

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14TH DAY OF JULY 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	James D. Politis	
	C.P. Shorter	
	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:	Mary W. Biggs	-Supervisor

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC ADDRESS

Bill Aldridge Service Rings for Fire and Rescue Volunteers - Mr. Aldridge addressed the Board regarding showing appreciation to the County's fire and rescue volunteers by presenting them with a service ring. Mr. Aldridge stated the county was very fortunate to have members who volunteer 24 hours a day, seven days a week. He thanked the Board for their support in providing buildings and supplies to the fire and rescue departments. Mr. Aldridge stated that the members need to be recognized for their dedication and recommended providing volunteers service rings. Volunteers who have ten or more years of service would

receive a ring. He realizes the initial cost will be rather large but only nominal after that. Mr. Aldridge requested the Board appropriate \$15, 741 this year to cover the cost for volunteers who already have 10+ years of service as a volunteer and \$1,000 per year to cover the cost of members reaching their 10 year anniversary. He stated the Town of Christiansburg has approved presenting the Christiansburg Fire Department and the Christiansburg Rescue Squad members with rings and the Town of Blacksburg will be discussing this request at their next meeting. He hopes the Board will act favorably on this request.

G.R. Smith Former Meadow Brook Nursing Home Mr. Smith spoke in support of using the former Meadow Brook Nursing Home as a site for a library. Mr. Smith stated the Shawsville/Elliston area is in need of a library. The community is behind this proposal 100% and believes it is a great opportunity. They will help in any way in order to see this project is approved. Mr. Smith urged the Board to accept the proposal by Tom's Creek Investors in order for the citizens in Shawsville/Elliston to have local library.

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

ADDENDUM

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the following addendum dated July 14, 2003 was added to the agenda:

INTO CLOSED MEETING:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community
1. Prospective Industry

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

Larry N. Rush

CONSENT AGENDA

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously, the Consent Agenda dated July 14, 2003 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Gary D. Creed		
Annette S. Perkins		
James D. Politis		
C.P. Shorter		
Larry N. Rush		

Approval of Minutes

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously, the minutes dated June 9, 2003 and June 12, 2003 were approved.

Schedule Public Hearing - Amendment to Chapter 8 Article III, Entitled Erosion and Sediment Control

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia, hereby schedules a Public Hearing for August 25, 2003, at 7:15 p.m. or soon thereafter at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia, in order to receive public comments on the following:

An Ordinance Amending Chapter 8 Article III, Section 8-64 of the Code of the County of Montgomery, Virginia Entitled Erosion and Sediment Control by Requiring Certain Information Before Land Disturbing Activities Take Place and by Waiving the Certificate of Competence Requirement for an Agreement in Lieu of a Plan.

County Administration and Information Management Services - Transfer of Funds

On a motion by John A. Muffo, 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:

110 County Administration (\$14,100)

TO:

140 Information Management Services \$14,100

Said resolution transfers funds from County Administration to Information Management Services to support the reassignment of two positions.

Reappropriation of Encumbrances

On a motion by John A. Muffo, 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, 2004, for the function and in the amount as follows:

100	Board of Supervisors	\$ 485
110	County Administration	\$ 18,746
130	Financial and Management Services	\$ 21,328
140	Information Management Services	\$ 79,483
180	Internal Services	\$ 6,631
400	General Services	\$157,721
700	Parks and Recreation	\$ 9,142
710	Library	\$193,290
720	Floyd Library	\$ 76,378
800	Planning and Inspections	\$ 65,086
801	Planning Grants	\$ 9,243
810	Economic Development	<u>\$ 9,140</u>

Total \$646,673

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

Revenue Account

451205 Designated General Fund Balance \$646,673

Said resolution reappropriates monies supporting the balances of outstanding purchase orders.

Reappropriation of Grants

On a motion by John A. Muffo, 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, 2004, for the function and in the amount as follows:

321	Offender Financed Drug Program	\$ 1,328
	Federal Asset Forfeiture	\$ 9,737
	Selective Traffic Enforcement	\$ 9,742
	DARE Program	\$ 3,939
	Local Law Enforcement	\$ 2,476
	Wireless 911	\$151,003
	Project Lifesaver	\$ 7,704
801	Free Clinic CDBG	<u>\$616,665</u>
	Total	\$802,594

Sources of funds for the foregoing appropriation are as follows:

Revenue:

23212-424401	Selective Traffic Enforcement	\$ 9,742
28010-419108	Recovered Costs-Free Clinic	\$160,595
28010-434401-	FCLNC CDBG	\$456,070
02-451205	Designated Fund Balance	<u>\$176,187</u>
	Total	\$802,594

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

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Reappropriation of CIP Projects

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

110	New Government Center	\$1,828,788
	Courthouse Renovation	\$ 205,960
140	Integrated Management Information System	\$ 536,713
170	Registrar	\$ 9,340
330	Christiansburg Fire Department-Equipment	\$ 144,912
	Elliston Fire Department-Equipment	\$ 65,000
	Riner Fire Department-Equipment	\$ 636
	Christiansburg Rescue – Equipment	\$ 118,900
	Shawsville Rescue Squad-Equipment	\$ 38,677
	Elliston Fire Department-Building	\$ 850,000
	Long Shop/McCoy Fire/Rescue-Building	\$ 750,420
400	Animal Control	\$ 25,000
	Elliston Bridge	\$ 22,036
	Consolidated Sites	\$ 179,314
660	School Projects	\$ 5,388
700	Elliston/Lafayette Recreational Park	\$ 86,724
	Mid-County Park	\$ 221,363
	Plum Creek/Hornsby Recreational Park	\$ 104,672
	Miner’s Park	\$ 36,085
710	Alleghany Library	\$ 23,004
800	Digital Photos	\$ 105,600
810	Elliston/Lafayette Industrial Park	\$ 37,597
	Falling Branch Industrial Park	\$ 114,223
920	Debt Service Reserve	\$1,911,290
960	Capital Projects Reserve Fund	<u>\$ 586,728</u>
	Total	\$8,008,370

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

Revenue Accounts:

451205	Designated Fund Balance	\$8,008,370
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Said resolution appropriates the available account balances for CIP projects. These balances exclude encumbrances which will be reappropriated through a second resolution to carry forward funds which support open purchase orders.

County Capital Projects Fund - Reappropriation of Encumbrances

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

110	New Government Center	\$ 33,559
	Courthouse Renovation	\$552,466
140	Integrated Management Information System	\$255,470
810	Falling Branch Industrial Park	<u>\$ 1,765</u>
	Total	\$843,260

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

Revenue Account

451205	Designated General Fund Balance	\$843,260
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Said resolution reappropriates monies supporting the balances of outstanding purchase orders.

Capital Projects Fund - Schools: Reappropriation of Prior Year Balances

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2004 for the function and in the amount as follow:

600 Capital Projects Fund - Schools \$10,436,614

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

Revenue Account

451204 Capital Projects Fund \$10,436,614

Said resolution renames the School Construction Fund and appropriates the available account balances for CIP projects to be transferred to the Capital Projects Fund.

Floyd Library Appropriation

On a motion by John A. Muffo, 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, 2004 for the function and in the amount as follows:

720 Floyd Library \$173,306

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

Revenue Account

416156 Floyd County Reimbursement	\$130,788
416157 Town of Floyd Contribution	\$ 2,000
2404-09 State Library Grant	<u>\$ 40,518</u>
TOTAL:	\$173,306

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

Requests for Additions to Agricultural & Forestal Districts - Refer to the Planning Commission and AFD Advisory Committee

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby refers the following requests for additions to existing Agricultural and Forestal Districts (AFD) to the Planning

Commission and the AFD Advisory Committee for their action pursuant to Chapter 2, Division 7 of the Montgomery County Code and Title 15.2, Chapter 43 of the Code of Virginia, 1959, as amended:

AFD-2 Catawba

Addition of 39 acres owned by William & Donna Caldwell on Mossy Spring Road (SR 804), Mt. Tabor Magisterial District.

AFD-15 Taylor Hollow

Addition of 112 acres owned by Antonio Perez off Paris Mountain Road (SR 683), Mt. Tabor Magisterial District.

Acknowledge Speed Study - Mill Pointe Road

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board referred a speed study request to the Virginia Department of Transportation for a traffic study on Mill Pointe Road (Route 1034) to determine the feasibility of posting speed limit signs; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDOT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does not recommend posting a speed limit on this section of roadway at this time for the following reasons:

1. The traffic is of a local nature.
2. No reported accidents over the previous three year period.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report and extends its appreciation to the Virginia Department of Transportation for the report.

OLD BUSINESS

Special Use Permit Amendment - George E. Via, II (Agent: Ron Walton)

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the George E. Via, II (Agent: Ron Walton) request for an amendment to a Special Use Permit for a radio tower approved on December 11, 2000 in Agriculture (A-1) to remove the 150 foot setback requirement is hereby approved subject to the following conditions:

1. This permit is to authorize construction of one lattice telecommunications tower in accordance with the provisions of the zoning ordinance. The height of the new tower and attached antennas shall be no greater than one hundred and sixty (160) feet above the finished ground elevation as stated on the approved FCC permit.
2. All additional regulations specified for freestanding telecommunications towers in Section 10-48 of the zoning ordinance shall be met.
3. A survey including the lease area and access road shall be submitted to the Zoning Administrator prior to the issuance of a building permit.
4. Public safety providers (Sheriff, rescue squads and fire departments) shall be provided space at the site for their antennas at no rental cost.

The property is located on the northwest side of Fishers View Road on Fishers View Mountain and is identified as Tax Parcel No. 110-A-18 (Account ID #020099) in the Shawsville Magisterial District. The property lies in an area designated as a Conservation Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
Annette S. Perkins		
C.P. Shorter		
John A. Muffo		
James D. Politis		
Larry N. Rush		

Special Use Permit - Montgomery County and Town of Christiansburg (Agent: Montgomery County Public Schools)

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County and Town of Christiansburg (Agent: Montgomery County Public Schools) request

for a Special Use Permit on a 43.224 acre tract, with possible conditions, in Agriculture (A-1) to allow an impervious lot coverage greater than 20% and not to exceed 25% is hereby approved subject to the following conditions:

1. No more than 20 percent of the two parcels, considered as a whole, shall be covered by buildings or other impervious surfaces until such time that an agreement is executed between Montgomery County and the Town of Christiansburg formalizing the sharing of access and the sharing of parking between the two parcels. Moreover, use of ball fields should not be denied to any resident of the county when games have not been scheduled.
2. Impervious lot coverage shall not exceed 25% of the total lot area.

The property is located north of the Moose Drive and Buffalo Drive intersection in the Town of Christiansburg and Montgomery County and is identified as Tax Parcel No. 556-A-1, 92-A-62D,62E (Account ID #008097,035553,036085) in the Riner Magisterial District. The property lies in an area designated as an Agricultural Area in the Comprehensive Plan

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		
James D. Politis		
Larry N. Rush		

Rezoning Request - David M. Harman, Et Al (Agent: Gay & Keese, Inc.)

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

ORDINANCE 2003 -11
An Ordinance Amending the Zoning
Classification of approximately 94.8 acres from
Agriculture (A-1) and 16.2 acres from
Residential (R-2) to Rural Residential (RR)

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 those certain tracts or parcels of land consisting of approximately 94.8 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Residential (R3); and 16.2 acres of land is hereby amended and rezoned from the zoning classification of Residential (R-2) to Rural Residential (RR) with the following proffered condition:

1. The subject parcel shall be developed in substantial conformance with the Concept Plan for Phase IV of Heritage Place, dated 4/29/03, and revision date of June 7, 2003 (to show reserved for future right-of-way), prepared by Gay and Keesee, Incorporated.

This action was commenced upon the application of David M. Harman, et al (Agent: Gay & Keesee, Inc.).

The property is located on the north side of Lake Vista Drive and the west side of Hitching Post Drive, and is identified as Tax Parcel No. 92-A-58; 92-4-5,6 (Acct ID # 008143, 008144) in the Riner Magisterial District. The property currently lies in an area designated as an Agricultural area in the Comprehensive Plan.

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>
John A. Muffo	None	Mary W. Biggs
Gary D. Creed		
Annette S. Perkins		
C.P. Shorter		
James D. Politis		
Larry N. Rush		

Rezoning Request - William R. & Lockie Greear (Agent: Fralin & Waldron)

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

**ORDINANCE 2003 -12
An Ordinance Amending the Zoning Classification
of approximately 2.47 acres from
Planned Unit Development Residential (PUD-R)**

**to Residential (R1);approximately 83.08 acres
from Rural Residential (RR) to Residential (R1);
approximately 8.96 acres from
Planned Unit Development Residential (PUD-R)
to Planned Unit Development Residential (PUD-R)**

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 those certain tracts or parcels of land consisting of approximately 2.47 acres of land is hereby amended and rezoned from the zoning classification of Planned Unit Development Residential (PUD-R) to Residential (R1); approximately 83.08 acres of land is hereby amended and rezoned from the zoning classification of Rural Residential (RR) to Residential (R1); approximately 8.96 acres of land is hereby amended and rezoned from the zoning classification of Planned Unit Development Residential (PUD-R) to Planned Unit Development Residential (PUD-R), with the followings proffered conditions:

1. As indicated on the Conceptual Layout for Auburn Village dated April 30, 2003, revised May 5, 2003, prepared by Gay & Keesee, Incorporated, "Area A" shall remain unbuilt. Unbuilt shall mean no residential, commercial, or industrial structures shall be constructed on said "Area A"; stormwater, recreation, and/or utility improvements and structures are allowed.
2. Residential density on "Area B" shall be limited to 73 single-family detached dwellings.
3. "Area C" shall be limited to single-family attached or single-family detached dwellings not to exceed 27 dwelling units.
4. A minimum total of 40 percent open space shall be provided for Areas "A" and "B". Right-of-way shall be allowed in total area for open space calculations.
5. The roadway and other improvements, including landscaping and traffic calming design, within the 60 ft. right-of-way shall be approved by Montgomery County and VDOT at the time of subdivision approval. Roadway and improvements shall be substantially complete prior to issuance of any certificate of occupancy.
6. The 94.51 +/- acre tract which is the subject of this action, shall be constructed substantially in conformance with the Conceptual Layout for Auburn Village dated April 30, 2003, revised May 5, 2003 prepared by Gay & Keesee, Incorporated.

This action was commenced upon the application of William R. & Lockie Greear (Agent: Fralin & Waldron).

The property is located on the north side of Fairview Church Road and west side of Riner Road approximately 630 ft. west of Riner Road and Fairview Church Road intersection and is identified as Tax Parcel Nos. 119-A-32,33 (Acct ID # 007515) in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan

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>
Gary D. Creed	None	Mary W. Biggs
Annette S. Perkins		
C.P. Shorter		
John A. Muffo		
James D. Politis		
Larry N. Rush		

NEW BUSINESS

Administration Services for Flexible Spending Accounts and COBRA

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, hereby accepts the proposal from Flexible Benefits Administrators (FBA) through the New River Valley Benefits Consortium with three other local government entities to provide Flexible Spending Accounts and COBRA administration.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County to participate with other consortium members in sharing costs for a contractor to provide Flexible Spending Accounts and COBRA administration.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
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C.P. Shorter None Mary W. Biggs
John A. Muffo
James D. Politis
Annette S. Perkins
Gary D. Creed
Larry N. Rush

INTO WORK SESSION

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

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

1. Courthouse Renovations
2. Zoning Ordinance
3. VACo- Consideration of Information Campaign

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
John A. Muffo		
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
Larry N. Rush		

Courthouse Renovations

The Assistant County Administrator made a presentation on the debt service options for the renovation of the Courthouse and Building C in the Montgomery County Government Center. She expressed that no one could make predictions about future interest rates and the report before them tonight reflects the best assumptions offered by their economic advisors. The best case scenario (Assumption 1), the Board would advance funds from the general fund for renovations of Building C and issue bonds in the Fall 2004, with a projected interest rate of 4.12%. The worst case scenario (Assumption 2), the Board would advance funds for renovations of Building C, issue bonds in the Fall of 2007, with a projected interest rate at 7.26% and increased construction cost is projected at \$1.5 million. The Assistant County Administrator stated that using the current estimates for Assumption 1, the potential savings would be \$10 million over 25 years

of interest payments and \$1.5 million in increased costs of the project. The potential increase in real estate taxes for Assumption 1 is 1.5 cents in FY 05 and .5 cents in FY 06. Assumption 2 there is a potential increase by 3 cents in FY 08.

Following the presentation, the County Administrator suggested the Board move forward with Assumption 1. They would renovate Building C for temporary use for the court operations and then start on the renovations to the courthouse. The time table outlined by the Architect projects if both projects begin and proceed simultaneously, Building C would be completed in two years with the court operations moving in, and renovations to the Courthouse would be completed in four years.

By consensus of the Board, a resolution to move forward with the project will be placed on the July 28, 2003 agenda for their consideration.

Zoning Ordinance

The Planning Director made a presentation of the proposed changes to the Zoning Ordinance. The major change is the proposal for accessory structures. The Board of Supervisors requested the Planning Commission to review the process for accessory structures. Presently, structures less than 850 sq. ft and 16 feet in height are permitted by right. The Planning Commission recommends increasing the area from 850 to 1,200 sq. feet and 16 to 18 feet in height.

Currently, structures over 850 sq. ft. and 16 ft in height require a Special Use Permit from the Board of Supervisors. The Planning Commission recommends any structures greater than 1,200 sq. ft and 18 ft would require a Special Use Permit from the Board of Zoning Appeals. This would reduce the processing time from 3 ½ months to 1 month.

The Planning Commission also recommends exempting certain farm accessory structures from the zoning ordinance. They would have to meet two conditions; 1) Property be enrolled in either the land use assessment and taxation program or the agricultural and forestal district program; 2) The building is setback at least 100 feet from all property lines. If they do not meet either of these conditions a Special Use Permit would be required.

The Planning Director also recommended the definition of wayside stand and roadside stand be deleted from the Zoning Ordinance since they are both addressed in the new category called Farm Enterprise.

Following the Planning Director's presentation, the Board discussed the recommendation for accessory structures. Overall, the Board agreed with the recommendation with one exception, the condition of a 100

feet set back on farm structures should be removed and will be treated the same as residential structures for set backs.

The proposed changes to the zoning ordinances will be placed on the Board's July 28, 2003 agenda for consideration.

VACo - Information Campaign

The Public Information Officer showed two 30-seconded videos and played three radio announcements that are part of the Virginia Association of Counties' Public Awareness Campaign. VACo wants to bring public awareness to the State's unfunded mandates in public education. VACo has produced radio and television advertisement with the message to the State to fully fund K-12 public education. They are requesting localities to distribute the video and radio advertisement to their local media as public service announcements.

OUT OF WORK SESSION

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
C.P. Shorter		
Larry N. Rush		

COUNTY ADMINISTRATOR'S REPORT

Madison E. Marye Highway The County Administrator reported that the General Assembly approved the House and the Senate Bill to designate a portion of the 3-A bypass in honor of Senator Madison Marye,

who retired from the State Senate in 2002. The highway signs are ready for placement. A dedication ceremony needs to be scheduled.

BOARD MEMBERS' REPORTS

Supervisor Politis Fairview Church Road - Low Water Bridge Supervisor Politis reported that the low water bridge on Fairview Church Road is deteriorating and motorists have to drive through running water, which is dangerous. He requested that VDOT look into the problem.

Brush Creek Road Supervisor Politis reported that VDOT has completed widening two spots along Brush Creek Road. Though the entire road needs upgrading, there is one more spot that is in dire need of widening. He asked that any funds remaining in the Revenue Sharing Program after all projects have been completed, be allocated to Brush Creek Road.

The County Administrator will contact the Resident Engineer for updated report on all the projects to see if there will be any available money from the Revenue Sharing Program.

Supervisor Shorter - Rural Rustic Road Program The County needs to move forward on the Rural Rustic Road Program. There are several roads in the system that could be paved under this program. Supervisor Shorter requested staff to see if the Board needs to adopt a resolution expressing their interest in participating in the program.

Right-of-Way Mowing by VDOT Supervisor Shorter believes the mowing of right-of-way in the County by VDOT is slow going and that there should be a better process. The high grass and brush dangerously hinders site distance at intersections.

Supervisor Muffo Community Services Board Supervisor Muffo was appointed to the Community Services Board as Board representative. He has an orientation meeting with the Chair of the CSB and the Director of the Community Services Board.

Supervisor Creed - Parks & Recreation Supervisor Creed reported there still is a problem with scheduling of the ball fields by Parks and Recreation. There seems to be a lack of coordination.

Wayside Drive - Supervisor Creed reported that there is trash on both sides of the road on Way Side Drive. He requested that MCIC be contacted to add this road on their list to be cleaned up in the spring during their annual clean-up day. He also asked if someone could clean up this area in the meantime.

Transportation Safety Commission Supervisor Creed attended the Transportation Safety Commission meeting. He reported that the Commission adopted a resolution of support to repair the low water bridge on Mt. Pleasant Road. The resolution will be forwarded to the Board of Supervisors and to VDOT.

Merchants Capital Tax Supervisor Creed requested this issue be placed on the August 13, 2003 agenda for discussing regardless of pending information. He believes this is a pressing issue and in order to accomplish anything, it needs to be done before the end of the year, before the next budget session.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Discipling or Resignation of Specific Public Officers, Appointees or Employees
 1. Personnel
 - (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 1. Library Use
 2. Plum Creek Area
 - (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community
 1. Prospective Industry

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
John A. Muffo		
Larry N. Rush		

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
John A. Muffo		
Larry N. Rush		

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed 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 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed 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 closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

C.P. Shorter
James D. Politis
Annette S. Perkins
Gary D. Creed
John A. Muffo
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

Mary W. Biggs

ABSENT DURING MEETING

Mary W. Biggs

OTHER BUSINESS

IDA - Real Estate Agreement and Post Closure Performance Agreement

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby concurs with the Real Estate Sales Agreement dated the 15th of July, 2003 and the Post Closure Performance

Agreement dated the 15th of July, 2003 between the Montgomery County Industrial Development Authority and KRISKELL, LLC.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
John A. Muffo		
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
Larry N. Rush		

Parks and Recreation Director

By consensus of the Board, the County Administrator was authorized to advertise the position of Parks and Recreation Director at Grade 26, Step 12.

Former Meadow Brook Nursing Home Property

It was the consensus of the Board for the County Administrator and County Attorney to meet with Tom's Creek Investors to develop and present documents for the transition of the property to the County and the County's use of the property.

ADJOURNMENT

On a motion by John A. Muffo seconded by James D. Poltiis and carried unanimously, the Board adjourned to July 28, 2003 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
John A. Muffo		

Larry N. Rush

The meeting adjourned at 9:40 p.m.

Larry N. Rush, Chair

ATTEST:

Jeffrey D. Johnson, County Administrator