

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 24TH DAY OF NOVEMBER, 1997 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Henry F. Jablonski	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Ira D. Long	
	James M. Moore	
	Larry N. Rush	
	Joe C. Stewart	
	Annette S. Perkins	-Supervisor-elect
	James D. Politis	-Supervisor-elect
	Jeffrey D. Johnson	-County Administrator
	Martin M. McMahan	-County Attorney
	T. C. Powers, Jr.	-Planning Director
	Ed Davis	-County 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

William Dougherty-AEP's proposed 765kV power line As Vice President of the Friends of Regional Culture & Environment (FORCE), Mr. Dougherty thanked the Board for its attention to AEP's proposed 765kV power line. He went on to say that the important points in this extremely complex and emotionally charged subject have been understood due to the efforts of the Board of Supervisors.

Ted Aaron-AEP's proposed 765kV power line As district manager for AEP, Mr. Aaron testified to the need for the proposed 765kV power line project from Wyoming, West Virginia to Cloverdale, Virginia. According to Mr. Aaron, use of electricity has increased over 210% in Montgomery County between 1970 and 1996. Mr. Aaron said the ultimate approval and construction of this transmission reinforcement project is the best alternative to ensure reliable electric services to existing services, provide the reliable supply of electric power needed for economic development in the area, and with the least environmental impact.

Ron Poff-AEP's proposed 765kV power line Mr. Poff said he is the project manager for the power line project, and addressed the implication of a negative tax impact on the County. In 1996, AEP contributed \$325,163 in personal property and real estate taxes to Montgomery County. Based on the estimated cost of constructing the power line, AEP will contribute an additional \$155,800 in taxes per year to Montgomery County.

Mr. Poff went on to explain that the primary reason for the original preferred corridor being abandoned was the designation by the U.S. Congress in 1992 for a study for wild and scenic designation of the New River from the Glen Lynn bridge to the head waters of the Bluestone dam. In 1994 the National Park Services found that the river qualifies for scenic eligibility, thereby precluding the crossing of the New River with the 765kV power line on the original preferred corridor that was submitted to the SCC in 1991.

Bruce Stanger-Zoning Ordinance Revisions Speaking for the Montgomery County Farm Bureau Board of Directors, and on behalf of Farm Bureau's 2500 family memberships, Mr. Stanger asked

that any action on the revised zoning ordinance be postponed for at least six months. This time could be used by the citizens to review the changes proposed and offer suggestions or alternatives.

Linda Majors-AEP's proposed 765kV power line and Brush Mountain Estates Ms. Majors expressed her full support for the resolution on the Board's agenda addressing the proposed 765kV power line.

Ms. Majors also addressed her concerns about the Brush Mountain Estates being planned for development. She is concerned about the fact that each lot will require its own well and septic system, with the lots being only one to two acres in size. She also noted her concern about the entrance of more traffic onto Route 460.

John Phillips-Zoning Ordinance Revisions Mr. Phillips presented the following petition, with 310 signatures: "We the taxpayers of Montgomery County petition the Planning Commission and the Board of Supervisors to declare a six month moratorium in order for the people whose livelihoods will be affected by the proposed ordinance to thoroughly examine it. Our intent is to make suggestions that will accommodate and encourage existing and future agricultural enterprises.

The World Commission on Environment and Development of the US defines sustainable development as: "...development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Lloyd Phillips-Zoning Ordinance Revisions Mr. Phillips, a dairy farmer in the Dry Valley area of Montgomery County, said the proposed setbacks in intensive agriculture, calls for 1300' from the owner's home if a new facility is put in, 2600' from the neighbor's home, 4,000' from a church, residential development, playground or school; and there are very few, if any, dairy farmers in Montgomery County who could meet these qualifications. The Planning Director has agreed to meet with the dairy farmers on December 11th to discuss how the zoning revisions would effect the dairy farms, whether the "grandfather" clause could be used, etc.

Margaret Smith-PSA and Brush Mountain Estates Ms. Smith requested that the Board appoint someone from the unincorporated area of District A to the PSA, because Annette Perkins, District A Supervisor-elect, lives in the incorporated area of District A.

Ms. Smith commented on the proposed resolution on the Brush Mountain plats for Phases I and II. Ms. Smith believes the resolution does not address the Comprehensive Plan, which is the controlling statute over zoning, plats and any other real estate under the jurisdictions of this governing body, and believes the Planning Commission correctly considered this document over local zoning regulations in making their recommendation.

John Miller-State Route 114 Mr. Miller presented the following petition, with 200 signatures, to the Board: "We, the residents of Route 114, Peppers Ferry Road, Montgomery County, Va., do hereby petition the Montgomery County Board of Supervisors and the Virginia Department of Transportation to consider and take charge of the following immediate actions, to ensure the safety of the residents and the motorists of Route 114.

1. The lowering of the speed limit to 45 mph.
2. To eliminate all passing zones from the Radford Arsenal to the intersection of Route 460.
3. The installation of median rumble strips.
4. The installment of intersection, safety and larger speed limit signs.

These actions would be a temporary solution until a future more permanent plan is adopted.

We are very sincere in our demands, as you can see from the number of residents who have signed this petition.

We need action now. Please consider and put forth the actions we have requested.

Respectfully,
The Residents of Route 114"

Mr. Miller said copies of this petition have been sent to Governor Allen, Senators Robb and

Warner, Congressman Boucher, and the Commissioner of the Virginia Department of Transportation.

Allen Miller-State Route 114 Allen Miller presented the following petition, with 89 signatures: “We the residents of the Belmont Community, known locally from Rt. 460 west on 114 to Vicker Road, are tired of accidents, fatalities, high speeders, etc.

In the past two and a half years there have been 5 head on collisions resulting in 7 deaths from the Christiansburg Town Limits west to Vicker Switch Road -- 1 ½ miles - plus numerous rear-end collisions, etc. Tractor trailers were involved in one death and the destruction of a water pump station.

We feel a lower speed limit, 35 mph, double lines (no passing) and anything reasonable can and should be done. This 1 ½ miles is primarily farm country. Tractors pulling hay wagons and such are common.

So in conclusion, we ask and DEMAND, something be done. We invite concerned residents of Belmont Farms, Belmont Estates, Carmen Heights, Vicker, anyone living on Rt. 114 concerned with their own and their families safety to back us by signing this petition.

Upon compilation of this Petition copies will be sent to the Montgomery County Planning Commission, the local Law Enforcement Agencies, VDOT, the Roanoke Times and the News Messenger. You do not need to be a registered voter for this to work.

Come on residents of Peppers Ferry Road, Rt. 114 ENOUGH IS ENOUGH!”

Lori Micke-New River Valley Community Services Ms. Micke said she was present to speak for her 29-year old son, who suffers from severe depression and anxiety. He needs independent living opportunities, and Ms. Micke asked that the Board increase their funding to the New River Valley Community Services.

Brad Kline-AEP’s proposed 765kV power line Mr. Kline said he would support any resolution the Board is considering that opposes the power line through Montgomery County. He believes that AEP has severely underestimated the number of houses that exist in the corridor. Mr. Kline said he recently attended a meeting about this issue at Norris Run Church and there were approximately 150 people in attendance who would be impacted by the power line.

Margaret A. Roston-Zoning Ordinance Revisions The Chairman read the following letters into the record:

“2124 Mount Tabor Road
Blacksburg, VA 24060
540-552-5146
November 24, 1997

Members of the Montgomery County Board of Supervisors
Montgomery County Courthouse
Christiansburg, VA 24073

Dear Supervisor,

Please read this letter and the accompanying letters into the minutes of tonight’s meeting.

Many developers are likely to rush and are rushing to have building permits approved under the current zoning ordinance. It is common that people would like their plans to be accepted before more stringent regulations are put in place. To grant such permits would be a violation of the spirit of the legislation under consideration. I believe that a moratorium on granting permits to do a project which would not be allowed if pending regulations were finalized is a reasonable alternative. To be fair to the person or people requesting a permit, a deadline as to when new regulations will be voted on, even if merely an interim legislation, must be established.

It takes a long time to create permanent regulations and much thought must be devoted to such things. However, during that time the very things that the proposed legislation would protect, for

example the quality of drinking water, could be destroyed by people acting under the “old” and obviously unsuitable regulations. By passing a regulation providing for a moratorium on any activity that would compromise the spirit of the regulations being created, the Board of Supervisors would allow permitting of activities that would be acceptable even with the most stringent of new regulations while avoiding “last minute” permits under the “old” legislation.

For example, currently regulations are under consideration to keep the drinking water safe in the wells of Montgomery County. This is because there have been problems with the increased number of wells and septic fields in terrain unable to support the numbers permitted already. There has been much public and political controversy over this issue. During the delays attempts are being made to obtain permits on areas where the geology is not believed to be able to handle as many septic systems and wells as requested. It is known that current zoning is inadequate to protect the safety of the wells currently in use as well as those proposed. In the interest of public safety and health, it should be possible to instate a moratorium as suggested above.

The health and well being of the residents of Montgomery County should be the Board of Supervisors primary consideration and is mandated by law.

Thank you for your time and consideration in this matter.

Sincerely,

(s) Margaret A. Roston”

“2124 Mount Tabor Road
Blacksburg, VA 24060
540-552-5146
November 24, 1997

Members of the Montgomery County Board of Supervisors
Montgomery County Courthouse
Christiansburg, VA 24073

Dear Supervisor,

In February, 1995 I drove on 460 from Blacksburg to Pearisburg. Being aware of many of the issues confronting this region of the New River Valley, I made several observations about which I wrote the Board of Supervisors in a letter dated February 19, 1995. The gist of the letter, updated minimally follows:

The Montgomery County Board of Supervisors has the opportunity to exhibit long term planning wisdom that will protect the property rights and dream homes and businesses of many citizens.

- Please restrict development along 460 west of Blacksburg.
- Now while there are only 7, perhaps 10, houses, one business, and one trailer park affected!
- Please require that easements be established for service roads to parallel 460 on each side of the main roadway and that allowances be made for adding additional lanes to 460 itself.

If this is done now, many years from now the Commonwealth Transportation Board in Richmond will not require that another roadbed be slashed through our rural hills. A “3A” type of project will be avoided by planning today. Allow no more driveways! Allow no more small roads entering 460 without requiring enough setback so that service roads can be constructed. Once Pandapas Pond Road was closed by the Jefferson National Forest, then the cross over there was closed, making 460 a safer highway. This improves the efficiency of 460 from Blacksburg into Giles County.

A quick look at 460 in Giles shows that the driveways entering into the highway slow the flow of traffic. Those who want a safe route for truck commerce to I-81 and Roanoke from the west find fault with such bottlenecks. Here in Montgomery County we can protect the flow of traffic. We can protect our scenery from new cuts through the mountains.

Now there is only a small handful of structures and mostly forested land that will be affected by

this easement. The service (frontage) roads do not have to be built immediately, if ever. However, the protection of the right of way will be there, if it is needed. The messes elsewhere in the county will not be repeated if steps are taken immediately to protect this section of roadway. Foresight and action now will save money and unnecessary heartache and fierce public debate years from now.

This visionary action must be taken immediately before any additional construction is begun along this section of highway. If time is wasted in making this necessary decision, additional buildings will have to be purchased and lives disrupted in the future at great cost financially and emotionally.

- Please act now.
- Currently this section of 460 is acceptable to people promoting I-73 type projects. Let's work to keep it that way.
- This is the cheapest, safest and wisest way to maintain a good highway.

Thank you for your time and consideration in this matter.

Sincerely,
(s) Margaret Roston"

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Thank you for your time and consideration in this matter.

Sincerely,
(s) Margaret A. Roston"

ADD TO AGENDA-ADDENDUM

On a motion by Ira D. Long, seconded by Henry F. Jablonski and carried unanimously, the Addendum dated November 24, 1997 was added to the agenda as follows:

Appointments-Public Service Authority

CONSENT AGENDA

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Consent Agenda dated November 24, 1997 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Henry F. Jablonski	
Ira D. Long	
James M. Moore	
Larry N. Rush	
Joe C. Stewart	
Joseph V. Gorman, Jr.	

Appropriation Adjustment-Regional Library

On a motion by Ira D. Long, seconded by Larry N. Rush 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 amount as follows:

420	Library	\$1,064
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
7000-10	Montgomery Library Savings	\$1,064

Said resolution appropriates monies from the Library's savings account to pay for advertising to fill the Library Director position.

Commonwealth's Attorney

On a motion by Ira D. Long, seconded by Larry N. Rush 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	\$872
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The source of funds for the foregoing appropriation is as follows:

Revenue Account:

1901-70 Confiscations	\$872
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Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

Department of Social Services-Supplemental Appropriation

On a motion by Ira D. Long, seconded by Larry N. Rush 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 ended June 30, 1998, for the function and in the amount as follows:

410	Social Services	\$16,336
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The source of funds for the foregoing appropriation is as follows:

Revenue Account

2401-02	Public Assistance	\$16,336
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Said resolution appropriates monies to the Department of Social Services for the Energy Assistance Program.

OLD BUSINESS

American Electric Power Proposed 765kV Power Line

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

WHEREAS, Appalachian Power Company has requested approval from the State Corporation Commission to construct a 765-kV transmission line within numerous counties in Virginia, including the County of Montgomery; and

WHEREAS, In response to Appalachian Power's request, the State Corporation Commission opened case number PUE 970766 on November 7, 1997; and

WHEREAS, The County of Montgomery had previously endorsed the preferred route of Appalachian Power's previous application, case number PUE 910050, by resolutions dated September 12, 1994 and September 9, 1996,(see attached), however, the State Corporation Commission granted Appalachian Power's leave to withdraw case number PUE 910050; and

WHEREAS, Section 56-46.1 of the Code of Virginia, as amended, requires the State Corporation Commission as a condition of approval to determine that the 765 kV transmission line is needed and that the corridor or route the line is to follow will reasonably minimize adverse impacts on the scenic assets, historic districts and the environment of the area concerned; and

WHEREAS, The proposed 765 kV transmission lines route in Appalachian Power's application PUE 970766 will cross the entire northern boundary of Montgomery County and will have an adverse impact on a large number of developed residences and on scenic, historical, recreational and sensitive environmental areas in the County such as Poverty Creek, Straley Valley, Norris Run, and Pandapas Pond; and

WHEREAS, Since the entire southern boundary of the County of Montgomery has

already been traversed by a similar 765 kV transmission line, should the entire northern boundary also be impacted by a 765 kV transmission line, there will be large proportion of the County's real estate tax base adversely affected; and

WHEREAS, The Federal Government, including George Washington-Jefferson National Forest, and the Commonwealth of Virginia, including Virginia Tech and Virginia Tech-related organizations, already own a significant portion of Montgomery County and these lands are exempt from real estate taxes (24.08 % of real estate tax base); and

WHEREAS, The County of Montgomery largely depends on its real estate tax base to provide governmental services to the residents of Montgomery County; and

WHEREAS, The County of Montgomery opposes the construction of the proposed Wyoming to Cloverdale 765 kV power transmission line through the County of Montgomery.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County opposes the proposed routes for the 765 kV power line that is included in Appalachian Power Company's application case number PUE 970766 because of the proposed route's adverse impact on developed residences within the proposed corridor, on the scenic, historical, recreational and sensitive environmental areas in Montgomery County and the negative impact on the County's real estate tax base.

AND BE IT FURTHER RESOLVED, That the Board of Supervisors of Montgomery County intends to file a notice of protest with the State Corporation Commission as a Protest pursuant to the Rules of the Commission.

AND BE IT FURTHER RESOLVED, That the Board of Supervisors of Montgomery County requests that the State Corporation Commission consider the preferred routes contained in Appalachian Power's previous application case number PUE 910050 as desirable routes and cause these routes to be published and made a part of case number PUE 970766.

AND BE IT FURTHER RESOLVED, The Board of Supervisors of Montgomery County request that the State Corporation Commission in its deliberations, in addition to the considerations previously stated, consider the following:

1. Utilize existing rights of way for upgrading the proposed 765 kV transmission line.
2. Provide local emergency or peak demand generating capability.
3. Utilize interconnects to balance peak loads rather than as wholesale power sales outlets.

AND BE IT FURTHER RESOLVED, The County Administrator is directed to transmit this resolution to the State Corporation Commission for inclusion in case number PUE 970766.

State Route 114-Resolution to the Commonwealth Transportation Board

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

WHEREAS, Representatives of the Board of Supervisors of Montgomery County, Virginia have attended the Commonwealth Transportation Board's Preallocation hearings for over a decade to advocate for improving conditions on Virginia Route 114 in Montgomery and Pulaski Counties, a major transportation artery serving as an east-west connector through the New River Valley which passes through residential and commercial development; and

WHEREAS, 39 accidents in 1997 occurred on Route 114, claiming the lives of five citizens and injured 34 citizens; and

WHEREAS, The residents who live along Route 114 and the surrounding area have presented petitions to the Board of Supervisors requesting that the speed limit be lowered and law enforcement patrols be increased; and

WHEREAS, The citizens of Montgomery County have requested that this matter be

referred to the Montgomery County Transportation Safety Commission, as well as the Commonwealth Transportation Board, to look at ways to enhance the safety of this road, including turn lanes and widening of the road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia emphasizes its continued desire to the Commonwealth Transportation Board to address this critically needed project in order to improve the capacity, safety and efficiency of our transportation system.

BE IT FURTHER RESOLVED, That the Transcript of citizens' comments taken during the public address session at the Board of Supervisors' November 12, 1997 meeting are hereby included as an attachment to this resolution.

State Route 114-Request for Speed Study

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

WHEREAS, 39 accidents in 1997 occurred on Route 114, claiming the lives of five citizens and injured 34 citizens; and

WHEREAS, 26% of the arrests for driving under the influence in Montgomery County in 1997 were made on Route 114; and

WHEREAS, The average number of monthly traffic summons issued in 1997 on Route 114 is 23.3, totaling 233 for a 10-month period, an increase of 19% over the same period in 1996; and

WHEREAS, The residents who live along Route 114 and the surrounding area have presented petitions to the Board of Supervisors requesting that the speed limit be lowered and law enforcement patrols be increased; and

WHEREAS, This matter will be referred to the Montgomery County Transportation Safety Commission, as well as the Commonwealth Transportation Board, to look at ways to enhance the safety of this road, including turn lanes and widening of the road.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia requests Virginia Department of Transportation's (VDOT) Resident Engineer to conduct a speed study on Route 114 to determine the feasibility of reducing the speed limit.

BE IT FURTHER RESOLVED, That VDOT's Resident Engineer is requested to evaluate and recommend other improvements to enhance driver awareness for the portion of Route 114 in Montgomery County.

State Route 114-Resolution to Montgomery County Transportation Safety Commission

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

WHEREAS, The Board has expressed grave concern relative to conditions on Virginia Route 114 in Montgomery County, a major transportation artery serving as an east-west connector through the New River Valley which passes through residential and commercial development; and

WHEREAS, 39 accidents in 1997 occurred on Route 114, claiming the lives of five citizens and injured 34 citizens; and

WHEREAS, 26% of the arrests for driving under the influence in Montgomery County in 1997 were made on Route 114; and

WHEREAS, The average number of monthly traffic summons issued in 1997 on Route 114 is 23.3, totaling 233 for a 10-month period, an increase of 19% over the same period in 1996; and

WHEREAS, The residents who live along Route 114 and the surrounding area have presented petitions to the Board of Supervisors requesting that the speed limit be lowered and law enforcement patrols be increased; and

WHEREAS, The citizens of Montgomery County have requested that this matter be referred to the Montgomery County Transportation Safety Commission, the Virginia Department of Transportation's Resident Engineer, as well as the Commonwealth Transportation Board to look at ways to enhance the safety of this road, including turn lanes and widening of the road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia requests that the Montgomery County Transportation Safety Commission address the safety issues related to Route 114, including use of the Selective Enforcement grant funds to increase patrols and checkpoints on Route 114.

BE IT FURTHER RESOLVED, That the Transcript of citizens' comments taken during the public address session at the Board of Supervisors' November 12, 1997 meeting, the resolution to the Commonwealth Transportation Board and the resolution to the Virginia Department of Transportation's Resident Engineer, are hereby included as an attachment to this resolution.

NEW BUSINESS

Warm Hearth-Industrial Development Authority Bonds

Supervisor Jablonski announced that he would abstain from voting on this matter due to the fact that was recently appointed to the Board of Directors for Warm Hearth.

Supervisor Rush said he would like to note the discrepancy between the annual administrative bond fee set by the Industrial Development Authority for Radford Community Hospital and the administrative bond fee set for Warm Hearth, which is fifty percent of the standard fee or 1/16 of 1% per annum.

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA

WHEREAS, The Industrial Development Authority of Montgomery County, Virginia ("Authority"), has considered the application of NRV Nursing Center, Incorporated and/or Warm Hearth, Inc. (collectively, the "Borrowers") requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$12,500,000 ("Bonds") to assist in the financing of the Borrowers' acquisition, construction and equipping of an approximately 120-bed nursing and intensive assisted living facility consisting of approximately 64,000 square feet ("Project") to be located within the Warm Hearth Village off Warm Hearth Drive on a street to be located south of Showalter Drive, in Montgomery County, Virginia, and has held a public hearing on November 18, 1997; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds; and

WHEREAS, The Authority issues its bonds on behalf of the County of Montgomery, Virginia ("County"); the Project is to be located in Montgomery County, Virginia and the Board of Supervisors of the County of Montgomery, Virginia ("Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, The Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, A copy of the Authority's resolution approving the issuance of the Bonds,

subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Borrowers, as required by Section 147(f) of the Code and Section 15.1-1378.1 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the project or the Borrowers.
3. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.
4. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Montgomery, Virginia this 24th day of November, 1997.

The vote was as follows:

<u>AYE</u>	<u>ABSTAIN</u>
Mary W. Biggs	Henry F. Jablonski
Ira D. Long	
James M. Moore	
Larry N. Rush	
Joe C. Stewart	
Joseph V. Gorman, Jr.	

Brush Mountain Estates-Final Plats for Phase I and Phase II

Supervisor Biggs requested that the County Attorney state for the record, what action the Board is taking and the reason for taking this action.

The County Attorney briefly explained the process. The Planning Commission can only operate under the powers given them under state law, one of which is to be involved in the approval process of preliminary and final plats. When reviewing plats, they are to look at the roads, whether septic tank approval has been granted by the Health Department, where the wells will go, covenants that my go with the land to see if they are reasonable. Once these criteria have been met, the Planning Commission has no other alternative but to grant approval.

What happened in the case of Brush Mountain Estates was that the Planning Commission denied approval of the plats because 1) the development was incompatible with the County's Comprehensive Plan and 2) they felt the subdivision would not preserve the rural character of the area. This was beyond the Planning Commission's review process. It would have been proper in the case of a rezoning request; however, the developer's plans are allowed under the present A-1 zoning. The County Attorney based his decision on state law authority and subdivision ordinance authority, and he believes the Planning Commission went beyond their authority powers when they denied approval of the plats. He therefore recommended that it be sent back to the Planning Commission for further review.

Supervisor Biggs stated for the record that the reason Montgomery County is in this position is because of the zoning ordinance that is currently in place.

On a motion by Henry F. Jablonski, seconded by Ira D. Long and carried,

WHEREAS, On November 12, 1997, the Planning Commission denied approval of the Final Plats for Phase I and Phase II of Brush Mountain Estates; and

WHEREAS, Based on advice of legal counsel, the denial of approval was for reasons beyond the authority granted to the Planning Commission by State law and the Montgomery County Subdivision Ordinance; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia, desires to have the Planning Commission reconsider the request for approval of the Final Plats based on the requirements imposed by the Subdivision Ordinance prior to the Board of Supervisors taking action.

NOW THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby forward the Final Plats for Phase I and Phase II of Brush Mountain back to the Planning Commission for their consideration of the request for approval of the plats.

AND BE IT FURTHER RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby request the Planning Commission to review and consider the request for approval of the Final Plats for Phase I and Phase II in accordance with the requirements imposed by the Montgomery County Subdivision Ordinance.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Mary W. Biggs	James M. Moore	Joe C. Stewart
Henry F. Jablonski		
Ira D. Long		
Larry N. Rush		
Joseph V. Gorman, Jr.		

Resolution of Appreciation-Henry F. Jablonski

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

WHEREAS, Henry F. Jablonski has faithfully served as a member of the Board of Supervisors of Montgomery County since 1981; and

WHEREAS, Henry F. Jablonski has served as Chairman in 1988, 1989, 1991, 1996 and as Vice Chairman in 1983, 1984, 1985, 1986, 1987, 1992 and 1997; and

WHEREAS, Henry F. Jablonski representing Montgomery County, served on a committee with the City of Radford to prepare a boundary adjustment agreement in the 1980's, and later representing Montgomery County, served on a committee with the City of Radford to prepare and obtain referendum approval of the Route 177 Agreement concerning revenue sharing, utilities and zoning aspects in the Route 177 Corridor; and

WHEREAS, Henry F. Jablonski served on a committee with the Town of Blacksburg to resolve various County/Town issues from 1996-1997; and

WHEREAS, Henry F. Jablonski has served as a member of the Public Service Authority since 1982, serving two years as its Chairman and two years as its Vice Chairman; and

WHEREAS, Henry F. Jablonski has represented Montgomery County on the New River Valley Planning District Commission since 1982, serving two years as its Chairman and two years as Vice Chairman; and

WHEREAS, Henry F. Jablonski served as a member of the Montgomery Regional Economic Development Commission from 1988-1993, and helped to prepare the Commission bylaws; and

WHEREAS, Henry F. Jablonski has served on the Board of Directors for MBC Development Corporation (Venture Capital Loans) 1990-1997; and

WHEREAS, Henry F. Jablonski served as a liaison member to the Montgomery County Planning Commission 1994-1996; and

WHEREAS, Henry F. Jablonski was Chairman of the Riner Fire Station Building Committee, which planned and financed the construction of the Riner Fire Station in 1984-85, and a member of the Building Committee for the Main Branch of the Montgomery/Floyd Regional Library which was constructed in 1986; and

WHEREAS, Henry F. Jablonski has contributed in the efforts to promote and enhance economic development activities for achieving and maintaining a superior quality of life for all Montgomery County citizens; and

WHEREAS, Henry F. Jablonski has provided leadership for education and public safety of all Montgomery County residents through his support in the development of libraries, schools and fire/rescue stations; and

WHEREAS, Henry F. Jablonski has served as a member of the School Site Selection Committee and contributed to the construction of a New Riner Elementary School as a part of the school construction program; and

WHEREAS, Henry F. Jablonski has been an active participant of the National Association of Counties (NACo) representing Montgomery County and its citizens; and

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Henry F. Jablonski**.

FURTHER, BE IT RESOLVED, The original of this resolution be presented to **Henry F. Jablonski** and that a copy be a part of the official minutes of Montgomery County.

Resolution of Appreciation-James M. Moore

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

WHEREAS, James M. Moore has faithfully served as a member of the Board of Supervisors of Montgomery County since 1990; and

WHEREAS, As a member of the Virginia Association of Counties, **James M. Moore** served on VACo's Legislative Steering Committee on Community and Economic Development in 1989-90 and on the Legislative Steering Committee on Transportation in 1990-91; and

WHEREAS, James M. Moore has solicited public opinion on County issues each year since 1991 in order to better represent the citizens of Montgomery County; and

WHEREAS, James M. Moore was instrumental in the creation of the Employee Award for Excellence and Creativity to recognize creative problem solving and excellence on the part of full time Montgomery County employees; and

WHEREAS, James M. Moore represented the Board of Supervisors on the Montgomery County Planning Commission in 1992 and 1993; and

WHEREAS, James M. Moore has been a liaison member of the Montgomery Regional Economic Development Commission in 1996 and 1997; and

WHEREAS, James M. Moore served on the Montgomery County Improvement Council in 1996 and 1997; and

WHEREAS, James M. Moore served on the Blacksburg Area Library Building Committee in 1992; and

WHEREAS, James M. Moore served on the Capital Improvements Program (CIP) Committee in 1992; and

WHEREAS, James M. Moore has provided leadership for education, human services and technology advancement through his contributions in the development of libraries, and being an

active member of the Social Services Board and Information/Data committees; and

WHEREAS, James M. Moore has served as Co-Chair of the School Site Selection Committee and contributed to the construction of a new Riner Elementary School as a part of the school construction program.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **James M. Moore**.

FURTHER, BE IT RESOLVED, The original of this resolution be presented to **James M. Moore** and that a copy be a part of the official minutes of Montgomery County.

APPOINTMENTS

Montgomery County Public Service Authority

On a motion by Ira D. Long, seconded by Henry F. Jablonski and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **Annette S. Perkins and James D. Politis** are hereby appointed to the Montgomery County Public Service Authority effective January 1, 1998 and expiring December 31, 2001:

BE IT FURTHER RESOLVED, That **Joe C. Stewart** is reappointed to the Montgomery County Public Service Authority effective January 1, 1998 and expiring December 31, 2001.

COUNTY ADMINISTRATOR'S REPORT

Commerce Park The County Administrator, along with the Chairman and the Vice Chairman, attended another meeting concerning the Commerce Park. The investment is estimated to be around \$16 million to grade a path, buy the land, and put an access road into this pad. After this has been done, it would probably take approximately \$37 million to get infrastructure (water, sewer, electricity) to the site. Any locality within the New Century Council district can participate, and Franklin, Wythe and Bland Counties. Since Pulaski County will be the host county, it will have to come forward with the proposal, and what revenue it will be willing to share with the other participants. Pulaski is expected to bring a proposal to the December 11th meeting. Some of the decisions that need to be made include what the minimum contribution will be to participate; one suggestion was to use percentages, such as how much would it cost to participate in this project up to 5% of the cost of the project, or up to 10%, etc. There are a lot of details that still need to be worked out. The Board of Supervisors will need to decide whether Montgomery County wants to participate.

BOARD MEMBERS' REPORTS

Supervisor Biggs-School Board Supervisor Biggs attended the School Board meeting last Monday. During the budget segment of the meeting, there were several speakers who covered a lot of issues. Supervisor Biggs will summarize the meeting and provide copies to the Board.

Planning Commission At the last Planning Commission meeting, a lot of time was spent reviewing the zoning ordinance and formulating questions to be sent back to the consultants.

Community Meeting in Shawsville At Supervisor Biggs' request, the Planning Director explained that a community meeting is scheduled at the Shawsville High and Middle School's library on November 25th at 7:30 p.m. This is, in part, in response to a petition from some residents in the Shawsville community asking for rezoning of some of the area to residential, particularly the western half of Oldtown Road. The purpose of the meeting is to present and gather information about the zoning of the western section of Shawsville. The Planning Department will use the results of this meeting to develop rezoning recommendations for this section. These recommendations will be presented to the Planning Commission for review. Public comments made during the public address session earlier in this meeting concerning the

zoning ordinance revisions will also be forwarded to the Planning Commission.

Supervisor Jablonski-School Site Selection Committee At the last School Site Selection Committee meeting, there was discussion about the design of classrooms with regard to computers and if adequate information is going to the architects that design the classrooms. Supervisor Jablonski provided copies of an article in *Education Weekly* claiming that Virginia does a better job with placing computers in our schools, but that they are under utilized and one reason is poor placement of computer work stations. It said, however, 57% of 8th graders surveyed in Virginia and nationally, reported they never or hardly ever used computers in math classes. Supervisor Jablonski explained that his reason for mentioning this is because the architects are being instructed to make drawings now for the Elliston site school, and the schools need to give adequate definition of how many computers are going to be in classrooms, and how they should be arranged in the classrooms, in order that the classrooms can be designed properly. The Chairman mentioned that articles from the *Wall Street Journal* were also provided in the non-agenda section about ways of solving school space problems. There was information about schools in Apple Valley, Minnesota, Grange, Indiana and Dearborn, Michigan.

Supervisor Moore-Economic Development Commission met on November 19th. The shell building is on schedule and on budget.

School Site Selection Committee will meet on Wednesday, November 26th. The School Board has asked the committee to look for school sites in the Blacksburg area.

Supervisor Stewart-School Construction Supervisor Stewart said he would remind everyone that the new site for the Shawsville High School is located in **Elliston**. Since the land has been acquired, he asked that construction on the building be expedited.

The Chairman asked that an update be requested at the next School Site Selection Committee meeting.

Chairman Gorman-6-Year Improvement Plan for Secondary Roads According to the Department of Transportation's Resident Engineer, VDOT wants to get the right-of-way deeds recorded prior to making a report to the Board. Hopefully, the 6-Year Improvement Plan for Secondary Roads priority list will be available by the Board's next meeting.

Meeting with Legislators The Chairman reminded Board members that a meeting with the Legislators has been scheduled for December 3rd at 4:00 p.m. in the Board Chambers.

Employee Award for Creativity and Excellence Since this award was created by Supervisor Moore, the Chairman asked that Supervisor Moore make a recommendation on how the award is to be perpetuated.

The Board reconvened in the Board Chambers.

INTO EXECUTIVE SESSION

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

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

- | | | |
|--------------------|-----|--|
| Section 2.1-344(A) | (7) | Consultation with Legal Counsel and Briefings by Staff Members Pertaining to Actual or Probably Litigation, or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel |
| | 1. | Margaret Smith vs. Board of Supervisors |
| | 2. | Utility Agreement with the Town of Blacksburg |

OUT OF EXECUTIVE SESSION

On a motion by Larry N. Rush, seconded by Henry F. Jablonski and carried unanimously,

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

CERTIFICATION OF EXECUTIVE SESSION

On a motion by Larry N. Rush, seconded by Henry F. Jablonski 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

AYES

- Mary W. Biggs
- Henry F. Jablonski
- Ira D. Long
- James M. Moore
- Larry N. Rush
- Joe C. Stewart
- Joseph V. Gorman, Jr.

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by Ira D. Long, seconded by Henry F. Jablonski and carried unanimously, the Board adjourned to Wednesday, December 3, 1997 at 4:00 p.m.

The meeting adjourned at 9:30 p.m.

_____ ATTEST: _____

CHAIRMAN

COUNTY ADMINISTRATOR

