

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY  
COUNTY, VIRGINIA HELD ON THE 12<sup>th</sup> DAY OF AUGUST, 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
	Steve Phillips	-Director, Public Facilities
	Vickie L. Swinney	-Secretary

**CALL TO ORDER**

Chairman Gorman called the meeting to order.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**DELEGATION**

David Hagan from Shelor Chevrolet addressed the Board on the Merchants Capital Tax in Montgomery County. Mr. Hagan said that this is a voluntary tax and there was no structure to the system in collecting the tax in the County. He said businesses who file returns pay taxes, those businesses who do not file returns, do not have to pay. He said there was around 40 merchants who did not file last year in Montgomery County. Mr. Hagan said that Shelor Automotive Group paid \$400,000 in merchants capital tax last year and this was 32% of what Montgomery County collected last year. Mr. Hagan said some localities have no tax liability, and if they re-located their inventory to surrounding localities, the tax they would have to pay would be \$0 to \$180,000 compared to \$400,000. Mr. Hagan stated that Shelor had over 10,000 customers last year and the average customer drove 38 miles. He also stated they employ around 275 people. Mr. Hagan said there were several solutions that they can take as a business to eliminate paying the merchants capital tax. They could move their inventory and employees outside of Montgomery County which would mean eliminating at least 100 jobs in Montgomery County to avoid paying the merchants capital tax in Montgomery County. Mr. Hagan said he did not want to have to take this measure. Mr. Hagan asked the Board to review the Capital Merchant's Tax on behalf of all the businesses in Montgomery County.

**PUBLIC ADDRESS SESSION**

Jessica Wilson, spoke in favor of the Planning Commission Rezoning request for the Shawsville Area. She asked the Board to approve rezoning the entire area that was recommended by the Planning Commission and not to exclude any portion.

George Gray, spoke in favor of the Planning Commission Rezoning request for the Shawsville Area. Mr. Gray said that if the Board does not approve the request to include all properties this would defeat the purpose of the rezoning and said that it would create spot zoning. He asked the

Board to approve the original rezoning request to rezone all properties.

Ray Epperly, spoke in opposition of the Planning Commission rezoning request to include all properties. He asked the Board to consider the alternative resolution to exclude his property from the rezoning. Mr. Epperly said that it would be illegal for the County to rezone his property when he does not want his property rezoned.

Charlie Bowles, asked the Board to consider requesting Mr. Joe Draper to resign from the Planning Commission Board due to conflict of interests. Mr. Bowles said the Mr. Draper has interest in several projects that are going on in the County, the Auburn Hills Golf Course, future requests by Auburn Hills Golf Course for water and sewer and the AEP substation . Mr. Bowles said that there was also a conflict with Ray Alcorn voting on the AEP Substation since his former wife, Cynthia Schoolfield, is director of Virginia Mountain Housing, which has property near the proposed substation.

**CONSENT AGENDA**

On a motion by Ira D. Long, seconded by Annette S. Perkins and carried unanimously, the Consent Agenda of August 12, 1998 was approved:

The vote on the foregoing motion was as follows:

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

**CIP - Christiansburg VFD Assistant Chief Vehicle Transfer from Special Contingencies**

On a motion by Ira D. Long, seconded by Annette S. Perkins 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>		
560	Special Contingencies	(\$30,000)
 <u>TO:</u>		
975	Christiansburg Volunteer Fire Department	\$30,000

Said resolution approves the CIP Committee recommendation for funding to replace the Christiansburg Volunteer Fire Department’s Assistant Chief vehicle.

**“Watch for Children” Signs**

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

WHEREAS, The Montgomery County Board of Supervisors has established a policy whereby requests for “signs alerting motorists that children may be at play nearby” are referred to the Montgomery County Transportation Safety Commission to review and recommend placement of such signs; and

WHEREAS, The Montgomery County Board of Supervisors, in accordance with the aforementioned policy, has referred a request for a “Watch for Children” sign for Gingerbread Road in Shawsville to the Montgomery County Transportation Safety Commission; and

WHEREAS, The Transportation Safety Commission has reviewed this request, and based on suggestions from the Department of Transportation (VDOT), has stated that residents pay for these signs rather than use secondary system construction allocation which could be used for other construction purposes in the County; and

NOW, THEREFORE, BE IT RESOLVED, That the installation of “Watch for Children” signs, as determined necessary for public safety by the Montgomery County Transportation Safety Commission, will be funded through the secondary system construction allocation for Montgomery County.

FURTHER, BE IT RESOLVED, That the Board of Supervisors requests the Montgomery County Transportation Safety Commission develop safety criteria for use in evaluating the placement of such signs; and upon adoption of such criteria, requests the Commission to re-evaluate the Gingerbread Road request.

**Addition to the Secondary System of State Highways - Daisy Road**

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

WHEREAS, The street described below is shown on a plat recorded in the Clerk’s Office of the Circuit Court and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county’s current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-72.1, Code of Virginia; and

WHEREAS, After examining the ownership of all property abutting the street, this Board finds that speculative interest does not exist,

NOW THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-72.1 (C-1), Code of Virginia:

**ADDITION:**

<u>Name of Street:</u>	<u>Length</u>
Daisy Road	
From State Route 652	
0.05 Mi North of Route 655	0.20 Mi
extending in Easterly direction	
0.20 miles to turnaround	
Plat Recorded, Date November 15, 1955	
Deed Book: 183 Page: 267	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 40', as described, and any necessary easements for cuts, fills, and drainage, and

BE IT FURTHER RESOLVED, This Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-72.1, Code of Virginia, and

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

**Bonus for Sheriff's Deputies**

On a motion by Ira D. Long, seconded by Annette S. Perkins 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 August 24, 1998 meeting.

**Authorization to Fill Positions**

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

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

- Information Management Analyst (2)
- Economic Development Assistant

**OLD BUSINESS**

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.

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

BE IT RESOLVED, That Robert & Brenda Martin request for a Special Use Permit for mini-warehouses; Tax Parcel No. 60-1-4 & 4A located at 9837 Roanoke Road in the Shawsville Magisterial District is hereby approved subject to the following conditions:

- a. This permit is to allow construction of mini-warehouses (self-storage units). In accordance with the provisions of the zoning ordinance, this permit will automatically become void if substantial construction does not take place within two years.
- b. Construction shall be substantially in accordance with the site plan date 4/14/98 (Plan S-1034, C.S. Correll).
- c. All driveways shall be hard surfaced (prime and double-seal, or pavement).

The vote on the foregoing motion was as follows:

AYE  
 Annette S. Perkins  
 Larry N. Rush  
 Ira D. Long  
 James D. Politis  
 Mary W. Biggs  
 Joe C. Stewart

NAY  
 None

**Montgomery County Planning Commission** request to rezone approximately 40 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, 59, & 72; 83C1-6-B, 1, 2, 3, & 6; and 83C1-A-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.

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

**ORDINANCE: 1998-19**  
**An Ordinance amending or changing**  
**the zoning classification of 40 acres from**  
**A-1 (Agriculture) and GB (General Business)**  
**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 40 acres of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture) and GB (General Business) to R-1 (Residential).

This action was commenced upon the application of Montgomery County Planning Commission.

These tracts or parcels of land are identified as being property shown on Tax Parcel numbers 71-A-52, 53, 54, 54A, 55, 56, 57, 58, 59 & 72; 83C1-6-B, 1, 2, 3, & 6; and 83C1-A-64, 65, 67, 68, 69, 74, 75, 76, 77, 78, 79, 80, 81, 82, & 83 located in the western area of Shawsville, between Roanoke Road and the Norfolk Southern railroad tracks in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

NAY  
None

**Exchange Agreement Between VDOT and County**

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 agree to transfer to VDOT the County property described in the Exchange Agreement Between the Board of Supervisors of Montgomery County, Virginia and the Commonwealth of Virginia, Department Of Transportation for the State Highway Route 460 (3A) Project and the State Highway Smart Road Project.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Chairman to execute the Exchange Agreement Between the Board of Supervisors of Montgomery County, Virginia, and the Commonwealth of Virginia, Department of Transportation on behalf of the Board of Supervisors and all necessary deeds and other documents as required in the Exchange Agreement.

BE IT FURTHER RESOLVED, That the Board of Supervisors authorizes the Chairman to accept on behalf of the County the 0.67 acre parcel adjacent to the County's Public Facility operation to be transferred to the County by VDOT pursuant to the above referenced Exchange Agreement.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**Conveyance of Easements for 3A Corridor**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia hereby authorizes the Chairman to sign 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.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**Remove from Table-Policy Direction on Draft Revised Zoning Ordinance**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the Policy Direction on Draft Revised Zoning Ordinance is hereby **removed** from the table.

The vote on the foregoing motion was as follows:

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

NAY  
None

**Policy Direction on Draft Revised Zoning Ordinance**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby adopts 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.

BE IT FURTHER RESOLVED, That the Board hereby refers this policy directive to the Planning Commission for their consideration in developing the final draft of the revised zoning ordinance.

The vote on the foregoing motion was as follows:

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

**Sheriff's Department - Transfer from Special Contingencies**

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

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

<u>FROM:</u>		
560	Special Contingencies	(\$176,000)
<u>TO:</u>		
540	Internal Services	\$136,000
311	Sheriff - 100% County	\$ 40,000

Said resolution transfers funds for the purchase of uniforms, weapons, and 6 sheriff's vehicles and related equipment from Special Contingencies to Internal Services and to the Sheriff's Department.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	Joe C. Stewart
James D. Politis	

Mary W. Biggs  
Ira D. Long  
Annette S. Perkins  
Joseph V. Gorman, Jr.

### **COUNTY ATTORNEY'S REPORT**

Price's Fork Incorporation -The County Attorney reported to the Board that a three judge panel has been selected to hear and decide the petition to Incorporate the Community of Price's Fork. He distributed to the Board a copy of a letter from the Assistant Executive Secretary, Frederick Hodnett, Jr, from the Supreme Court of Virginia, stating the names of the Judges.

### **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator directed the Board to the Road Concerns report in their packet. This report is an update of the road concern issues presented to the County Administrator by the Board. Staff will continue to follow up on these issues and report their findings back to the Board.

Rural Additions- It is time for the Road Views, which is the Board, to set up a time to view rural additions. The County Administration staff will be in touch with the Board to set a date and time. A update on the rural additions will be in the Friday's Report.

Secondary Highway System- Virginia will be receiving more money for the secondary highway system under the Federal Highway Transportation Act-ISTEA Grant.

Commerce Park-A public hearing will be held on the August 24, 1998 agenda to form the Virginia's First Regional Industrial Facility Authority. There are eleven jurisdictions in the Authority. All localities excluding the Towns and Cities have to hold a public hearing concerning the forming of the authority.

### **BOARD MEMBERS' REPORTS**

Supervisor Politis received a complaint from a concerned citizen about the construction work on Arbolito Trail in Lucas Estates. The construction company is doing considerate amount of damage to the roads with the heavy equipment. Supervisor Politis asked the staff to contact VDOT and report this.

Supervisor Politis received a copy of a letter sent to Wynnell York from the Virginia Department of Transportation concerning the speed study on Blue Springs Road. The letter stated that VDOT's policy has been to post speed limits on paved or surface treated roads only. Supervisor Politis said a committee was being formed by Ms. York to pursue the Board to get something done.

Supervisor Biggs asked County Administration what was being done to get the County computer system ready for the Year 2000 and if it included just the County or if it included the entire Courthouse. The Assistant County Administrator responded that the County is in the process of updating the entire Information Management System. If any of the constitutional offices are linked to the County's system then they will be included in the compliance of Year 2000. There are departments such as the courts that operate on a state system and we are not aware of what they are doing to comply to the Year 2000. Supervisor Biggs also asked if the E911 system was going to be in compliance to the Year 2000. The Assistant County Administrator said the E911 was included in the County's project ,and any software/hardware that the County purchased would be Year 2000 compliant.

Supervisor Biggs as the County's VACO representative attended the Standards Setting Committee meeting for the Grade 3 test that will be given. Recommendations will be given to the State Board of Education and they will have the final decision on the test that will be given.

Supervisor Biggs said several citizens asked her about the Fishburn Tract agreement between the County and VPI. They wanted to know if there was any more land besides Price Mountain to give to the County in exchange for the property given to VPI for the smart road. Supervisor Biggs said she was willing to re-visit the agreement with VPI if there was another parcel of land to consider in exchange.

Supervisor Long attended the LGOC's Transportation Steering Committee meeting. The main issue discussed was cutting of funds for secondary roads. Supervisor Long said he would distributed a copy of the minutes to the Board when they become available.

Supervisor Rush attended the Parks & Recreation meeting on August 6, 1998. Supervisor Rush said the Montgomery County Frog Pond had an excellent year with an increase in revenue and attendance. He said they also discussed the possibility of the Elliston Twin County Ruritan Club sponsoring a park at the Elliston Industrial Park. Supervisor Rush said that the Ruritan Club will not be able to take on this project due to the limited number of Ruritan Club members. He said that the Parks & Recreation Commission is looking for other options and will present them to the Board at a later date.

Merchants Capital Tax, Supervisor Rush said he was concerned about the Merchants Capital Tax. Supervisor Rush said he thought it was an unfair tax, and the tax rate was set too high. He asked the County Administration to follow-up on the statistics given by Shelor Automotive Group and for the Administration to review this tax and see if it could be dispersed more equally.

Supervisor Perkins, Supervisor Perkins attended the School Board meeting. The MCPS will present the options for the Blacksburg Middle School at the August 24, 1998 Board of Supervisors meeting. Also discussed was how to bring the school divisions up to standards with the new guidelines. Supervisor Perkins said the grand opening for the Auburn Elementary School will be held August 20, 1998.

Economic Development - The Economic Development Retreat will be held August 27, 1998 and Supervisor Perkins said she was planning on attending.

Human Services Commission - Supervisor Perkins said the next meeting will be October 1, 1998 at the Health & Human Services Building.

Supervisor Stewart said that the County should look into the collection of the Merchants Capital Tax from other automobile dealers to see if they were all paying the tax.

Supervisor Stewart said he was asked by a citizen from the Piedmont Pentecostal Holiness Church if the County could help them with the creek near the church from overflowing and flooding.

Supervisor Stewart asked if the Virginia Department of Transportation (VDOT) was looking into the guardrail problem on Route 603. The County Administrator told Supervisor Stewart the road was on their list of road issues that VDOT had not yet reported back to County Administration on the status.

Supervisor Stewart wanted to know what the status of the road is that will lead into the new high school in Elliston. The County Administrator stated that the road will be straighten out and there will be a median strip large enough to accommodate the school buses on Route 460 at the Crosier Road intersection.

Chairman Gorman reported that the Auburn Elementary Grand Opening will be held at 6:00 p.m. on August 20, 1998. On August 18, 1998 there will be a tour of the school prior to the School Board meeting if any of the Board Members would like to attend.

Chairman Gorman said that the New River was declared a part of the American Heritage River by President Clinton on July 30, 1998. This will bring benefits for the economic development and growth.

Chairman Gorman said he will be submitting a resolution to be on the August 24, 1998 agenda on the High Growth Coalition and this will be a partnership formed with other high growth localities to help raise awareness of the local growth management concerns.

Chairman Gorman said he received a call from a citizen in Elliston concerning the proposed Elliston Post Office. He told her what the status was at this time and she seem content.

### **INTO EXECUTIVE SESSION**

On a motion by Larry N. Rush, 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)	(7)	Consultation with Legal Counsel and Briefings by Staff Members Pertaining to Actual or Probable Litigation or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel.
		1. Mid-County Landfill

The vote on the foregoing motion was as follows:

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

Annette S. Perkins  
Mary W. Biggs  
Joe C. Stewart  
Ira D. Long  
James D. Politis  
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**

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

#### **NAYS**

None

#### **ABSENT DURING VOTE**

None

#### **ABSENT DURING MEETING**

None

### **ADJOURNMENT**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously the Board adjourned to Monday, August 24, 1998 at 7:00 p.m.

The vote on the foregoing motion was as follows:

#### **AYE**

Larry N. Rush

#### **NAY**

None

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

The meeting adjourned at 9:15 p.m.

ATTEST

---

—  
CHAIRMAN

COUNTY ADMINISTRATOR