

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 11<sup>TH</sup> DAY OF MAY, 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
	Mary W. Biggs	
	Annette S. Perkins	
	James D. Politis	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T. C. Powers, Jr.	-Planning Director
	Vickie L. Swinney	-Secretary

### **CALL TO ORDER**

Chairman Gorman called the meeting to order.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **DELEGATIONS**

#### **Maranatha Baptist Church**

Representatives from Maranatha Baptist Church presented their concerns regarding the road conditions on Route 609, Fishers View Road, in Shawsville. The first speaker was Mr. Thomas Bonn.

Mr. Bonn expresses his concerns on the conditions of Fishers View Road. This road continues to flood, making the road impassable and there is inadequate surfacing materials on the road. These conditions make unsafe conditions for school buses and other vehicles. One instance the road was flooded and impassable for approximately ten days. The school bus could not travel on this road during this time and children had to be transported by private vehicles or had to walk to meet the bus. The church services have been canceled numerous times due to the impassable road conditions. There are around sixty to seventy person in the Maranatha Baptist Church who have to travel this road up to four times a week for services and activities.

Mr. Bonn presented numerous photographs showing the condition of the road during heavy rains causing the flooding of the road and the condition of the road after the flooding. These conditions leave surface material in the road causing cutting of tires on the vehicles and unsafe driving conditions.

He stated that the Church representatives have contacted the state and local agencies but to date no action has been taken. He is aware of the six year plan but expresses his concerns that this road needs repair today. Mr. Bonn urges the Board of Supervisors to look further into this matter.

Pastor Carl Basham was the second speaker for Maranatha Baptist Church. Pastor Basham expressed his concern for the unsafe driving conditions for his congregation and for those who live on this road.

Pastor Basham stated that Fishers View Road continues to flood, the road is too narrow making it impossible for two vehicles to pass. The road also has blind curves and the bridges are too small to handle the runoff. Pastor Basham stated that something needs to be done about this road soon before someone gets hurt. Pastor Basham asked the Board to have Fishers View Road resurfaced and repaired.

The following letter was submitted to the Board of Supervisors for their review:

“May 11, 1998  
Board of Supervisors, Montgomery County  
RE: Condition of State Road 609 (Fishers View Road)

Gentlemen,

For several years now, numbers of regular users of State Road 609, through the means available to them, have attempted to have corrected the flooding, poor surfacing, muddy conditions, no room to pass, cutting of tires by poor surface material, etc. Another issue to be considered is that of school bus safety. Recently, the school bus could not negotiate the road for approximately ten days. Students were transported by private vehicles or had to walk. Child safety would certainly be a prime issue. Road 609 is not a dead end road, but is in regular use into the next county. The congregation of Maranatha Baptist Church, currently running sixty to seventy persons must travel this road up to four times weekly to their services and activities. Efforts of concerned citizens seem to have no effect when the appropriate agencies or representatives are contacted. Telephone calls to local and state agencies have placed any burden for action on the Board of Supervisors. Our Supervisor for that area has been contacted. We are familiar with such terms as “The Six Year Plan” and “If nothing else takes priority over it.” The body of citizens present strongly urges the Board of Supervisors to improve, resurface with a permanent material, do the related necessary work and repair before there is further compromise of safety and possible loss of life. The photographs and testimonies that were provided at this meeting will show ample cause that our concerns are legitimate and pressing ones. Our situation needs to be corrected.

Respectfully submitted,

The regular users of St. Rd 609,  
citizens of Montgomery County and  
congregation of Maranatha Baptist Church”

### **Elliston Site High School**

Dr. James Klagge, Chairman of the Montgomery County School Board, gave a presentation on the Elliston Site High School. In his presentation he included the following six points:

1. Comprehensive High Schools
2. Small Enrollment
3. Auditorium
4. Auxiliary Gym
5. Value/Cost Compromises
6. New State Money

Dr. Klagge stated that the community decided twenty five years ago on community schools and comprehensive high schools and with this decision there are four comprehensive high schools in Montgomery County; one in Christiansburg, Blacksburg, Riner, and in the Shawsville/Elliston area.

Dr. Klagge stated that the Elliston Site High School is good for the community and that although there will be a relatively high cost per student, the fact that there are four comprehensive high schools creates small enrollment which helps drop-out rates.

Dr. Klagge presented the design plan of the school which consists of two floors that include instructional areas, administration area, common areas, a gym and auditorium. He discussed the need for the auditorium. An auditorium will create equity with other high schools and will allow for community use. He also discussed the need for an auxiliary gym. The cost of an auxiliary gym is included in total cost as an option. If an auxiliary gym is considered it will also be available for community use and will help with the practice and scheduling of the various sports.

Dr. Klagge stated that several options were decided to save money on the construction of the school; decreasing the square footage of the school from 122,000 to 102,000 sq. ft. saving \$2,200,000, and the decision to go with a different type shingle for the roofs saved \$500,000.

Dr. Klagge also stated that the schools have received new state money from the School Construction Fund and will be using \$243,000 this year and \$453,00 next year for construction of the Elliston Site High School.

### **PUBLIC ADDRESS SESSION**

Anne Ryan, an eighth grade student at Shawsville Middle School, spoke in favor of a new high school in the Elliston area. She expressed her concerns on the current overcrowding in the school and the lack of space for all activities in the school.

Ryan Childress, a junior at Shawsville High School, spoke in favor of an auxiliary gym at the new Elliston Site High School. He stated he participates in various sports at the school and there are times because of lack of space he has practice late at night causing him to get home 10:00 to 11:00 p.m. during the week.. Mr. Childress stated that if there were an auxiliary gym this problem would be eliminated.

Melinda Smith, a Science Teacher at Shawsville High School, commended the Board on their action to approve a new high school in the Shawsville/Elliston area. She spoke on the existing needs for new schools in the County.

Scott Hagood, President of the Athletic Boosters, spoke in support of an auxiliary gym at the new Elliston Site High School. He mentioned the fact that there are several sports that need to practice at the same time and with limited space the schools have to schedule practice late in the evenings. With an auxiliary gym several teams could practice at the same time, eliminating students having to practice late at night.

Tom Dunkenberger, citizen of Montgomery County, spoke in support of the new Elliston Site High School. Mr. Dunkenberger also spoke on the issue of the existing needs for schools and economic growth in the County. If economic growth is to occur within the County, then the County has to keep pace with the existing needs of schools, to provide good quality education.

### **COMPREHENSIVE WATER AND WASTEWATER STUDY**

The above referenced matter was pulled from the Consent Agenda at the request of Supervisor Long.

### **CONSENT AGENDA**

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously, the Consent Agenda dated May 11, 1998 was approved. The vote was as follows:

AYE  
Annette S. Perkins

NAY  
None

Mary W. Biggs  
Joe C. Stewart  
Ira D. Long  
James D. Politis  
Larry N. Rush  
Joseph V. Gorman, Jr.

**Approval of Minutes of April 13, 1998**

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously, the Minutes of April 13, 1998 were approved as corrected.

**Recovered Costs-Sheriff**

On a motion by Larry N. Rush, seconded by Ira D. Long 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, 1998, for the function and in the amount as follows:

310	Sheriff-County/State	\$ 5,765
311	Sheriff-100% County	\$ 980
510	DARE	<u>\$ 100</u>
		\$ 6,845

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

**Revenue Account**

1901-05	Recovered Costs- Sheriff	\$ 6,146
4101-31	Insurance Recoveries	\$ 599
1901-49	Recovered Costs - DARE	<u>\$ 100</u>
		\$ 6,845

Said resolution appropriates monies to cover the cost of security patrols at the Blacksburg Inn, Best Western Inn, Custom Catering; recovered costs from extraditions and insurance claims, and donations to the DARE program.

**Appropriation of State Literary Grant Proceeds**

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

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

988	New Riner Elementary School	\$801,884
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The source of the funds for the foregoing appropriation is as follows:

**Revenue Account**

1501-18	Interest Rate Subsidy Grant	\$801,884
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Said resolution appropriates the State Literary Grant proceeds for the new Riner Elementary School.

**Commonwealth Attorney-Appropriation**

On a motion by Larry N. Rush, seconded by Ira D. Long 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, 1998, for the function and in the amount as follows:

330 Commonwealth’s Attorney \$ 185

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

Revenue Account

190170 Confiscations \$ 185

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**RSVP: Appropriation of Additional Grant Funds**

On a motion by Larry N. Rush, seconded by Ira D. Long 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, 1998, for the function and in the amount as follows:

170 Human Services - R.S.V.P. \$ 1,079

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

Revenue Account

33-0107 R.S.V.P. Grant \$ 1,079

Said resolution appropriates grant proceeds for use by the Retired Senior Volunteer Program (R.S.V.P.)

**Supplemental Appropriation: Library**

On a motion by Larry N. Rush, seconded by Ira D. Long 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, 1998, for the function and in the amount as follows:

420 Montgomery Library \$ 2,345  
421 Floyd Library \$ 1,140  
Total \$ 3,485

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

Revenue Account

1515-08 Library Donations \$ 2,345  
1515-09 Floyd Donations \$ 1,140  
Total \$ 3,485

Said resolution appropriates donations for use by the Library.

**Forest View Subdivision-Final Plat**

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

WHEREAS, Forest View Subdivision consists of 14 lots located off Nellie’s Cave Road (State Route 681) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Forest View Subdivision (Gay Engineering Job No. 563), Mt. Tabor Magisterial District.

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

**The River Retreat-Final Plat**

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

WHEREAS, The River Retreat consists of 5 lots located off Catawba Road (State Route 785) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, 48.5394 acres of common open space is established along the North Fork of the Roanoke River.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of The River Retreat (Rainey Engineering Job No. 970522), Mt. Tabor Magisterial District. including a private street in accordance with Section 8-152(b)(3) and a variance to allow such a private street serving a maximum of five lots with a median lot size of 2.3 acres.

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

**Board Policy-“Watch for Children” Signs**

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby establishes the following policy for the installation and maintenance of “signs alerting motorists that children may be at play nearby” pursuant to Section 33.1-1.210.2 of the Code of Virginia, as amended, whereby such requests to the Board of Supervisors shall be referred to the Montgomery County Transportation Safety Committee for review and recommendation.

BE IT FURTHER RESOLVED, Upon receipt of recommendation from the Transportation Safety Committee, the Board of Supervisors may request that the Virginia Department of Transportation (VDOT) install and maintain this type of signing as follows:

- ! The request should be submitted by the county to the local VDOT resident engineer. All requests must be in the form of a resolution directed to the Transportation Commissioner.
- ! The resolution shall include the source of funding for the installation of signs: (I) out of the secondary system construction allocation to the affected county; (ii) from direct contributions or grants made for such purpose to the governing body; or (iii) from such other source as may be provided by the governing body. In all cases, the costs

of maintaining such signs shall be paid out of the secondary system maintenance allocation to the affected county.

- ! The resolution shall also include the location(s) where the signs are desired. However, VDOT reserves the right to review all signing plans and make the final determination as to the exact number and location of signs.
- ! Upon receipt of the resolution from the county, the resident engineer, with assistance from the district traffic engineer as necessary, shall review the request and conduct a field review to ensure the proposed signs will be effectively located and will not be in conflict with any other traffic control devices.
- ! Generally, WATCH FOR CHILDREN signs shall be installed only on secondary routes within residential areas. Any requests to install such signs on primary routes shall be forwarded to the state traffic engineer for review.
- ! Within thirty (30) days of receipt of the resolution, a written response shall be provided to the governing body of the county granting or denying the request. If the request is granted, the response should include any recommended changes to the signing plan proposed by the county.

### **Resolution of Support-Jefferson National Forest**

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

WHEREAS, THE mountains and valleys of western Virginia represent a unique natural resource of the Commonwealth, and

WHEREAS, That portion of Virginia west of the Blue Ridge Mountains that belongs to the Jefferson National Forest comprises a portion of Montgomery County consisting of 19,455 acres; and

WHEREAS, Many Counties in Western Virginia recognize this mountain resource as a vital element in supporting a strong economy in the region; and

WHEREAS, Proper multiple use management of the Jefferson National Forest by the professional staff of the US Forest Service, including properly managed timber sales, has resulted in the pristine national forest the County enjoys today; and

WHEREAS, The Jefferson National Forest contributes to the County through the payment in lieu of taxes and the 25% revenue funds directly benefitting the residents of the County.

NOW, THEREFORE BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia goes on record as opposing the “roadless moratoria”, which ultimately stops timber cutting; and supports prudent management of the National Forest at the local level, including continued timber harvesting where appropriate as specified in the management planning process.

BE IT FURTHER RESOLVED, That this resolution be sent to members of Congress who represent the County of Montgomery, to request their support in this effort.

### **Conveyance of Easement-Elliston High School**

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

BE IT RESOLVED, That pursuant to Section 15.2-1803 of the Code of Virginia, 1950, as amended, Joseph V. Gorman, Jr., Chairman of the Board of Supervisors of the County of Montgomery, Virginia, is hereby authorized to accept on behalf of the Board of Supervisors of the County of Montgomery, the conveyance of a thirty foot wide temporary construction easement from

John R. Crozier for the construction of the Elliston Site High School and to sign all documents necessary to accept the conveyance.

**Authorization to Fill Positions**

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

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

- Secretary A-Human Services/RSVP
- Product Development and Financing Associate-Economic Development
- Program Analyst-Financial & Management Services
- Public Information Officer-County Administration

**Montgomery County Water and Wastewater Study (1993)**

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

WHEREAS, An update of the Montgomery County Comprehensive Water and Wastewater Study (1993) was completed by Anderson & Associates and approved by the Board of Supervisors by resolution of November 21, 1994; and

WHEREAS, Subsequent to this study other water and sewer projects are completed or in the final engineering design stage including:

- JN 9480.3 Shawsville Wastewater Treatment Plant Expansion Operations and Maintenance Manual.
- JN 9994 Alleghany Springs Water
- JN 12579/ Route 177 Water/Sewer Extension  
12582
- JN 13072 I81/Exit 128 Sewer Extension (Lancer Truck Stop)

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby **table** this matter referring it back to the Utilities Committee and the Planning Director for review, with a report back to the Board of Supervisors at its May 26, 1998 meeting.

**OLD BUSINESS**

**Remove from the Table-Rezoning Request-Retirement Management Corporation**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the Retirement Management Corp. (Agent: Rodney G. Crowgey) request to rezone 1.2 acres, Tax Parcel No. 106-11-4 from A-1 (Agriculture) to CB (Community Business), located at 3055 Riner Road in the Riner Magisterial District is hereby **removed** from the table.

The vote on the foregoing motion was as follows:

**AYE**  
Mary W. Biggs  
Ira D. Long

**ABSTAIN**  
Joe C. Stewart

Larry N. Rush  
Annette S. Perkins  
James D. Politis  
Joseph V. Gorman, Jr.

**Planning Recommendation**

**Rezoning Request**

**-Retirement Management Corp. (Agent: Rodney G. Crowgey)** request to rezone 1.2 acres, Tax Parcel No. 106-11-4 from A-1 (Agriculture) to CB (Community Business). Property is located at 3055 Riner Road in the Riner Magisterial District.

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Retirement Management Corp. (Agent: Rodney G. Crowgey) request to rezone 1.2 acres, Tax Parcel No. 106-11-4 from A-1 (Agriculture) to CB (Community Business), located at 3055 Riner Road in the Riner Magisterial District, is **not compatible** with the Comprehensive Plan, and hereby **DENIED**.

The motion was for approval.

The vote on the foregoing motion was as follows:

**AYE**

Larry N. Rush

**NAY**

Joe C. Stewart  
Ira D. Long  
Annette S. Perkins  
Mary W. Biggs  
James D. Politis  
Joseph V. Gorman, Jr.

The following letter was submitted to the Board of Supervisors to be included into the minutes:

“Mr. Joseph V. Gorman  
Chairman  
Montgomery County Board of Supervisors

Re: Retirement Management  
Rezoning Request

Dear Mr. Gorman:

This request was referred back to the Planning Commission to determine whether the request is in compliance with the 1990 Montgomery County Comprehensive Plan (“the Plan”). The Planning Commission addressed the matter at its next meeting, although it had not been on the agenda for that meeting and the applicant was neither informed that it would be addressed nor was given the opportunity to address the issue before the Planning Commission voted on the matter. I am advised that its decision was that this request violated the Plan.

I appreciate this opportunity to address the issue: Does the Plan prohibit the operation of a business office, not inviting retail trade or site visits other than by four or fewer non-family employees and delivery persons, during restricted hours, in a structure of less than 3,000 square feet?

The Plan designates the site as a “rural area”, which is stated to include “the small communities and crossroads...scattered pockets of less important agricultural lands or open space...natural slope less than 25% , communities that are difficult to develop...(and) farmlands that are more difficult to farm.”

The Plan establishes goals, policy and strategy statements in six elements and relates these to specific areas of the county which are addressed as follows:

**Environment:** The property ceased to be a farm approximately ten years ago precisely for the reason established by the Plan – it was not prime and important farmland and thus it was difficult to farm. I submit that the request used has no adverse environmental impact and is an improvement environmentally over an agricultural use and is fully consistent with this element of the Plan.

**Water & Sewer:** The property will utilize on-site water and on-site septic system and will not request nor require public water and sewer service.

**Transportation:** The requested use is consistent with Policy TR 1.3.0 in that it would “encourage mixed-use commercial/residential. . . wherever possible including the renovation of buildings along existing major transportation routes.” It is consistent with Policy TR 2.2.0 in that it is adequately setback from the road, the parking area will be screened from the road, there will be no commercial night lighting and signage will be minimal.

**Housing:** Although this application does not involve housing issues, it is submitted that the co-applicants, the Ethridges, are the owners of and reside in the house immediately to the east of the site. They have made significant improvements to the home and improved the neighborhood by their ownership and efforts.

**Economy:** The requested use is consistent with Goal EC 1.0.0 in that it will “promote and develop the economy of the New River Valley. . . while preserving . . . environmental quality and . . . unique cultural environment.” The property provides employment for local citizens, generates (both income and property) tax revenue while being the former milking parlor – retaining its exterior farm outbuilding appearance (with fresh paint).

**Community Facilities:** Not applicable to this request.

**Riner/Bethel Planning Area:** The Plan anticipated that the area would experience commercial development “of neighborhood-oriented or community-oriented businesses”. The requested use provides employment for the Ethridge family and other local citizens and serves not only local customers but also a national clientele.

It is submitted that this extensively self-restricted (by means of blinding proffers) application is in compliance with and promotes the objectives of the Plan and the zoning ordinance.

On behalf of my clients, I ask for your support of this application and the Plan. Anyone familiar with this property knows that it obviously has been improved by the efforts of the applicants. The nature of the office business activities will have no adverse impact upon the neighborhood and its presence, at worst, will not be noticeable – in complete and distinct contrast to the other existing business activities along Riner Road. Although I specifically wrote all adjoining property owners and encouraged them to let their views be known at the public hearing, none spoke against this application during the public hearings. The only opposition expressed at the public hearings was voiced by Mr. Charles Bowles and Ms. Margaret Smith, whom I respectfully believe are genuine in their views but do not reflect the values and ambitions of the county.

Thank you for your deliberate, thoughtful and favorable consideration of this request. With best wishes, I remain,

Sincerely,

(s) Rodney G. Crowgey”

**Rezoning Request**

**-Montgomery County Planning Commission** request to rezone approximately 43 acres from A-1 (Agriculture) and GB. (General Business) to R-1 (Residential).Property is Tax Parcels Nos. 83-A-52, 53, 54, 54A, 55 ,56, 57, 58, 58A, 59, and 72; 83C1-6-1,3, and 6; and 83C1-A-63,64,65,67,68,69,74,75,76,77,78,79,81,82, and 83. located in the western area of Shawsville, between Roanoke Road and the Norfolk Southern railroad tracks, in the Shawsville Magisterial District.

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

WHEREAS, Not all property owners received written notice of the proposed Western Area of Shawsville residential rezoning request due to a mistake in the notification process.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby **refers back to the Planning Commission**, the Planning Commission request to rezone approximately 43 acres in the western area of Shawsville from Agriculture (A-1) and General Business (GB) to Residential (R-1); Tax Parcels 71-A-52, 53, 54, 54A, 55, 56, 57, 58, 58A, 59 and 72; 83C1-6-1, 3 and 6; and 83C1-A-63, 64, 65, 67, 68, 69, 74, 75, 76, 77, 78, 79, 80, 81, 82 and 83. Property is located in the western area of Shawsville, between Roanoke Road and the Norfolk Southern railroad tracks, Shawsville Magisterial District.

The vote on the foregoing motion was as follows:

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

**Rezoning Request**

**-Patrick D. Cupp. (Agent: Anderson & Associates, Inc.)** request to rezone 1.2 acres, Tax Parcel No. 436-A-10 from A-1 (Agriculture) to GB (General Business). Property is located at 2195 North Franklin Street in the Shawsville Magisterial District.

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

**ORDINANCE 1998-7**  
**An Ordinance amending or changing**  
**the zoning classification of 1.2 acres**  
**from A-1 (Agriculture) to GB (General**  
**Business).**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 1.2 acres of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture)

to GB (General Business).

This action was commenced upon the application of Patrick D. Cupp. (Agent: Anderson & Associates, Inc.)

These tracts or parcels of land are identified as being property shown on Tax Parcel Tax Parcels No. 436-A-10 located at 2195 North Franklin Street in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing motion was as follows:

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

NAY  
None

**Rezoning Request**

**Alleta O. Helms and Adele Ballard** request to rezone 3.4 acres, Tax Parcel No. 436-A-11,12 from A-1 (Agriculture) to GB (General Business). Property is located at 2155 and 2175 North Franklin Street in the Shawsville Magisterial District.

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

**ORDINANCE 1998-8**

**An Ordinance amending or changing  
the zoning classification of 3.4 acres  
from A-1 (Agriculture) to GB (General  
Business).**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 3.4 acres of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture) to GB (General Business).

This action was commenced upon the application of Alleta O. Helms and Adele Ballard.

These tracts or parcels of land are identified as being property shown on Tax Parcel No.436-A-11,12 located at 2155 and 2175 North Franklin Street in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing motion was as follows:

AYE  
Annette S. Perkins

NAY  
None

Mary W. Biggs  
James D. Politis  
Ira D. Long  
Joe C. Stewart  
Larry N. Rush  
Joseph V. Gorman, Jr.

**Rezoning Request**

**-William K. Cole, Roy H. Cole & Perry D. Cole (Agent: Rodney G. Crowgey)** request to rezone approximately 1 acre, Tax Parcel No. 131-A-97 from A-1 (Agriculture) to GB (General Business) located on Pilot Road immediately west of the Pilot Post Office in the Shawsville Magisterial District.

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

**ORDINANCE 1998-9**

**An Ordinance amending or changing  
the zoning classification of 1 acre  
from A-1 (Agriculture) to GB (General  
Business).**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 1 acre of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture) to GB (General Business) with the acceptance of the proffered condition reading “The property will be used for a United States Postal Service post office in the Pilot Community.”

This action was commenced upon the application of William K. Cole, Roy H. Cole & Perry D. Cole (Agent: Rodney G. Crowgey).

These tracts or parcels of land are identified as being property shown on Tax Parcel Tax Parcels No. 131-A-97 located on Pilot Road immediately west of the Pilot Post Office in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing motion was as follows:

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

**Rezoning Request**

**-David A. Angle & Paula D. Relf** request to rezone .4 acre, Tax Parcel Nos. 83 C1-A 33,34 from GB (General Business) to RM-1 (Multi-Family Residential) with a Special Use Permit to allow apartments in existing structures. Property is located at 3951 Old Town Road (Route 753) and 206 Alleghany Springs Road (Route 637) in the Shawsville Magisterial District.

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

**ORDINANCE 1998-10**

**An Ordinance amending or changing  
the zoning classification of .4 acre  
from GB (General Business) to RM-1  
(Multi-Family 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 .4 acre of land is hereby changed, amended and rezoned from the zoning classification of GB (General Business) to RM-1 (Multi-Family Residential) with acceptance of the proffered condition reading “These two properties shall be joined into one property and not be sold separately from one another. The new single parcel will be recorded as such in the land and tax offices of Montgomery County.”

This action was commenced upon the application of David A. Angle & Paula D. Relf.

These tracts or parcels of land are identified as being property shown on Tax Parcel Nos. 83 C1-A 33,34 located at 3951 Old Town Road (Route 753) and 206 Alleghany Springs Road (Route 637) in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing motion was as follows:

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

**For the Special Use Permit**

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

BE IT RESOLVED, That David A. Angle & Paula D. Relf request for a Special Use Permit to allow apartments in existing structures on .4 acre, Tax Parcel Nos. 83C1-A 33,34 located at 3951 Old Town Road (Route 753) and 206 Alleghany Springs Road (Route 637) in the Shawsville Magisterial District is hereby approved subject to the following condition:

- a. This permit authorizes the use of this property for a maximum of four dwelling units.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	

Ira D. Long  
Larry N. Rush  
Annette S. Perkins  
Joe C. Stewart  
Joseph V. Gorman, Jr.

**Rezoning Request**

**-James & Penny Long (Agent: Draper-Aden Associates)** request to rezone 6.1052+ acres, Tax Parcel Nos. 90-1-BKB-11C & 12A, 90-3-16,17 & 21 from A-1 (Agriculture) to PMR (Planned Mobile Home Residential) with a Special Use Permit to allow expansion of mobile home park. Property is located south of Truman Avenue and adjacent to Long's Mobile Home Park in the Riner Magisterial District.

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously,

**ORDINANCE 1998-11**

**An Ordinance amending or changing  
the zoning classification of 6.1052+ acres  
from A-1 (Agriculture) to PMR (Planned  
Mobile Home 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 6.1051+ acres of land is hereby changed, amended and rezoned from the zoning classification of A-1 (Agriculture) to GB (General Business).

This action was commenced upon the application of James & Penny Long (Agent: Draper-Aden Associates).

These tracts or parcels of land are identified as being property shown on Tax Parcel Nos. 90-1-BKB-11C & 12A, 90-3-16,17 & 21 located south of Truman Avenue and adjacent to Long's Mobile Home Park in the Riner Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing motion was as follows:

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

NAY

**Special Use Permit-James & Penny Long**

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

BE IT RESOLVED, That James & Penny Long (Agent: Draper-Aden Associates) request to amend the existing Special Use Permit of September 24, 1990 to allow expansion of an existing

mobile home park for 42 acres, Tax Parcel Nos. 90-1-Block B-10, 11, 11C, 11D, 12, 12A, 13, 14 and 15 and 90-3-16, 17 and 21 located south of Truman Avenue and adjacent to Long's Mobile Home Park in the Riner Magisterial District is hereby approved subject to the following conditions:

- a. This Special Use Permit authorizes expansion of the existing Long's Mobile Home Park, based on the preliminary development plan prepared by Draper-Aden Associates (Plan T-6207, dated 1/29/98 and last revised 3/4/98). A maximum of 141 mobile home spaces are permitted in this park. (Note: Lot numbers run up to 148 because some numbers in the old section were skipped. Those spaces do not exist.)
- b. Final development plans must be approved by the Zoning Administrator prior to the issuance of any building permits. Final development plans may be prepared in phases.
- c. Final development plans must include plans for developed recreational space containing children's playground equipment. If development is phased, each phase must also contain enough developed recreational area that the development meets the 15% requirement for recreational space during all phases (See Section 10-405 (6) of the Zoning Ordinance.) Recreational development for Phase I must be complete prior to the issuance of more than 10 building permits. The owner shall be responsible for maintenance of the developed recreation area.
- d. An erosion and sediment control plan must be approved for each phase prior to the issuance of any building permits in that phase. An erosion and sediment control plan must also be approved prior to the construction of a recreation areas in the existing mobile home park.
- e. Each mobile home space must be served with utilities and a road built to required standards (Section 10-405(1)) prior to the issuance of a building permit for that space. No permits will be issued for spaces served by unsurfaced roads.
- f. Fire hydrants shall be installed such that no mobile home space in the expansion areas (lots 96 through 148) will be more than 500 feet by road from a hydrant. Hydrant locations shall be noted on final development plans.
- g. No units may be placed on lots 96 through 128 until a new entrance to Truman Avenue is constructed to serve this section of the park. No units may be placed on lots 129 through 148 until a second entrance to Truman Avenue is constructed to serve this section of the park. All entrances must be approved by the Virginia Department of Transportation.
- h. All mobile homes must be served by public water and sewer. No new on-site sewage disposal systems (e.g. lagoons or septic systems) may be constructed.
- i. No retaining walls over six feet high may be constructed.
- j. No units may be placed in the expansion areas (lots 96 through 148) until all existing units are connected to public sewer.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs

James D. Politis

Annette S. Perkins

NAY

None

*May 11, 1998*

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Ira D. Long  
Larry N. Rush  
Joe C. Stewart  
Joseph V. Gorman, Jr.

**Amendment to Montgomery County Subdivision Ordinance**

**-Sections 8-112, 8-131, 8-133, 8-134, 8-138, 8-154, 8-171, 8-174, and 8 -175 in order to bring the Montgomery County Subdivision Ordinance into compliance with state law.**

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

**ORDINANCE 1998-12**

**AN ORDINANCE AMENDING CHAPTER 8, ARTICLE IV, ENTITLED  
SUBDIVISIONS, SECTIONS 8-112, 8-131, 8-133, 8-134,  
8-138, 8-152, 8-171, 8-174 AND 8-175  
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA  
IN ORDER TO COMPLY WITH THE STATE ENABLING LEGISLATION**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, that Chapter 8, Article IV, Sections 8-112, 8-131, 8-133, 8-134, 8-138, 8-152, 8-171, 8-174, and 8-175 of the Code of Montgomery County, Virginia be amended and reordained as follows:

**Sec. 8-112. Violations; penalties**

(a) Any person, including, but not limited to, landowners and their agents, violating any provision of this article shall be ~~guilty of a class 3 misdemeanor or subject to a fine of not more than \$500~~ for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this article.

(b) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this article, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building, structure or premises.

**~~Sec. 8-131. Suitability of land.~~**

~~The agent or the board of supervisors, shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.~~

**Sec. 8-133. Platting and recordation required.**

(a) No person shall subdivide land without recording a plat that has been prepared by a land surveyor and that complies with all provisions of this article, ~~except that a plat is not required for subdivisions in which no lot is smaller than one hundred (100) acres.~~

(b) No plat or any subdivision shall be recorded unless and until it has been approved by an agent or the board of supervisors.

(c) No lot in any subdivision shall be sold or conveyed before the plat is approved and

recorded.

(d) No building permit shall be issued for any structure on a lot in a subdivision that was created in violation of any provisions of this article.

**Sec. 8-134. Certification of plat.**

(a) Every final plat shall contain the following statements:

- (1) A statement signed by the surveyor certifying that the subdivision is in conformance with the subdivision ordinance and zoning ordinance of Montgomery County.
- (2) A statement signed by all owners, proprietors, and trustees, properly notarized, stating that the ~~subdivision as shown is with their free consent and in accordance with their desires~~ platting or dedication of the following described property (here insert a correct description of land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any; and
- (3) A statement signed by the surveyor setting forth the source of the title of the land and the place of record of the last instrument in the chain of title, giving the deed book number and page number of all tracts involved.

~~**Sec. 8-138. Small-lot subdivision in an agricultural zone.**~~

~~Approval of final plats of major subdivisions with a median lot size of two (2) acres or less and located in the A-1 (Agriculture) zoning district shall be granted only if the subdivider makes application for rezoning to a residential district. Minor subdivisions and family subdivisions shall not be subject to this requirement.~~

**Sec. 8-152. New Streets**

(a) *Public streets.* New public streets are permitted in all subdivisions. Public streets shall be designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation. Street construction plans must be approved by the Virginia Department of Transportation prior to approval of the final plat.

(b) *Private streets.* In order to promote efficient utilization of land, or to reduce the number of access points to public streets, the board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land. Private streets may be permitted in the following types of developments:

- (1) Commercial or industrial developments. Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.
- (2) Townhouse developments. Streets shall be surfaced with bituminous concrete. Approval will be based upon review of an access plan that shall include construction and pavement specifications, as well as a maintenance plan or agreement. The subdivision shall require a statement to be included on the subdivision plat and in each deed stating that the streets are private streets and that the streets do not meet state standards, if applicable, and will not be maintained by the state or county.
- (3) Single-family housing developments. Private streets may be permitted only if the subdivision has a median lot size of three (3) acres or greater, and a length of

street per lot ratio of one hundred fifty (150) feet per lot or greater. Such streets shall have a maximum grade of eighteen (18) percent and a minimum width of surface or pavement of eighteen (18) feet. Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement. The subdivider shall require a statement to be included on the subdivision plat and in each deed stating that the streets are private streets and that the streets do not meet state standards, if applicable, and will not be maintained by the state or county.

(c) *Cul-de-sac*. Dead-end streets shall have cul-de-sac-type turnarounds at their ends, with radius equal to the right-of-way width. Dead-end streets shall serve no more than thirty-five (35) dwelling units, unless the board of supervisors determines that terrain or other factors dictate otherwise.

(d) *Access*. New subdivisions shall have access to a street dedicated to the public or to a street shown upon a plat approved by the agent and recorded in the office of the clerk of the appropriate court.

(e) *Street identification signs*. Street identification signs of a design approved by the agent shall be installed at all intersections by the subdivider.

(f) *Reserve strips*. There shall be no reserve strips controlling access to streets.

(g) *Alignment and layout*. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plan to seek to provide for convenient access to their own land. Where, in the opinion of the board of supervisors, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not to be permitted. Streets shall be related appropriately to the topography. Whenever possible, streets should intersect at right angles.

#### **Sec. 8-171. Generally.**

(a) All preliminary and final plats shall be approved or disapproved by the agent, the planning commission, or the board of supervisors in accordance with the provisions of section ~~15.1-475~~ 15.2-2258 of the Code of Virginia. Upon approval of a final plat, the agent or the chairman of the board of supervisors and the chairman of the planning commission shall sign the plat before it is recorded.

(b) All plats and surveys shall conform to the standards and procedures for land boundary surveying, as adopted by the board for architects, professional engineers, land surveyors and landscape architects, pursuant to the Code of Virginia.

(c) A survey of the land to be subdivided, showing the number, area, and dimensions of all lots, is required for all subdivisions ~~in which any lot is smaller than one hundred (100) acres;~~ except that in subdivisions where one lot of twenty (20) acres or larger is not to be immediately conveyed, that one (1) tract shall be considered a "remainder" and need not be included in the survey. However, a sketch map showing the approximate boundaries of the entire property, including the remainder, shall be recorded with the required plat. The sketch map shall have sufficient detail to show that the remainder meets minimum road frontage requirements and shall also give the approximate acreage of the remainder.

#### **Sec. 174. Final plat, minor subdivisions and family subdivisions.**

(a) The subdivider shall submit two (2) copies of a final plat to the agent. Each plat shall contain the following items:

- (1) All certifications required by section 8-134;
- (2) A note identifying the plat as either a minor subdivision or a family subdivision.
- (3) Location of all existing easements and any new easements required under the provisions of this article;
- (4) Location of approved septic drainfields and reserve areas. Location of existing dwellings and their septic drainfields and reserve areas;
- (5) Any additional data deemed necessary by the agent, such as topography; and
- (6) A space for the agent to sign the plat.

(c) It shall be the responsibility of the subdivider to file the approved final plat with the office of the clerk of the appropriate court within ~~sixty (60) days~~ six (6) months after final approval; otherwise, the agent shall mark such plat "void" and notify the office of the clerk of the appropriate court. At the same time of filing of the final plat, the subdivider shall record the agreement of dedication and such other legal documents as the local government attorney requires to be recorded.

**Sec. 8-175. Final plat, major subdivisions.**

(a) The subdivider shall submit two (2) copies of a final plat. Each plat shall contain the following items:

- (1) All items required in the preliminary plat, unless exempted by the agent;
- (2) All certifications required by section 8-134;
- (3) Location of approved septic drainfields and reserve areas. Location of existing dwellings and their septic drainfields and reserve areas;
- (4) A space for the chairman of the board of supervisors and the chairman of the planning commission to sign the plat.

(b) When all requirements of this article have been met, the chairman of the board of supervisors and the chairman of the planning commission shall sign the plat to indicate that it is approved for recordation.

(c) It shall be the responsibility of the subdivider to file the approved final plat with the office of the clerk of the appropriate court within ~~sixty (60) days~~ six (6) months after final approval; otherwise, the agent shall make such plat "void" and notify the office of the clerk of the appropriate court. At the same time of filing of the final plat, the subdivider shall record the agreement of dedication and such other legal documents as the local government attorney requires to be recorded.

(d) In order to allow phased development of a subdivision, the subdivider may submit a final plat and construction plans for a portion of a subdivision described in an approved preliminary plat.

ADOPTED by the Board of Supervisors of the County of Montgomery, Virginia, this 11th day of May, 1998.

The vote on the foregoing motion was a follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None

Joe C. Stewart  
Ira D. Long  
Mary W. Biggs  
Larry N. Rush  
Annette s. Perkins  
Joseph V. Gorman, Jr.

**Amend County Code-General Provisions**

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

**ORDINANCE 1998-13**

**AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-6  
OF THE CODE OF MONTGOMERY COUNTY ENTITLED  
GENERAL PROVISIONS IN ORDER TO ADD CIVIL CASES  
TO THOSE CASES ASSESSED AN ADDITIONAL TWO DOLLAR  
FEE FOR COSTS ASSOCIATED WITH THE COURTHOUSE,  
JAIL OR COURT-RELATED FACILITIES**

BE IT ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 1, Section 1-6 of the Code of Montgomery County, Virginia entitled General Provisions is hereby amended as follows:

**Sec. 1-6. Classification of and penalties for violations; continuing violations.**

(a) Whenever in this Code or any other ordinance of the county, or any rules or regulations promulgated by any officer or agency of the county, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as provided in Code of Virginia, section 18.2-11.

(b) Whenever in any provision of this Code or in any other ordinance of the county, or any rule or regulation promulgated by an officer or agency of the county, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a class 1 misdemeanor.

(c) Notwithstanding any other provision of this section or any other section of this Code or any ordinance, rule or regulation, no penalty for the violation of the Code or other ordinance, rule or regulation of the county shall exceed that prescribed by state law for a like offense.

(d) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

(e) The board of supervisors may bring suit in the circuit court to restrain, enjoin or otherwise prevent a violation of this Code.

(f) Pursuant to Section 14.1-133.2 of the Code of Virginia, 1950, as amended, that a fee of two dollars (\$2.00) is hereby assessed as additional costs in each civil, criminal or traffic case in General District Court, Juvenile Domestic Relations Court, and Circuit Court, the proceeds of this assessment shall be used for the construction, renovation or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

ADOPTED by the Board of Supervisors of the County of Montgomery, Virginia, this 11<sup>th</sup> day of May, 1998.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**NEW BUSINESS**

**Proposed Gas Pipeline Construction in Montgomery County**

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

WHEREAS, Natural gas is a necessary natural resource to communities in Southwest Virginia and is prominent in meeting our region's energy needs; and

WHEREAS, The Montgomery County Board of Supervisors has been informed that Virginia Gas Pipeline Company proposes to construct, own and operate a natural gas pipeline to provide service to United Cities Gas Company from the new pipeline for United Cities Gas Company's customers in Wytheville, Marion, Pulaski, Dublin and Radford; and

WHEREAS, Montgomery County engages in an ongoing process of developing industrial sites, recruiting new industry and working with existing industry as a way to increase its economic base; and

WHEREAS, The Montgomery County Board of Supervisors recognizes that the availability of reliable, long-term natural gas supply enhances the expansion of economic development in the Southwest Virginia area.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors, meeting in regular session on the 11<sup>th</sup> day of May, 1998, would like to go on record as being in support of the proposed Application for Certification of this natural gas pipeline by Virginia Gas Pipeline Company and does hereby request that the Virginia State Corporation Commission approve the application by Virginia Gas Pipeline Company to construct, own and operate the natural gas pipeline.

The vote on the foregoing motion was as follows:

**AYE**

Larry N. Rush  
Annette S. Perkins  
Ira D. Long  
Joseph V. Gorman, Jr

**NAY**

Joe C. Stewart

**ABSTAIN**

James. D. Politis  
Mary W. Biggs

**County Administrator’s Contract**

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

**EMPLOYMENT AGREEMENT  
COUNTY ADMINISTRATOR**

THIS AGREEMENT, dated May 11, 1998 is established between the Montgomery County Board of Supervisors, Montgomery County, Virginia (the “COUNTY”), and Jeffrey D. Johnson (the “EMPLOYEE”) as County Administrator.

The COUNTY desires to employ the EMPLOYEE as the full-time administrator for Montgomery County, Virginia, and EMPLOYEE desires to be employed as such.

The parties agree as follows:

1. Employment

The COUNTY AGREES TO EMPLOY the employee and the EMPLOYEE agrees to be so employed in the capacity of the County Administrator for Montgomery County. Employment shall be for a term of one year effective as of March 1, 1998 and terminating February 28, 1999. The agreement may be extended for additional one year periods by the mutual consent of the parties.

2. Time and Effort

EMPLOYEE shall diligently and conscientiously devote his full and exclusive time, attention, and best efforts in discharging his duties as the County Administrator for Montgomery County. The EMPLOYEE shall be responsible for the day to day operations of the county, personnel supervision and evaluation, hiring and firing with Board’s knowledge and/or approval, budget preparation and recommendations, financial management, pay and benefits administration, responsibilities as purchasing agent, county compliance with federal and state codes, enforcement of local ordinances, responsibilities as clerk of the Board, representing the County to the public, and other duties as may be directed by the Board.

The EMPLOYEE shall receive the standard benefits described in the Montgomery County Personnel Policy Manual. The COUNTY shall provide the EMPLOYEE with the necessary office space, staff and other facilities and support necessary for the EMPLOYEE to appropriately perform his duties as County Administrator. The COUNTY agrees to provide for the EMPLOYEE’s travel expenses when on official County business, including meals and lodging when necessary. The COUNTY shall provide the EMPLOYEE with a County vehicle when on County business. In the event EMPLOYEE uses his personal vehicle on County business, the COUNTY agrees to reimburse EMPLOYEE 24 cents per mile. The COUNTY further agrees to bear the full cost of any fidelity or other bonds required of EMPLOYEE under any state or local ordinance.

3. Compensation

The COUNTY shall pay the EMPLOYEE for all services rendered a salary of \$72,955 a year, payable in monthly installments of which \$8,500.00 of the EMPLOYEE’s annual salary shall

be allowable as deferred compensation. Salary payments shall be subject to withholding and other applicable taxes. There shall be an annual evaluation of the EMPLOYEE's performance by the COUNTY to determine whether a merit increase is warranted. The COUNTY agrees to not reduce the salary, compensation or other financial benefits of EMPLOYEE, except to the degree of such a reduction across the board for all employees of the COUNTY.

4. Professional Growth of Administrator

The COUNTY encourages the continuing professional growth of the EMPLOYEE through his participation in the following, as he may decide, in light of his responsibilities as Administrator and not in conflict of the business of the COUNTY:

- A. The operations, programs and other activities sponsored by local, state or national administration, municipal, county and civic associations.
- B. Informational meetings and conferences with other persons whose particular skills and backgrounds would serve to improve the capacity of the EMPLOYEE to perform his professional responsibilities for the COUNTY. The COUNTY agrees to pay dues and associated costs of participating in professional associations and civic organizations.

5. Termination

The EMPLOYEE shall serve at the pleasure of the Board of Supervisors. The COUNTY may, without cause, terminate or not renew this agreement at any time by giving ninety days written notice to the EMPLOYEE. In that event, the EMPLOYEE, if requested by the COUNTY, shall continue to render his services and shall be paid his regular compensation up to the date of termination. In addition, the EMPLOYEE shall be paid a severance allowance equal to three months salary (less all amounts required to be withheld and deducted) and shall continue all benefits for the three month period or until the EMPLOYEE attains other employment in his field, whichever time period is less. This amount shall be paid at the normal pay periods for three months following the date of termination.

The COUNTY may terminate or not renew this agreement at any time with cause. In the event this agreement is terminated or not renewed with cause, the COUNTY shall not be required to pay any severance allowance or any other compensation or benefits after the date of termination or non-renewal. For purposes of this paragraph, the term "with cause" shall mean conviction of an offense punishable by imprisonment for more than one year, conviction of an offense involving moral turpitude, dereliction of duty, malfeasance in office, and misfeasance in office. In the event this agreement is terminated or not renewed with cause, the COUNTY shall provide EMPLOYEE with a written statement of the reason for the action.

The EMPLOYEE may, without cause, either terminate or not renew this agreement by giving ninety days written notice to the COUNTY. In such event, the EMPLOYEE shall continue to render his services and shall be paid his regular compensation up to the date of termination, but EMPLOYEE shall not receive any severance allowance.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs  
Larry N. Rush  
Annette S. Perkins  
James D. Politis  
Ira D. Long  
Joseph V. Gorman, Jr

NAY

Joe C. Stewart

**School Construction Funding-Elliston Site School**

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia authorized the Montgomery County School Board to advertise for bids for grading at the Elliston high school site by a resolution adopted on March 9, 1998; and

WHEREAS, A contract was not authorized to be awarded until further action by the Board of Supervisors; and

WHEREAS, The Montgomery County School Board has approved acceptance of a bid by Thomas Brothers, Inc., in the amount of \$833,000 for site work at the Elliston site school, pending funding approval by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the use of \$833,000 of Virginia Public School Authority (VPSA) bond proceeds for site work at the Elliston site high school.

Said contract will cover grading and earthwork, soils, Crozier Road improvements, water lines, hydrants, sanitary and storm sewers and erosion controls at the Elliston school site.

The vote on the foregoing motion was as follows:

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

**Use of School Construction Grant**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the use of the additional \$456,086 in funding provided by the state for school construction in the following categories:

Debt Service	\$212,103
Facilities/Construction	<u>243,983</u>
	\$456,086

FURTHER, The Board of Supervisors authorizes that \$212,103 in County dollars currently budgeted for debt service in FY 98-99 be used by the School Board in other categories.

FURTHER, A resolution for a supplemental appropriation shall be presented to the Board of Supervisors for action at their first official meeting after July 1, 1998.

The vote on the foregoing motion was as follows:

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

Annette S. Perkins  
James D. Politis

### **Bonus for Sheriff's Deputies**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby directs that a resolution shall be presented to the Board of Supervisors for action at their first official meeting after July 1, 1998 to appropriate a maximum of \$45,213 from reserve funds to provide a one-time \$500 bonus for 76 sworn deputies and 8 dispatchers employed at or before June 30, 1998.

The vote on the foregoing motion was as follows:

#### **AYE**

James D. Politis  
Mary W. Biggs  
Larry N. Rush  
Annette S. Perkins

#### **NAY**

Joe C. Stewart  
Ira D. Long  
Joseph V. Gorman, Jr.

### **COUNTY ADMINISTRATOR'S REPORT**

**High Growth Area** There is one day seminar in Fredericksburg, Virginia on June 19, 1998 on high growth and finding solutions to financing and managing high growth.

**Business Cards-Change of Address** Due to the change of address for the County Administrator's office, the business cards for all the Board Members will need to be changed to reflect this.

**Virginia Tech Airport Liaison** County Administrator will be attending a meeting in June, if any of the Board Members have any concerns or information they would like for the County Administrator to bring up at the Liaison meeting, please let him know.

### **BOARD MEMBERS REPORT**

**Supervisor Long** The deed for the Public Service Authority well sites have been signed.

**Supervisor Rush** Received complaints from a citizen concerning runoff problems at the new Radford Hospital site. There are two lots that are surrounded by the hospital and experiencing runoff problems. Supervisor Rush asked that the appropriate staff look into this matter.

**Supervisor Perkins** Attended an Extension Leadership meeting and also attended a Montgomery County Human Services Commission meeting concerning the staffing situation.

**Supervisor Politis** Received a call from a citizen about VDOT surveying in the Indian Valley area on Fairview Church Road. Supervisor Politis asked that the appropriate staff look into this matter.

**Supervisor Biggs** Attended the Planning Commission meeting and a revision draft of the ordinances was sent to the consultant.

**School Board Meeting** The preschool will be funded out of Title 1 money in the next fiscal year. The School Board also discussed Early Release Days and Supervisor Biggs has a copy of the report if any Board Member would like to have a copy. The School Board is also continuing their discussion of the budget.

**New River Valley Workshop** Supervisor Biggs received a call that the NRV Workshop's transportation budget is being cut. She asked if the County funded the NRV Workshop directly or

indirectly and asked that the appropriate staff find this information.

Wrights Waye Road Supervisor Biggs was asked from a citizen how one would go about getting a road on the State's maintenance system. She will provide the individual's name to the County Administration and a letter will be sent outlining the required procedures.

Chairman Gorman Received a letter of thanks from Smithfield Plantation referencing the support of funding from the County.

Northbound 460 approaching Elliston/Lafayette Elementary School Received complaints about the oncoming traffic on 460 approaching the school intersection. The median strip apparently is not large enough for a school bus, creating a hazardous situation with oncoming vehicles. Chairman Gorman asked that a resolution referring this matter to the Transportation Safety Committee be placed on the Board's My 26<sup>th</sup> agenda.

Horticultural Obstructions at Intersections Chairman Gorman has received complaints about Smithcreek Road concerning horticultural obstructions at the intersection. He asked the County Attorney to draft an ordinance addressing this matter.

### **INTO EXECUTIVE SESSION**

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

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

- |                    |  |
|--------------------|--|
| Section 2.1-344(A) | (7) Consultation with Legal Counsel Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provisions of Legal Advice by Counsel |
|                    | 1. Margaret Smith vs. Board of Supervisors   |
|                    | 2. AEP 765 kV Powerline  |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Joe C. Stewart	None

Ira D. Long  
Mary W. Biggs  
Larry N. Rush  
Annette S. Perkins  
James D. Politis  
Joseph V. Gorman, Jr.

### **OUT OF EXECUTIVE SESSION**

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

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

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

**CERTIFICATION OF EXECUTIVE SESSION**

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

WHEREAS, The Board of Supervisors of Montgomery County has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the executive meeting were heard, discussed or considered by the Board.

VOTE

AYE

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

NAY

None

ABSENT DURING MEETING

None

ABSENT DURING VOTING

None

**ADJOURNMENT**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Board adjourned to Tuesday, May 26, 1998.

The vote on the foregoing motion was as follows:

AYE

James D. Politis  
Larry N. Rush

NAY

None

Annette S. Perkins  
Mary W. Biggs  
Joe C. Stewart  
Ira D. Long  
Joseph V. Gorman, Jr.

The meeting adjourned at 10:30 p.m.

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ATTEST

—  
CHAIRMAN

COUNTY ADMINISTRATOR