

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 13TH DAY OF MARCH, 2000 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	Annette S. Perkins	-Supervisors
	James D. Politis	
	C.P. Shorter	
	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
	Angie Hill	-Financial & Management Services Director
	Vickie L. Swinney	-Secretary

ABSENT: John A. Muffo -Supervisor

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

Special Use Permit

Todd and Paige Walters T/A Valley Landscaping Inc., request for a Special Use Permit to allow a Garden Center on 3.45 acres near the intersection of Lusters Gate Road (SR 723) and Den Hill Road (SR 603), portion of Tax Parcel No. 68-A-9A.

Todd Walters, applicant, presented a drawing of the proposed garden center to the Board.

The Chair noted that Mr. Wendell Hensley, adjoining property owner, endorses Mr. Walters plans for a garden center. His main concern is stormwater runoff onto his property and requests that this issue be addressed in the special use permit. Mr. Hensley could not attend the public hearing and

March 13, 2000

Page 1 of 15

requested the Chair note for the record his concerns.

There being no speakers, the public hearing was closed.

INTO WORK SESSION

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

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

-Budget Work Session

1. Financial Policies
2. Capital Budget - Davenport and Company

The vote on the foregoing motion was as follows:

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

Courtney Rogers of Davenport and Company, the County's bond counsel, presented proposed fiscal policy guidelines and goals for Montgomery County. Mr. Rogers described proposed policies for the County's capital improvement budget, including maintenance and replacement of capital items; debt and limitations on debt; reserves, contingencies, and fund balances; and investments and cash flow.

OUT OF WORK SESSION

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

BE IT RESOLVED, That the Board of Supervisors hereby ends their Work Session 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 John A. Muffo
James D. Politis
Joe C. Stewart
Annette S. Perkins
Larry N. Rush
Mary W. Biggs

PUBLIC ADDRESS SESSION

Bob Broere, JCR Furniture Designs, requested the Board consider reducing the threshold for capital investments required for companies wishing to relocate to industrial parks. Smaller lots need to be made available to small businesses wishing to relocate.

Charlie Bowles recommended denying the Stewart special use permit amendment request to allow private well and septic system for a professional office. Mr. Bowles also recommended denying the Danbury request to withdraw 9.852 acres from Agricultural and Forestal District 3. He believes this area should be kept rural and opposes withdrawing it from the AFD. Mr. Bowles also questioned the sales prices for lots in Falling Branch Industrial Park, noting that they were less per acre than prices charged for residential building lots in Riner.

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

ADDENDUM

On a motion by C.P. Shorter, seconded by Joe C. Stewart and carried unanimously, the Addendum dated March 13, 2000 was added to the agenda as follows:

1. NEW BUSINESS:

Resolution of Recognition - Take Back the Night,

2. CLOSED SESSION:

Section 2.1-3-44 (A) (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 Business or Industry

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously, the Consent Agenda dated March 13, 2000 was approved. The vote was as follows:

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

Approval of Minutes

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously, the minutes dated February 14, 2000 and February 16, 2000 were approved.

Regional Library - Additional Appropriation

On a motion by Larry N. Rush, 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, 2000, for the function and in the amount as follows:

720	Floyd Library	\$10,000
-----	---------------	----------

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

Revenue Account

416150 Floyd Library Savings \$10,000

Said resolution appropriates monies from the Floyd Library's savings account to purchase additional materials for patrons.

Sheriff - Live Scan System - Additional Appropriation

On a motion by Larry N. Rush, 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, 2000, for the function and in the amount as follows:

940	Joint Automation	\$29,714
-----	------------------	----------

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

Revenue Account

423100	Shared Expenses	\$29,714
--------	-----------------	----------

Said resolution appropriates monies from the State Compensation Board for the purchase of a Live Scan fingerprinting system.

Frog Pond - Contract Change

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to allow change orders as necessary to complete the renovation/expansion project of the bath house located at the County's Frog Pond in a total amount not to exceed \$8,000 or six percent (6%) of the

March 13, 2000

Page 5 of 15

original award of \$139,258.

Brush Mountain West Phase 6 - Final Plat

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

WHEREAS, Brush Mountain West Phase 6 consists of 20 lots located west of Brush Mountain Road (State Route 777) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners' association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of Brush Mountain West Phase 6 has agreed that said responsibility shall be assumed by the homeowners' association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Brush Mountain West, Phase 6 (Draper Aden Associates Plan No. T-7557-J dated 10/27/99), Prices Fork Magisterial District, including stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

Special Use Permit Request - American Electric Power Company

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the American Electric Power Company (Agent: United Acquisition Service) request for a Special Use Permit to allow a Telecommunication Facility on 0.83 acre; Tax Parcel No. 105-A-71 located on the north side of Interstate-81 approximately 3 miles west of Christiansburg is hereby **referred** back to the Planning Commission to evaluate and make a recommendation back to the Board.

E-911 Street Naming - Fort Hill Drive

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

WHEREAS, There are four residences on a private road off Oldtown Road (SR 753) and the property owners have petitioned the County to name this street Fort Hill Drive; and

WHEREAS, Fort Hill Drive complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that after duly considering said request, the Board approves the use of the name Fort Hill Drive.

OLD BUSINESS

Special Use Permit - Todd and Paige Walters T/A Valley Landscaping Incorporated

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the T. Todd and Paige Walters (Agents: Todd Walters T/A Valley Landscaping Incorporated) request for a Special Use Permit to allow a Garden Center; Tax Parcel No. 68-5-9A, located at the intersection of Lusters Gate Road (SR 732) and Den Hill Road (SR603), in the Mount Tabor Magisterial District is approved subject to the following three conditions:

1. This permit is to allow construction of a garden center. In accordance with the provisions of the zoning ordinance, this permit will automatically become void if substantial construction does not take place within two years.
2. Construction shall be substantially in accordance with the site plan. (Anderson & Associates dated 3-10-00)
3. Driveways and parking areas shall be gravel or other permeable surface to reduce stromwater runoff into Cedar Run.

March 13, 2000

Page 7 of 15

The vote on the foregoing motion was as follows:

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

Special Use Permit - Quorum Holding Mini Warehouses

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

BE IT RESOLVED, By the Board of Supervisors, Montgomery County, Virginia that the Quorum Holding Company (Agent: Bill and Trula Tuck) request for a Special Use Permit to construct mini-warehouses; Tax Parcel No. 67-5-6, located at 3956 South Main Street, in the Prices Fork Magisterial District is approved subject to the following conditions:

1. This permit is to allow construction of mini-warehouses (self storage units). In accordance with the provisions of the zoning ordinance, this permit will automatically become void if substantial construction does not take place within two years.
2. Construction shall be substantially in accordance with the site plan (Altizer, Hodges & Varney Project 1999033 dated November 30, 1999).
3. All driveways shall be hard surfaced (prime and double-seal, or asphalt pavement).

The vote on the foregoing motion was as follows:

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

Amendment to Special Use Permit - Kathleen Stewart

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, That the Kathleen Stewart (Agent: Anderson and Associates, Inc.) request for an amendment to the Special Use Permit to allow professional office space on approximately five (5) acres, Tax Parcel Nos. 104-A-27-A, 104-A-28, 104-4-46, (formerly 104-4-45 and 104-4-46) located in the northeast corner of the intersection of Barn Road and Route 177 in the Riner Magisterial District, issued May 10, 1999, is hereby approved by amending condition number 2 contained in the existing Special Use Permit issued May 10, 1999, to read as follows:

1. The approved Preliminary Site Plan dated 2/1/99, prepared by Anderson and Associates, document No. 14950, shall be amended to allow the Owner to construct up to 35,400 square feet of professional office space which shall be served by public water and sewer with the following exception. The first building to be built, which shall not exceed 14,000 square feet in size, may be temporarily served by a private well and septic system approved by the Health Department. The Owner shall disconnect the temporary private well and septic system and connect public water and sewer to the first building when (1) the Owner decides to add more than 14,000 square feet of office space to the property by either obtaining a building permit to construct a second building or to enlarge the first building or (2) when public water and sewer are made available on Barn Road, whichever occurs first.
2. All other conditions contained in the Special Use Permit issued May 10, 1999, shall remain in effect.

The vote on the foregoing motion was as follows:

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

Ordinance Withdrawing 9.852 Acres from AFD -3 - Danbury LTD

No motion was made on the above ordinance.

NEW BUSINESS

IDA Sale of Lot 6B Falling Branch Industrial Park

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

WHEREAS, The Industrial Development Authority of Montgomery County (the “Authority”) has drafted a proposed Real Estate Sales Agreement and a Post Closing Performance Agreement (the Agreements) subject to the approval of the Board of Supervisors, in order to sell Lot 6B in the Falling Branch Industrial Park to Falling Branch Investments, LLC; and

WHEREAS, Pursuant to the terms, conditions, and covenants of the Agreements, Falling Branch Investments, LLC, will be constructing a privately owned shell building on Lot 6B for the purpose of enhancing capital investment and the creation of new job opportunities within the County; and

WHEREAS, The Industrial Park Property Transfer Agreement between the Board of Supervisors and the Authority dated September 16, 1996, requires the Board of Supervisors to review and approve any sale, lease, transfer, conveyance or encumbrance of the property known as Falling Branch Industrial Park; and

WHEREAS, The Authority has recommended that the Board of Supervisors approve the sale of Lot 6B in the Falling Branch Industrial Park to Falling Branch Investments, LLC. subject to the terms, conditions and covenants contained in the Real Estate Sales Agreement and the Post Closing Performance Agreement.

THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby **defers action on the proposed Real Estate Sales Agreement and proposed Post Closing Performance Agreement until the March 27, 2000 meeting.**

The vote on the foregoing motion was as follows:

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

Resolution of Recognition - Take Back the Night

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The first *“Take Back the Night”* event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later the first U.S. *“Take Back the Night”* march was held in San Francisco with over 5,000 women from 30 states participating; and

WHEREAS, Since that time, marches have been held in many cities throughout the United States, Canada, Latin America, India and Europe; and

WHEREAS, In Virginia *“Take Back the Night”* marches have been held in Richmond and Charlottesville, and at Radford University, Hollins College, and Virginia Tech where marchers have called attention to violence against women -- the sexual harassment, misogyny, rapes, and murders; and

WHEREAS, The eleventh annual *“Take Back the Night”* Rally and March will be held on Thursday, March 23, 2000, beginning at 7:30 p.m. on the Drillfield in front of Burruss Hall at Virginia Tech and participants will march through campus and downtown Blacksburg, to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia supports the 11th annual *“Take Back the Night”* event which is part of *Women’s Month 2000*.

The vote on the foregoing motion was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

MUNIS Update The notification letters for County Vehicle Decals are scheduled to be mailed March 17, 2000. The Treasurer's office is using the new software for collections and is entering the backlog of collections into the system. The abatement for the land book is on-going and a trial run on the real estate tickets will be run shortly.

BOARD MEMBERS' REPORTS

Supervisor Shorter requested the status on installation of guardrails on Keister Branch Road. Supervisor Shorter also requested the County Administrator to check to see if Thomas Lane is on the 6 Year Road Plan. If not, then Thomas Lane needs to be added to the list.

Supervisor Politis requested an update on installing a guardrail on Camp Carybrook Road. He also received a complaint about the green boxes on Pack Road overflowing. .

Supervisor Stewart wanted to know what the requirements are for private roads. Supervisor Stewart also noted that the Principal of Shawsville High School is dividing his time between the current high school and the new Eastern Montgomery High School.

Supervisor Perkins attended the School Prototype Review Committee meeting on March 8th. Another meeting is scheduled March 14th to review different prototypes for the Blacksburg and Christiansburg Middle School. Visits will also be planned to different types of schools. Supervisors Perkins noted that the School Board meeting scheduled for April 4, 2000 has been changed to April 11th.

Chair Biggs attended the Coal Miners Park meeting and a complete report will be forwarded to Board Members.

RC&D Committee March 20, 2000 is the deadline to nominate citizens to the various RC&D Committees . If any Board Members have nominations, please turn them in as soon as possible.

INTO CLOSED MEETING

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

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

Section 2.1-344(A) (1) Discussion, Consideration or Interviews of Prospective

Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Parks & Recreation Commission

- (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 Business or Industry

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

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

BE IT RESOLVED, That 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>
Larry N. Rush	None	John A. Muffo
James D. Politis		
Joe C. Stewart		

C.P. Shorter
Annette S. Perkins
Mary W. Biggs

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Larry N. Rush 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 2.1-344.1 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
Annette S. Perkins
James D. Politis
Larry N. Rush
Joe C. Stewart
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

APPOINTMENT

Parks and Recreation Commission

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby reappoints **Donald W. Linkous** to the Parks and Recreation Commission effective March 14, 2000 and expiring March 13, 2003.

The vote on the foregoing motion was as follows:

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

ADJOURNMENT

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Wednesday, March 22, 2000 at 7:15 p.m. at the Auburn High School.

The vote on the foregoing motion was as follows:

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

The Board adjourned at 9:06 p.m.