

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 27TH 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
Annette S. Perkins
James D. Politis (Arrived 7:20 p.m.)
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
Angela M. Hill -Director, Information & Financial Services
Vickie L. Swinney -Secretary

ABSENT: Mary W. Biggs -Supervisor

CALL TO ORDER AND PUBLIC HEARINGS

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

Proposed Conveyance of Property

-Conveyance of 9.708 acres to the Department of Transportation of the Thompson Landfill property located adjacent to Interstate 81, for the construction of the smart highway interchange connector to Interstate 81.

There being no speakers, the public hearing was closed.

Proposed Transfer of Property

-Transfer of 0.931 acre west of County Road to the Commonwealth of Virginia and convey the necessary easements to the Town of Christiansburg, the Montgomery Regional Solid Waste Authority, Bell-Atlantic and American Electric Power for the construction of the 3A corridor.

There being no speakers, the public hearing was closed.

Rezoning

Martha Orrick/Blue Eagle Partnership request to rezone 1.0816 acres; Tax Parcel No. 059-A-A-30 from A-1 (Agriculture) to GB (General Business). Property is located on the east side of State Route 745 between State Route 748 and US 460/11, in the Shawsville Magisterial District.

Alan Gillis, agent for the applicant, was available to answer questions from the Board. He stated that Mr. Christopher and Mr. Lewis Nash from the United States Post Office was also available to answer any questions. Mr. Gillis stated that the property for the proposed Post Office is currently being used as a parking lot for the Elliston Volunteer Fire Department and it his is understanding that other arrangements have been made by the Fire Department for parking.

Mr. Malvin Wells, Chief of Elliston Volunteer Fire Department, spoke neither for nor against the rezoning. He said that the Elliston Volunteer Fire Department had been leasing the Orrick's property for thirty years and was currently being used for parking. There is no room for expansion at the station nor is there any other land available for parking. He said that there is a need for a new Post Office along with the need for a new fire station. Mr. Wells stated that if the property is

rezoned then he would find other arrangements for parking.

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

Special Use Permit

Robert & Brenda Martin request for a Special Use Permit for mini-warehouses; Tax Parcel No. 60-1-4 & 4A. Property is located at 9837 Roanoke Road in the Shawsville Magisterial District.

Robert Martin, applicant, was available for any questions the Board of Supervisors may have.

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

Supervisor James D. Politis arrived at 7:20 p.m.

Rezoning

Montgomery County Planning Commission request to rezone approximately 43 acres from A-1 (Agriculture) and GB (General Business) to R-1 (Residential). Properties consist of Tax Parcel numbers 71-A-52, 53, 54, 54A, 55, 56, 57, 58, 58A, 59, & 72; 83C1-6-B, 1, 2, 3, & 6; and 83C1-A-63, 64 & 65, 67, 68, 69, 74, 75, 76, 77, 78, 79, 80, 81, 82, & 83. Property is located in the western area of Shawsville, between Roanoke Road and the Norfolk Southern railroad tracks, in the Shawsville Magisterial District.

Jessica Wilson spoke in support of the rezoning request by the Planning Commission and asked the Board to approve the rezoning. Ms. Wilson said that the area being requested for rezoning is currently being used as residential not for General Business or Agricultural which it is zoned now, and therefore should be properly rezoned to reflect this. Ms. Wilson said she had taken pictures of some of the houses in the area and passed them to the Board members to see.

Macon Sammons spoke on behalf of his Aunt, who is a property owner in Shawsville. Mr. Sammons spoke in favor of the rezoning and thanked the Board and the Planning Commission for bringing this petition forward. He stated that the rezoning to residential is in the best interest for the area and asked the Board to approve the rezoning request.

Nancy Spangler, spoke in opposition to the rezoning. She said she would like for her property to remain zoned as is. Ms. Spangler stated that currently she does have a mobile home on her property and does not understand why there is a two year limitation to replace it if anything should happen to it.

Ray Epperly, spoke in opposition to the rezoning. He would like for his property to be excluded from the rezoning and to remain zoned as is. Mr. Epperly stated that if the property was rezoned to R-1 then his property would be non-conforming to Residential Zoning; therefore, he would like for his property to remain A-1.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC ADDRESS SESSION

Cynthia Schoolfield, Program Manager for Virginia Mountain Housing, spoke in opposition of the proposed AEP rezoning to allow the building of a substation in Blacksburg. Ms. Schoolfield stated that the substation would be in the middle of a residential neighborhood and that the substation would be right next to the property line of houses already there and houses being proposed for the future. Ms. Schoolfield also stated that there was allegedly a conflict of interest with one of the Planning Commission Members when the Planning Commission voted on the AEP rezoning and she would forward this information to the Board.

Dennis Jaasma, spoke in opposition of the proposed AEP rezoning for a substation in Blacksburg. Mr. Jaasma said he was there representing 55 residents who live in the area where the substation is being proposed. He said that the property is currently zoned R-2 which is residential.

Tom Dunkenberger, resident of Elliston, spoke on the issue of the new Post Office and the need for a new fire station. He stated that he recognizes the problems that will incur if the Post Office is built on the proposed property that currently is being leased by the Elliston Volunteer Fire Department. The EVFD uses this land for excess parking for the volunteer members and there is no other land near the station for parking. Mr. Dunkenberger said that while there is a need for a new Post Office there also is a need for a new station and asked the Board to keep this in mind.

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

ADDENDUM

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously,

The Addendum dated July 27, 1998 was added to the Executive Session Agenda as follows:

Section 2.1-344(A) (3) Discussion or Consideration of the Condition,
Acquisition or Use of Real Property for Public
Purpose

3. Proposed Transfer of Property-3A
Construction

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously, the Consent Agenda dated July 27, 1998 was approved. The vote was as follows:

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

Approval of Minutes of June 22, 1998

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously, the Minutes of June 22, 1998 were approved.

Schedule Public Hearings

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby schedules a public hearing on Monday August 24, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

Appalachian Power Company (Agent: L.D. Price, Land Management Supervisor) request to rezone 6.57 acres; Tax Parcel No. 54-A-4 from R-2 (Residential) to A-1 (Agricultural). Property is located near the southerly terminus of Shelor Lane and west of Crestwood Drive in the Mt. Tabor Magisterial District.

Virginia's First Regional Industrial Facility Authority

-An Ordinance Creating the "Virginia's First Regional Industrial Facility Authority" to assist in facilitating the economic growth and development of the region in conjunction with other governing localities by developing, owning and operating one or more facilities on a cooperative basis involving its member localities.

APPROPRIATIONS AND TRANSFERS

Appropriation of Surplus Dollars

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

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

170	Human Services	\$10,800
171	Parks and Recreation	\$ 6,500
450	Juvenile Detention Home	<u>\$33,325</u>
	Total	\$50,625

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

Revenue Account

7000-16	Designated General Fund Balance	\$50,625
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Said resolution appropriates surplus dollars remaining as of June 30, 1998 to cover costs incurring after July 1, 1998.

Appropriation of Interest Proceeds: VPSA 1997-I

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

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

988	New Riner Elementary	\$1,348
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

150119	Interest on Investments	\$1,348
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Said resolution appropriates actual interest earned on the VPSA 1997-I bond account.

Appropriation of Vending Machine Fund

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

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

540	Internal Services:	
	Canteen/Vending Machines	\$4,264

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

<u>Revenue Account</u>		
7000-00	Undesignated Fund Balance	\$4,264

Said resolution appropriates revenue collected from vending machines

Supplemental Appropriation: RSVP - Fund Raising

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

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

170	Human Services	\$6,711
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
7000-00	Undesignated Fund Balance	\$6,711

Said resolution re-appropriates monies raised through fund raising activities in the prior fiscal year by the volunteers through activities such as bake sales, yard sales, etc. for use in RSVP programs.

Recovered Costs: Fire and Rescue

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

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

440	Fire and Rescue	\$ 2,242
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The sources of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
410132	Insurance Recoveries	\$2,242

Said resolution appropriates monies received from an insurance claim resulting from an accident involving one of Blacksburg Volunteer Rescue Squad's ambulances.

Procurement-457 Deferred Compensation Services

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a contract for County employees to participate in a 457 Deferred Compensation Program to **Public Employees Benefit Services Corporation (PEBSCO)** of Columbus, Ohio. This purchase was competitively negotiated under the terms of RFP #98-18.

Road Matters

Watch for Children Sign-Blue Heron Drive

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

WHEREAS, Concerned citizens have filed a petition with the Board of Supervisors of Montgomery County, Virginia requesting a "Watch for Children" sign to be installed on Blue Heron Drive (Lucas Estates), located on State Route 1080.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby refers this request to the Montgomery County Transportation Safety Commission for review and recommendation.

Request for a Speed Study on Blue Heron Drive (Lucas Estates, State Route 1080)

On a motion by Larry N. Rush, seconded by Ira D. Long 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 Blue Heron Drive on State Route 1080.

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

Shelor Farms Estates Phase II-Final Plat

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

WHEREAS, Shelor Farms Estates Phase II consists of 11 lots located off Crestwood Drive (State Route 1226) 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 Shelor Farms Estates Phase II 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 Shelor Farms Estates Phase II (Draper Aden Associates JN 7736-00), 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.

Schedule Board of Supervisors Meeting

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in August for **Wednesday, August 12, 1998 at 7:00 p.m.**

Upper Slate Branch/M Merrimac Sewer Project Selection Committee for Architectural and Engineering Services-Dissolve Committee

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

WHEREAS, A committee was formed on August 24, 1993 for the purpose of selecting Architectural and Engineering Services for the Upper Slate Branch/Merrimac Sewer Project; and

WHEREAS, The Upper Slate Branch/Merrimac Sewer Project has been completed.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby dissolves the Upper Slate Branch/Merrimac Sewer Project Selection Committee for Architectural and Engineering Services.

Area Transportation Plan

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

WHEREAS, The Virginia Department of Transportation will be updating its transportation plans for Christiansburg, Blacksburg and other urban areas throughout the Commonwealth with populations less than 50,000; and

WHEREAS, Representatives of the Virginia Department of Transportation have stated that while individual plans for Christiansburg and Blacksburg can be developed, as has been done in the past, it would be preferable to draft a singular plan for the towns and the unincorporated areas of Montgomery County that are expected to be urban in nature by the year 2020.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby endorses the development of a singular transportation plan which will include select unincorporated areas of Montgomery County.

FURTHER, The County Administrator, or his designee, is hereby designated the steering committee member representing Montgomery County.

Forms for Petitions to the Board

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby authorizes the attached form to be used as a guideline for petitions to be presented to the Board of Supervisors.

Authorization to Fill a Position-Economic Development

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

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

-Economic Development Associate

Office on Youth Advisory Board

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints **Deborah J. Curl-Nagy** to the Office on Youth Advisory Board, effective August 1, 1998 and expiring July 31, 2001.

OLD BUSINESS

Fishburn Tract on Price Mountain

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

WHEREAS, The Fishburn Tract on Price's Mountain in Montgomery County is owned by Virginia Polytechnic Institute and State University (VPI&SU); and

WHEREAS, Virginia Tech offered to convey approximately 140 acres of this property to Montgomery County to replace a similar amount of land removed from AFD-7 for the Smart Road; and

WHEREAS, The current use of this property by the College of Forestry and Wildlife Resources includes both instructional and research areas for forest harvesting demonstrations, harvesting techniques, forest road construction demonstrations, ice damage and regeneration studies, and water quality studies; and

WHEREAS, The use of this land is consistent with other uses of property in the Agricultural and Forestal Districts in Montgomery County and could be considered in the defined area of the Agricultural and Forestal District One (AFD-1); and

WHEREAS, The Forestry Department has long range operating plans for the use of this property, dated May, 1998.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby accepts the alternative offered by VPI&SU to treat the Fishburn Tract as an AFD area in lieu of the proposed conveyance of 140 acres to Montgomery County.

BE IT FURTHER RESOLVED, That Montgomery County will request VPI&SU to submit any revisions to the operating plan for the Fishburn Tract when AFD-1 is scheduled for renewal on December 31, 2003.

The vote was as follows:

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

Integrated Management Information System

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a contract for an Integrated Management Information System - Financials to **Computer Center Software (CCS)** of Falmouth, Maine for an amount not to exceed \$723,184.

FURTHER BE IT RESOLVED, 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:

961	Joint Automation Plan	\$766,644
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The sources of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
7000-16	Designated Fund Balance - CIP	\$766,644

The vote was as follows:

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

Refer to the Planning Commission Mini-Warehouse/Storage with Special Use Permit-Community Business District

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 to the Planning Commission, an amendment to the County's zoning ordinance to allow Mini-Warehouses/Storage with a Special Use Permit in the Community Business District zoning, for review and recommendation to the Board of Supervisors.

The vote on the foregoing motion was as follows:

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

Refer to Planning Commission to Allow Contractor's Storage Yard in A-1 Zoning

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby refers to the Planning Commission, an amendment to the County's zoning ordinance to allow contractor's storage with a Special Use Permit in A-1 zoning, for review and recommendation to the Board of Supervisors.

The vote on the foregoing motion was as follows:

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

Policy Direction on Draft Revised Zoning Ordinance

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby **tables** the document entitled "Points of Interest with the Proposed Zoning Ordinance" as the Board's policy directive to the Planning Commission concerning the Board's position on the Draft Revised Zoning Ordinance until the August 12, 1998 Board of Supervisor's meeting.

The vote on the foregoing motion was as follows:

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

Supplemental Appropriation and Transfer from Contingencies: New River Valley Criminal Justice Services Board

On a motion by Annette S. Perkins, 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:

<u>FROM:</u>		
550	General Contingencies	(\$540)
 <u>TO:</u>		
450	Other Agencies	
	New River Criminal Justice Services Board	\$540

Said resolution transfers funds from general contingencies to cover payment to the New River Valley Criminal Justice Services Board to fund the Criminal Justice Planner position.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Mary W. Biggs

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

Transfer of Funds: Christiansburg Downtown Development

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

WHEREAS, The Christiansburg & Montgomery County Chamber of Commerce desires to work jointly with the Town of Christiansburg and Montgomery to enhance downtown Christiansburg and the Courthouse square; and

WHEREAS, The Chamber has proposed the preparation of a Streetscape Plan (including an underground utilities study) to guide these enhancement efforts; and

WHEREAS, This Streetscape Plan could be used to apply for grant funds to carry out these enhancement efforts; and

WHEREAS, Both the Chamber and the Town have each contributed \$5,000 towards the cost of the Streetscape Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia supports the efforts of the Christiansburg & Montgomery County Chamber of Commerce to enhance downtown Christiansburg and the Courthouse square.

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

FROM:

550	General Contingencies	(\$5,000)
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TO:

450	Other Agencies	
	Christiansburg & Montgomery	
	County Chamber of Commerce	\$5,000

Said resolution transfers funds from General Contingencies to contribute to the Christiansburg & Montgomery County Chamber of Commerce for a Downtown Christiansburg Streetscape Plan which is part of the Christiansburg Downtown Development Program.

The vote on the foregoing motion was as follows:

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

COUNTY ATTORNEY'S REPORT

Margaret Smith vs Board of Supervisors

Mr. McMahon told the Board of Supervisors that the appeal law suit against the Board of Supervisors and the Public Service Authority by Margaret Smith was dismissed due to failure to state facts or a cause of action upon which judicial relief may be granted. Mr. McMahon also stated that the second suit against the Board of Supervisors was dismissed and that Ms. Smith had 21 days to file an amended plea. Mr. McMahon said he would keep the Board abreast of information he

receives.

Price's Fork Incorporation

Mr. McMahon handed out to the Board Members a copy of the petition filed with the Circuit Court stating Montgomery County's opposition to the Petition for Incorporation of the Price's Fork Community. Mr. McMahon said he would let the Board know of any development with the petition.

COUNTY ADMINISTRATOR'S REPORT

Status Report-Road Issues

Mr. Johnson, County Administrator, told the Board Members that in their Board Packet was a report regarding the status of road issues presented to the County Administrator by the Board. He said this report was prepared by Kimberly Golden, Grants Coordinator/Planner and they will be receiving this report on a monthly basis.

Fire & Rescue Report

The County Administrator told the Board that a Fire & Rescue Report was in their packet and this report addresses questions they had concerning the Fire & Rescue vehicles. Angela Hill, Director of Financial & Management Services, presented this report to the Board.

BOARD MEMBERS' REPORT

Supervisor Rush, said he received his copy of the Montgomery County School's Operating Budget for FY 98-99 and asked the County Administrator if he could receive a more simplified version.

Supervisor Perkins said that Supervisor Biggs wanted to let the Board know that there would be no Planning Commission report tonight and that she would be attending the School Board meeting for Supervisor Biggs while she was on vacation.

The Economic Development Commission Retreat is scheduled for August 27, 1998 and their agenda is to discuss the role of the EDC in the future and their goals. Supervisor Perkins she would take any comments or suggestions from the Board to the retreat.

Supervisor Perkins attended the Governor's Conference on Education, along with Supervisor Biggs on July 21, 1998. She said three issues were discussed at the meeting. 1) No child is to be left behind and that 70% of students is to pass the SOL tests by 2000; 2) Lower Class Sizes; and 3) Continue State Funding for the Early Reading Program.

Supervisor Perkins also stated that she had a report regarding the Comprehensive Service Act and she will give the report to the County Administrator to be distributed to the other Board Members.

One other note of interest Supervisor Perkins wanted the Board to know is a summer musical will be held in Blacksburg August 13 -23. This musical, "The Sound of Music", will be presented by the New River Valley Production.

Supervisor Stewart said that the New Elliston Site High School was proceeding along nicely. Supervisor Stewart received a complaint from a citizen concerning the condition of Alleghany Springs Road. He said he drove out on Alleghany Springs Road and found only a few places that needed patching.

Chairman Gorman reported that the New River is designated as one of ten rivers recommended for the American Heritage River designation. President Clinton is planning to attend the announcement scheduled for July 30, 1998 at Todd, N.C. He said he will keep the Board updated on any information he receives.

Chairman Gorman directed the Board Members to their Non-Agenda Items to discuss the petition to the Board from residents on Route 603 for a speed study. Chairman Gorman said that Route 603 has many dead-end roads or feeder roads off Route 603 and that the current road policy does not address this. Chairman Gorman recommends changing the road policy to include feeder roads/dead-end roads, and asked the County Administrator to draft a resolution amending the road policy for Board consideration.

The Chairman reported that he and the County Administrator met with Mayor Starnes of Radford City and Robert Asbury, City Manger, regarding several issues involving Radford, Blacksburg, and Montgomery County. One issue was the Mutual Aid Agreement, mainly the fire response to the new hospital. The Chairman said that the Agreement needs to be reviewed and they would proceed from there. Another item of interest is the Pepper Ferry's Waste Water Treatment Plant, which the County has an 5% interest, is undergoing a study to determine how to increase its capacity. The County Administrator has contacted George Gray, the County's representative on the Pepper's Ferry Authority, for more information. The Chairman said he will keep the Board updated when this information is received from George Gray.

INTO EXECUTIVE SESSION

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

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

- | | |
|---------------------|--|
| Section 2.1-344 (A) | (1) Discussion of the Appointment of Personnel |
| | 1. Community Services Board |
| | (3) Discussion or Consideration of the Condition, Acquisition, or Use of Real Property for Public Purpose. |
| | 1. Blacksburg Middle School |
| | 2. Christiansburg Middle School |
| | 3. Proposed Transfer of Property-3A Construction |
| | (7) Consultation with Legal Counsel and Briefings by Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel. |
| | 1. New River Valley Juvenile Detention Home |

The vote on the foregoing motion was as follows:

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

CERTIFICATION OF EXECUTIVE SESSION

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

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

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

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

VOTE

AYES

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

NAYS

None

ABSENT DURING VOTE

Mary W. Biggs

ABSENT DURING MEETING

Mary W. Biggs

APPOINTMENTS

Community Services Board

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints **Jean Bourne** to the Community Services Board, effective August 1, 1998 and expiring June 30, 1999.

Said appointment fills the unexpired term of Ellen H. Johnson, resigned.

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints **Sheila Roop** to the Community Services Board effective August 1, 1998 and expiring June 30, 2001.

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints **Maria S. Vass-Gal** to the Community Services Board effective August 1, 1998 and expiring June 30, 2001.

The vote on the foregoing motion was as follows:

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

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Ira D. Long and carried unanimously, the Board adjourned to Wednesday, August 12, 1998 at 7:00 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 9:55 p.m.

ATTEST

CHAIRMAN

COUNTY ADMINISTRATOR