjunction with the review and approval of subdivisions plats and site development plans required under Article III of this chapter or under Chapter 10 when an approved erosion and sediment control plan is not available.~~

~~(b) — When required, three (3) copies of the preliminary erosion control plan shall be submitted to the official or department requiring the plan, two (2) of which shall be submitted to the plan approving authority for its review and recommendations.~~

~~(c) — Preliminary erosion and sediment control plans shall contain the following information:~~

~~(1) — Soil boundaries of all major soil types;~~

~~(2) — Approximate limits of clearing and grading;~~

~~(3) — Tentative means of erosion and sediment control;~~

~~(4) — Phasing of development to minimize area and duration of exposure.~~

ADOPTED by the Board of Supervisors of the County of Montgomery, Virginia, this 13th day of April, 1998.

The vote on the foregoing motion was as follows:

AYE

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

ABSENT DURING VOTE

Joe C. Stewart

APPROPRIATIONS AND TRANSFERS

Council on Human Relations-Transfer from Contingencies

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

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

FROM:

550 General Contingencies (\$1,500)

TO:

450 Outside Agencies Council on Human Relations \$1,500

Said resolution appropriates funds for printed materials and mailing for the Council on Human Relations.

Smithfield Plantation-transfer from Contingencies

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

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

FROM:

550 General Contingencies (\$3,500)

TO:

450 Outside Agencies-Smithfield Plantation \$3,500

Said resolution appropriates funds to address capital needs of Smithfield Plantation.

NEW BUSINESS

Schedule Public Hearing

Proposed Boundary Line Adjustment Agreement

-Boundary line adjustment agreement between the Town of Blacksburg and Montgomery County

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors schedules a joint public hearing with the Town of Blacksburg on Tuesday, May 26, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving comments on the **proposed Boundary Line Adjustment Agreement** between the County of Montgomery and the Town of Blacksburg providing for the adjustment of the boundary of the Town of Blacksburg's corporate limits to include approximately 400 acres located adjacent to the existing Town of Blacksburg boundary within a portion of the area generally known as the Mid-County area of Montgomery County, Virginia.

COUNTY ATTORNEY'S REPORT

Margaret Smith vs. Board of Supervisors The County Attorney reported that Ms. Smith's appeal has been rejected by the State Supreme Court.

COUNTY ADMINISTRATOR'S REPORT

Dedication of Elliston Pedestrian Bridge Dedication of the Elliston Pedestrian Bridge is scheduled for April 28, 1998 at 2:00 p.m. Senator Madison Marye is tentatively scheduled for appearance. Delegate Morgan Griffith has also been invited to attend the dedication.

Dedication of the Blacksburg Shell Building Dedication for the Shell Building is scheduled for May 20, 1998. The time will be announced at a later date.

Industry Appreciation Day A Recognition Dinner will be held 6 to 9 p.m. on May 21, 1998, location to be announced.

177 Revenue Sharing Agreement The Planning Director reported that Phase IV became effective March 1998, therefore the County will start sharing revenue with the City of Radford for Phase IV.

Update on Reassessment The Planning Director reported that the reassessment is moving along fairly rapid, 37% of the parcels have been visited. A total of 1,500 mobile home units have been visited out of the 4,000 mobile homes in the County. A second clerical position has been filled to help with the assessments.

BOARD MEMBERS' REPORT

Supervisor Biggs Supervisor Biggs stated that the next School Board Meeting will be held April 21, 1998.

Planning Commission Meeting-To be held on Wednesday, April 15, 1998. The Planning Commission will discuss the proposed ordinance amendment of the Falling Branch section of the Comprehensive Plan. Also to be discussed is the Riner, Shawsville and Elliston commercial overlay and the Route 177 Corridor overlay. The Planning Commission had a request from a property owner on Meadow Creek Road to rezone property next to the hospital. The Planning Commission asked for a traffic count to be done on that road before any decision is made. The next two meetings of the Planning Commission will be devoted to the zoning ordinances if any of the Board Members would like to attend.

Supervisor Long Smithfield Plantation Supervisor Long thanked the Board for their support in the one time funding for Smithfield Plantation.

Coal Miners Day will be held April 18, 1998 in McCoy

Supervisor Rush Proposed Resolutions Supervisor Rush advised the Board that he will be proposing two resolutions for the next Board meeting. The first resolution will be for a one time stipend pay of \$500 for the Sheriff Deputies, and the second resolution will be for technology money for the schools.

Supervisor Perkins Montgomery County Human Services Commission Supervisor Perkins attended the Montgomery County Human Services Commission Executive Meeting. She will be coordinating with the County Administrator on the Human Relations staff planning and the direction the Commission wishes to take.

Montgomery County Annual Broomin and Bloomin will be held April 18, 1998.

Supervisor Politis Transportation Safety Committee - Supervisor Politis attended his first meeting of the Transportation and Safety Committee. One item that was discussed was the proposed hotel complex near the new hospital site in Radford. A committee was formed consisting of himself, Chief Malvin Wells, Sgt. Frank Duffy, and Major Neal Turner to assess the situation of the new hospital and hotel complex.

Recognition of the U.S. Army's Birthday Supervisor Politis received a request from John Crable asking the County to recognize the Army's Birthday from the period June 7-14, 1998. Mr. Politis asked that a resolution be placed on the Board's next agenda.

Laurel Creek Mill Road- Supervisor Politis said he received several complaints from concerned citizens about the road condition on Laurel Creek Mill Road (Rt .617). He stated that with the recent heavy rains the road has been damaged. He asked that the appropriate measures be taken.

Broad Shoals Road- Supervisor Politis said he received complaints from citizens about Broad Shoals Road (Rt 707), on the road condition and the hazardous driving conditions, especially for the school buses. He asked that the appropriate measures to taken.

Supervisor Stewart Construction of the New Elliston Post Office Supervisor Stewart asked what needs to be done to get the rezoning and construction started on the post office. The Planning Director explained that the property owner needed to submit a rezoning request to the Planning Commission, which has not been done. Supervisor Stewart asked that the appropriate staff proceed with whatever measures need to be taken to ensure that the construction can be started as quickly as possible.

Chairman Gorman Tour of the New River and Proposed 765kV Power Line Route A tour of the New River is scheduled for April 18, 1998 and a tour of the proposed 765kV power line route is scheduled for April 20, 1998. Mr. Howard Anderson, Hearing officer, State Corporation Commission requested this tour.

Celebration 2007 Jamseshtown-Yorktown Foundation is holding a round table session April 24, 1998 at Hotel Roanoke. Chairman Gorman stated he could not attend and asked if any other Board member would like to attend, Supervisor Perkins stated she would be interested in attending.

Virginia Tech Airport Chairman Gorman stated that there were several reports in the Board packet relating to the Virginia Tech Airport. He has requested a report on the loss incurred by the Airport over the last several years.

INTO EXECUTIVE SESSION

On a motion by Larry N. Rush, 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) (1) Discussion of the Appointment of Personnel
- 1. Industrial Development Authority
 - 2. Department of Financial and Management Services
- (7) Consultation with Legal Counsel and Briefings by Staff Members, Pertaining to Actual or Probable Litigation or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel
- 1. Commerce Park
 - 2. New River Juvenile Detention Home
- (3) Discussion or Consideration of the Condition, Acquisition or Use of Real Property for Public Purpose
- 1. Blacksburg Middle School
 - 2. Christiansburg Middle School

OUT OF 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 ends their Executive Session to return to Regular Session.

CERTIFICATION OF EXECUTIVE SESSION

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

APPOINTMENTS

Industrial Development Authority

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 hereby appoints **C. Elvan Peed** to the Industrial Development Authority, effective April 14, 1998 and expiring February 23, 2001.

Said appointment fills the unexpired term of Richard N. Bohlin.

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Ira D. Long and carried unanimously, the Board adjourned to Monday April 27, 1998 at 7:00 p.m.

The meeting adjourned at 9:30 p.m.

ATTEST

CHAIRMAN

COUNTY ADMINISTRATOR