

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 22ND DAY OF MAY, 2000 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	James D. Politis	-Supervisors
	C.P. Shorter	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Kelly Boyers	-Planner
	Vickie L. Swinney	-Secretary

ABSENT:	John A. Muffo	-Supervisors
	Annette S. Perkins	

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC HEARINGS

Special Use Permit

Hazel B. Linkous (Agent: TEA Group/ Crown Communications) request for a Special Use Permit to allow construction of a telecommunications tower on Tax Parcel 52-A-118 located at 2049 Merrimac Road.

William Dibling, TEA Group/Crown Communications attorney, requested the public hearing be continued to allow more time to provide information to the Board. They are working with neighbors in the Stroubles Mill Subdivision. They will be conducting a balloon test in the near future to determine the visual impact of the tower.

Larry Linkous spoke in support of the telecommunications tower. Mr. Linkous indicated that the construction of the tower was good land use. The use of the land is very marginal because of the lack of good soil. Mr. Linkous stated there has been no opposition from adjoining landowners, only from the Stroubles Mill Subdivision.

Richard Hirsh spoke in opposition of the telecommunications tower. Mr. Hirsh expressed concern with the number of towers cropping up everywhere. He believes Montgomery County should develop a master plan for future installations of telecommunication towers.

Joe Merola spoke neither for or against the telecommunications tower request. Mr. Merola indicated he is concerned with lack of communication between Public Officials and the citizens of Montgomery County. There seems to be a lack of information sent to the citizens. In the past few weeks, efforts have been made to increase the information concerning actions that may affect them and their neighborhood.

There being no further speakers, the public hearing was continued to June 26, 2000.

Speical Use Permit

Marvin N. Graham, Sr. (Agent: TEA Group/ Crown Communications) request for a Special Use Permit to allow construction of a telecommunications tower on Tax Parcel 81-A-34 thru 37 located at 1189 Izaak Walton Road

William Dibling, TEA Group/ Crown Communications attorney, asked the Board to delay action on Marvin Graham's request for 45 days. Mr. Dibling indicated that if Ted Graham's request to replace the existing tower was approved, they could co-locate and the second tower would no longer be needed.

Larry Martin spoke in favor of the request. Mr. Martin stated this request was relevant to the request to replace an existing tower with a taller one on Ted Graham's property. Mr. Martin believes Marvin Graham's property is better suited for a tower. It is in a more rural setting and away from the residential area. Mr. Martin asked the Board to consider approving Marvin Graham's request and denying Ted Graham's request.

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

Chair Biggs noted that Marvin Graham's request would be on the July 10, 2000 agenda for consideration by the Board.

Comprehensive Plan Map Amendment and Rezoning Request

Comprehensive Plan Map Amendment to change the land use designation for the northern portion of Tax Parcel No. 64-A-42, approximately 12 acres, from rural and conservation to urban expansion and Kreg Sheppard, ETAL (Agent: W. Dale Huff, Jr. ASLA of Gay and Keese, Inc.) request to rezone 13.23 acres, Tax Parcel No. 64-A-42 and 64-A-41E, from A-1 (Agriculture) to R-2 (Single Family Residential).

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Property is located behind 3222 Peppers Ferry Road in the Price's Fork Magisterial District.

Dale Huff, agent , spoke as agent for the applicant. Mr. Huff indicated that Mr. Kregg Sheppard lives in North Carolina and inherited the land in question. Mr. Sheppard has no intentions of returning to the area and would like to sell the land. The proposed buyer would like to build duplexes on the land.

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

Special Use Permit

Bobby Phillips requests a Special Use Permit for a Recycling Center on a 1 acre parcel, Tax Parcel No. 91-A-18, currently zoned GB (General Business). Property is located at 2684 Radford Road.

Bobby Phillips, applicant, stated he was available for any questions the Board may have concerning his request.

There being no speakers, the public hearing was closed.

Special Use Permit

Montgomery County Public Service Authority (Agent: Riner Volunteer Fire Department) request for a Special Use Permit (Tax Parcel No. 129-A-68A) to allow a freestanding telecommunications tower on 0.344 acre. Property is located at 4171 Riner Road

Mike Moles, Captain of Riner Volunteer Fire Department, spoke in support of construction of a telecommunications tower. Mr. Moles stated this tower would be used for emergency services and would allow their service area to increase, especially in the Pilot area of Montgomery County. Mr. Moles said that to co-locate on existing towers would be too expensive since they would be charged a monthly rent.

At the request of Supervisor Stewart this request will be added under New Business for consideration by the Board.

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

Special Use Permit

Anna J. N. Thompson (Agent: The TEA Group/Crown Communications) request for a Special Use Permit (Tax Parcel No. 092-3-A) to allow a freestanding telecommunications tower on 0.23 acre. Property is located at 1771 Radford Road

Harold Timmons, Agent, Tea Group/Crown Communications, spoke in support of the request. Mr. Timmons made a presentation on telecommunications towers. The presentation also showed the Anna Thompson property and the surrounding area that would be affected by the construction of a tower. Mr. Timmons stated that the TEA Group/Crown Communications will be requesting thirteen (13) sites in Montgomery County. Nine (9) will be existing sites while four (4) will be new sites. Their goal is to try

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to co-locate with other exiting sites to eliminate the need for new towers in the county.

Sharon Heslep, expressed concern for safety of landscaping and fencing around the tower. She wanted to know if the tower would interfere with radio or television frequencies. Ms. Heslep also asked if the drilling for construction of the tower would cause problems with well water in the area.

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

PUBLIC ADDRESS SESSION

Richard Hirsh commented on the fact that Board members were asking intelligent questions to the telecommunications companies regarding their request for towers in Montgomery County. Mr. Hirsh stated again that a comprehensive plan needs to be developed concerning telecommunication towers.

Larry Martin requested the Board to consider denying the telecommunications tower on Ted Graham's property and approve the request for a telecommunications tower on Marvin Graham's property. Mr. Martin also stated that the request by American Towers for construction of a tower is close to the request by TEA Group/Crown Communications for a tower on Anna Thompson's property. He asked if the two could co-locate to eliminate the need for one tower.

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

ADD TO THE AGENDA - ADDENDUM

On a motion by Joe C. Stewart, seconded by Larry N. Rush and carried unanimously, the following addendum dated May 22, 2000 was add to the Agenda as follows:

Into Closed Meeting

- 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
 2. Public Official

The vote on the foregoing motion was as follows:

AYE

Joe C. Stewart
James D. Politis
C.P. Shorter
Larry N. Rush
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo
Annette S. Perkins

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the Consent agenda dated May 22, 2000 was approved.

The vote on the foregoing motion was as follows:

AYE

James D. Politis
C.P. Shorter
Larry N. Rush
Joe C. Stewart
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo
Annette S. Perkins

Approval of Minutes

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the minutes dated April 24 and April 25, 2000 were approved.

Recovered Costs Social Services

On a motion by Larry N. Rush, seconded by C.P. Shorter 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:

540 Social Services \$35,300

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

Revenue Account

419108	Recovered Costs	\$ 300
424102	Public Assistance	<u>\$35,000</u>
	Total	\$35,300

Said resolution appropriates recovered costs for the Medicaid and Adult Care Residency pre-screening monies for other public assistance services, and an additional state allocation for the Temporary Assistance for Needy Families (TANF) program.

Reconciliation of Compensation Board Budgets - Full Time Salaries

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

BE IT RESOLVED, By The Board of Supervisors of Montgomery County, Virginia that the General Fund revenue and expenditures for the fiscal year ending June 30, 2000 are adjusted, for the function and in the amount as follows:

150	Commissioner of Revenue	\$ 4,553
160	Treasurer	\$ 4,702
200	Commonwealth Attorney	\$ 6,768
250	Circuit Court Clerk	\$ 5,567
310	Sheriff	<u>\$ 35,776</u>
	Total	\$ 57,366

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

Revenue Account

423100	Shared Expense	\$57,366
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BE IT FURTHER RESOLVED, That a transfer is hereby authorized as follows:

FROM:

960	Special Contingencies	<u>(\$ 1,393)</u>
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TO:

150	Commissioner of Revenue	\$ 621
160	Treasurer	<u>\$ 772</u>
	Total	\$ 1,393

Said resolution adjusts the Constitutional Officers' budgets to reconcile with the Compensation Board approved amounts and transfers monies from Special Contingencies to meet the County's share of additional salary monies that require a local match.

Addition to the Secondary System of State Highways - Ridge Road

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

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

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

NOW THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

ADDITION:

The Ridge Phase III

<u>Name of Street:</u>	<u>Length</u>
Ridge Road	
From End of State Maintenance SR 1052	
To Cul-de-Sac	0.28 Mi
Plat Recorded,03-19-1999	
Plat Book: 19 Page:63&64	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, This Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-229, Code of Virginia; and

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

Resolution of Appreciation - Broomin' and Bloomin' Annual Cleanup

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

WHEREAS, The Montgomery County Board of Supervisors supported and endorsed the annual "Broomin and Bloomin'" clean-up day held on Saturday, April 15, 2000; and

WHEREAS, The Montgomery County Board of Supervisors understands that numerous private and public organizations and over 1,822 volunteers participated in this effort; and

WHEREAS, The Montgomery County Board of Supervisors is aware that over 135,361 pounds of debris has been collected, and additional tonnage is anticipated in conjunction with the overall Broomin' and Bloomin' effort.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors extends a unanimous vote of appreciation to the **Montgomery County Improvement Council** on the successful coordination of this effort.

FURTHER, BE IT RESOLVED, That all organizations and individuals contributing to this effort are hereby recognized and commended for their contribution toward the beautification effort in Montgomery County.

OLD BUSINESS

Special Use Permit - Ted W. Graham - Replacement of Existing Telecommunications Tower

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Ted W. Graham (Agent: GTE Wireless, Inc.) request for a Special Use Permit to allow replacement of an existing telecommunications tower with a taller tower on Tax Parcel No. 81-A-45 located at the end of Brammer Lane is hereby approved subject to the following three conditions:

1. This permit is to authorize construction of a monopole telecommunications tower to replace the existing tower. In accordance with the provisions of the zoning ordinance, this permit shall automatically become void if substantial completion has not taken place within two years of the date this permit is approved.
2. The height of the new tower and attached antennas shall be no greater than two hundred twenty (220) feet above ground elevation of 2147.0' (NAVD-88).

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3. All additional standards specified for freestanding telecommunications tower in Section 4-806 of the zoning ordinance shall be met.

The vote on the foregoing resolution was as follows:

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

Special Use Permit - American Electric Power - Telecommunications Tower

On a motion by C.P. Shorter, seconded by Joe C. Stewart and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the American Electric Power (Agent: United Acquisition Service) request for a Special Use Permit to allow construction of a telecommunications tower on Tax Parcel No. 105-A-71 (existing Edgemont substation) next to Interstate-81 is hereby **TABLED** pending additional information.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Joe C. Stewart	Larry N. Rush	John A. Muffo
C.P. Shorter		Annette S. Perkins
James D. Politis		
Mary W. Biggs		

NEW BUSINESS

Architectural and Engineering Contract - Montgomery County Municipal Center

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to sign a contract with the firm of Thompson + Litton for architectural services and engineering services for the Montgomery County Municipal Center project pursuant to RFP # 99-53 at a cost of \$ 603,033 for architectural, engineering and other design services.

FURTHER, BE IT RESOLVED, That the County Administrator is authorized to issue a project order with Construction Control Corporation in the amount of \$73,000 for construction management services.

The vote on the foregoing resolution was as follows:

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

Special Use Permit - Telecommunications Tower Montgomery County Public Service Authority (Riner Volunteer Fire Department)

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County Public Service Authority (Agent: Riner Volunteer Fire Department) request for a Special Use Permit on Tax Parcel No. 129-A-68A to allow a freestanding telecommunications tower on 0.344 acre located at 4171 Riner Road is hereby approved subject to the following three conditions:

1. This permit is to authorize construction of a lattice telecommunications tower. In accordance with the provisions of the zoning ordinance, this permit shall automatically become void if substantial completion has not taken place within two years of the date this permit is approved.
2. The height of the new tower and attached antennas shall be no greater than one hundred and one (101) feet above ground elevation at the water tank.
3. All additional standards specified for freestanding telecommunications towers in Section 4-806 of the zoning ordinance shall be met.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby acknowledges the findings of the Planning Commission that the telecommunications tower is substantially in accord with the Comprehensive Plan (2232 review).

The vote on the foregoing resolution was as follows:

AYE

Joe C. Stewart
C.P. Shorter
Larry N. Rush
James D. Politis
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo
Annette S. Perkins

COUNTY ATTORNEY'S REPORT

Trigon Stock Conversion Funds The County Attorney reported on the Trigon Stock Conversion Funds. Funds from the Trigon stocks were deposited in the County's general fund and there are no limitations on how the County can use these funds. The portion of money from the Trigon stocks for the Schools was also deposited in the County's general fund, but the State did put limitations on how the school system can use these funds. They have to be used toward employees' health care or for capital projects.

Telecommunications Towers The County Attorney gave a brief summary about telecommunication towers. He advised that the County's Comprehensive Plan needs to be amended to include telecommunication towers. He suggested the Board look at the County as a whole for land use for the future.

COUNTY ADMINISTRATOR'S REPORT

Eastern Montgomery High School - Road Improvements The County Administrator provided the Board with a map showing the new road construction on US 11/460 in Elliston at the entrance to the Eastern Montgomery High School.

BOARD MEMBERS' REPORTS

Supervisor Politis has been invited to Carrol County to speak about land use taxes.

Fairview Church Road Supervisor Politis reported Dan Brugh, VDOT, inspected Fairview Church Road. There will be "bad curves signs" installed along the road, and flashing signs installed near the school.

Supervisor Stewart reported that Slate Hill Road on SR 603 in Elliston has a damaged guardrail in an area where there is a 75' drop-off. He requested the Virginia Department of Transportation be contacted.

Supervisor Shorter reported the Virginia Department of Transportation has painted the yellow line at the intersection of Tucker and McCoy Road. He also reported that McCoy Road has re-opened to through traffic. He requested VDOT be contacted about the dead end sign missing on Walnut Road and that Whitethorne Road be inspected. There is a hump that needs to be graded. Also stated he received a call

about VDOT paving Chrisman Mill Road. Apparently, some landowners did not want the road paved.

Supervisor Rush attended the Virginia's First Regional Industrial Facility Authority meeting. They discussed the issue of the new Commerce Park development in Dublin. A committee is working with the citizens in the surrounding area on the development of the Park.

Chair Biggs reported that the School Board submitted a site plan for the new proposed Blacksburg Middle School to the Town of Blacksburg. A copy of the site plan has been provided to the Board Members.

Industrial Appreciation Day was held on Tuesday, May 26, 2000. The Chair commended the Economic Development Department for a job well done.

INTO CLOSED MEETING

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

BE IT RESOLVED, That the Board of Supervisors hereby enters into 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. Planning Commission |
| | | 2. Public Official |

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

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

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

Larry N. Rush
C.P. Shorter
James D. Politis
Joe C. Stewart
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

John A. Muffo
Annette S. Perkins

ABSENT DURING MEETING

John A. Muffo
Annette S. Perkins

APPOINTMENTS

Montgomery County Planning Commission

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby reappoints **Michael E. Ewing** to the **Montgomery County Planning Commission** effective June 1, 2000 and expiring May 31, 2004.

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby reappoints **Kathryn A. Brennan** to the **Montgomery County Planning Commission** effective June 1, 2000 and expiring May 31, 2004.

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby reappoints **Donald W. Linkous** to the **Montgomery County Planning Commission** effective June 1, 2000 and expiring May 31, 2004.

The vote on the foregoing resolution was as follows:

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

ADJOURNMENT

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Wednesday, May 24, 2000 at 6:30 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 11:00 p.m.