

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 9TH DAY OF MARCH, 1998 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Larry N. Rush	-Vice Chairman
	Ira D. Long	-Supervisors
	Joe C. Stewart	
	Mary W. Biggs	
	James D. Politis	
	Annette S. Perkins	(7:55 p.m.)
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T. C. Powers, Jr.	-Planning Director
	Ed Davis	-Planner
	Judy W. Kiser	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC ADDRESS SESSION

Margaret Smith-Greear Property Rezoning Ms. Smith believes a community (such as Riner) should have the opportunity to examine more closely the potential environmental impact on the infrastructure before the Board's approval of a development of this size. Ms. Smith went on to say that her frequent attendance and outspoken opinions at the Board of Supervisors meetings is her God-given and constitutional right as a citizen.

ADD TO AGENDA-ADDENDUM

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Addendum dated March 9, 1998 was added to the agenda as follows:

E-911 Street Naming-Honeysuckle Lane

CONSENT AGENDA

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated March 9, 1998 was approved. The vote was as follows:

AYE

Annette S. Perkins

Mary W. Biggs

Ira D. Long

Larry N. Rush

Joe C. Stewart

James D. Politis

Joseph V. Gorman, Jr.

NAY

None

Schedule Public Hearing-Ordinance Abolishing the D-91-1 Voting Precinct and Creating the New D-1 Voting Precinct

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

BE IT RESOLVED, That the Board of Supervisors schedules a public hearing on Monday, April 13, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving comments on the proposed ordinance abolishing the D-91-1 voting precinct located at the Christiansburg Armory by splitting the precinct into the new D-1 voting precinct with the polling location at the Christiansburg Armory and the new D-5 voting precinct with the polling location located at the Montgomery-Floyd Regional Library, Christiansburg Branch.

Schedule Public Hearing-Amendment to Subdivision Ordinance

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules a public hearing on Monday, April 27, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving comments on the following:

Amendment to Montgomery County Subdivision Ordinance,
-Sections 8-112, 8-131, 8-133, 8-134, 8-152, 8-171, 8-174 and 8-175 to comply with State Enabling Legislation

Sheriff-Recovered Costs

On a motion by Ira D. Long, seconded by Mary W. Biggs 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 ended June 30, 1998, for the function and in the amount as follows:

310	Sheriff-County/State	\$ 391
311	Sheriff-100% County	\$ 800
		\$ 1,191

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

Revenue Account

190105	Recovered Costs- Sheriff	\$ 1,191
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Said resolution appropriates monies to cover the cost of security patrols at Auburn High ball games, Custom Catering, the Blacksburg Inn, and the Red Lion Inn and recovered costs from extraditions.

Recovered Costs-Fire and Rescue

On a motion by Ira D. Long, seconded by Mary W. Biggs 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 ended June 30, 1998, for the function and in the amount as follows:

440	Fire and Rescue	\$ 1,788
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

410132	Insurance Recoveries - Fire and Rescue	\$1,788
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Said resolution appropriates monies received from an insurance claim resulting from an accident involving one of the Blacksburg Rescue Squad's vehicles.

Recovered Costs-Public Facilities

On a motion by Ira D. Long, seconded by Mary W. Biggs 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 ended June 30, 1998, for the function and in the amount as follows:

150	Public Facilities	\$ 389
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

410171	Insurance Recoveries - Public Facilities	\$ 389
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Said resolution appropriates monies received from an insurance claim resulting from a mulch fire outside the County Courthouse.

Department of Social Services-Supplemental Appropriation

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation for the fiscal year ending June 30, 1998 for the function and in the amount as follows:

410	Social Services	\$126,210
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The source of funds for the foregoing appropriation is as follows:

Revenue Account

240102	Public Assistance	\$126,210
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FURTHER BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

560	Special Contingencies	(\$ 12,000)
	Public Assistance	

TO:

410	Social Services	\$ 12,000
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Said resolution appropriates additional monies for mandated day care programs, a review of the Food Stamp program, the Child Protective Services Program, Adult Care Residence Screening Medicaid monies, and transfers funds from Special Contingencies to provide local matching funds for the mandated day care programs.

Supervisor Rush asked that staff include the balance in a Special Contingencies prior to approval of a resolution to transfer funds.

Transfer from Health and Human Services Building to Public Facilities

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

949 Health and Human Services Building (\$10,000)

TO:

150 Public Facilities \$10,000

Said resolution transfers appropriated amounts for the construction of the new Health and Human Services building to Public Facilities for renovations to the former Social Services building.

Additional Appropriation-Commissioner of Revenue

On a motion by Ira D. Long, seconded by Mary W. Biggs 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 Contingencies (\$2,800)

TO:

220 Assessments - 100% County \$2,800

Said resolution transfers funds from Contingencies to Assessments - 100% County.

Recovered Cost-Solid Waste Collections

On a motion by Ira D. Long, seconded by Mary W. Biggs 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 ended June 30, 1998, for the function and in the amount as follows:

151 Sanitary Collections \$199

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

Revenue Account

190108 Recovered Costs - Litter Control \$199

Said resolution appropriates recovered costs from a conference refund.

School Operating Fund-Supplemental Appropriation

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

BE IT RESOLVED, BY the Board of Supervisors of Montgomery County, Virginia that the School Operating fund was granted an appropriation in addition to the annual appropriation for the fiscal year ended June 30, 1998, for the function and in the amount as follows:

<u>991</u>	<u>School Operating Fund</u>	
6100	Instruction	\$303,669
6400	Operation and Maintenance	<u>\$ 12,901</u>
	Total	\$316,570

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

Revenue Account:

2402-99	Learn and Serve	\$ 11,335
2402-34	PC's Grant	\$ 45,948
2402-99	Field Office	\$ 20,729
2402-34	Homeless Assistance Grant	\$ 30,000
3302-28	Drug Free Schools	\$ 31,111
3302-19	Special Education (Flow-Through)	\$164,546
1803-01	FEMA	\$ 4,332
1899-09	Auction Proceeds	<u>\$ 8,569</u>
	Total	\$316,570

Said resolution appropriates additional funds from the state Department of Education for educational activities under the Learn and Serve Grant, personnel and equipment costs of the PC's for Families Grant, support for the Department of Education Field Service Officer, the Homeless Assistance coordinator; federal funding for educational activities under the Drug Free Schools Act and special education aides; County funding for pass-through Federal Emergency Management Assistance reimbursement for storm damages, and proceeds from auction of surplus equipment.

Transfer from Financial and Management Services to Planning and Inspections

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

130 Financial and Management Services (\$12,560)

TO:

160 Planning and Inspections \$12,560

Said resolution transfers monies for the Grants Coordinator position from the Department of Financial and Management Services to Planning and Inspections Department.

Authorization for Business Bank Card

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Administrator is hereby authorized to apply to the National Bank of Blacksburg for three credit cards to be issued to the Board of Supervisors, with an individual credit limit of \$2,500.

Authorization to Fill Positions

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Administrator is hereby authorized to fill the following positions:

- Grants Coordinator
- Office on Youth Director
- Secretary to the Board

Resolution of Support-"Take Back the Night" Rally and March

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

WHEREAS, The first "*Take Back the Night*" even was held in Germany in 1973 in response to a series of sexual assaults, rapers, 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 participated; and

WHEREAS, Since that time, marches have been held in many cities throughout the U.S., 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 ninth annual *“Take Back the Night”* Rally and March will be held on Thursday, March 26, 1998 between 7:30 p.m. and 8:00 p.m. on the 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 9th annual *“Take Back the Night”* event which is part of *Women’s Month 1998*.

Downtown Post Office-Hours of Operation

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

WHEREAS, The downtown Christiansburg Post Office presently operates from 9:00 a.m. to 4:30 p.m.; and

WHEREAS, Many citizens prefer to have the office open continuously from 8:00 a.m. to 5:00 p.m. in order to eliminate inconvenience and to facilitate businesses and employees at the downtown location.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, it is respectfully requested that the postal service hours be revised and that the office remain open from 8:00 a.m. to 5:00 p.m. without being closed for a lunch period.

OLD BUSINESS

Amendment to Montgomery County Zoning Ordinance-Concerning Public Hearings for Planned Unit Developments

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

ORDINANCE 1998 -2

**An Ordinance Amending Sections
10-252(c) and Section 10-266(c)
of the Montgomery County Code**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that Section 10-252(c) and Section 10-266(c) of the Zoning Ordinance be amended and reordained as follows:

Section 10-252(c)

(c)The planning commission shall review the applicant’s preliminary master plan. This review shall include a review and recommendation from any planning commission subcommittee deemed appropriate. As part of its review, the commission shall hold a ~~joint~~ public hearing ~~with the board of supervisors~~ as pursuant to section 15.2-2204 of the Code of Virginia, as amended.

Section 10-266(c)

(c) The planning commission shall review the applicant’s preliminary master plan. This review shall include a review and recommendation from any planning commission subcommittee deemed appropriate. As part of its review, the commission shall hold a ~~joint~~ public hearing ~~with the board of supervisors~~ as pursuant to section 15.2-2204 of the Code of Virginia, as amended.

(Deletions are lined out. There are no additions.)

The vote was as follows:

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

Rezoning Request-Brush Mountain Estates

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 Brush Mountain Estates, LLC, request to rezone 417 acres; Tax Parcel No. 15-A-16 from A-1 (Agriculture) to R-1 (Residential) located on the east side of Pandapas Pond Road, between Preston Forest subdivision and the Jefferson National Forest in the Mt. Tabor Magisterial District is not in compliance with the Comprehensive and is hereby **DENIED**.

The vote on the foregoing resolution was follows:

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

Joe C. Stewart

Annette S. Perkins

The motion was for **denial**.

Rezoning Request-Paul Epperly

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

ORDINANCE 1998 - 3

**An Ordinance amending or changing
the zoning classification of 2 acres
from General Business (GB) to
Residential (R-3)**

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 2 acres of land is hereby changed, amended and rezoned from the zoning classification of General Business (GB) to Residential (R-3).

This action was commenced upon the application of Paul Epperly.

These tracts or parcels of land are identified as being property shown on Tax Parcel No. Tax Parcels Nos. 90C-A-20A and 20C from GB, (General Business) to Residential (R-3), located behind 3079 Radford Road in the Plum Creek community 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>
Larry N. Rush	None	Annette S. Perkins
Mary W. Biggs		
Joe C. Stewart		
Ira D. Long		
James D. Politis		
Joseph V. Gorman, Jr.		

Special Use Permit-Sisson & Ryan, Inc.

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

BE IT RESOLVED, That Sisson & Ryan, Inc. request to amend the existing Special Use Permit of May 24, 1982 to allow expansion of an existing quarry on 127 acres, Tax Parcel Nos. 82-A-83, 86, 88, 91, 91A, 93, 108A, 110, 111, 112 and 113, located on Roanoke Road between Wayside Drive and Poplar Hollow Road in the Shawsville Magisterial District is hereby approved subject to the following conditions:

1. This permit is for the operation of a quarry on 126.73 acres, as delineated on Plan No. 9797, prepared by Correll Surveying and dated November 19, 1997. In accordance with the provisions of the zoning ordinance, this permit will automatically become void if quarrying operations cease for a period of two years or more.
2. All quarrying, excavating, drilling, or stockpiling shall be conducted between the hours of 6:00 AM to 10:00 PM, Monday through Friday; and 6:00 AM to 12:00 Noon on Saturday. Special permission for additional hours during times of high demand may be granted by the Zoning Administrator.
3. All quarry operations shall comply with all state and federal regulations.
4. No quarrying, excavating, drilling, blasting, or stockpiling shall be permitted within 500 feet of an inhabited building, or within 100 feet of the property boundary.
5. In all blasting operations, the maximum peak particle velocity shall not exceed one inch per second immediately adjacent to the nearest inhabited building, and sound level shall not exceed 129 decibels at the nearest inhabited building. All blasting shall take place between the hours of 9:00 AM to 4:00 PM, Monday through Friday.
6. The quarry operator shall maintain records of seismic and sound monitoring of blasting operations according to Division of Mineral Mining requirements, and these records shall be available for inspection by the Zoning Administrator.
7. Before leaving the quarry, trucks shall be loaded and cleaned so as to minimize discharge of rock, dust, etc.
8. The quarry operator shall prepare and implement a landscaping plan that will reduce, though not necessarily eliminate, views of the quarry from surrounding public highways. Expansion of the quarry beyond the originally permitted 100 acres shall not be permitted until the landscape plan is submitted and approved by the Zoning Administrator.
9. Compliance with these conditions shall be verified by the Zoning Administrator. The quarry operator shall cooperate fully with the Zoning Administrator during all inspections of the quarry.

The conditions specified above shall supersede the conditions of the original Special Use

Permit of May 24, 1982.

Rezoning-William and Lockie Greear

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

ORDINANCE: 1998 -4

An Ordinance amending or changing the zoning classification of 126 acres from Agriculture (A-1) to PUD-COM (Planned Unit Development Commercial and PUD-RES (Planned Unit Development 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 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 approximately 126 acres of land is hereby changed, amended and rezoned from the zoning classification of Agriculture (A-1) to Planned Unit Development Residential (PUD-RES) subject to the following proffered conditions:

Compliance with Preliminary Master Plan of Auburn Village including:

- Sheet 1 of 2 - Land Use Diagram with residential neighborhood description and commercial neighborhood description (dated November 24, 1997 and revised January 20, 1998 and February 12, 1998);
- Sheet 2 of 2 - Key Elements Shared by Both Neighborhoods, Key Elements for the PUD - Residential Neighborhood, Key Elements for the PUD - Commercial Neighborhood; PUD - Commercial Notes within the Context of the Zoning Ordinance, PUD - Residential Notes within the Context of the Zoning Ordinance, Residential Phasing Statistics and Commercial Phasing Statistics (dated November 24, 1997 and revised January 20, 1998 and February 12, 1998); and
- Access and Circulation Concept Plan for the Proposed New Riner Post Office (dated January 16, 1998).

This action was commenced upon the application of William & Lockie Greear (Agent: Rainey Engineering).

These tracts or parcels of land are identified as being property shown on Tax Parcel Nos. 119-A-32 and 33, located northwest of the intersection of Riner Road (State Route 8) and Fairview Church Road (State Route 669) just north of the Riner community.

The Board of Supervisors approval of this ordinance is conditioned upon language being added to the Preliminary Master Plan stating that the PUD-Commercial and PUD-Residential shall be only served by public water and public sewer and further conditioned upon language being added stating that by approving this development the Board of Supervisors have not guaranteed that public water and/or public sewer will be made available to serve either the PUD-Commercial or the PUD-Residential area.

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