

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 14th DAY OF DECEMBER, 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
	Mary W. Biggs	-Supervisors
	Annette S. Perkins	
	James D. Politis	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

ABSENT: Ira D. Long -Supervisor

CALL TO ORDER AND PUBLIC HEARINGS

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

Right-Of-Way Easement to American Electric Power

-Proposed conveyance of a right-of-way easement to American Electric Power in order to provide electrical services to the County's new consolidated collection site in Riner, Virginia. The property is a portion of the County's new consolidated collection site adjacent to Route 8 in the Riner Magisterial District of Montgomery County, Virginia.

There being no speakers, the public hearing was closed

Rezoning Request

Steve & Carol Weaver (Agent: Carol St.Clair) request to rezone .429 acres; Tax Parcel No. 060-A-7 from A-1 (Agriculture) to R-3 (Residential). Property is located at the intersection of North Fork Road and Roanoke Road in the Shawsville Magisterial District.

Carol St. Clair agent of applicant spoke in favor of the rezoning request. Ms. St. Clair stated the adjoining property was zoned residential, therefore, this request is compatible to the surrounding area.

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

Rezoning Request

H.C. Wyatt Estate/Montgomery County Industrial Development Authority request to rezone +/-40 acres; Tax Parcel 047-A-26 from A-1 (Agriculture) to PIN (Planned Industrial). Property is located in Elliston, at the intersection of Gardner Street and Roanoke Road in the Shawsville Magisterial District.

Bob Isner, Economic Development Director for Montgomery County, representing the Industrial Development Authority, spoke on the rezoning request. Mr. Isner explained that the IDA has entered into an option agreement to purchase the +/- 40 acres for the expansion of the Elliston/Lafayette Industrial Park. The need for larger industrial sites are needed in Montgomery County. Mr. Isner reported that all the geological test have been taken and the land is suitable for construction. The existing public utilities will be expanded to serve the expansion.

Chairman Gorman read the following letter into the record:

“December 8 1998

Montgomery County Board of Supervisors
1 East Main Street, Suite 325
Christiansburg Virginia 24073-3027

To the Chairman and All Board Members and County Administrator:

Attn: Joseph V. Gorman, Jr., Chairman

This is to inform the Board of Supervisors of Montgomery County and to go on record as opposing, the rezoning of the 40 acres of the Wyatt Estate located in Elliston, VA.

I feel this would be a strategic location for a new homes subdivision badly needed for this area. Judging from the inquiries I have received over the years as a Realtor, this location would be an excellent site for upscale homes. There is a large segment of the population looking to settle in this area, since it is a good halfway point between Roanoke and Blacksburg. It is easily accessible to good highways and the County offers excellent benefits. Also there is a scarcity of good building land available in this area.

To have this property zoned industrial would be detrimental to the families living in the Lafayette area. It will drastically change the traffic pattern on the new road causing noise and environmental

pollution.

I realize industrial plants would bring more jobs to Montgomery County but area residents may not have the necessary skills to hold these jobs.

As far as county tax income, the benefits would be as great or greater with high quality homes.

I hope the board will give careful consideration to this opinion before casting their vote on the rezoning of this site.

Thank you for your attention.

Sincerely,
Julia O. Akers(s)
Realtor”

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

Special Use Permit

John W. Eanes, Jr. (Agent: CFW Wireless) request for a Special Use Permit; Tax Parcel No. 90-A-43 to allow construction of a 140' monopole Antenna. Property is located at 3500 Radford Road, in the Riner Magisterial District.

Larry Ryan, CFW Wireless, stated that an antenna was needed for upgrade in the cellular service in the area. The construction would be for a 140' antenna with the ability to expand to a 195' antenna. In order for the expansion to 195' they would have to come back to the Board for approval. Mr. Ryan stated that CFW Wireless has a co-location policy and would provide this to the Board if needed.

Dave Vaughtner, resident of the Radford Road area, stated he was not opposed to the 140' antenna but wanted to say for the record he did oppose a 195' antenna in the area.

Proposed Amendment to the Montgomery County Subdivision Ordinance

Proposed Amendments to the Montgomery County Subdivision Ordinance to require that private septic systems be located entirely on the lot served by that system, or within common area controlled by a homeowner's association

There being no speakers, the public hearing was closed.

DELEGATION

Alleghany Branch Library Committee

Tom Dunkenberger and David McCrumb, representatives from the Alleghany Branch Library Committee, gave a presentation on the Alleghany Library Building Project. In 1996 a resolution was passed by the Board of Supervisors to allocate \$25,000 for a feasibility study to see if a library is needed for the eastern area of Montgomery County. Mr. Dunkenberger stated that the study was complete and they were here to present the findings.

The first issue Mr. Dunkenberger reported on was why a branch library is needed. He reported that the Montgomery-Floyd Regional Library located in Christiansburg was 20 miles from the Elliston/Lafayette area and the only library services available was the services provided by the Bookmobile. Therefore, a library in the eastern portion of the County would provide library services beyond the Bookmobile, provide reading opportunities for all area residents and would provide educational advantages.

The library would include a children's area, a study area, a reading area, computers, and meeting/program areas. A new library would meet the needs of the residents in Elliston/Lafayette. The library would be a full service library and the increased access to books will help support the Virginia Standards of Learning testing.

The proposed site for a new library is located on Crozier Road near the new Elliston Site High School. An option agreement has been entered into with the owner of the property and the Library Board for 4.8 acres. The proposed site is near the new high school, and public utilities are available.

Mr. Dunkenberger stated that the cost of the building is estimated at \$898,200; furniture and fixtures is estimated at \$550,900, for a total cost of \$1,450,000. The library has a total pledge of \$310,000 from three donors. Therefore, with a total donation of \$500,000; grants of \$35,000; Library Savings \$5,000; Capital Improvement Funding \$50,000, the total County funding would be \$860,000.

The next steps of the process is to have a engineering study of the land, exercise option if appropriate, develop architectural plans, and final funding of the project. Mr. Dunkenberger requested on behalf of the Alleghany Branch Library Committee, capital improvement funding to procure an engineering study on the proposed site.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

PUBLIC ADDRESS SESSION

Connie Hackett, President of Blacksburg Middle School PTA, spoke on the Blacksburg Middle School issue. Ms. Hackett said she was disappointed by the Board of Supervisors decision not to build a new middle school, and asked that the Board reconsider their decision.

William King, spoke in opposition of the Turman Lumber rezoning request. Mr. King said he represented 289 people opposing the rezoning request from Turman Lumber. He stated that the Planning Commission has denied Turman Lumber's request and the Board has been sent numerous calls, e-mail, and petitions from citizens opposing the request. The existing problems will only increase from this expansion. The roads are hazardous due to the traffic into Turman Lumber and the Virginia Department of Transportation indicates that the road is not in the 6-Year Plan for improvement. Mr. King asked the Board to consider the residents opposition to Turman Lumber's request and deny the rezoning request.

Robert Bratton spoke in opposition of Turman Lumber rezoning request. Mr. Bratton stated the dust and fumes from the sawmill is a constant problem. It not only covers his house but causes difficulty in breathing, and if Turman Lumber expanded it would only increase this problem.

W.H. Gibson spoke in opposition of Turman Lumber rezoning request. Although he is not against Mr. Turman or the sawmill, he is against the expansion. He asked the Board to deny the rezoning.

Steve Steger stated he would like to go on record that he is in support of building a new middle school in Blacksburg and renovation of the current middle school.

David Notter spoke in favor of building a new middle school in Blacksburg and renovating the current middle school. He believes this would be a good investment and would benefit the entire County and help Economic Development. He asked the Board to reconsider their decision in opposing the construction of a new school.

ADDENDUM

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried, the addendum dated December 14 1998 was added to New Business as follows:

Open Discussion on the Blacksburg Middle School Resolution.

The vote on the foregoing motion was as follows:

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

Alleghany Branch Library

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously, the following was added to the agenda under New Business:

The release of county funds for the engineering services for the proposed Alleghany Branch Library.

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Joe C. Stewart and carried unanimously, the Consent Agenda dated December 14, 1998, was approved as follows:

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

Schedule Public Hearings

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby schedules a public hearing for Monday, January 11, 1999 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving citizens' comments on the following:

Fiscal Year 1999-2000 County Budget

-The purpose of this hearing is to gather citizen comments on the upcoming fiscal year budget.

Recovered Costs - Sheriff

On a motion by Mary W. Biggs, seconded by Joe C. Stewart 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	\$ 2,900
510	DARE	<u>\$ 425</u>
		\$ 3,325

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

Revenue Account

1901-05	Recovered Costs- Sheriff	\$ 2,900
1901-49	Recovered Costs - DARE	<u>\$ 425</u>
		\$ 3,325

Said resolution appropriates monies for recovered costs from extraditions and donations to the DARE program.

Recovered Costs - Social Services

On a motion by Mary W. Biggs, seconded by Joe C. Stewart 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	\$672
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

2401-02	Public Assistance	\$672
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Said resolution appropriates recovered costs for the Medicaid and Adult Care Residency pre-screening monies for other public assistance services.

Additional Appropriation - Commonwealth Attorney

On a motion by Mary W. Biggs, seconded by Joe C. Stewart 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 Attorney \$2,611

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

Revenue Account

2301-00	Shared Expense Commonwealth Attorney	\$ 627
1901-70	Forfeited Asset Sharing Program	<u>1,984</u>
	Total	\$ 2,611

Said resolution appropriates additional funding approved by the Compensation Board for the purchase of office equipment (\$627) and appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services (\$1,984).

Fire Program Fund Allocation

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

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

<u>510</u>	<u>Grants</u>	
3230	Fire Program Fund Distribution	\$31,929

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

Revenue Account

2404-24	Fire Program Fund Distribution	\$31,929
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Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

Additional Appropriation: Elliston Volunteer Fire Department

On a motion by Mary W. Biggs, seconded by Joe C. Stewart 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	
	Elliston Volunteer Fire Department	\$900

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

Revenue Account

1502-07 Sale of Surplus/Salvage \$900

Said resolution appropriates proceeds received from the sale of surplus property to the Elliston Volunteer Fire Department.

Transfer of Funds -Lyric Theater

On a motion by Mary W. Biggs, 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:

550 General Contingencies (\$1,500)

TO:

450 Other Agencies \$1,500
Lyric Theater

Said resolution transfers funds from General Contingencies to provide the County's contribution to offset the cost of renovation to the Lyric Theater.

Wide Area Network-Procurement

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order for \$16,072 to **Bell Atlantic** for the purchase and installation of equipment for the County's Wide Area Network.

New Enterprise Fund-CDBG Application

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

WHEREAS, The New Enterprise Fund of VMH, Inc. provides technical and financial assistance to low- and moderate-income entrepreneurs in the New River Valley; and

WHEREAS, The New Enterprise Fund has since 1996 provided nine loans to entrepreneurs

based in Montgomery County who were unable to obtain loans from a bank; and

WHEREAS, VMH intends to submit an application for \$160,000 in Community Development Block Grant (CDBG) funds to expand the New Enterprise Fund; and

WHEREAS, The CDBG funds would increase the revolving loan fund to \$400,000 and provide additional funds for training and business assistance; and

WHEREAS, Christiansburg Town Council voted to accept the role of lead jurisdiction for the CDBG application on October 20, 1998; and

WHEREAS, Neither financial nor administrative assistance will be requested from Montgomery County in connection with this CDBG project.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby supports the filing of an application for CDBG funds to expand the New Enterprise Fund.

Resolution of Acknowledgment- Revised Zoning Ordinance

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

WHEREAS, The Planning Commission has worked for over two years to prepare a Revised Zoning Ordinance for Montgomery County to replace the Original Zoning Ordinance adopted in 1969; and

WHEREAS, The Planning Commission has held two public hearings (October 22, 1997 and September 30, 1998) on the Revised Zoning Ordinance; and

WHEREAS, The Planning Commission at their Regular Meeting of November 18, 1998 recommended approval of the Revised Zoning Ordinance (dated November 18, 1998) to the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby acknowledges receipt of (1) the Revised Zoning Ordinance (dated November 18, 1998) and (2) the recommendation for approval from the Planning Commission.

Resolution of Commendation-Montgomery Regional Solid Waste Authority

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

WHEREAS, The Montgomery Regional Solid Waste Authority Recycling Processing Facility began operations in their state-of-the-art facility in November, 1996 and has achieved a greater than

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50% increase since start-up; and

WHEREAS, On October 29, 1998 **Montgomery Regional Solid Waste Authority** was presented the **Gold Award in Recycling Excellence** by the Solid Waste Association of North America; and

WHEREAS, This international award was given to recognize excellence and innovation within the field of municipal solid waste management and to promote excellence to the general public; and

WHEREAS, The Solid Waste Authority National Awards program is intended to recognize localities and systems that have achieved the highest level of success in providing environmentally and economically sound municipal solid waste management to the community.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia congratulates the **Montgomery Regional Solid Waste Authority** on receiving the **Gold Award in Recycling Excellence** and recognizes the outstanding services provided to the Citizens of Montgomery County.

Resolution of Support - Virginia's Coalition of High Growth Communities

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

WHEREAS, The Virginia Coalition of High Growth Communities, comprised of 20 rapidly growing localities, was established to help raise the awareness of the General Assembly to local growth management concerns; and

WHEREAS, The Coalition has a five-point legislative agenda related to school funding, impact fees, adequate public facilities, vested rights and opposition to HB1362; and

WHEREAS, Montgomery County wishes to express its support for the Coalition and its five-point legislative agenda.

NOW, THEREFORE, BE IT RESOLVED, By the Montgomery County Board of Supervisors, that it hereby endorses the Coalition and its five-point legislative agenda..

OLD BUSINESS

Comprehensive Plan Map Amendment-Belview Urban Expansion Area

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

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

-Expand the existing Belview Urban Expansion Area by extending the boundaries to 2713 Peppers Ferry Road to the west; 3653 Peppers Ferry Road to the east and 231 Walton Road to the south.

The vote on the foregoing motion was as follows:

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

Rezoning Request-Turman Lumber Company

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Turman Lumber Company request to rezone 19.659 acres, Tax Parcel 104-A-68; from A-1 (Agriculture) to M-1 (Industrial) located on Fire Tower Road immediately north of the existing Turman sawmill, in the Riner Magisterial District is hereby **DENIED**.

The vote on the foregoing motion was as follows:

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

Supervisor Politis abstained due to a potential conflict of interest.

Comprehensive Plan Map Amendment-Va 177/Tyler Urban Expansion Area

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

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

-Expand the existing VA 177/Tyler Avenue Urban Expansion Area to include 60 acres on the east side of Fire Tower Road (Tax Parcels 104-A-68A,68C,68D, 68E and 90).

The vote on the foregoing resolution was as follows:

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

James D. Politis

Ira D. Long

Rezoning Request-Richard Duffner

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

**ORDINANCE 1998 - 30
An Ordinance Amending or Changing
the Zoning Classification of 0.34 acre
from A-1 (Agriculture) to GB (General Business).**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.34 acre of land is hereby changed, amended and rezoned from the zoning classification of Agriculture (A-1) to GB (General Business).

This action was commenced upon the application of Richard Duffner (Agent: Thompson Chrysler Plymouth, Inc.).

These tracts or parcels of land are identified as being property located at 1523 Testerman Dr. in the Riner Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

Joseph V. Gorman, Jr.

Special Use Permit-Tim Mccoy

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

BE IT RESOLVED, That Timothy W. McCoy request for a Special Use Permit to allow an auto repair shop on 12 acres; Tax Parcel 049-2-7A located at 6110 McCoy Road in the Prices Fork Magisterial District is approved subject to the following conditions:

1. This permit authorizes the operation of an auto repair shop. In accordance with the provisions of the Zoning Ordinance, this permit shall automatically expire if the business ceases to operate for a period of two years or more.
2. The applicant shall obtain a commercial entrance permit from the Virginia Department of Transportation and shall provide a copy to the Zoning Administrator. Waste oil and solvents shall be properly stored and disposed of according to state and federal requirements.
3. Hours of operation shall be limited to 7:00 AM to 8:00 PM, Monday through Saturday.
4. All repair work shall be conducted inside the building.
5. No more than fifteen vehicles shall be parked on the property.

The vote on the foregoing motion was as follows:

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

Rezoning Request-Steve & Carol Weaver

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

**ORDINANCE 1998 -31
An Ordinance Amending or Changing
the Zoning Classification of .429 acre
from A-1 (Agriculture) to R-3 (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

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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 .429 acre of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture) to R-3 (Residential).

This action was commenced upon the application of Steve & Carol Weaver (Agent: Carol St.Clair).

These tracts or parcels of land are identified as being property shown on Tax Parcel 060-A-7 located at the intersection of North Fork Road and Roanoke Road in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

Rezoning Request-H.C. Wyatt Estate/Montgomery County Industrial Development Authority

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

**ORDINANCE 1998 -32
An Ordinance Amending or Changing
the Zoning Classification of Approximately +/-40
Acres from A-1 (Agriculture) to PIN (Planned
Industrial).**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of +/-40 acres of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture) to PIN (Planned Industrial).

This action was commenced upon the application of H.C. Wyatt Estate/Montgomery County

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Industrial Development Authority.

These tracts or parcels of land are identified as being property located on Tax Parcel 047-A-26 in Elliston, at the intersection of Gardner Street and Roanoke Road in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

Special Use Permit-John W. Eanes, Jr.

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

BE IT RESOLVED, That John W. Eanes, Jr. (Agent: CFW Wireless) request for a Special Use Permit to allow construction of a 140' monopole Antenna; Tax Parcel 090-A-43 located at 3500 Radford Road in the Riner Magisterial District is approved subject to the following conditions:

1. This permit is to authorize construction of a monopole communications tower. In accordance with the provisions of the zoning ordinance, this permit shall automatically become void if substantial construction has not taken place within two years of the date this permit is approved.
2. The height of the tower and attached antennas shall be no greater than one hundred and forty (140) feet above ground elevation.
3. The tower shall have a galvanized steel finish or be painted a neutral color, so as to reduce visual obtrusiveness. Any dish antennas shall be of a neutral, non-reflective color. No logos or advertising of any type shall be placed on the tower, antennas or any accessory facilities.
4. The tower and accompanying facilities shall comply with the CFW Wireless Co-Location Policy for Wireless Service Providers (Letter of August 16, 1996 from Tom Whitaker, Director - Network Operations and Engineering, CFW Wireless, Managing Partner, Virginia PCS Alliance.)
5. If the tower is not operated for a continuous period of six (6) months, then it shall be

considered abandoned and the tower owner shall remove same within ninety (90) days of receipt of notice from the Zoning Administrator. If the tower is not removed within ninety (90) days, then the Zoning Administrator may require the landowner to remove the tower at the landowner's expense.

6. All Federal Aviation Administration (FAA) requirements shall be met prior to the issuance of any building permits. The tower shall not interfere with flight patterns at any airport.

The vote on the foregoing motion was as follows:

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

Proposed Amendment to the Montgomery County Subdivision Ordinance

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the proposed amendments to the Montgomery County Subdivision Ordinance to require that private septic systems be located entirely on the lot containing the structure served by the septic system or within a common area controlled by a homeowner's association are hereby **DENIED**.

The vote on the foregoing motion was as follows:

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

Right-of-Way Easement to American Electric Power-Riner Consolidated Site

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby authorizes the conveyance of a right-of-way easement to American Electric Power in order to provide electrical services to the County's new consolidated collection site in Riner adjacent to Route 8 in the Riner Magisterial District of Montgomery County, Virginia.

BE IT FURTHER RESOLVED, That the Chairman of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to American Electric Power on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing motion was as follows:

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

Resolution to Purchase Prices Fork Property

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

BE IT RESOLVED, That the Board of Supervisors of County of Montgomery, Virginia hereby approves the exercise of the option to purchase lots six (6) and seven (7) of the H.M. Linkous Home Tract from Price’s Fork Developers, Incorporated, for the purchase price of Six Hundred Fifty Thousand Dollars (\$650,000) pursuant to the Option Agreement between Price’s Fork Developers, Inc. and the County of Montgomery, Virginia dated September 10, 1998.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia authorizes Jeffrey D. Johnson, County Administrator, to notify Price’s Fork Developers, Incorporated, of the Board of Supervisors’ decision to exercise the option to purchase the above described property as required under the Option Agreement referenced above.

The vote on the foregoing motion was as follows:

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

VDOT-Six Year Road Improvement Plan

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

WHEREAS, The Board of Supervisors of Montgomery County, in cooperation with representatives of the Virginia Department of Transportation, have prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary Highway

System in Montgomery County for which funds are to be budgeted in fiscal years 1998-2004; and

WHEREAS, A duly advertised public hearing was conducted at the County Courthouse in Christiansburg, Virginia at 7:00 p.m. on November 23, 1998 for the purpose of informing interested citizens of the proposed Six-Year Plan and for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County hereby approves the aforementioned Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years 1998-2004 with the addition of a budget item to install three low water type structures on Route 674.

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the first year, 1999-2000 by the Virginia Department of Transportation Resident Engineer.

The vote on the foregoing motion was as follows:

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

NEW BUSINESS

1999 Legislative Priorities

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby adopts as their 1999 legislative priorities the document entitled "Montgomery County Legislative Priorities for 1999 " dated December 14, 1998.

BE IT FURTHER RESOLVED, That the Montgomery County Board of Supervisors supports the Virginia Association of Counties' (VACo) 1999 Legislative Program.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

ABSENT

Ira D. Long

Service Agreement Between the Board of Supervisors and the Industrial Development Authority (IDA)

RESOLUTION AUTHORIZING THE EXECUTION
AND DELIVERY OF THE SERVICE AGREEMENT
BETWEEN MONTGOMERY COUNTY, VIRGINIA AND
THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
MONTGOMERY COUNTY, VIRGINIA

WHEREAS, The Board of Supervisors adopted a resolution on July 25, 1994 approving a form of Service Agreement dated July 15, 1994, subject to the Board of Supervisors' approval of the transaction documents concerning the financing of the acquisition, construction and improvement of the Falling Branch Industrial Park (the "Project").

WHEREAS, The transaction documents have been prepared and submitted to the Rural Development agency of the United States Department of Agriculture (the "Government") and the National Bank of Blacksburg, (the "Bank") and to the Board of Supervisors.

WHEREAS, The Project will permit the continued economic development of new manufacturing, industrial and commercial sites in Montgomery County.

WHEREAS, It will be in the best interest of the County and its citizens to support the Project by providing financial support which will permit the Authority to undertake the Project.

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

1. The Service Agreement between Montgomery County, Virginia and the Industrial Development Authority of Montgomery County, Virginia dated December 14, 1998, for reference, in substantially the form attached as Exhibit 1 to this Resolution, is hereby approved.
2. The financing of the Project through the Authority shall not be a general obligation of the County as to which its full faith and credit are pledged, but shall be structured as a limited obligation of the County requiring an annual appropriation by the Board of Supervisors of the

December 14, 1998

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County, as the County Administrator and Director of Finance in their discretion deem appropriate.

3. The County Administrator, and such officers and agents of the County as he may designate, are authorized and directed to take such further action as they deem necessary to accomplish the purposes of this Resolution and to assist the Authority in structuring the financing for the Project and with the issuance and sale of the Authority's bonds, all upon approval as to form by the County Attorney. All actions taken by such officers and agents in connection with the matters approved herein are hereby ratified and confirmed.
4. The Chairman, Vice Chairman or County Administrator are authorized and directed to execute the Service Agreement between Montgomery County, Virginia and the Industrial Development Authority of Montgomery County, Virginia, in substantially the form attached as Exhibit 1 with such changes or supplements as such officers and agents may consider necessary or desirable in connection therewith. Such officers or their designees are authorized to execute and deliver on behalf of the Board of Supervisors such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution.
5. This Resolution shall be effective upon its adoption.

Exhibit 1

SERVICE AGREEMENT BETWEEN MONTGOMERY COUNTY, VIRGINIA AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA

THIS SERVICE AGREEMENT ("Agreement") is made as of the 14TH day of December 1998, by and between the COUNTY OF MONTGOMERY, VIRGINIA ("County"), a political subdivision of the Commonwealth of Virginia, and the INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY, VIRGINIA ("Authority"), a public body politic and corporate of the Commonwealth of Virginia.

RECITALS

- A. The Authority was created and is operating under the Industrial Development and Revenue Bond Act, Chapter 49, Title 152 of the Code of Virginia of 1950, as amended ("Act").
- B. In furtherance of the purposes of the Act and to meet the needs of the County for industrial development, the County has acquired a large tract of land upon which the County wishes the Authority to construct, develop, and operate an the Falling Branch Industrial Park (the "Project") to promote industry and develop trade by inducing manufacturing, industrial governmental and commercial enterprise.

- C. The Authority intends to borrow up to five million dollars (\$5,000,000) from the United States of America acting through the Rural Housing Service, formerly Farmers Home Administration, an agency of the U.S. Department of Agriculture (the "Government") and from private lenders to finance the construction and development of the Project. The Authority intends to approve and issue its \$1,000,000 Taxable Revenue Bond Series 1998A (the "1998A Bond") to evidence a loan from the Rural Housing Service and its \$3,580,800 Taxable Revenue Bond Series 1998B (the "1998B Bond") to evidence a loan from the National Bank of Blacksburg.
- D. The Authority and the County desire to create an obligation of the County, subject to annual appropriation by the Board of County Supervisors of the County, to make payments to the Authority in consideration of the construction, development and operation of the Project by the Authority in amounts sufficient to pay the principal of and interest on the 1998A Bond and 1998B Bond when due and to make certain other payments as herein provided.
- E. Section 15.2-4905 of the Act empowers the Authority to make and enter into contracts relating to developing facilities, and to accept grants from the County. Section 15.24901 of the Act authorizes the Authority to develop and operate the Project.

IN CONSIDERATION OF THE FOREGOING, the Authority and the County agree as follows:

Section 1. Definitions. The following words and terms shall have the following meanings in this Agreement unless the context otherwise requires:

"Loan Fund" means the fund established by the Authority from which payments of principal of and interest on the 1998A Bond and the 1998B Bond will be made.

"Debt Service Payments" means the payments of interest or principal and interest required to be made by the Authority in connection with the 1998A Bond and the 1998B Bond.

"Debt Service Reserve Fund Deficiency" means the amount of any deficiency in the Debt Service Reserve Fund established by the Authority to secure the 1998A Bond and the 1998B Bond.

"Fiscal Year" means the annual accounting period from July 1 to June 30.

"Net Debt Service Payments" means the Debt Service Payments coming due on any January 15 or July 15 less amounts on deposit in the Loan Fund as of March 1 of the preceding calendar year in excess of the amounts required to make the Debt Service Payments coming due before such January 15 or July 15.

"Trustee" means the trustee, if any, or any successor trustee, for the Rural Housing Service or private loans.

Section 2. Construction Development and Operation of Project. The County, Authority, and the Montgomery Regional Economic Development Commission, entered into a Cooperative Agreement for the development of the Project dated September 8, 1993. In furtherance of the Agreement of September 8, 1993, and in consideration of the County's agreement to pay the Debt Service as is hereinafter set out, the Authority agrees to provide all necessary services for the construction, development, and operation of the Project. These services, however, do not include the extension, installation, or operation of water and wastewater utilities which shall be the responsibility of the Town of Christiansburg.

Section 3. Payment of Debt Service Payments and Debt Service Reserve Fund Deficiency. The County agrees to pay to the Authority, or to such other person or entity as may be designated by the Authority, on or after each July 15 but before July 31 during the term of this Agreement, the amount of Net Debt Service Payments due each year on the 1998A Bond and the 1998B Bond. The County further agrees to pay to the Authority, or to such other person or entity as may be designated by the Authority, an amount sufficient to cure any Debt Service Reserve Fund Deficiency upon receipt of written notice of any Debt Service Reserve Fund Deficiency. The Authority directs the County to make all payments under this Section to the Trustee, if any, for the account of the Authority.

Although recognizing that it is not empowered to make any binding commitment beyond the current Fiscal Year, the Board of Supervisors of the County hereby states that it is its current intention to make sufficient annual appropriations during the term of this Agreement to make payments of all Net Debt Service Payments and any Debt Service Reserve Fund Deficiency. The County Administrator is directed to submit for each Fiscal Year a request to the Board of Supervisors for an appropriation to the Authority separate from all other appropriations to the Authority for an amount equal to the Net Debt Service Payments coming due in the next Fiscal Year and any Debt Service Reserve Fund Deficiency. Notwithstanding anything in this Agreement to the contrary, the County's obligations to make payments under this Agreement shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors of the County for such purpose. Nothing in this Agreement shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.

Section 4. Annual Report. On or before each March 1, the Authority shall provide an annual report to the County setting forth the amount of Debt Service Payments coming due in the next Fiscal Year, the amount of Net Debt Service Payments for such period, the revenues and expenditures of the Authority for the previous Fiscal Year, the projected revenues and expenditures for the current Fiscal Year and the amount of any Debt Service Reserve Fund Deficiency. If a Debt Service Reserve Fund Deficiency occurs, the Authority shall notify the County to pay such amount to the Trustee, if any, or to such other person as may be designated by the Authority.

Section 5. Books and Records. The Authority shall maintain proper books of record and account in which proper entries shall be made in accordance with generally accepted accounting principles, consistently applied, of all of its business and affairs related to the Project. All books of record and account and documents in the Authority's possession relating to the Project shall at all reasonable times be open to inspection by such agents or employees of the County as may be designed by the County for such purpose.

Section 6. Maintenance and Insurance. The Authority agrees to maintain and insure the construction, development and operation of the Project in compliance with obligations of the Rural Development and private loan documents required to finance the Project.

Section 7. Severability. If any provision of this Agreement shall be held illegal or invalid by any court, the illegality or invalidity of such provision shall not affect any of the remaining provisions and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein. In case any question should arise as to whether any provision contained herein shall be in violation of law, then such provision shall be construed to be the agreement of the parties hereto to the full extent permitted by law.

Section 8. Assumption by County. In the event the Authority is abolished or its term expires and is not extended before the expiration of this Agreement, the County agrees to assume the obligations of the Authority to make Debt Service Payments, but solely from revenues derived from the ownership or operation of the Authority's facilities and such other amounts as the County may, but is under no obligation to, appropriate.

Section 9. Obligations of the County Unconditional. Except as otherwise provided in this Agreement and subject to annual appropriation by the Board of Supervisors, the obligation of the County to make all payments pursuant to this Agreement and to observe and perform all other covenants and agreements hereunder shall be unconditional irrespective of any rights of setoff, recoupment or counterclaim the County otherwise might have against the Authority.

Section 10. Term of Agreement. This Agreement shall be effective from the date of its execution and delivery by the County and the Authority and shall terminate (i) forty years from its date or (ii) upon the final payment of the 1998A Bond and the 1998B Bond, whichever is earlier.

Section 11. Notices. All demands, notices, approvals, consents, requests, and other communications shall be in writing and shall be deemed to have been delivered when delivered in person or mailed by first class registered mail, postage prepaid, addressed as follows:

County: County of Montgomery, Virginia
P.O. Box 6126
Christiansburg, Virginia 24073
Attention: County Administrator

Authority: Industrial Development Authority of Montgomery
County, Virginia
1 East Main Street, Suite 213
Christiansburg, Virginia 24073
Attention: Executive Director

Section 12. Miscellaneous.

- A. The captions contained in this Agreement are inserted only as a matter of convenience and shall not be construed as defining limiting, extending or describing the scope of this Agreement, any section hereof or the intent of any provision hereof.
- B. The validity and construction of this Agreement shall be determined in all respects in accordance with the laws of the Commonwealth of Virginia.
- C. All rights of the County and the Authority hereunder shall inure to the benefit of their successors and assigns and all obligations of the Authority shall bind the Authority's successors and assigns.
- D. This Agreement shall be effective when it is signed by both parties.
- E. Time is of the essence with regard to each and every provision of this Agreement.

Section 13. Amendments, The County and the Authority shall have the right to amend in writing from time to time any of the terms and conditions of this Agreement, provided that any amendment having a material adverse effect on the holders of the 1998A Bond or the 1998B Bond shall not be effective until consented to by such holders or by a trustee acting on behalf of such holders pursuant to an indenture under which the 1998A Bond or the 1998B Bond may be issued.

WITNESS the following signatures, all duly authorized.

COUNTY OF MONTGOMERY, VIRGINIA

By: _____
 Joseph V. Gorman, Jr.
 Chairman, Board of Supervisors of
 Montgomery County, Virginia

INDUSTRIAL DEVELOPMENT AUTHORITY
 OF MONTGOMERY COUNTY, VIRGINIA

By: _____
 James. C. Stewart, Chairman

The vote on the foregoing motion was as follows:

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

Community Oriented Policing Services (COPS) Discussion

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby enters into a discussion for the purpose of deliberating the proposed grant award for the Community Oriented Policing Services (COPS) Universal Hiring program for the three year period.

The vote on the foregoing motion was as follows:

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

Purchase of a Vehicle for the Assistant Chief for the Christiansburg Volunteer Fire Department

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 \$32,000 to **New River Pontiac GMC** of Christiansburg, VA for the purchase of a 1999 GMC Yukon for the Christiansburg Volunteer Fire Department, Assistant Chief.

BE IT FURTHER 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:

975 Christiansburg VFD Assistant Chief Vehicle \$ 2,000

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

<u>Revenue Account</u>		
1901-48	Recovered Costs- Fire and Rescue	\$ 2,000

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Ira D. Long
Joe C. Stewart		

Mary W. Biggs
Larry N. Rush
Annette S. Perkins
Joseph V. Gorman, Jr.

Temporary Position - Information Management Services

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 authorizes the creation of a temporary part-time Computer Technician assigned to the Information Management Services Department and authorizes the position to be filled.

The vote on the foregoing motion was as follows:

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

Position Conversion - Custodian

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the part-time Custodian position assigned to the Public Facilities Department be converted to a full-time Custodian position and authorizes the position to be filled.

The vote on the foregoing motion was as follows:

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

Blacksburg Middle School

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby opens the floor for the purpose of discussing the resolution passed by the School Board at

its meeting on December 1, 1998, requesting the Board of Supervisors to reconsider its action of November 23, 1998, and support construction of a new middle school in the Blacksburg Strand, as well as renovation of the current middle school.

The vote on the foregoing motion was as follows:

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

Alleghany Branch Library

The board decided after a brief discussion that a resolution was not necessary to release funds for the engineering services requested by the Alleghany Branch Library Committee. The funds have already been designated in the capital improvement plan for the study.

COUNTY ATTORNEY'S REPORT

Update on AEP land to be donated to Montgomery County

The County Attorney reported that American Electric Power is in process of completing the necessary steps to donate the 12 acres adjacent to the new AEP Ellett Substation to the County. AEP has to file for a variance through the Planning Department and once this is approved the land will be conveyed to the County.

Shelor Automotive Group vs Montgomery County

The County Attorney reported that the motion to dismiss Shelor Automotive Group is scheduled for February 11, 1999.

COUNTY ADMINISTRATOR'S REPORT

Meeting with Legislators

The County Administrator reported that the meeting with the Legislators is scheduled for Wednesday, January 6, 1999 at 3:00 p.m. in the Boardroom to discuss the 1999 Legislative Priorities.

Legislative Day

The Legislative Day in Richmond is scheduled for February 11, 1999. The County Administrator will make the arrangements for Board Members who wish to attend.

BOARD MEMBERS' REPORTS

Supervisor Politis requested that the Board consider voting on the COPS Grant at this meeting instead of waiting for the first meeting in January 1999.

Community Oriented Policing Service (COPS) Grant

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the acceptance of the grant for the Community Oriented Policing Services (COPS) Universal Hiring program for the three year period.

FURTHER, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia accepts the conditions of the grant that requires a local match which will be paid 100% by the Department of Criminal Justice Services in the first year.

FURTHER, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes submission of the grant proposal to the state for funds to support the local match requirement acknowledging that local dollars will be needed to meet the matching requirements of grant in year two in the amount of \$25,068 and year three in the amount of \$54,285.

FURTHER, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia can not obligate any future Board of Supervisors to appropriate money, therefore, notwithstanding any provisions in this grant to the contrary, if any future Board of Supervisors fails to appropriate funds for the continuance of this grant, the grant and all obligations hereinto shall automatically terminate upon depletion of the currently appropriated or allocated funds.

Said resolution accepts the federal COPS grant and authorizes submission of the state grant for dollars to meet the matching requirements.

The vote on the foregoing motion was as follows:

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

Supervisor Stewart requested that the County Administration staff contact the Health and Human

Services about the computerized phone system currently in use. Supervisor Stewart reported the system is hard to use and very difficult to reach the designate party or to speak to a receptionist.

Supervisor Perkins distributed copies of the December Activity Report for the Economic Development Commission.

Planning District Commission, Supervisor Perkins was unable to attend the December meeting. A copy of the minutes will be provided to the Board in the Friday Report.

Health & Human Services Executive Committee, Supervisor Perkins was unable to attend the December meeting.

Supervisor Biggs thanked the Board for adding the Blacksburg Middle School addendum to the agenda for discussion.

Planning Commission Supervisor Biggs suggested that a joint work session be scheduled with the Planning Commission to discuss the revised zoning ordinance.

Supervisor Rush reported that the Parks and Recreation Commission has discussed the options for use of the land to be donated by American Electric Power. One idea was to have horseback riding.

Certificate of Appreciation Supervisor Rush received a certificate of appreciation from the Christiansburg High School for the renovation of the high school gym .

Chairman Gorman reported he was approached by several county employees to thank him and the Board for the extended holiday schedule and the added health benefits .

Joint Work Session with the Planning Commission on Revised Zoning Ordinance

The Chairman reported that a joint work session with the Planning Commission on the revised zoning ordinance needs to be scheduled . He indicated that a joint work session with the School Board is top priority and they would discuss a work session with the Planning Commission in the near future.

Location of routes by Commonwealth Transportation Board

The Chairman reported he received an e-mail from Dr. A.N. Feldzamen regarding the routing of Interstate I-73, and criticized the way the Virginia Department of Transportation was handling transportation issues. The Chairman stated no response was needed unless other Board Members would like to respond. The Board indicated they did not.

INTO EXECUTIVE SESSION

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

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

Section 2.1-344 (A) (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

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</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 Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors ends their Executive Session to return to Regular Session.

The vote on the foregoing motion was as follows:

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

CERTIFICATION OF EXECUTIVE SESSION

On a motion by Larry N. Rush, 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

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

NAYS

None

ABSENT DURING VOTE

Ira D. Long

ABSENT DURING MEETING

Ira D. Long

ADJOURNMENT

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Wednesday, January 6, 1999 at 3:00 p.m.

The meeting adjourned at 10: 30 p.m.