

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 26<sup>TH</sup> DAY OF MAY, 1998 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Larry N. Rush	-Vice Chairman
	Ira D. Long	-Supervisors
	Mary W. Biggs	
	Annette S. Perkins	
	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
	Vickie L. Swinney	-Secretary
	Roger E. Hedgepeth	-Mayor, Town of Blacksburg
	Ron Rordam	-Vice Mayor
	Lewis B. Barnett	-Blacksburg Council Members
	R. Michael Chandler	
	Joyce K. Lewis	
	Frances M. Parsons	
	A.T. Leighton, Jr.	
	Ronald Secrist	-Blacksburg Town Manager
	Bonnie Svrcek	-Assistant Town Manager
	Kathleen Dooley	-Town Attorney
	Adele Schirmer	-Director of Planning & Engineer
	Donna Boone-Caldwell	-Blacksburg Town Clerk
ABSENT	James D. Politis	-Supervisor

**CALL TO ORDER AND JOINT PUBLIC HEARING WITH THE TOWN OF BLACKSBURG**

Chairman Gorman called to order the joint public hearing with the Board of Supervisors and the Blacksburg Town Council for the purpose of receiving comments on the following:

Proposed Boundary Line Adjustment

**-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 408 acres located adjacent to the existing Town of Blacksburg boundary within a portion of the area generally know as the Mid-County area of Montgomery County, Virginia.

Doug Jones, a citizen of Montgomery County, stated he was in favor of the proposed boundary line adjustment agreement between the Town of Blacksburg and Montgomery County. Mr. Jones said he owned 110 acres of the 408 acres being incorporated into the Town. Mr. Jones stated that certain conditions should be included into the boundary line agreement. He requested that the Town of Blacksburg provide and fund public water and sewer to the adjustment areas. A letter from Mayor Hedgepeth dated April 10, 1998 to all affected property owners stated that they have access to town water and sewer. At the present time public water and sewer is not available to his property or residence. Therefore, provision of public water and sewer by the Town of Blacksburg should be available to all affected property owners within two years of the signed agreement.

Mr. Jones stated another condition that should be included in the agreement is the current zoning that exists within the boundary adjustment should be honored by the Town of Blacksburg. This

zoning was approved by the Planning Commission and the Montgomery County Board of Supervisors with input from the Town of Blacksburg.

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

The Blacksburg Town Council voted on the proposed boundary line adjustment and voted unanimously to adopt the proposed agreement between the Town of Blacksburg and Montgomery County.

The Blacksburg Town Council adjourned to Executive Session in the Board Chambers and the Board of Supervisors continued with the Public Hearings.

#### Special Use Permit

**-Roy Phillip Harman & SSC, LLC (Agent: Kendall O. Clay)** request for a Special Use Permit on 3 acres; Tax Parcel No. 67-A-196 to allow operation of an asphalt plant in connection with Stone Quarry. Property is located at the ACCO quarry on State Route 643 and State Route 642 (Jennelle Road) in the Shawsville Magisterial District.

Jack Lanford, President of Adams Construction Company, stated he was present for any questions the Board of Supervisors may have. He stated that there is a need for a second asphalt plant for the existing future needs such as the construction of the Smart Road and the Alternate 3-A Road.

Supervisor Biggs questioned Mr. Lanford on the "Rules of the Road" which shall be adhered to by the truckers delivering or exiting ACCO Stone. One policy stated that particular care shall be taken when school buses are picking up or returning children each school day. Supervisor Biggs wanted to know if Mr. Lanford was going to work with the School System to get the times school buses will be traveling on Jennelle Road. Mr. Lanford stated he would be contacting the Schools for this information. Supervisor Biggs also asked how these policies were to be enforced. Mr. Lanford indicated they would know by complaints received, whether it was through the State Police, County Administration, or through ACCO Stone.

Paula Evans, resident of Yellow Sulphur Road, spoke in opposition of the SUP amendment. She stated her family lives directly across from ACCO Stone. She said her family has to deal with the inconvenience of the construction of the Smart Road and the Alternate 3-A Road, the noise of the construction and heavy traffic. She expressed her concerns about the smell from the asphalt plant, the extra traffic it will create and asked the Board to consider all the concerns addressed tonight on the asphalt plant.

Bernard Ross, resident of Yellow Sulphur Road, spoke in opposition of the SUP amendment allowing the operation of a second asphalt plant at ACCO Stone. Mr. Ross stated he is in the process of restoring the Yellow Sulphur Springs Resort and although he knew that the Quarry existed when he moved to Yellow Sulphur, there are on-going problems with the Quarry. Mr. Ross stated that ACCO Quarry was not reliable on their word. He said that at the Planning Commission meeting it was stated that there would not be any access onto Yellow Sulphur Road. He has since learned that ACCO can in the future come back to the Planning Commission for permission to use Yellow Sulphur Road. Mr. Ross expressed his concerns about the access to Yellow Sulphur Road and the hazardous truck problems.

Victoria Taylor, licensed practical physician and a spa specialist who came to Virginia to open a spa at Yellow Sulphur Springs Resort, spoke in opposition of the second asphalt plant at ACCO Stone. She expressed her concern about the access on Yellow Sulphur Road and also that the quarry was not hidden from the public on Yellow Sulphur. Recently American Electric Power clear cut trees at the quarry making it more noticeable to the public.

Kendall Clay, agent of the applicant, was present to answer any questions the Board may have. Mr. Clay also clarified to the Board and to the previous speakers that in the conditions of the zoning request that access to the asphalt plant would be on Jennelle Road and no entrance shall be onto Yellow Sulphur Road. He stated that Adams Construction does have the right to go back to

the Planning Commission in the future to amend the special use permit if the needs change. Mr. Clay also stated that he was not aware of any cutting of trees but it would not be a problem to replace the trees.

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

Rezoning

**-James P. & Kathryne L. Smith** request to rezone 4.01 acres; Tax Parcel No. 119-A-33A from A-1 (Agriculture) to GB (General Business). Property is located at 1803 Fairview Church Road in the Riner Magisterial District.

James P. Smith stated he was present for any questions the Board of Supervisors may have.

The following letter was submitted to the Planning Department to be included in the minutes:

“April 21, 1998  
Mr. Jeff Scott  
Montgomery County  
Department of Planning & Inspections  
County Courthouse  
P.O. Box 806  
Christiansburg, Va 24073-0806

Dear Mr. Scott:

This letter is to Proffer the following in regard to the requested rezoning by James P. and Kathryne L. Smith of the property located at 1803 Fairview Church Road, Riner, Virginia 24149.

‘The use of the property will be for restaurant, catering, meeting and seminar facilities, bed and breakfast, and accessory uses consistent with zoning ordinances of Montgomery County. The existing historic house may be altered to accommodate business use, with any alterations to the existing structure and construction of new accessory buildings being architecturally compatible.’

Yours Sincerely,

(s) James P. Smith  
2125 Fairview Church Rd  
Riner, Virginia 24149”

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

Rezoning

**-James & Alice Noonkester** request to rezone approximately 1.16 acres, Tax Parcel No. 51(6) 6G, 6F from A-1 (Agriculture) to GB (General Business). Property is located at 4370 and 4384 Prices Fork Road in the Prices Fork Magisterial District.

Rob Fain, who plans to lease the property, stated he was present to answer any questions the Board may have on the rezoning request. Mr. Fain stated he wanted to operate a garage with general mechanic work. He is in the process of renovating the building and stated it would not be an eyesore to the community.

James Noonkester, owner of the property being requested for rezoning, spoke in support of the rezoning. Mr. Noonkester stated he started and operated a garage which later he turned into a store on the property. He stated he has done numerous duties for the Price’s Fork Community and would not approve of any thing that would be harmful to the community.

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **PUBLIC ADDRESS SESSION**

There were no speakers.

### **ADDENDUM**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Addendum dated May 26, 1998 was added to the Agenda as follows:

#### **Montgomery County Water and Wastewater Study (1993)**

### **CONSENT AGENDA**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Consent Agenda dated May 26, 1998 was approved. The vote was as follows:

#### **AYE**

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

#### **NAY**

#### **ABSENT**

James D. Politis

### **Approval of Minutes of April 17, 1998**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Minutes of April 27, 1998 were approved as corrected.

### **Schedule of Public Hearings-Board of Supervisors**

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 hereby schedules a public hearing on Monday, June 22, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

#### **Rezoning and Special Use Permit**

**-William M. Flinchum** request to rezone 0.6359 acre, a portion of Tax Parcel No. 29-A-8 from A-1 (Agriculture) to M-1 (Industrial) with a Special Use Permit for a contractor's storage yard. Property is located at 1220 Panorama Drive, in the Mt. Tabor Magisterial District.

#### **Rezoning**

**-Stratford Group, Inc.** request to rezone 0.936 acre, Tax Parcel No.52-A-22 from R-1 (Residential) to A-1 (Agriculture). Property is located on the north side of Prices Fork Road, approximately one-half mile west of the Blacksburg Town Limits, in the Prices Fork Magisterial District.

#### **Comprehensive Plan Amendment**

**-Amend the land use designations for the Falling Branch Area** Planning Commission initiated amendment to the Comprehensive Plan for the Falling Branch Area detailing the land use guidelines for the area. The property is located on both sides of Falling Branch Road just south

*May 26, 1998*

Page 4 of 17

of the Falling Branch Road / Interstate 81 bridge in the Shawsville Magisterial District. The effected area is approximately 770 acres.

**School Operating Fund-Supplemental Appropriation**

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 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

61100	Instruction	\$143,090
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The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

3302-24	Vocational Education - Categorical	\$ 56,220
3302-03	ESEA Chapter II Block Grant	\$ 74,510
2402-34	Benefits - Other State Agencies	<u>\$ 12,360</u>
	Total	\$143,090

Said resolution appropriates additional reimbursement funds from the federal Perkins Vocational Equipment grant, the federal Title VI (formerly Chapter II) grant for instructional materials and staff development, and the state for staff compensation related to the National Science Foundation and Eisenhower funded science and technology workshops.

**Additional Appropriation-Commissioner of Revenue**

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 a transfer is hereby authorized, as follows:

FROM:

550	Contingencies	(\$6,000)
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TO:

220	Assessments - 100% County	\$6,000
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Said resolution transfers funds from Contingencies to Assessments - 100% County.

**Additional Appropriation: Commonwealth Attorney**

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 a transfer is hereby authorized, as follows:

FROM:

550	Contingencies	(\$180)
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TO:

330	Commonwealth's Attorney	\$180
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Said resolution transfers funds from Contingencies to Commonwealth's Attorney for installation of additional telephones.

**Fishers View Road (SR 609) Refer to Transportation Safety Commission**

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

WHEREAS, The Montgomery County Board of Supervisors has received a petition from concerned citizens requesting that Fishers View Road (SR 609) be widened, surfaced and repaired; and

WHEREAS, Representatives from Maranatha Baptist Church appeared before the Board of Supervisors on May 11, 1998 to present their concerns about the unsafe conditions of Fishers View Road.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby refers this matter to the Montgomery County Transportation Safety Commission to address the safety issues and make a recommendation to the Board of Supervisors on needed safety improvements to Fishers View Road.

**Northbound 11/460 Approaching Elliston/Lafayette Elementary School-Refer to Transportation Safety Commission**

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

WHEREAS, Concerned citizens have complained about the hazardous situation of northbound traffic on 11/460 approaching the Elliston/Lafayette Elementary School intersection; and

WHEREAS, The median strip at this point is not large enough to accommodate a school bus, creating a hazardous situation.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby refers the hazardous conditions on 11/460 approaching the Elliston/Lafayette Elementary School to the Montgomery County Transportation Safety Commission to look at ways to enhance the safety of this road.

**Telephone System for Montgomery-Floyd Regional Library**

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 agrees to award a purchase order to **LUCENT TECHNOLOGIES, INC.** of Roanoke, Virginia for \$10,983.75 for an advanced Telecommunications System for the Montgomery-Floyd Regional Library.

Said purchase was competitively solicited under RFI# 98-16.

**Video Tapes-Montgomery-Floyd Regional Library**

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 agrees to award a purchase order to **MIDWEST TAPE** of Toledo, Ohio for the purchase of a selection of video tapes for the Montgomery-Floyd Regional Library for **\$5,128.65.**

Said purchase is a sole source purchase as **MIDWEST TAPE** is the only source that provides the entire selection of the 207 video tapes requested to be purchased by the Library Board.

## APPOINTMENTS

### Adjustment and Appeals Board

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 **James B. Jones, Jr.** to the Adjustment and Appeals Board effective June 1, 1998 and expiring May 31, 2002.

### Longshop-McCoy Volunteer Fire and Rescue Department-Proposal for a New Station

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 refers the proposed site for a new station for the Longshop/McCoy Fire and Rescue to the Real Estate Committee for review and recommendation.

### Resolution of Appreciation-Dr. J. Henry Hershey, Health Director

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

WHEREAS, The Roanoke/Alleghany Health District, the New River Health District, and the New Century Council jointly applied for grant funds as a community partnership; and

WHEREAS, This community partnership is one of only 41 community partnerships nationwide to be awarded grants, and one of three community partnerships in Virginia to be awarded grants; and

WHEREAS, This community partnership will receive \$60,000 over the next three years; and

WHEREAS, Virginia, one of only 14 states to be awarded grants, will receive \$300,000 over the next two years; and

WHEREAS, The community and state partners will be developing complementary strategic plans examining the role public health will play into the 21<sup>st</sup> century and creating a common vision of how to build a stronger public health system both statewide and at the local level.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby congratulates and commends **Dr. J. Henry Hershey**, Director of the New River Health District, for his outstanding work and dedication to the citizens of Montgomery County and the New River Valley; and

BE IT FURTHER RESOLVED, That the Board of Supervisors of Montgomery County, Virginia extends its appreciation to the New River Health District, the New Century Region, and the Roanoke/Alleghany Health Districts for their unprecedented level of cooperation in striving to improve the health status of our communities.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Dr. J. Henry Hershey**, and that a copy be made a part of the official minutes of this Board.

**OLD BUSINESS**

**Boundary Line Adjustment with Town of Blacksburg**

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

**Resolution of the Board of Supervisors of  
the County of Montgomery, Virginia, Approving  
a Boundary Line Adjustment Agreement Between  
the County of Montgomery, Virginia and the  
Town of Blacksburg, Virginia and Authorizing the  
Filing of a Joint Petition Pursuant to Section 15.2-3106,  
et Seq, of the Code of Virginia, 1950, as Amended, to  
Approve the Agreement**

WHEREAS, The County of Montgomery and the Town of Blacksburg have entered into negotiations regarding a voluntary change of the boundary line between them for the purpose of incorporating within the Town four hundred and eight (408) acres of land located within a portion of the area generally referred to as the Mid-County area of Montgomery County, Virginia; and

WHEREAS, The incorporation of the four hundred and eight (408) acres into the Town will not adversely affect the ability of the County to meet the needs of its residents, both within and without the Town corporate limits; and

WHEREAS, In consideration of the incorporation of the four hundred and eight (408) acres, the Town has agreed, pursuant to the terms and conditions of certain utility agreements, to make public water and sewer available to certain unincorporated areas of the County which will assist in the orderly development of the areas that these utilities will serve; and

WHEREAS, The proposed changes of the boundary line between the County and the Town will further the interest of the Commonwealth of Virginia in promoting the orderly growth and the continued viability of its local governments; and

WHEREAS, The County and the Town are now prepared to enter into an agreement providing for the incorporation of such property into the Town.

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

- The Board of Supervisors of the County of Montgomery, Virginia, hereby approves the Boundary Line Adjustment Agreement Between the County of Montgomery and the Town of Blacksburg (the "Agreement"), a copy of which is attached hereto, and hereby authorizes and directs its Chairman, Joseph V. Gorman, Jr. to execute the Agreement on behalf of the County.
- The County Administrator and County Attorney are hereby directed to petition the Circuit Court of Montgomery County, Virginia to affirm and validate the Agreement and to establish the new boundary line between the County and the Town pursuant to Section 15.2-3106 et seq of the Code of Virginia, 1950, as amended.

IN WITNESS WHEREOF, The Board of Supervisors of the County of Montgomery, Virginia has caused this Resolution to be duly executed on its behalf by its Chairman and attested by its Clerk.

The vote on the foregoing motion was as follows:

AYE

Ira D. Long  
Mary W. Biggs  
Annette S. Perkins

NAY

Joe C. Stewart

ABSENT

James D. Politis

**BOUNDARY LINE ADJUSTMENT AGREEMENT BETWEEN THE  
COUNTY OF MONTGOMERY AND THE TOWN OF BLACKSBURG**

THIS AGREEMENT, is made and entered into this 26<sup>th</sup> day of May , 1998, by and between the County of Montgomery, Virginia, (“County”), a County of the Commonwealth of Virginia; and the Town of Blacksburg, Virginia, (“Town”), a municipal corporation of the Commonwealth of Virginia.

WHEREAS, the parties hereto have entered into negotiations regarding a voluntary change of the boundary line between the Town of Blacksburg and the unincorporated portion of the County for the purpose of incorporating within the Town approximately four-hundred (408) acres of land located within a portion of the area generally referred to as the Mid-County area of Montgomery County, Virginia; and

WHEREAS, the incorporation of the four-hundred (408) acres into the Town will not adversely affect the ability of the County to meet the needs of its residents, both within and without the Town corporate limits; and

WHEREAS, in consideration of the incorporation of the four-hundred (408) acres, the Town has agreed to (1) expand the Merrimac water service area and capacity, (2) to provide sewer capacity to the Price Mountain area, (3) to provide water and sewer capacity to the Jennelle Road-Yellow Sulphur Road area, (4) to expand the Warm Hearth water service Area and capacity; and to (5) transfer water customers, infrastructure and provide water capacity in the Route 114 water service area to the Montgomery County Public Service Authority; and

WHEREAS, these extensions of water and sewer by the Town will assist in the orderly development of the undeveloped areas of the unincorporated portions of the County that these utilities will serve; and

WHEREAS, the County and the Town intend to proceed pursuant to Sections 15.2-3106, et seq., of the 1950 Code of Virginia, as amended, to have the Circuit Court of Montgomery County order the requested boundary adjustment.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

**I. BOUNDARY ADJUSTMENT**

1.1. The County and Town agree that a new boundary line shall be established between the County and the Town to incorporate within the Town four-hundred and eight (408) acres located adjacent to the existing Town boundary within a portion of the area generally known as the Mid-County area of Montgomery County, Virginia. The area to be incorporated into the Town is shown more particularly on the map entitled “1998 Proposed Boundary Adjustment Between the Town of Blacksburg, Virginia, and the County of Montgomery, Virginia”, Dated 27 October 1997, a copy of which map is attached hereto as Exhibit “A” and made a part of this Boundary Adjustment Agreement. Hereafter, it is agreed that the Town of Blacksburg shall be responsible for water and sewer services within said new boundary. The owner of the Comfort Inn, Tax Map Parcel 67-8-1 shall have the right to elect to maintain his sewer service with the Town or transfer said sewer service to the Authority. This election shall be made no later than one year from the date of the effective boundary change.

1.2. The Town and the County shall divide evenly in the expense and share responsibility for providing the plat of the survey of the four-hundred and eight (408) acres in order that the plat may be attached to and incorporated in the petition to be filed by the parties with the Circuit Court of Montgomery County seeking an order approving the new boundary line.

## II. UTILITY SERVICE EXPANSION

2.1. The Town agrees to enter into an agreement with the Montgomery County Public Service Authority to expand the water service area within the unincorporated areas of Montgomery County, in the area known as the Merrimac Water Service Area to include the undeveloped portions of Merrimac and the Northern slope of Price Mountain. The expanded water service area is shown more particularly on the map entitled "Map Showing Expanded Merrimac Water Service Agreement Area", dated 27 October 1997, a copy of which map is attached hereto as Exhibit "B" and made a part of this Boundary Adjustment Agreement.

2.2. The Town agrees to enter into an agreement with the Montgomery County Public Service Authority and the County to create a new sewer service area within the unincorporated areas of Montgomery County, in the area known as the Price Mountain Sewer Service Area to include the undeveloped portions of the Northern slope of Price Mountain. The new sewer service area is shown more particularly on the map entitled "Map Showing New Price Mountain Sewer Service Agreement Area", dated 27 October 1997, a copy of which map is attached hereto as Exhibit "C" and made a part of this Boundary Adjustment Agreement.

2.3. The Town agrees to enter into an agreement with the Montgomery County Public Service Authority to expand the water service area within the unincorporated areas of Montgomery County, in the area known as the Warm Hearth Water Service Area to include additional undeveloped portions of the Warm Hearth development. The expanded water service area is shown more particularly on the map entitled "Map Showing Expanded Warm Hearth Water Service Agreement Area", dated 27 October 1997, a copy of which map is attached hereto as Exhibit "D" and made a part of this Boundary Adjustment Agreement.

2.4. The Town agrees to enter into an agreement with the Montgomery County Public Service Authority and the County to create a new water and sewer service area within the unincorporated areas of Montgomery County, in the area known as the Jennelle Road and Yellow Sulphur Road Water and Sewer Service Area. The new water and sewer service area is shown more particularly on the map entitled "Map Showing Jennelle Road and Yellow Sulphur Road Water and Sewer Service Area", dated 27 October 1997, a copy of which map is attached hereto as Exhibit "E" and made a part of this Boundary Adjustment Agreement.

2.5. The Town agrees to enter into an agreement to transfer to the Montgomery County Public Service Authority the Town's Route 114 Corridor Water Service Area, including all the infrastructure and customer base located in the area and to provide additional water capacity to the Route 114 Corridor Service area. The area to be transferred is shown more particularly on the map entitled "Map Showing Transferred Route 114 Corridor Water Service Area", a copy of which map is attached hereto as Exhibit "F" and made a part of this Boundary Adjustment Agreement.

## III. COURT APPROVAL

3.1. Pursuant to section 15.2-3108 of the 1950 Code of Virginia, as amended, the Town and the County shall promptly petition the Circuit Court of Montgomery County to have their common boundary line changed as agreed herein.

3.2. Each party agrees to perform any and all requirements of Section 15.2-3107 of the 1950 Code of Virginia, as amended, which may be necessary to accomplish the agreed upon boundary change. The parties agree that each locality shall bear its own cost of publication of the notices required by Section 15.2-3107 of the 1950 Code of Virginia, as amended.

3.3. The new boundary line shall become effective at 12:01 a.m. eastern time on July 1, 1998. In the event the final court order providing for this change of boundary has not been entered by 12:01 a.m. eastern time July 1, 1998, then the new boundary line shall become effective at midnight on the last day of the month in which a final order has been entered by the Circuit Court of Montgomery County or other Court on final appeal.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date written above.

County of Montgomery, Virginia

By: \_\_\_\_\_  
J. V. Gorman, Jr., Chairman

Attest:

\_\_\_\_\_  
Clerk

Town of Blacksburg, Virginia

By: \_\_\_\_\_  
Roger E. Hedgepeth, Mayor

Attest:

\_\_\_\_\_  
Clerk

STATE OF VIRGINIA,  
CITY/COUNTY OF MONTGOMERY, to-wit:

The foregoing instrument bearing date of \_\_\_\_\_, 19\_\_, was acknowledged before me this \_\_\_\_, day of \_\_\_\_\_, 1998, by \_\_\_\_\_.

My commission expires:

\_\_\_\_\_  
Notary Public

STATE OF VIRGINIA,  
CITY/COUNTY OF MONTGOMERY, to-wit:

The foregoing instrument bearing date of \_\_\_\_\_, 19\_\_, was acknowledged before me this \_\_\_\_, day of \_\_\_\_\_, 1998, by \_\_\_\_\_.

My commission expires:

\_\_\_\_\_  
Notary Public

**Remove from Table-Comprehensive Water and Wastewater Study**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the Comprehensive Water and Wastewater Study is hereby **removed from the table.**

The vote on the foregoing motion was as follows:

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

**Montgomery County Water and Wastewater Study (1993)**

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

WHEREAS, An update of the Montgomery County Comprehensive Water and Wastewater Study (1993) was completed by Anderson & Associates and approved by the Board of Supervisors by resolution of November 21, 1994; and

WHEREAS, Subsequent to this study other water and sewer projects are completed or in the final engineering design stage including:

**WATER PROJECTS**

Route 114/Belview Waterline  
(Agreement with Blacksburg)

Price Mountain/Oil Well Road Waterline  
(Agreement with Blacksburg)

Mud Pike/Woodview Waterline  
(Agreement with Christiansburg)

Falling Branch Waterline Extension  
(Agreement with Christiansburg)

Smart Road/Jennelle Road Waterline  
(Agreement with Blacksburg)

Alleghany Springs Water System  
(Completed-In Operation)

Bethel/RCH Waterline  
(Completed-In Operation)

Route 603/Lafayette Waterline  
(Completed-In Operation)

Riner Water Well & Tank  
(In Design Phase)

Prices Fork/Longshop McCoy  
Water System Improvements Plan  
Montgomery County PSA-RAAP Water Upgrade  
(Feasibility Review)

**SEWER PROJECTS**

I-81 Lancer Sewer Line  
(Completed-In Operation)

Shawsville STP Expansion  
(Completed-In Operation)

Riner STP Expansion  
(In Design Phase)

Bethel Regional STP  
(Feasibility Review)

Bethel/RCH Sewer System  
(Completed)

Falling Branch Sewer Line  
(Agreement with Christiansburg)

Upper Slate Branch/Hightop  
Sewer Line(This line would  
eliminate the need for  
Midway/Lagoon sewer pump  
station)

Belview Sewer System  
(In Design Phase)

Price Mountain Sewer Line  
(Agreement with Blacksburg)

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County directs the Planning Commission to amend the Comprehensive Plan to include the 1993 Water and Wastewater Study and the subsequent projects listed above.

The vote on the foregoing motion was as follows:

**AYE**

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

**NAY**

None

**ABSENT**

James D. Politis

**Elliston Site School-Final Construction Plans**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery, County Virginia that the Montgomery County School Board is hereby authorized to proceed with final construction plans/drawings for the Elliston Site High School; said plans/drawings are to be suitable for bid documents.

BE IT FURTHER RESOLVED, Upon completion of the documents, the Montgomery County School Board is authorized to proceed with the solicitation of construction bids.

The vote on the foregoing motion was as follows:

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

**NEW BUSINESS**

**Auburn Hills Estate**

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

WHEREAS, Auburn Hills Estates consists of 30 lots located off Riner Road (State Route 8) and has been found to be in compliance with the Auburn Hills Golf Club LLC Master Plan dated February 19, 1997 and with the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby (1) find that the sewer availability agreement between Auburn Hills Golf Club LLC and the Montgomery County Public Service Authority satisfies Proffer #1 of Ordinance 1997-8 for the first thirty lots of Auburn Hills Estates (Draper Aden Associates Plan No. T-7533), Riner Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

The vote on the foregoing motion was as follows:

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

**BOARD MEMBERS' REPORT**

Supervisor Stewart stated that his grandson had put a bid in on the cutting of hay at the Elliston Site High School. He stated he was told by the County Attorney that this was a potential conflict of interest since his grandson works with him and he is a member of the Board. Mr. McMahon, County Attorney, indicated generally that Mr. Stewart was advised not to be involved directly or

indirectly with any County contracts and that the specifics of the conversation should stay confidential between Supervisor Stewart and himself.

Supervisor Biggs Planning Commission met on May 20, 1998 and several items were discussed. The Turman Lumber rezoning request was tabled until the June 10, 1998 meeting. The Shawsville rezoning request has to start the public hearing process over due to notification error to property owners. The Capital Improvement Plan was passed by the Planning Commission with a question concerning the Miner's Park. A meeting was scheduled for June 17, 1998 with the Radford Planning Commission concerning the proposed Comprehensive Plan amendment for the I77 Corridor.

Supervisor Biggs attended the School Board meeting on May 19, 1998, discussion was held on the starting times for kindergarten and elementary school, no action was taken for the upcoming year. Also the 1998-99 operating budget was passed and Supervisor Biggs has available the estimated projections of student enrollment and teacher placement for next year.

Supervisor Biggs attended the VACo's Education Steering Committee on 5-15-98. Dr. Paul Stapleton, State Superintendent of Public Instruction was the guest speaker. Dr. Stapleton would like to set up Best Practices' Center in 3 or 4 regions of the state so the Department of Education would not be in Richmond but in the localities. Dr. Stapleton also believes the Department of Education needs to be updated in technology, all localities should be in line with each other. Mr. Stapleton believes strongly in academics but also sees a need for vocational and technical education. Supervisor Biggs stated that Dr. Stapleton's accomplishments for the first six weeks on the job (Dr. Stapleton's view) were flat grant money for teacher training for S.O.L instruction with no mandates attached to money and school construction fund formula.

Supervisor Rush Regional Industrial Park will be drafting the by-laws and will have them available at the next meeting on June 11, 1998.

Chairman Gorman Smith Creek Intersection, horticultural obstructions are covered under County Code and not State Code. Also, Chairman Gorman stated that the Price's Fork Township is being publicized and asked the County Attorney to review all reports for the Board.

### **INTO EXECUTIVE SESSION**

On a motion by Joe C. Stewart, seconded by Annette S. Perkins 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 Appointment of Personnel |
|                     | 1.  | Planning Commission                    |

The vote on the foregoing motion was as follows:

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

### **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.

The vote on the foregoing motion was as follows:

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

### CERTIFICATION OF EXECUTIVE SESSION

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

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

#### NAYS

None

#### ABSENT DURING VOTE

James D. Politis

#### ABSENT DURING MEETING

James D. Politis

### APPOINTMENTS

#### Planning 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 hereby reappoints **L. Richard Daub** to the Planning Commission, effective June 1, 1998 and

expiring May 31, 2002.

The vote on the foregoing motion was as follows:

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

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 reappoints **H. Ray Alcorn** to the Planning Commission, effective June 1, 1998 and expiring May 31, 2002.

The vote on the foregoing motion was as follows:

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

#### **Planning Commission-Establish Additional Position**

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 establishes one (1) additional at-large position on the Montgomery County Planning Commission, for a total of ten (10) at-large members.

The vote on the foregoing motion was as follows:

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

#### **ADJOURNMENT**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Board adjourned to Monday, June 8, 1998 at 7:30 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 8:45 p.m.

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ATTEST

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CHAIRMAN

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COUNTY ADMINISTRATOR