

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 28<sup>TH</sup> DAY OF SEPTEMBER, 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. McMahan	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Phillips	-Public Facilities Director
	Vickie L. Swinney	-Secretary

### **CALL TO ORDER AND PUBLIC HEARINGS**

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

#### **An Ordinance Amending Chapter 3, Entitled Animals, Sections 3-1, 3-5, 3-7, 3-26, 3-27, 3-28, 3-28.1, 3-28.4, 3-29, 3-30, 3-31, 3-32, 3-33, 3-34, and 3-35**

Respectfully of the Code of the County of Montgomery, Virginia in Order to Comply with the State Enabling Legislation and to Make the License Tax the Same for Ownership of Female or Male Dogs and Spayed or Neutered Dogs.

Joe Painter, local attorney, spoke in opposition of the same license tax for ownership of unsexed as for male/female dogs. Mr. Painter said that licensing dogs started out to make sure owners vaccinated their animals to prevent rabies, now it was to encourage owners to spay or neuter their pets. Mr. Painter believes there should be a differential between the two. A differential price encourages owners to spay or neuter their pets and will keep the number of unwanted dogs down. Mr. Painter said the current code for licensing tax for spayed and neutered dogs was sufficient and should remain as is. Mr. Painter said if more tax revenue was needed for animal control then raise the price of the tax for dogs that are not spayed or neutered.

Ed Davis, spoke in opposition of the same license tax for ownership of unsexed dogs and male/female dogs. Mr. Davis stated there were two topics he would like to address; the first topic being the reason for the ordinance change. The Treasurer's office stated hardship in making change, therefore, would like to have the same price for all animals. Mr. Davis indicated that the Treasurer has not proven any hardship since the personal property and real estate taxes are not rounded up, therefore, the Treasurer has to make change anyway.

The second topic was an alternative solution in the license tax. Mr. Davis suggested the County charge \$1.00 for animals that are spayed and neutered and charged the maximum amount of \$10.00 for animals that have not been spayed or neutered. This would encourage spaying and neutering and would keep the number of unwanted and stray animals down. Mr. Davis reported that in July and August of this year, 80 stray dogs were collected by the Montgomery County Animal Shelter and 40 of these animals were killed due to no room in the shelter. Mr. Davis suggested that the extra revenue could be used towards a program for spaying or neutering of animals.

Blase Wagenbrenner, spoke in opposition of the license tax for animals. Mr. Wagenbreener stated he was opposed to the tax altogether and that there should not be any tax on any animal regardless of it being male, female, spayed or neutered.

Supervisor Stewart commented he was not opposed to paying taxes on dogs, but he is opposed to the change in the ordinance. Supervisor Stewart believes the rate of the license tax should stay the same.

Supervisor Biggs remarked that she agrees with Supervisor Stewart.

There being no further speakers the public hearing was closed.

AFD Renewal

**Renewal of Agricultural & Forestal District -14 (Fishers View)**

Philip & Kim Wickham	160 acres
Richard & Diane Hyatt	355 acres

Chairman Gorman reported that there was a change in the Montgomery County Ordinance for application for Agricultural & Forestal Districts. Property owners can apply for a creation of an AFD without having to be in the AFD. There has to be a minimum of 200 acres of land to apply for an AFD.

There being no speakers either for or against the AFD renewal, the public hearing was closed.

Equalization Review Dates

A special ordinance establishing the dates for equalization review with the deadline proposed for receipt of appeals to the Board of Equalization on February 15, 1999 and the deadline proposed for disposition of appeals by the Board of Equalization on March 15, 1999.

There being no speakers for or against the Equalization Review Dates, the public hearing was closed.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited

**PUBLIC ADDRESS SESSION**

A citizen asked if this was the appropriate time to ask about the land for sale advertised in the Roanoke Times by the PSA. He was told that this land was for sale by the Public Service Authority, not the County, and he would have to speak to the Director of the Economic Development Department, since he was handling the sale of this land for the PSA.

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

**ADD TO THE AGENDA - ADDENDA**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Addendum dated September 28, 1998 was added to the agenda as follows:

**Addendum #1-Executive Session**

Section 2.1-344(A) (7) Consultation with Legal Counsel and Briefing by Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provisions of Legal Advice by Counsel

3. Shelor Automotive Group vs. Board of Supervisors

**Addendum #2-Excavating Services Term Contract**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, Addendum #2, dated September 28, 1998 was added to the agenda as follows:

**Excavating Services Term Contract**

AYE

Larry N. Rush

Ira D. Long

Joe C. Stewart

Mary W. Biggs

Annette S. Perkins

James D. Politis

Joseph V. Gorman, Jr.

NAY

None

**CONSENT AGENDA**

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously, the Consent Agenda dated September 28, 1998 was approved. The vote was as follows:

AYE

James D. Politis

Larry N. Rush

Ira D. Long

Joe C. Stewart

Mary W. Biggs

Annette S. Perkins

Joseph V. Gorman, Jr.

NAY

None

**Schedule Public Hearings**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby schedules a public hearing on Monday, October 26, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

Rezoning Request

**Quorum Holding Corp. (Agent: Trula C. Tuck)** request to rezone 4 acres; Tax Parcel No. 67-

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4-6 from A-1 (Agriculture) to GB (General Business). Property is located on the back portion of 3956 S. Main Street.

Amendment to Chapter 2, Division 7

**-An Ordinance Amending Chapter 2, Division 7 Entitled Agricultural and Forestal District Administrative Procedures Sections 2-142, 2-143, 2-144, 2-145, 2-146, 2-148, 2-149, 2-150 and 2-152** Respectfully of the Code of the County of Montgomery, Virginia in Order to Comply with State Law Changes.

Amendment to Chapter 9.1

**-An Ordinance Amending Chapter 9.1 Entitled Solid Waste, Sections 9.1-2, 9.1-10, 9.1-18, 9.1-21, 9.1-22, 9.1-30, 9.1-31, 9.1-31, 9.1-32, 9.1-33, 9.1-34, 9.1-35, 9.1-36, 9.1-40, 9.1-42, 9.1-44, 9.1-45, 9.1-55, 9.1-69, 9.1-70 and 9.1-71** Respectfully of the Code of the County of Montgomery, Virginia in Order to Reflect that the County No Longer Owns and Operates an Open Landfill in the County.

**Appropriations and Transfers**

**Recovered Costs - Social Services**

On a motion by Ira D. Long, 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:

410 Social Services \$603

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

Revenue Account

2401-02 Public Assistance \$603

Said resolution appropriates recovered costs for the Medicaid and Adult Care Residency pre-screening monies for other public assistance services.

**Recovered Costs - Sheriff**

On a motion by Ira D. Long, 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:

310	Sheriff-County/State	\$ 4,308
510	DARE	<u>\$ 250</u>
		\$ 4,558

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

Revenue Account

4101-31	Insurance Recoveries	\$ 3,556
1901-05	Recovered Costs- Sheriff	\$ 752
1901-49	Recovered Costs - DARE	<u>\$ 250</u>
		\$ 4,558

Said resolution appropriates monies to cover the recovered costs from insurance recoveries and extraditions, and donations to the DARE program.

**Forfeited Asset Sharing Program: Commonwealth's Attorney and Sheriff**

On a motion by Ira D. Long, 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:

330	Commonwealth's Attorney	\$ 222
311	Sheriff	<u>\$10,629</u>
	Total	\$10,851

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

Revenue Account

190170	Confiscations-Commonwealth's Attorney	\$ 222
190134	Confiscations - Sheriff	\$ 1,092
700000	Fund Balance	<u>\$ 9,537</u>
	Total	\$10,851

Said resolution appropriates monies received in FY 99 as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services, and appropriates the unexpended portion of funds received as part of this program in prior years.

**Reconciliation of Compensation Board Budgets - Capital Outlay**

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

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

the General Fund revenue and expenditures for the fiscal year ending June 30, 1999 are adjusted, for the function and in the amount as follows:

210	Commissioner of Revenue	\$ 1,983
230	Treasurer	\$ 6,042
330	Commonwealth Attorney	\$ 380
310	Sheriff	<u>\$ 24,244</u>
	Total	\$ 32,649

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

Revenue Account

2303-00	Shared Expense Commissioner of Revenue	\$ 1,983
2304-00	Shared Expense Treasurer	\$ 6,042
2301-00	Shared Expense Commonwealth Attorney	\$ 380
2302-00	Shared Expense Sheriff	<u>\$24,244</u>
	Total	\$32,649

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

FROM:

550	Contingencies	(\$ 10,293)
560	Special Contingencies	<u>(\$ 13,341)</u>
	Total	(\$ 23,634)

TO:

210	Commissioner of Revenue	\$ 5,841
230	Treasurer	<u>\$ 17,793</u>
	Total	\$ 23,643

Said resolution adjusts the Constitutional Officer's office equipment budgets to reconcile with the Compensation Board approved amounts, and transfers monies from Special Contingencies and Contingencies to meet the County's share of the additional equipment monies in the Treasurer's and Commissioner of Revenue's budgets.

**Blacksburg Middle School Site**

On a motion by Ira D. Long, 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 \$25,000 of VPSA bond proceeds for soil testing, surveys and Phase I Environmental Site Survey costs for the Blacksburg Middle School site.

Said resolution authorizes the use of \$25,000 of bond proceeds for site work at the Blacksburg Middle School site.

**Refer to Transportation Safety Commission - Route 460 at County Drive-Non Compliance with “No U Turn” Sign**

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

WHEREAS, Citizens have complained that motorists are disregarding the “No U Turn” sign on 460 at County Drive; and

WHEREAS, It appears that the crossover at 460 and County Drive is insufficient for trailers and tractor-trailers to use safely.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby refers the above referenced matters to the Montgomery County Transportation Safety Commission to look at ways to address the above referenced concerns.

**Refer to Transportation Safety Commission-Intersection at Route 8 and Fairview Church Road-Riner Elementary School**

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

WHEREAS, Citizens have expressed their concerns about the hazardous situation at the intersection of Route 8 and Fairview Church Road at the new Riner Elementary School; and

WHEREAS, There are no school signs posted near this intersection to alert motorists there is a turn at the intersection that leads to the new school.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby refers the hazardous conditions at the intersection of Route 8 and Fairview Church Road at the new Riner Elementary School to the Montgomery County Transportation Safety Commission to look at ways to enhance the safety of this road.

**Request for Speed Study-Fairview Church Road**

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

WHEREAS, The Montgomery County Board of Supervisors has received a petition from

concerned citizens requesting that the Department of Transportation (VDOT) lower the speed limit from Route 8 to 500 feet west of School House Drive to 35 mph to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of at least 50% of the property owners along the specified portion of road.

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 to improve the safety in this area.

### **2232 Review-Acknowledge Review by the Planning Commission**

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

WHEREAS, The Board of Supervisors by resolution of July 13, 1998, established a policy 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; and

WHEREAS, The Planning Commission at its regular meeting of September 16, 1998, reviewed and approved the following projects as being substantially in accord with the Comprehensive Plan:

Riner Water and Sewer Projects

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby acknowledges the findings of the Planning Commission.

### **Refer to Planning Commission-Proposed Ordinance Amendment-Water and Sewage Facilities**

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

BE IT RESOLVED, That pursuant to Section 15.2-2253 of the Code of Virginia, 1950, as amended, the Board of Supervisors of the County of Montgomery, Virginia does hereby refer the proposed Ordinance Amending Chapter 8, Entitled Planning and Development, Section 8-153, Making it a Requirement that all Private Septic Systems Within a Subdivision Shall be Located Entirely on the Lot to be Served by the Septic System to the Planning Commission for its review and recommendation.

### **Dog and Cat Sterilization Fund**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$225 based on sales of the Animal Friendly license plate in Fiscal Year 1998.

FURTHER, BE IT RESOLVED That the County does not have a sterilization program but authorizes the total of \$225 be directed to the Humane Society of Montgomery County which is a private, non-profit group supporting the purposes of the fund and the County Administrator is authorized to sign a Memorandum of Understanding outlining the use of the funds.

FURTHER, The Chairman is authorized to sign the Certification of Funds form certifying that these funds will be used by the Humane Society for the purpose of sterilization of dogs and cats.

### **Risk Management/Insurance Advisor**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to the contract to provide on an as-needed basis, risk management/insurance advisory services to **McNeary Insurance Consulting, Inc.**, of Richmond, Virginia, for an amount not to exceed \$15,000 a year.

### **Environmental Engineering Services**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to the contract for Environmental Engineering Services to **SCS Engineering** of Reston, Virginia, and to **Olver Inc.**, of Blacksburg, Virginia to provide sanitary landfill monitoring services to include post closure and groundwater monitoring, methane gas stabilization services, and peer review of the services previously provided.

### **Sheriff Vehicles**

On a motion by Ira D. Long, 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 \$ 237,177 to **Dick Strauss Ford**, of Richmond, Virginia, for the purchase of eleven 1999 vehicles for the Sheriff's Office.

**OLD BUSINESS**

**Board of Equalization Appointments-Tabled**

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

BE IT RESOLVED, That pursuant to Section 58.1-3370 of the 1950 Code of Virginia, as amended, the Board of Supervisors of Montgomery County does hereby request the Honorable Ray W. Grubbs, Judge of the Circuit Court of Montgomery County, Virginia to create and appoint for Montgomery County a Board of Equalization of real estate assessments is hereby **tabled** until October 13, 1998, pending additional information.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins

James D. Politis

Larry N. Rush

Ira D. Long

Joe C. Stewart

Mary W. Biggs

Joseph V. Gorman, Jr.

NAY

None

**NEW BUSINESS**

**Rezoning Request-Paul and Rebecca Underwood - Tabled**

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

BE IT RESOLVED, That the Paul and Rebecca Underwood request to rezone 21.02 acres, a portion of Tax Parcel No. 103-A-13 from A-1 (Agriculture) to R-1 (Residential) located between Lovely Mount Drive and Interstate 81, and adjacent to 609 Lovely Mount Drive, in the Riner Magisterial District is **hereby tabled** in order to allow the Planning Commission time to work with the Radford Planning Commission and prepare a Comprehensive Plan amendment for the Route 177/Tyler Avenue Corridor Area.

The vote on the foregoing motion was as follows:

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AYE

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

NAY

None

**Evaluate Speed Study Policy**

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

WHEREAS, By resolution dated November 13, 1996 the Board of Supervisors of Montgomery County, Virginia adopted a policy for speed study requests that states “the County Administrator must receive a petition containing the signatures of at least 50% of the property owners along a specified length of roadway, before requests for speed studies for the same specified stretch of road will be considered by the Board of Supervisors”; and

WHEREAS, The present policy fails to consider several factors documenting the need for a speed study, such as property owners residing on dead-end or private roads where the only access is by use of said secondary road, safety factors including number of accidents, traffic counts, hazardous conditions and other possible criteria.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby directs the County Administrator to evaluate the speed studies policy and make a recommendation to the Board for changes to the policy which will best address the concerns of the citizens related to road safety.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**Subdivision Ordinance Variance-Public Service Authority**

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

WHEREAS, Section 8-115 of the Subdivision Ordinance authorizes the Board of

Supervisors to grant a variance from any provisions of the Subdivision Ordinance after receiving recommendation from the Planning Commission; and

WHEREAS, The Montgomery County Public Service Authority has requested a variance from Section 8-151(b) of the Montgomery County Subdivision Ordinance in order to allow creation of one new lot with access only from an existing private road; and

WHEREAS, The lot to be created is used for a water-storage tank and topography is a primary factor in locating water storage tanks thereby making it difficult to meet frontage requirements; and

WHEREAS, The Planning Commission has recommended approval of the variance subject to certain conditions.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the variance request of Montgomery County Public Service Authority to allow creation of a new lot with access only from an existing private road is hereby approved subject to the following three conditions:

1. No dwellings are allowed on the new lot until required road frontage is public.
2. The water tank continues to be painted with a neutral color that blends with the surrounding area.
3. The recorded plat for the new lot notes the details of this variance and its conditions.

Property is tax parcel 60-A-87 located off Coles Road (State Route 741).

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins

James D. Politis

Mary W. Biggs

Larry N. Rush

Ira D. Long

Joseph V. Gorman, Jr.

NAY

Joe C. Stewart

**Appalachian Regional Commission Application for ARC Funds**

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

WHEREAS, Montgomery County was recently legislatively added to Virginia's Appalachian Region, which affords the County funding opportunities through the Appalachian Regional Commission (ARC); and

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WHEREAS, ARC funding has traditionally been utilized to address economic deficiencies that have existed in the Appalachian Region since the decline of the coal mining industry, particularly the lack of employment opportunities; and

WHEREAS, The development of the Elliston-Lafayette Industrial Park, Phase II will provide needed employment opportunities for between 100 and 125 County residents, many of whom travel to Roanoke County to work; and

WHEREAS, The site improvements necessary for the development of the Elliston-Lafayette Industrial Park, Phase II include the extension of existing water and sewer lines, the installation of subsurface drainage infrastructure and temporary entrances, and grading.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby submit an application requesting \$262,500 in ARC funds for Site Development of the Elliston-Lafayette Industrial Park, Phase II , the project has an estimated cost of \$525,000 and the Montgomery County Industrial Development Authority will contribute the remaining \$262,500.

The vote on the foregoing motion was as follows:

AYE

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

NAY

Joe C. Stewart

**Resolution to Oppose House Bill No. 1362**

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

**RESOLUTION TO OPPOSE HOUSE BILL NO. 1362  
TO REGULATE THE USE OF SPECIAL  
EXCEPTIONS IN ANY COUNTY WITH A  
POPULATION BETWEEN 48,000 AND 50,000  
ACCORDING TO THE 1990 CENSUS**

WHEREAS, The Virginia House of Delegates and the Committee on Counties, Cities and Towns are considering House Bill No. 1362 which would prohibit the requirement that a special exception or special permit be obtained for any single family detached dwelling residential use at a density for which it is zoned in any residential, agricultural or conservation zone; and

WHEREAS, The proposed legislation represents an unnecessary and remarkable intrusion

into the delegated authority of localities to regulate land use within their jurisdictional limits without clear and convincing evidence of the necessity for such action; and

WHEREAS, The Virginia General Assembly has already provided for appropriate remedies through the court system to challenge land use decisions which are arbitrary or capricious or exceed the authority of the State Code; and

WHEREAS, The proposed legislation would prohibit localities from addressing the impacts of residential development on existing agricultural and conservation uses in districts designated for such uses; and

WHEREAS, The proposed legislation would prohibit localities from addressing the impact of large scale residential development on existing residences and communities.

NOW, THEREFORE, BE IT RESOLVED, This 28th day of September, 1998 by the Board of Supervisors of Montgomery County, be and does hereby oppose the passage of House Bill 1362 as an unnecessary and unwarranted intrusion into the delegated authority of Virginia localities to regulate land use within their jurisdictional limits.

The vote on the foregoing motion was as follows:

AYE

Joe C. Stewart

Ira D. Long

Annette S. Perkins

James D. Politis

Mary W. Biggs

Larry N. Rush

Joseph V. Gorman, Jr.

NAY

None

**Classification and Compensation Study - Award Contract**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award the contract to conduct the classification and compensation study for the County to **Municipal Advisors, Inc.**, of Virginia Beach in the amount not to exceed \$38,500.

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

FROM:

550 General Contingencies (\$ 2,008)

560 Special Contingencies (\$36,492)

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Total (\$38,500)

TO:  
110 County Administrator \$38,500

Said resolution awards a contract for the Compensation and Classification Study and transfers funds from contingencies to cover the projected cost.

The vote on the foregoing motion was as follows:

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

**Summit on the Commission of the Future of Virginia Cities**

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 authorizes the County Administrator to reimburse **Joseph V. Gorman, Jr.** for expenses arising from attendance at the summit on the Commission of the Future of Virginia Cities in Charlottesville, Virginia on October 13, 1998.

The vote on the foregoing motion was as follows:

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

**Longshop/McCoy Volunteer Fire Department**

On a motion by Ira D. Long, seconded by Joe C. Stewart 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 (\$3,500)

TO:

440 Fire and Rescue  
Longshop/McCoy Volunteer Fire Department \$3,500

Said resolution transfers funds from Special Contingencies for the purchase of a Cascade System.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**League of Women Voters- Transfer from General 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 General Contingencies (\$200)

TO:

450 Other Agencies \$200  
League of Women Voters

Said resolution transfers funds from General Contingencies to pay for printing the 1999 Facts for Voters.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**Replacement Roof Project at 201 Radford Street**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order for the repair and replacement of the roof on the structure located at 201 Radford Street, Christiansburg, Virginia, to **Melvin T. Morgan Roofing and Sheet Metal, Inc.** of Lynchburg, Virginia, for \$12,790.

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

FROM:

550            General Contingencies            (\$790)

TO:

951            Building & Grounds  
                 Roof Replacement            \$790

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**Road Viewers Meeting-Rural Addition**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Road Viewers shall meet on **Saturday, October 3, 1998 at 10:00 a.m.** with representatives of the Virginia Department of Transportation to tour roads requested for Rural Addition.

The vote on the foregoing motion was as follows:

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

### **Blacksburg Middle School**

On a motion by Annette S. Perkins, seconded by Joe C. Stewart and carried unanimously,  
WHEREAS, By resolution dated September 9, 1996 the Board of Supervisors of Montgomery County, Virginia determined that the current Blacksburg Middle School Site on South Main Street in Blacksburg was of adequate size to meet the needs of future students through 2006 and should appropriately remain the site of an expanded or new middle school facility; and

WHEREAS, The Earthman Report dated November 1, 1997 estimated the Blacksburg Middle School population should grow to a number of 1,196 and new facilities should be sized at 1200 to 1300 students; and

WHEREAS, The School Board has requested a new middle school on a new site and to renovate the middle school on the existing site for the Blacksburg area.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby **tables** the two-middle school concept for the Blacksburg area, renovating the existing middle school and building another middle school at the Price's Fork Road site until October 13, 1998 pending additional information.

The vote on the foregoing motion was as follows:

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

Annette S. Perkins  
Joseph V. Gorman, Jr.

**Excavating Services Term Contract**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a term contract for as-needed excavating services to **Southwest Excavating of Riner, Virginia.**

The vote on the foregoing motion was as follows:

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

**COUNTY ADMINISTRATOR'S REPORT**

Road Issues Report The County Administrator reported that an updated Road Issues Report was included in the Board's Packet for review.

Tax Relief for the Elderly and Disabled Copies of the study on income limits on the Tax Relief for the Elderly and Disabled was included in the Board's Packet for review. The County Administrator briefly summarized the study, reporting that the income limits have remained at \$14,000 and have not been changed for twelve (12) years. Montgomery County's program was compared to nine other localities that are similar to the County. The income limits ranged from \$35,000 to \$14,000 with the average income being \$22,000. It is the staff's recommendation that the income limit be increased. A meeting between the two Towns and the Commissioner of Revenue to obtain consensus on the increase is scheduled. A public hearing must be held on the revised ordinance. The County Administrator also stated that the revised ordinance must be adopted by the end of November in order to implement the changes for the 1999 tax year.

Reassessment Update, The County Administrator reported that the reassessment process in on

schedule. Assessment of all county property should be finished by the middle of October. The notice of reassessment to property owners should be mailed by the first of November and hearings with property owners are scheduled November 9 -20, 1998. The reassessment office will be moved to the former Social Services building before the hearings begins, as their current space is not large enough to house the hearings.

#### Joint Work Session with Montgomery County and Radford's Planning Commission

Joe Powers, Planning Director, reported on the joint work session between the Radford Planning Commission and Montgomery County's Planning Commission in reference to the 177/Tyler Avenue Corridor Area held on September 16, 1998. Mr. Powers distributed a summary report to the Board of Supervisors. Mr. Powers reported the Radford and Montgomery County Planning Commissions entered into the Route 177 Corridor Agreement in March of 1993 to support their mutual interest in the economic growth and orderly development of the corridor area. Several problems have developed due to:

(1) different boundaries for the Corridor Area (planning), the service area (water capacity, sewer capacity and revenue sharing) and the Pepper's Ferry wastewater treatment boundary; (2) Carilion's decision to locate the new hospital on the south side of Interstate 81 instead of the north side; and (3) limitation of 250,000 gallons per day sewer capacity for the service area.

The Montgomery County and Radford Planning Commissions agreed to jointly study an amendment to the joint Comprehensive Plan for the Corridor Area that would revise the Future Land Use Plan, include a vision for the Corridor Area, involve input from corridor landowners, and involve staff assistance from the New River Valley Planning District Commission.

Supervisor Rush asked the Planning Director about the status of Mr. Mark Stewart's rezoning request for his property at the 177 Corridor. The Planning Director indicated that Mr. Stewart's request has been put on hold until the Comprehensive Plan could be amended. Supervisor Rush stated that Mr. Stewart's property is most affected since his land is located beside the hospital and he has been very patient with the overall process. Chairman Gorman asked if Radford and Montgomery County Planning Commissions would consider this request before amending the Comprehensive Plan. The Chairman stated that the new Radford Hospital was issued a special use permit and asked the Planning Director to research the feasibility of issuing a special use permit to Mr. Stewart.

Chairman Gorman asked if the any of the Service Areas could be combined in the Corridor. The Planning Director stated this would not be accomplished by the Planning Commission, their goal is only the planning area, but would have to be done by the County. The Planning Director also stated that to combine the areas would help in the high growth planning areas but are not available for water and sewer.

#### **BOARD MEMBERS' REPORTS**

Supervisor Biggs, reported she distributed the School Board Report in the Friday Packet for the

Boards review. Supervisor Biggs stated she did not have any report on the Planning Commission meeting since the Planning Director reported on the joint work session between Radford and Montgomery County Planning Commissions.

The Planning Commission will hold its public hearing on September 30, 1998 on the Draft Zoning Ordinance and hopes all the Board Members will be able to attend. Supervisor Biggs complimented the press on the fine job of letting the citizens know about the meeting

Supervisor's Biggs and Perkins, and Chairman Gorman, attended a workshop held by the First National Bank on the Year 2000 Computer Problem. Supervisor Biggs stated First National Bank was willing to work with the County on the computer problems for Year 2000.

Supervisor Biggs also attended a workshop by the Community Services Board on September 17, along with Supervisor Perkins.

Supervisor Biggs complimented the Town of Blacksburg on their presentation of the play "The Promise".

Chairman Gorman mentioned that during the workshop FNB held they distribute a check point sheet that one needs to comply with in order to be ready for the Year 2000.

Supervisor Stewart, requested more information about the land the Public Service Authority has for sale and who has the last say in the matter. Supervisor Long reported the Public Service Authority authorized the Director to sale the property. There were three options, (1) Auction the property, (2) Sealed Bids, or (3) Let Economic Development Director handle the sale. The decision was to let the Economic Development handle the sale. Mr. Bob Isner, Director of Economic Development, had the land appraised and set a fair market value on the land. Supervisor Long stated the land has been advertised and the PSA does have further consideration for approval to sale the land. Supervisor Long indicated he would provide the PSA resolution authorizing the Director to sell the land.

Supervisor Perkins reported she had the honor to work with the Town of Blacksburg on the play "The Promise" and there were a lot of talented people in Montgomery County.

Supervisor Perkins stated she attended a Discipline Study meeting at the School Division about the equity of discipline.

Supervisor Perkins distributed to the Board a copy of the Economic Development Commission agenda and stated the highlight of the meeting was Economic Development Director's report.

Supervisor Perkins distributed copies of the labor availability prepared by the Economic Development Department. She also stated she has available a copy of the report from the Economic Development Retreat.

Supervisor Perkins also distributed notes from the New River Valley Planning District Commission (NRVPDC) meeting and will include them in the Friday Report. At this meeting the NRVPDC reviewed the report on the goals and strategies that localities submitted. The goals and strategies were very comparable between what Montgomery County prioritized and what the Commission prioritized. Supervisor Perkins stated that she has a list of projects for the New River Valley Appalachian Regional Commission that the NRVPDC provided.

Supervisor Perkins reported that Pulaski County received a Juvenile Justice Grant. The County Administrator commented that Montgomery County did not endorse this grant because local money is required to provide a matching funds.

Supervisor Rush, asked if the Board could receive the latest numbers regarding school population from the Earthman Study in order to compare the latest student population as of September 30<sup>th</sup> to what the Earthman Study projected numbers would be.

Supervisor Long, distributed the Green Box Committee Meeting Minutes to the Board. Supervisor Long reported at the last meeting citizens from the Longshop/ McCoy area attended to discuss the removal of the greenboxes at the barber shop in McCoy. The citizens in the Longshop/McCoy area were disturbed that the boxes were removed. Supervisor Long explained that the boxes were removed at the request of the landowner and the Greenbox Committee was exploring possible sites in Longshop/McCoy for the placement of greenboxes.

Supervisor Gorman asked how many consolidate sites are located in the County and Supervisor Long stated that there were five (5) consolidated sites with funds budget for three (3) additional sites this year. Supervisor Perkins asked if the three additional consolidated sites were on the study reported by the Greenbox Committee. Supervisor Long indicted they were and the three sites are to be located in Merrimac, Riner and Plum Creek.

Supervisor Stewart requested an update on the status of the agreement with the County and Mr. Sissan for the use of his land for a Green Box Site. The County Attorney reported that Mr. Sissan has not signed the agreement and it was still on hold.

Supervisor Biggs asked if the County could use private land without a written agreement. The County Attorney stated that a verbal agreement is legal. Supervisor Long indicted that most of the greenboxes on private land were verbal agreements. The Board directed the Green Box Committee to review the agreements with private land owners.

Chairman Gorman, County/School Liaison Meeting. Chairman Gorman reported that several items was discussed at the County/School Liaison Meeting. The Board requested a report on outcomes of student performance based on type of space occupied. This issue has not been addressed. Chairman Gorman stated that the safety issue at Rt. 8 and Fairview Church Road has been referred to the Montgomery County Transportation Safety Committee. Also mentioned at the meeting was the possibility of converting the existing Blacksburg Middle School into a vocational school. Chairman Gorman stated that the School Board has not mentioned this and no further action was taken on it.

Town/County Liaison Meeting: The Commerce Park was approved by the Town/County Liaison. The two school option for Blacksburg Middle School was discussed. The Town of Blacksburg made a request to have bicycle path on the 3A Alternate and a letter of support will be sent to the Virginia Department of Transportation. It was suggested that the disregard to the “NO U TURN” sign at County Drive and US 460 be referred to the Transportation Safety Commission by the Board of Supervisors. . Chairman Gorman reported he notified the Town of Blacksburg of the AEP land donated to the County. They will continue to explore joint development of the land. The Chairman will keep the Board updated.

Supervisor Stewart requested that the County Administrator refer to the Virginia Department of Transportation a request for a speed study on Rt 11/460 in Elliston. The County Administrator stated he would add this item to the Board’s next Agenda.

**INTO EXECUTIVE SESSION**

On a motion by Mary W. Biggs, seconded by Larry N. Rush 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 Briefing by Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provisions of Legal Advice by Counsel |
|                     | 1. Mid-County Landfill  |
|                     | 2. Thompson Landfill  |
|                     | 3. Shelor Automotive Group vs. Board of Supervisors   |
|                     | (3) Discussion or Consideration of the Condition, Acquisition, or Use of Real Property for Public Use   |
|                     | 1. Christiansburg Middle School   |
|                     | 2. Blacksburg Middle School   |
|                     | 3. Property for School Purposes   |

(1) Discussion of Specific Personnel

1. Evaluation-County Attorney

The vote on the foregoing motion was as follows:

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

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

The vote on the foregoing motion was as follows:

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

**CERTIFICATION OF EXECUTIVE SESSION**

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

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

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**OTHER BUSINESS - COUNTY ATTORNEY'S EMPLOYMENT CONTRACT**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the Chairman to affix his signature to Renewal No. 2 of the County Attorney Employment Agreement dated July 31, 1996 effective September 1, 1998 at \$71,525 annually.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs  
Larry N. Rush  
Ira D. Long  
Annette S. Perkins

NAY

None

James D. Politis  
Joe C. Stewart  
Joseph V. Gorman, Jr.

**ADJOURNMENT**

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously the meeting was adjourned to Saturday, October 3, 1998 at 10:00 a.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 12:30 a.m., Tuesday, September 29, 1998.