

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY  
COUNTY, VIRGINIA HELD ON THE 13<sup>th</sup> DAY OF JULY, 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	
	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

**CALL TO ORDER**

Chairman Gorman called the meeting to order.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**DELEGATION**

**New River Community Action**

Michelle Bouchard presented the annual New River Community Action (NRCA) report to the Board of Supervisors. The NRCA has been serving the New River Valley since 1965 and the mission of the NRCA is to assist individuals and communities as they strive to achieve self-sufficiency. The NRCA served a total of 10,319 unduplicated individuals and provided over 201,187 units of service to the New River Valley during the Program Year July 1, 1996 to June 30, 1997. Some of the services offered by NRCA are the Head Start and Virginia Preschool Initiative Programs, Self-Help and Resource Exchange (SHARE), Retired Senior Volunteer Program (RSVP), Day Camp, and the Emergency Assistance Programs. Ms. Bouchard thanked the Board of Supervisors and Montgomery County for their continued support of the New River Community Action.

**PUBLIC ADDRESS SESSION**

Mark Stewart requested that the Board find a solution to rezone his property on Barn Road, from residential to general business, which is near the new Radford Hospital. Mr. Stewart said his property is currently zoned as residential and therefore prohibiting him to salvage what he can out of his property. The land that lays across the road from his property has a Special Use Permit allowing the land to be used for business purposes.

Juanita Simpson, resident of Price's Fork, spoke in opposition of the Prices Fork Incorporation. Mr. Simpson said that the incorporation of a new town would be expensive and it would be the residents of Price's Fork who would pay. Ms. Simpson said they would have to pay double taxes, pay salaries to Town employees, etc. Ms. Simpson stated that Price's Fork should remain within the County and opposes the incorporation of a town.

Sara Wall, spoke in opposition of the Prices Fork Incorporation. Ms. Wall said they have

operated a farm for generations and would like for it to remain in the County.

Richard Sullivan, spoke in opposition of the Price's Fork Incorporation. Mr. Sullivan turned in a petition to the Board with 237 signatures opposing the incorporation of Price's Fork. Mr. Sullivan stated that the County provides many services to the Price's Fork community, such as police service, fire and rescue, schools, water, and solid waste collections. Mr. Sullivan said that all these services would be expensive and that the Town could not support itself.

Blane Keese, Gay Engineering, representing William Flinchum's request for rezoning and special use permit, said that the Flinchum's have operated their business on Panorama Drive for thirteen years. Mr. Keese said that only equipment will be stored on the property and this is similar to any other storage facility located through-out the County. Mr. Keese stated that the Planning Commission has found that Mr. Flinchum's request is not in violation of the Comprehensive Plan and asked that the Board to vote in favor of the rezoning request.

Harold Dudley, resident of Price's Fork spoke in opposition of the Price's Fork Incorporation. Mr. Dudley said that there is no need to have another government body and turning Price's Fork into a town is a bad idea. He said in the future that annexation with the Town of Blacksburg is a possibility but hopes he never sees this. He asked that the Board continue their opposition of the Price's Fork Incorporation.

Karen Thornton, Draper Aden, spoke in support of the Orchards Phase II-A Subdivision. The Subdivision will consist of 11 lots on Cherry Lane and every detail has been seen to. They have VDOT's approval for the road and there is public water and sewer available. She asked that the Board approve the signing of the final plat for the subdivision. This matter is listed under the Consent Agenda for consideration by the Board.

### **Price's Fork Incorporation**

The following letter was read into the record by the Chairman of the Board of Supervisors.

“To: Montgomery County Board of Supervisors

From: Glen Salisbury  
3129 Hillman Lane  
Blacksburg, Va 24060

Subject: Incorporating the Price's Fork District of Montgomery County

I am sorry I could not be present to speak tonight, but I'm attending a funeral today, in the state of Missouri, of my sister, who passed away.

I would like to take this opportunity to ask everyone to be very cautious before opening a can of worms, they can not get the lid back on.

I moved to Montgomery County in 1968 after being released from the U.S. Army, I lived in Blacksburg for two years, when I could afford to buy a home I chose the Price's Fork area, because it was in the County, and I would not have but one local government to support financially.

I have lived here for 30 years except 2 short bouts when I moved away for my employment.

I have found Montgomery County to be concerned about it's citizens.

I have never been talked to by anyone about my land being incorporated. As a matter of fact I only found out, a few short weeks ago that this was in the making, since then I have asked several residents what they thought, and most of them had not heard of it either. The ones that had heard, did not like the idea.

I do not want to be taxed, to pay for a Town Hall, pay salaries for a mayor, town manger, town attorney, and all the other salaries and expenses that go along with running a town. I am for less government, not more government.

The national trend is doing the exact opposite, small towns across America are abandoning their townships, and going back to Counties because it is so much more economical and efficient.

I think before we do something like this, someone better show where the economics and efficiency lies and make sure this is not being done by a few, that is being misled by others, that is looking for a way to gain power or line their pockets, for another national trend that has gone on way too long in this county is to fool the working taxpayers into paying for what they want to accomplish for themselves.

I pray that everyone concerned takes a long hard look at what is happening and ask why it is happening and who will benefit and who will pay the bills. Please don't let something be railroaded through that most citizens don't want and don't even know about.

Thank you for your time. I would be glad to speak to anyone that wants to call me at 961-6545.

Glen O. Salisbury (s)"

### **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Consent Agenda dated July 13, 1998 was approved. The vote as a s follows:

#### **AYE**

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

#### **NAY**

None

### **Approval of Minutes**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Minutes of June 8, 1998 were approved.

### **Appropriations and Transfers**

#### **Human Services**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors of Montgomery County, Virginia that the General fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

170	Human Services	\$8,350
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The source of the funds for the foregoing appropriation is as follows:

#### **Revenue Account**

2404-14	Delinquency Prevention Grant	\$8,350
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FURTHER, BE IT RESOLVED, That a transfer is hereby authorized as follows:

*July 13, 1998*

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FROM:  
430 Comprehensive Services Act (\$7,800)

TO:  
170 Human Services \$7,800

Said resolution appropriates additional grant monies and transfers funds from the Comprehensive Services Act budget to centralize funds to support the Secretary C position in Human Services.

**Human Services - Transfer of Funds from Financial and Management Services**

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

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

FROM:  
130 Financial and Management Services (\$6,788)

TO:  
170 Human Services \$6,788

Said resolution transfers funds to provide sufficient funds to maintain the salary of a County employee who transferred from the Financial and Management Services Department to the Human Services Department.

**Reassessment**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

250 Reassessment/Equalization \$295,526

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

Revenue Account  
7000-16 Designated General Fund Balance \$295,526

Said resolution re-appropriates unspent FY 98 funds to cover remaining estimated costs of the 1999 General Reassessment.

**New River Valley Economic Development Alliance: Transfer from Special Contingencies**

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

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

FROM:  
560 Special Contingencies (\$25,000)

TO:  
450 Other Agencies  
NRV Economic Development Alliance \$25,000

Said resolution transfers funds from Special Contingencies to allow a contribution to the

**Treasurer's Office: Transfer from Contingencies**

On a motion by Mary W. Biggs, seconded by James D. Politis 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 (\$1,714)

**TO:**

240 Treasurer: Tax Collections \$1,714

Said resolution transfers funds to the Treasurer's Office to support the costs of providing self-addressed envelopes with tax tickets.

**Re-appropriation of CIP Projects**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

923	School Trigon Proceeds	\$ 730,718
941	PSA - Capital/Riner School Water System	\$ 638,786
942	Expanded Animal Control Facilities	\$ 25,000
943	Price's Fork Bike Lane	\$ 30,000
946	Plum Creek Park	\$ 12,184
948	School CIP Projects	\$ 300,621
955	Huckleberry Trail	\$ 27,280
956	Elliston/Lafayette Park	\$ 201,667
959	Elliston VFD	\$ 20,000
960	Shawsville Branch Library	\$ 55,000
961	Joint Automation Plan	\$ 612,163
963	Library Renovation	\$ 8,712
964	Swimming Pool Decks	\$ 8,599
978	Longshop/McCoy VFD	\$ 150,000
979	Elliston Bridge	\$ 22,197
980	Facilities Study	<u>\$ 63,335</u>
	Total	\$2,906,262

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

**Revenue Accounts:**

7000-16	Designated Fund Balance	\$2,607,459
2404-46	Huckleberry Trail Grant	\$ 287,915
3301-11	Library Construction Grant	<u>\$ 10,888</u>
	Total	\$2,906,262

Said resolution appropriates the available account balances and anticipated revenue for CIP projects. These balances exclude encumbrances which will be reappropriated through a

second resolution to carry forward funds which support open purchase orders.

FURTHER BE IT RESOLVED, That the School Construction Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 1999 for the function and in the amount as follow:

988	New Riner Elementary School (VPSA 1997I)	\$ 622,763
	VPSA	\$ 49,687
	Interest Subsidy	\$573,076
993	School Construction (VPSA 1998A)	<u>\$5,295,468</u>
	Total	\$5,918,231

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

Revenue Account

7000-19	School Construction Fund Balance	\$5,918,231
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**Re-appropriation of Grants**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

<u>510</u>	<u>Grants</u>	
3108	Selective Traffic Enforcement	\$ 4,301
3111	DARE Program	\$ 1,190
3113	DCJS Crime Prevention Program	\$ 9,409
3114	Incident Based Reporting System	\$ 114
3309	Church Arson Prevention Grant	\$ 200
3310	Local Law Enforcement Grant	\$ 6,437
3314	V-Stop Grant	\$ 17,788
3315	VA Juvenile Crime Control	\$ 3,618
4101	CDBG	\$699,662
8103	FEMA Recoveries	\$ 1,051
8126	Emergency Watershed Protection Program	<u>\$ 4,696</u>
	Total 510 Grants	\$748,466
<u>170</u>	<u>Human Services</u>	
5310	RSVP-Reading Rangers Program	<u>\$ 11,400</u>
	Grand Total	\$759,866

Sources of funds for the foregoing appropriation are as follows:

Revenue:

7000-32	Designated Fund Balance Grants	\$ 13,751
7000-00	Designated Fund Balance Grants	\$ 11,400
2404-28	Selective Traffic Enforcement	\$ 2,000
2404-54	Community Policing Grant	\$ 1,256
2404-56	V-Stop Grant	\$ 31,459
3203-00	CDBG	<u>\$700,000</u>
	Total	\$759,866

Said resolution appropriates those grants for which balances are known. Re-appropriated balances are needed to cover the payment of invoices received and the refund of unexpended monies.

**Re-Appropriation of Encumbrances**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

100	Board of Supervisors	\$ 1,961
110	County Administration	\$ 3,233
130	Financial and Management Services	\$ 7,403
131	Information Management Services	\$ 1,251
140	Economic Development	\$ 698
151	Solid Waste Collections	\$ 2,639
160	Planning and Inspections	\$ 4,308
170	Human Services	\$ 600
171	Parks and Recreation	\$ 5,143
220	Commissioner of Revenue - 100% County	\$ 167
230	Treasurer	\$ 4,616
240	Treasurer - 100% County	\$ 7,929
420	Library	\$ 55,057
421	Floyd Library	\$ 9,640
430	Human Services	\$ 705
440	Fire and Rescue	\$ 6,843
450	Other Agencies - Extension	\$ 1,386
510	Grants - VA Juvenile Community Crime Control Act	\$ 1,111
540	Internal Services	\$ 1,893
946	Plum Creek Park Project	\$ 13,985
955	Huckleberry Trail	\$121,166
958	Blacksburg VFD-Equipment for Tahoe	\$ 401
961	Joint Automation Plan	\$ 12,325
	Total	\$264,460

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

**Revenue Account**

7001-00	Designated General Fund Balance	\$143,294
2404-46	Huckleberry Trail	<u>\$121,166</u>
	Total	\$264,460

FURTHER BE IT RESOLVED, That the Law Library Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 1999 for the function and in the amount as follow:

990	Law Library	\$3,904
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The source of funds for the foregoing appropriation is as follows:

**Revenue:**

7000-30	Law Library Fund Balance	\$3,904
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**Virginia Juvenile Community Crime Control Act**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

510	Grants	\$140,404
	Virginia Juvenile Community Crime Control Act (VJCCCA)	

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

<u>Revenue Account</u>		
2404-12	VJCCCA	\$140,404

Said resolution appropriates Montgomery County's estimated allocations received from the Juvenile Community Crime Control Act.

**Victim Witness Grant**

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

510	<u>Grants</u>	
	Victim Witness	\$102,259

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

<u>Revenue Account</u>		
2404-23	Victim Witness Grant	\$102,259

Said resolution appropriates the Victim Witness Grant funds.

**Appropriation Adjustment: Social Services**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation reduction to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

410	Social Services	(\$130,519)
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
240102	Public Assistance Payments	(\$130,519)

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

FROM:

560	Special Contingencies - Public Assistance	(\$ 4,782)
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TO:

410	Social Services	\$ 4,782
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Said resolution adjusts the FY 1998-99 appropriation to match local mandates within the state approved budget for the Department of Social Services and transfers funds from Special

Contingencies established to provide matching funds for local public assistance mandates.

**Floyd Library Appropriation**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999 for the function and in the amount as follows:

421	Floyd Library	\$147,251
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The source of funds for the foregoing appropriation is as follows:

**Revenue Account**

1615-07	Floyd County Reimbursement	\$110,058
1615-11	Town of Floyd Contribution	\$ 1,000
2404-09	State Library Grant	<u>\$ 36,193</u>
	Total	\$147,251

Said resolution provides the appropriation for the operation of the Floyd Library with Floyd residents and the state providing the funding.

**Fire Apparatus - Pumper Tanker -Longshop/McCoy VFD**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order for a pumper tanker for Longshop-McCoy Volunteer Fire Department to **KME Fire Apparatus**, of South Boston, Virginia for \$330,000. This purchase was competitively bid under the terms of IFB #98-32.

**Procurement of Communication Equipment-Board of Supervisors**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the purchase of computer equipment for each Board Member who lacks such equipment in order to improve communications via fax or E-mail access.

**Request for a Speed Study on Blue Springs Road (SR 613,620,693, and 710)**

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia has received a request from concerned citizens for posting a reduced speed limit on a portion of Blue Springs Road ( State Route 693, Route 613 and Route 620 and Route 710) for five miles.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct speed studies on said roads to determine feasibility of posting a reduced speed.

**County Primary And Secondary Road Fund Revenue Sharing**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the use of surplus funds from the County Primary and Secondary Road Fund Revenue Sharing for the road improvements to Route 11 for safe access to the new Elliston Site High School for additional road projects in the County.

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

#### **Discontinue Street Name-Morris Road**

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

WHEREAS, Morris Road is a private street off Blue Springs Road (State Route 620) that was named by Montgomery County by resolution of November 28, 1989; and

WHEREAS, The landowners, Chester and Wynnell York, have advised the county of their intent to prohibit access to Morris Road by others effective July 13, 1998 and requested that the county discontinue the name of Morris Road.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that, after duly considering said request, the Board discontinued the name of Morris Road.

#### **The Orchards Phase II-A- Final Plat**

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

WHEREAS, The Orchards Phase II-A consists of 11 lots located on Cherry Lane and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners' association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of The Orchards Phase II-A has agreed that said responsibility shall be assumed by the homeowners' association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of The Orchards Phase II-A (Draper Aden Associates JN 7645-01), Mt. Tabor Magisterial District, including the stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association.

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

### **Bonus for Sheriff's Deputies**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby defers action on a resolution to approve a \$500 bonus for sworn deputies and dispatchers in the Sheriff's Office until the July 27, 1998 meeting.

### **Professional Services Agreement Between the County and SCS Engineers**

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

WHEREAS, Montgomery County desires to hire an engineering firm to provide the County with a peer review of certain engineering work completed at the Mid-County Landfill and to advise the County as to quality of work provided; and

WHEREAS, SCS Engineers and the County have agreed upon a contract and attached scope of work to review certain engineering work at the Mid-County Landfill.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to execute a contract on behalf of the County with SCS Engineers, to provide a peer review of certain engineering work done at the Mid-County Landfill in accordance with the agreed upon contract and scope of work.

### **Planning Commission -2232 Review**

#### **Riner Elementary, Elliston Site School, Belview Sewer Project, Riner Water & Sewer Project, Merrimac Solid Waste Collection Site, Huckleberry Trail**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Riner Elementary School site, the Elliston Site High School, the Belview Sewer Project, the Riner Water & Sewer Project, the Merrimac Solid Waste Collection Site and the Huckleberry Trail are hereby referred to the Planning Commission for review and discussion of the compliance or non-compliance of the proposed public use of the property with the County's adopted Comprehensive Plan in accordance with Section 15.1-2232 of the Code of Virginia, as amended.

### **Amend Policy on Construction, Establishment or Authorization of Public Buildings, Structures, Facilities or Areas**

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby amends and re-establishes the policy that was enacted by the Board on June 8, 1998 for Planning Commission review of any public building, structure, facility or area prior to its construction, establishment or authorization in accordance with Section 15.2-2232 of the Code of Virginia, 1950, as amended as follows:

1. Following the execution of an option agreement for such buildings, structures, facilities or areas by the Board of Supervisors, the Board shall refer the matter to the Planning Commission.
2. For any proposed site, buildings, structures, facilities or areas owned by other public bodies, including, but not limited to, the PSA, the School Board, the Montgomery-Floyd Regional Library Board, Montgomery Regional Solid Waste Authority, the Blacksburg-VPI Sanitation Authority, the Blacksburg-Christiansburg, VPI Water Authority and the

Commonwealth of Virginia and its agencies, the Board of Supervisors shall ensure that these projects likewise are referred to the Planning Commission for 2232 Review prior to being established or constructed in the County.

3. The Planning Commission will review the property in open session and discuss the compliance or non-compliance of the proposed public use of the property with the County's adopted Comprehensive Plan. The Planning Commission may, and at the direction of the Board of Supervisors shall, hold a public hearing as part of their review process.
4. The Planning Commission will then make a report to the Board of Supervisors on the compliance or non-compliance with the Comprehensive Plan.
5. If the proposed property use is not in compliance with the Comprehensive Plan, the Planning Commission may recommend that the Comprehensive Plan be amended.

### **Authorization to Fill Positions**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors the County Administrator is authorized to fill the following positions:

- Secretary C-Purchasing
- Outdoor Recreation Supervisor-Parks and Recreation
- Laborer-Buildings & Grounds

### **Resolution of Appreciation-Planning District Commission-John Patterson**

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

**WHEREAS, John Patterson** faithfully served as a member of the Montgomery County Planning District Commission from August 1995 to June 1998; and

**WHEREAS,** The County recognizes the excellent and dedicated service that **John Patterson** has rendered the citizens of Montgomery County.

**NOW THEREFORE, BE IT RESOLVED,** That the Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **John Patterson**.

**FURTHER,** That the original of this resolution be presented to **John Patterson** and that a copy be part of the official minutes of Montgomery County.

### **Resolution of Appreciation -Ronald A. Secrist-Blacksburg Tow Manager**

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

**WHEREAS, Ronald A. Secrist** has faithfully served as Town Manager of Blacksburg since 1989; and

**WHEREAS, Ronald A. Secrist** has served local government with dedication for over 20 years; and

**WHEREAS, Ronald A. Secrist** has served as a member of the International City/County Management Association; and

**WHEREAS, Ronald A. Secrist** has served on the Executive Board of the Virginia Local Government Management Association; and

**WHEREAS, Ronald A. Secrist** was Blacksburg Town Manager in 1993 when the Town was awarded the U.S. Senate Productivity Award for Virginia and when the Town was selected as one of two communities honored by the Virginia Municipal League for the President's Award for Entrepreneurial Government; and

**WHEREAS, Ronald A. Secrist** has worked diligently to promote regional cooperation and enhance Town and County relations for the mutual benefit of all citizens; and

**WHEREAS, Ronald A. Secrist** has contributed in the efforts to enhance economic development while promoting a superior quality of life for all citizens; and

**WHEREAS, Ronald A. Secrist** has demonstrated a superior commitment to public service;

**NOW THEREFORE BE IT RESOLVED** That the Board of Supervisors of Montgomery County, Virginia, on behalf of its entire citizenship, extends a unanimous vote of appreciation and gratitude to **Ronald A. Secrist**.

**FURTHER, BE IT RESOLVED**, That the original of this resolution be presented to **Ronald A. Secrist** and that a copy be a part of the official minutes of Montgomery County.

## **OLD BUSINESS**

### **Rezoning Request**

**-Edwin B. Fast (Agent: Draper Aden Associates)** request to rezone 0.666 acre from A-1 (Agriculture) to R-1 (Residential); a portion of Tax Parcel No. 52-A-25 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. The Comprehensive Plan designates this area as Agricultural.

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

## **ORDINANCE 1998-16**

### **An Ordinance amending or changing the zoning classification of 0.666 acre from A-1 (Agriculture) to R-1 (Residential).**

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 0.666 acre of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture) to R-1 (Residential).

This action was commenced upon the application of Edwin B. Fast.

These tracts or parcels of land are identified as being property shown as a portion of Tax Parcel No. 52-A-25 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.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance is as follows:

AYE

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

NAY

None

Rezoning Request

**-Stratford Group, Inc. (Agent: Draper Aden Associates)** request to rezone 0.936 acre from R-1 (Residential) to A-1 (Agriculture); a portion of Tax Parcel No. 52-A-22 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. The Comprehensive Plan designates this area as Agricultural.

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

**ORDINANCE 1998-17**

**An Ordinance amending or changing  
the zoning classification of 0.936 acre  
from R-1 (Residential) to A-1 (Agriculture).**

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 0.936 acre of land is hereby changed, amended and rezoned from the zoning classification of R-1 (Residential) to A-1 (Agriculture).

This action was commenced upon the application of Stratford Group, Inc.

These tracts or parcels of land are identified as being property shown as a portion of Tax Parcel No. 52-A-22 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.

This ordinance shall take effect upon adoption.

The vote on foregoing ordinance was as follows:

AYE

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

NAY

None

Comprehensive Plan Amendment

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

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Comprehensive Plan is hereby amended as follows:

Replace the existing "Falling Branch Community" discussion on pages 43, 43A and 43B with a new discussion "Proposed Amendment for the Falling Branch Section of the Montgomery County Comprehensive Plan" dated 4/20/98.

The vote on the foregoing motion was as follows:

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

#### **Use of School Construction Grant**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

991	School Operating/Debt Service	\$212,103
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The source of the funds for the foregoing appropriation is as follows:

#### Revenue Account

7000-00	Undesignated Fund Balance	\$212,103
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FURTHER, 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, 1999, for the function and in the amount as follows:

987	Elliston Site High School Construction	\$456,086
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The source of the funds for the foregoing appropriation is as follows:

#### Revenue Account

2402-39	School Construction/State	\$456,086
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Said resolution appropriates surplus dollars remaining from the School Operating Fund in FY 98 to cover debt service and restores the School Construction Grant to the full amount provided by the State for construction

The vote on the foregoing motion was as follows:

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

**Virginia's First Regional Industrial Facilities Agreement**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby adopts the agreement creating Virginia's First Regional Industrial Facilities Authority and hereby authorizes the Chairman to sign said agreement.

The vote on the foregoing motion was as follows:

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

**NEW BUSINESS**

**Solid Waste Collection Sites**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby instructs the County Administrator to obtain a 2232 review of the 1.909 acres located off Route 719 in the Merrimac area as a County Solid Waste Collection Site; and

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the purchase of 1.909 acres from Milton Kipps and William Tuck located off Route 719 for the use of a Solid Waste Collection Site in the Merrimac area once the site is approved pursuant to 2232 review and Phase I Environmental Assessment; and

FURTHER, That it is the intent of the Board of Supervisors to re-appropriate \$22,000 from the General Contingencies balance remaining from FY 97/98 in the escrow process to restore \$22,000 to the FY 98-99 General Contingencies account for the purpose of purchasing land and related costs for the Merrimac Solid Waste Collection Site; and

FURTHER, That a transfer is hereby authorized as follows:

FROM:		
550	General Contingencies	(\$22,000)
TO:		
969	CIP-Merrimac Greenbox Site	\$22,000

FURTHER, The County Administrator is hereby authorized to negotiate with the property owner for a parcel of land in the Plum Creek Area of Montgomery County for a Solid Waste Collection Site; and

FURTHER, That the results of the negotiations be forwarded to the Board of Supervisors.

The vote on the foregoing motion was as follows:

AYE

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

NAY

Joe C. Stewart

**COUNTY ADMINISTRATOR'S REPORT**

VDOT Urban Plan- The County Administrator asked the Planning Director to give a report on this subject. The Planning Director said that Virginia Department of Transportation is starting its process on developing their urban plan for next year. In the past they only developed a plan for the Town of Blacksburg and the Town of Christiansburg. This year VDOT would like to include Montgomery County in the plan. The Board will need to send a letter expressing their interest to have a separate plan for the County to VDOT.

Huckleberry Trail- The Planning Director said that they are on the last stages of construction for the final phase of the trail. The first part of the construction is being done by a private contractor while the last part of the construction is being done by the Town of Christiansburg. A portion of the trail should be open in 2-3 weeks. The last portion of the trail is being held up due to getting the necessary easements from the New River Valley Mall for the right-of-way for the trail.

The County Administrator introduced Mr. Dan Berenato , Public Facilities Director for the Montgomery County Public Schools. The County Administrator welcomed Mr. Berenato to the County.

Christiansburg Downtown Development Partnership- The County Administrator attended a meeting last week along with Lance Turnpenney from the Town of Christiansburg. This meeting was a follow-up from the public meeting to get ideas from the citizens on the Christiansburg Downtown Development Program. The Christiansburg Downtown Development Partnership will be applying for an ISTE A grant which is federal money for renovation and development. The County Administrator said he will keep the Board informed on the progress of the Christiansburg Downtown Development Partnership.

Thompson Landfill-The County Administrator reported that there is possibly a need for a ground monitoring system at the Thompson Landfill. A number of questions needs to be answered before the next step is taken for the post-closure of the Landfill. The County Administrator said that a guideline must be develop for containments in the Landfill, need to find areas where waste was put, and the well casing system needs re-surveyed. The Thompson Landfill has to have excellent quality control and assurance.

**BOARD MEMBERS' REPORTS**

Supervisor Rush- Mr. Rush asked if the Board could review the I77 agreement to see if there was anything they could do to help Mr. Mark Stewart with his property located in the I77 area to get it rezoned more quickly. Mr. Rush said that Mr. Stewart has been patient for a long time and understands there is steps that need to be taken when requesting rezoning, but it seems that Mr. Stewart is at a stand still due to the I77 agreement. Mr. Rush requested that the Planning Director review the case and report back to the Board with a recommendation.

Supervisor Perkins- Economic Development Commission has set a date for their retreat, it will be

held August 27, 1998, 8 a.m. to 12 p.m. The retreat is for the discussion for the future operation of the Economic Development Commission and the direction they want to take.

Supervisor Perkins said she attended the Planning District Commission with Chairman Gorman and Chairman Gorman received a certificate for his service on the Planning District Commission and wanted to congratulate him.

Supervisor Stewart- Supervisor Stewart requested the petitions that the Board receives include addresses of the citizens signing them. Also Supervisor Stewart requested that the County Administration contact VDOT about the orange cones set up at the construction sites on Rt. 460 and Rt 11. The cones are set up where vehicles cannot go through them and this can be dangerous.

Supervisor Stewart said that he would like to see a Farmer's Market in Christiansburg. He said that all the surrounding localities have a Farmer's Market and that it would be nice if there was one in Christiansburg. The County Administrator stated that the idea of a Farmer's Market was discussed during the Christiansburg Downtown Development Partnership meeting and it was very favorable.

Supervisor Politis -Supervisor Politis said two items of concern have been taken care of on the Consent Agenda, the speed study on Blue Springs Road and the removal of the Morris Road as County road. Supervisor Politis said he received a letter from Shelor Automotive Group requesting to speak to the Board concerning the Merchants Capital Tax. The Chairman suggested they speak under delegation at the first Board meeting in August which will be August 12,1998.

Supervisor Biggs - Supervisor Biggs distributed a report on the Planning Commission Meeting. The American Electric Power Substation request was tabled until their next meeting. There were nine residents who came to the meeting who were going to be affected by the AEP Substation. Their concerns were the location of the substation, a decrease in property values, and the noise from the substation. They realize the need for the substation but the location of the proposed substation is in their backyard. They said if there is a need for a substation why can't AEP keep rest of the land to have open space or donate the land for a park and not sell to the developers. The direction given to Ted Aaron was to report back to the Planning Commission how much noise would be coming from the substation and further investigate keeping the land for open space.

Turman Lumber- Supervisor Biggs said the Planning Commission is working on a comprehensive plan amendment to address the saw mill and surrounding area and looking at the water and sewer service at the same time.

The final plat for Cedar Orchard Hill Phase 11-B was tabled until it can be looked at more closely with the master plan. There were concerns about there being private roads in the subdivision and the residents did not want a second opening on Clay Street.

Supervisor Biggs said at the Planning Commission's next meeting they will be considering the Board of Supervisor's referral on the Water and Wastewater Study of 1993, the Subdivision Lot Frontage and Lot Side analysis, and the Riner, Shawsville, Elliston Overlay analysis.

Supervisor Biggs also expressed concerned about the road construction at Rt. 460 near the bypass. She requested that the County Administration contact VDOT to see if they could put up lighting to help motorists see how to get on the bypass since the direction on how to get on the bypass has been changed. It is very difficult to see where to turn due to the construction and at night it is nearly impossible.

Supervisor Biggs asked the County Administrator if the County still owed the New River Valley Juvenile Detention Home money and has it been resolved. The County Administrator said staff was still working on the matter and he will report back to the Board when he gets the information.

Chairman Gorman- Chairman Gorman stated Supervisor Long and himself would like to bring back to the Board zoning ordinance rewrites. They will be working on this in the near future and will report back to the Board on the zoning ordinance.

Chairman Gorman asked for clarification on the proper address for the courthouse. He said there

seem to be several different address at one time and this was probably due to the building of a new post office in Christiansburg. The County Administrator said the official address for the courthouse is 1 East Main Street, but the address for the County Administrator is P.O. Box 6126.

### **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) | (3) | Discussion or Consideration of Condition, Acquisition or Use of Real Property for Public Purpose.           |
|                     | 1.  | Property in Merrimac for Park   |
|                     | (7) | Consultation with Legal Counsel and Briefings by Staff Members Pertaining to Actual or Probable Litigation. |
|                     | 1.  | Mid-County Landfill   |
|                     | 2.  | H.P. Hydraulics, Inc.   |
|                     | 3.  | William M. Flinchum-Rezoning and SUP Request  |
|                     | 4.  | Price's Fork Petition for Incorporation of the Price's Fork Community                                       |

The vote on the foregoing motion was as follows:

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

### **CERTIFICATION OF EXECUTIVE SESSION**

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

WHEREAS, The Board of Supervisors of Montgomery County has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the executive meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

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

#### **NAYS**

None

#### **ABSENT DURING VOTE**

None

#### **ABSENT DURING MEETING**

None

### **OTHER BUSINESS**

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

**-William M. Flinchum** request to rezone 0.6359 acre from A-1 (Agriculture) to M-1 (Industrial) with proffered conditions and a Special Use Permit to allow a Contractor's Storage Yard; a portion of Tax Parcel No. 29-A-8 located at 1220 Panorama Drive in the Mt Tabor Magisterial District. The Comprehensive Plan designates this area as Rural and Agricultural.

On a motion by Annette S. Perkins, seconded by Ira D. Long and carried unanimously,

### **ORDINANCE 1998-18**

#### **An Ordinance amending or changing**

*July 13, 1998*  
Page 20 of 22

**the zoning classification of 0.6359 acre  
from A-1 (Agriculture) to M-1 (Industrial).**

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 0.6359 acre of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture) to M-1 (Industrial) subject to the following proffered conditions:

1. Future use will be limited to the existing business only. The maximum equipment inventory being stored on the lot will be three trucks, two loaders, rubber tire backhoe, portable compressor, and a low-boy. No construction materials are to be stored at this location.
2. Any storage of oil will be done in a containment area to prevent spillage and contaminating of soil on the site.
3. Old tires and batteries, etc. will be disposed of when they no longer have any use.

This action was commenced upon the application of William M. Flinchum.

These tracts or parcels of land are identified as being property shown as a portion of Tax Parcel No. 29-A-8 located at 1220 Panorama Drive in the Mt Tabor Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

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

NAY

None

**Special Use Permit**

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

BE IT RESOLVED, That the William M. Flinchum request for a Special Use Permit to allow a Contractor's Storage Yard on 0.6359 acre, a portion of Tax Parcel No. 29-A-8, located at 1220 Panorama Drive, Mt Tabor Magisterial District is hereby approved subject to the following conditions:

- a. This permit is to allow operation of a contractor's storage yard (outside storage of heavy equipment). In accordance with Section 10-532 of the Zoning Ordinance, this permit shall automatically become void if the property is not used for this purpose for a period of two years or more.
- b. A plan for providing the screening required by Section 10-473 of the Zoning Ordinance shall be submitted within 90 days of the date of approval of this permit. Installation of the required screening shall be complete within 180 days.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**ADJOURNMENT**

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously the Board adjourned to Monday, July 27, 1998.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

The meeting adjourned at 9:40 p.m.

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
COUNTY ADMINISTRATOR