

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12<sup>TH</sup> DAY OF JANUARY 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Douglas W. Marrs	
	John A. Muffo	
	Steve L. Spradlin	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Vice-Chair called the meeting to order and the Pledge of Allegiance was recited.

**ELECTION OF CHAIRMAN**

Supervisor Mary W. Biggs nominated Annette S. Perkins to serve as Chairman of the Board of Supervisors for calendar year 2004.

The vote on the foregoing nomination was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	Gary D. Creed
John A. Muffo	James D. Politis
Annette S. Perkins	Steve L. Spradlin

Douglas W. Marrs

On a motion by Gary D. Creed and carried,

BE IT RESOLVED, That **James D. Politis** be and hereby is, elected as Chairman of the Montgomery County Board of Supervisors for the calendar year 2004, or until a successor is elected.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	John A. Muffo
James D. Politis	Mary W. Biggs
Steve L. Spradlin	Annette S. Perkins
Douglas W. Marrs	

### **ELECTION OF VICE CHAIRMAN**

On a motion by Mary W. Biggs and carried,

BE IT RESOLVED, That **Annette S. Perkins** be and hereby is, elected as Vice Chairman of the Montgomery County Board of Supervisors for calendar year 2004, or until a successor is elected.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	Steve. L. Spradlin
Douglas W. Marrs	Gary D. Creed
Annette S. Perkins	James D. Politis
John A. Muffo	

### **ORGANIZATIONAL MATTERS**

#### **Selection of Regular Meeting Date**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2004 shall be the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month beginning at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo None

Gary D. Creed

Steve. L. Spradlin

Douglas W. Marrs

Mary W. Biggs

Annette S. Perkins

James D. Politis

### **RULES OF ORDER AND PARLIAMENTARY PROCEDURES**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby adopts the following Rules of Order and Parliamentary Procedures:

**Rule 1**           The current edition of *Roberts Rules of Order* shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.

**Rule 2**           The Board may *temporarily suspend* any of its rules by a vote of two-thirds of the members present.

**Rule 3**           No ordinance or resolution *appropriating money exceeding the sum of \$500*, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.

**Rule 4**           A subject(s) may be *added to the Agenda* following the Delegation portion of the

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meeting.

**Rule 5**      *Discussion of Agenda items* will occur only after a motion is made.

**Rule 6**      In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.

**Rule 7**      When any motion, resolution, or ordinance has been *once acted upon* by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.

**Rule 8**      A motion to *reconsider* a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.

**Rule 9**      When the Board wishes to *annul some action it has previously taken*, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.

**Rule 10**      The County Administrator is hereby authorized to prepare for each meeting a *consent agenda* for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.

**Rule 11**      Any member of the Board may request to have any item *removed from the consent agenda*. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.

**Rule 12**      A single motion and roll call vote in favor thereof shall approve all items remaining on the *consent agenda*.

- Rule 13** The County Administrator is hereby authorized to *provide agendas* for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to *mail such agendas* to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.
- Rule 15** The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.
- Rule 16** Individual speakers will be limited to **5 minutes** to address the Board during the **public address** and the **public hearing** portions of the meeting. Speakers may not grant or assign their remaining time to address the Board to another speaker.
- Rule 17** Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.
- Rule 18** **Non-Agenda items** may be included for discussion and action during Board Members' Reports segment of the meeting.
- Rule 19** Motions for **tabling** an item shall include conditions for removal from the table.
- Rule 20** Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.
- Rule 21** Appointments of individual members of the Board of Supervisors for yearly **appointments to various Boards**, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year)
- Rule 22** On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
John A. Muffo	
Gary D. Creed	
Douglas W. Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	

### **CODE OF ETHICS AND STANDARD OF CONDUCT**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby adopts the following Code of Ethics and Standards of Conduct:

#### **CODE OF ETHICS**

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.

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5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues

pertaining to programs, operations and issues.

17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

### **STANDARDS OF CONDUCT**

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.
3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.

8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed  
Douglas W. Marrs  
Steve L. Spradlin  
Mary W. Biggs  
John A. Muffo  
Annette S. Perkins  
James D. Politis

NAY

**PUBLIC HEARINGS**

**Montgomery County Budget for FY 2004-2005**

The purpose of this public hearing is to gather citizen comments on the upcoming fiscal year budget.

Doug Thomas, Chairperson for Crossroads Shelter, requested funding for Crossroads Shelter in FY 2004-2005. Mr. Tomas stated Crossroads Shelter is a homeless shelter and also provides emergency housing. Their mission is to provide the basic needs for homeless persons and families. They serve the seven counties, including Montgomery County. Last year over 700 people requested services, 364 people were admitted for emergency shelter, 4335 nights of shelter were provided. Crossroads Shelter provided 165 nights of stay for citizens that lived in Montgomery County. It costs \$41.65 per person, per day for all services provided by Crossroads Shelter. They do receive funding from the United Way, Federal and State Share Shelter Grants and funding from private foundations. Mr. Thomas requested the Board of Supervisors to consider providing \$2,000 to the Crossroads Shelter.

Bob Benoit addressed the Board concerning the Library's budget. Mr. Benoit expressed concerns with the lack of funding for the new Meadowbrook Branch Public Library. They have submitted a request to the State for funding for books and supplies, which they may not receive. He asked the Board to consider

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providing additional funds to the Library in order to purchase supplies for the new Library.

Rusty Riley expressed concerns with Mt. Pleasant Road. He stated that Mt. Pleasant Road is on the Six Year Road Plan and VDOT keeps pushing back the date for improvements. Currently, VDOT is grading and applying gravel weekly which he believes is costly. He believes there is an alternative for improvements through the rural rustic road program. Under this program the road could get paved and will be more cost effective. He urged the Board to consider this road for improvements under the rural rustic road program.

Mike Reilly, President of the Montgomery County Education Compensation Association, urged the Board to consider funding an adequate school budget that includes compensation for teachers. He stressed the importance of raises for teachers.

Dr. George Smith thanked the Board of Supervisors for providing a new public library in the Elliston/Shawville area, the new Meadowbrook Branch Public Library. He reported there are plans to use a portion of the building for a community center that will provide a great service to the citizens of Elliston and Shawsville. Dr. Smith stated that the community is currently raising money to help offset the costs for books and supplies. He asked the Board to consider providing additional funding to the Library to help cover the start up costs.

T'iaya Shiner, Chair, Human Relations Council, reported that the Human Relations Council is requesting level funding for FY 2004-05. She stated that without continued funding the Human Relations Council could not continue to provide services to the citizens of Montgomery County. Ms. Shiner thanked the Board for their past support and hope they will continue to support the Human Relations Council in the future.

Charlie Bowles addressed the Board on various budget issues and suggested the Board be more considerate of the citizens of Montgomery County when developing the budget.

Alicia Spitzer, Montgomery County Education Association, addressed the Board concerning the School's Budget. Ms. Spitzer expressed her concerns about the need for raises for teachers in Montgomery County and urged the Board to provide additional funding for teacher compensation.

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

## **PUBLIC ADDRESS SESSION**

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There were no speakers, the Public Address Session was closed.

**ADDENDUM**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the following addendum dated January 12, 2004 was added to the agenda:

**State to Locality to Citizen Emergency Notification Proof of Concept Pilot Program**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Douglas W. MARRS	None
Mary W. Biggs	
Steve L. Spradlin	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

**CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated January 12, 2004 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Gary D. Creed	
Douglas W. MARRS	
John A. Muffo	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	

**School Operating Funds: Supplemental Appropriation**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

09	School Operating Fund	
	561000 Instruction	\$50,597

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

Revenue Account:

09 433207	Gaps- Carol White PE Grant	\$38,736
09 418992	Project Hope/Homeless Grant	<u>11,861</u>
	Total	\$50,597

Said resolution appropriates additional funds from the Gaps-Carol White PE Grant and the Project Hope/Homeless Grant.

**Comprehensive Services Act - Supplemental Appropriation And Transfer From General And Special Contingencies**

On a motion by Mary W. Biggs, seconded by Gary D. Creed 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, 2004, for the function and in the amount as follows:

510	Comprehensive Services Act	\$426,885
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02510-424445	Comprehensive Services Act	\$426,885
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BE IT FURTHER RESOLVED, That a transfer is hereby authorized, as follows:

**FROM:**

950	General Contingencies	(\$ 68,824)
960	Special Contingencies	(\$100,000)

**TO:**

510	Comprehensive Services Act	\$168,824
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Said resolution appropriates a supplemental allocation from the state for the Comprehensive Services Act and transfers the local match for the supplement from Contingencies.

**APPOINTMENTS**

**Montgomery Regional Economic Development Commission -Chamber of Commerce Representative**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Todd Murray** as Montgomery County Chamber of Commerce's representative to the Montgomery Regional Economic Development Commission effective January 13, 2004 and expiring January 12, 2007.

**Montgomery Regional Economic Development Commission-Town of Christiansburg Representative**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Ann H. Carter** as the Town of Christiansburg's representative to the Montgomery Regional Economic Development Commission effective January 13, 2004 and expiring January 12, 2007.

**Director of Emergency Services**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **B. Clayton Goodman, III** as Director of Emergency Services effective January 1, 2004 and expiring December 31, 2004.

**Virginia Coalition of High Growth Communities**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby designates **B. Clayton Goodman, III**, County Administrator, or his designee, to serve as Montgomery County's representative on the Virginia Coalition of High Growth Communities.

## **RESOLUTIONS OF APPRECIATION**

### **Parks and Recreation Commission-James C. Stewart**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

*WHEREAS, James C. Stewart* has faithfully served as a member of the Montgomery County Parks and Recreation Commission since January, 1983; and

*WHEREAS, James C. Stewart's* commitment to recreation in our community is evidenced by replacement of the County pool with a "mini" water park facility geared toward children, creation of a new county park in the Plum Creek section, acquisition of a park in the Long Shop/McCoy section, creation of a Coal Miners Heritage Park in the Merrimac section of the county; and

*WHEREAS,* The County recognizes the dedicated service that *James C. Stewart* has rendered the citizens of Montgomery County.

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

*BE IT FURTHER RESOLVED,* That the original of this resolution be presented to *James C. Stewart* and that a copy be made a part of the official Minutes of Montgomery County.

### **Transportation Safety Commission-L. J. White, Jr.**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

*WHEREAS, L. J. White, Jr.* has faithfully served as a citizen representative on the Transportation

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Safety Commission since January, 1994; and

**WHEREAS**, The County recognizes the excellent and dedicated service that **L. J. White, Jr.** has rendered the citizens of Montgomery County.

**NOWHEREFORE, BE IT RESOLVED**, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **L. J. White, Jr.**

**BE IT FURTHER RESOLVED**, That the original of this resolution be presented to **L. J. White, Jr.** and that a copy be made a part of the official Minutes of Montgomery County.

**Transportation Safety Commission-Charlie Elgin**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

**WHEREAS, Charlie Elgin** has faithfully served as a citizen representative on the Transportation Safety Commission since September, 1997; and

**WHEREAS**, The County recognizes the excellent and dedicated service that **Charlie Elgin** has rendered the citizens of Montgomery County.

**NOWHEREFORE, BE IT RESOLVED**, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Charlie Elgin.**

**BE IT FURTHER RESOLVED**, That the original of this resolution be presented to **Charlie Elgin** and that a copy be made a part of the official Minutes of Montgomery County.

**Transportation Safety Commission- Douglas W. Marrs**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

**WHEREAS, Douglas W. Marrs** has served as a member and Chairman of the Transportation Safety Commission since January, 1996; and

**WHEREAS**, The County recognizes the excellent and dedicated service that *Douglas W. Marrs* has rendered the citizens of Montgomery County.

**NOW, THEREFORE, BE IT RESOLVED**, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *Douglas W. Marrs*.

**BE IT FURTHER RESOLVED**, That the original of this resolution be presented to *Douglas W. Marrs* and that a copy be made a part of the official Minutes of Montgomery County.

**Pepper's Ferry Regional Wastewater Treatment Authority-George A. Gray**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

**WHEREAS, George A. Gray** has faithfully served as a member of the Pepper's Ferry Regional Wastewater Treatment Authority since February, 1989; and

**WHEREAS**, The County recognizes the excellent and dedicated service that *George A. Gray* has rendered the citizens of Montgomery County.

**NOW, THEREFORE, BE IT RESOLVED** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *George A. Gray*.

**BE IT FURTHER RESOLVED**, That the original of this resolution be presented to *George A. Gray* and that a copy be made a part of the official Minutes of Montgomery County.

**OLD BUSINESS**

**Boundary Line Adjustment Agreement - Town of Blacksburg**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The County of Montgomery and the Town of Blacksburg have entered into negotiations regarding a voluntary change of the boundary line between them for the purpose of

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incorporating within the Town approximately nineteen (19) acres of land located at the northeast boundary of the Town of Blacksburg, commonly known as Price Meadow and Hilltop Garden Subdivisions; and

WHEREAS, The incorporation of the approximately nineteen (19) acres into the Town of Blacksburg will not adversely affect the ability of the County of Montgomery to meet the needs of the County residents, both within and outside the Town of Blacksburg corporate limits; and

WHEREAS, The proposed changes of the boundary line between the County of Montgomery and the Town of Blacksburg will further the interest of the Commonwealth of Virginia by promoting the orderly growth and continued viability of its local governments; and

WHEREAS, The County of Montgomery and the Town of Blacksburg are now prepared to enter into an agreement providing for the incorporation of such property into the Town of Blacksburg.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that:

1. The Board of Supervisors of the County of Montgomery, Virginia hereby approves the Boundary Line Adjustment Agreement Between the County of Montgomery and the Town of Blacksburg dated January 12, 2004, (the "Agreement"), a copy of which is attached hereto, and hereby authorizes and directs its Chairperson to execute the Agreement on behalf of the County.

2. The County Administrator and County Attorney are hereby directed to petition the Circuit Court of Montgomery County, Virginia, to affirm and validate the Agreement and to establish the new boundary line between the County and the Town pursuant to Section 15.2-3106 et seq. of the Code of Virginia, 1950, as amended.

IN WITNESS WHEREOF, The Board of Supervisors of the County of Montgomery, Virginia has caused this Resolution to be duly executed on its behalf by its Chair and attested by its Clerk.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed  
Steve L. Spradlin  
Douglas W. Marrs  
John A. Muffo  
Mary W. Biggs  
Annette S. Perkins  
James D. Politis

NAY

## **BOUNDARY LINE ADJUSTMENT AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND THE TOWN OF BLACKSBURG**

THIS AGREEMENT is made and entered into this 15th day of January, 2004, by and between the County of Montgomery, Virginia (“County”) a County of the Commonwealth of Virginia, and the Town of Blacksburg (“Town”) a municipal corporation of the Commonwealth of Virginia.

WHEREAS, the parties hereunto have entered into negotiations regarding a voluntary change of the boundary line between the Town and the unincorporated portion of the County for the purpose of incorporating within the Town approximately 19 acres of land located at the northeast boundary of the Town; and

WHEREAS, the incorporation of the 19 acres into the Town will not adversely affect the ability of the County to meet the needs of its residents, both within and without the Town corporate limits; and

WHEREAS, the citizens residing within, or conducting business within the area proposed to be added to the Town’s corporate limits will be better served by the Town for governmental services such as police, fire, rescue, water, sewer, and street maintenance; and

WHEREAS, the incorporation of this area by the Town will assist in the orderly development of the undeveloped areas of the unincorporated portions of the County.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

### **1. BOUNDARY ADJUSTMENT**

- 1.1 The County and Town agree that a new boundary line shall be established between the County and the Town to incorporate within the Town approximately 19 acres located adjacent to existing Town boundaries. The area to be incorporated into the Town is shown more particularly upon a plat entitled “Plat or Corporation Line Adjustment Incorporating Lots 1-17, Price’s Meadow Subdivision, a Portion of Harding Road (Route 785) and Property Owned by: Hassell H. Price, Jr. & Lynn P. Price, Janet Elise Spahr and Blacksburg Development, L.L.C. To Be Annexed by Town of Blacksburg, Virginia, From Montgomery County, Virginia, Mt. Tabor Magisterial District, Montgomery County, Virginia,” dated December 1, 2003, by Gay and Keese, Incorporated, Job No. 1243.2, a copy of which map is attached hereto as Exhibit “A” and made a part of this Boundary Adjustment Agreement.

- 1.2 The Town and the County shall divide equally the expense for providing the plat of the survey of the 19 acres in order that the plat may be attached to and incorporated in the petition to be filed by the parties with the Circuit Court of Montgomery County seeking an order approving the new boundary line.
- 1.3 The Town and the County shall divide equally the expense of the notices of the public hearings held by the Town Council and County Board of Supervisors for the consideration of this Agreement.
- 1.4 Water and sewer customers within the boundary adjustment area are current customers of the Town.

## **2.COURT APPROVAL**

- 2.1 Pursuant to section 15.2-3108 of the 1950 Code of Virginia, as amended, the Town and the County shall promptly petition the Circuit Court of Montgomery County to have their common boundary line changed as agreed herein.
- 2.2 Each party agrees to perform any and all requirements of section 15.2-3107 of the 1950 Code of Virginia, as amended, which may be necessary to accomplish the agreed upon boundary change.
- 2.3 The new boundary line shall become effective at 12:01 a.m. eastern time on February 1, 2004. In the event the final court order providing for this change of boundary has not been entered by 12:01 eastern time February 1, 2004, then the new boundary line shall become effective at midnight on the last day of the month in which a final order has been entered by the Circuit Court of Montgomery County or other Court on final appeal.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date written above.

COUNTY OF MONTGOMERY, VIRGINIA

By: James D. Politis, Chair

Attest: B. Clayton Goodman, III  
Clerk

TOWN OF BLACKSBURG, VIRGINIA

By: Roger E. Hedgepeth, Mayor

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Attest: Donna Boone-Caldwell  
Clerk

**NEW BUSINESS**

**Board of Supervisors -Appointments**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representatives to the indicated boards, commissions and committees, effective January 1, 2004 and expiring December 31, 2004:

<u>Board/Commission</u>	<u>Supervisor</u>
AFD Advisory Board	<u>James D. Politis</u>
County/School Liaison Committee	<u>B. Clayton Goodman, III</u> (County Administrator) <u>James D. Politis</u> (Chair)
Economic Development Alliance (NRV)	<u>B. Clayton Goodman, III</u> County Administrator <u>James D. Politis</u> (Chair)
Economic Development Commission (Montgomery Regional)	<u>Annette S. Perkins</u>
Fairview District Home Board	<u>Douglas W. Marrs</u> <u>None</u> (Alternate)
Fairview Home, Inc. Board of Directors	<u>B. Clayton Goodman, III</u> (County Administrator) <u>James D. Politis</u> (Alternate)
Finance Board	<u>James D. Politis</u> (Chair) <u>B. Clayton Goodman, III</u> (County Administrator)
Fire/Rescue Task Force	<u>Steve L. Spradlin</u> (Board Member) <u>B. Clayton Goodman, III</u> (County Administrator)
Human Services Commission Liaison to Executive Committee	<u>Annette S. Perkins</u>

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Legislative Liaison	<u>Mary W. Biggs</u>
Library Board Liaison	<u>Mary W. Biggs</u>
Meadowbrook Public Library Committee	<u>Gary D. Creed</u>
Metropolitan Planning Organization (MPO)	<u>Douglas W. Marrs</u> (Board Member) <u>Gary D. Creed</u> (Alternate) <u>B. Clayton Goodman, III</u> (County Administrator)
Montgomery County Chamber of Commerce Liaison	<u>B. Clayton Goodman, Jr.</u> (County Administrator)
Montgomery County Improvement Council (MCIC)	<u>John A. Muffo</u>
Parks & Recreation Commission Liaison	<u>Steve L. Spradlin</u>
Pepper's Ferry Wastewater Treatment Authority	<u>Annette S. Perkins</u>
Planning Commission Liaison	<u>John A. Muffo</u> <u>Mary W. Biggs</u> (Alternate)
Real Estate Committee (2)	<u>Gary D. Creed</u> <u>James D. Politis</u>
Resource Conservation & Development District (RC&D)	<u>Steve L. Spradlin</u> <u>James D. Politis</u> (Alternate)
Roads Committee (2)	<u>James D. Politis</u> <u>Douglas W. Marrs</u>
Road Viewers Board	<u>All Board Members</u>
School Board Liaison	<u>Mary W. Biggs</u> <u>Annette S. Perkins</u> (Alternate)

Transportation Safety Commission

Gary D. Creed

Utilities Committee

B. Clayton Goodman, III (County Administrator)

James D. Politis (Chair)

Workforce Investment Consortium (3)

Annette S. Perkins

None (Alternate)

None (Alternate)

The vote on the foregoing resolution was as follows:

AYE

NAY

Mary W. Biggs

None

Gary D. Creed

Annette S. Perkins

Douglas W. Marrs

Steve L. Spradlin

John A. Muffo

James D. Politis

**Appointments - Public Service Authority**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **Steve L. Spradlin** and **Douglas W. Marrs** are hereby appointed to the Public Service Authority effective January 13, 2004 and expiring December 31, 2007.

BE IT FURTHER RESOLVED, That Mary W. Biggs and John A. Muffo are hereby reappointed to the Public Service Authority effective January 13, 2004 and expiring December 31, 2007.

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo None

Mary W. Biggs

Douglas W. Marrs

Gary D. Creed

Steve L. Spradlin

Annette S. Perkins

James D. Politis

**Resolution of Appreciation - Freda Conner**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

**WHEREAS, Freda Conner** has served Montgomery County citizens in the Treasurer’s Office since May, 1973; and

**WHEREAS, Fred Conner** served as Treasurer from February 1, 2003 to December 31, 2003; and

**WHEREAS,** During her 30 years of service in the Treasurer’s Office, Montgomery County has grown from a population of 47,157 with \$2.4 million in tax levies, to a population of over 86,138 with a tax levy of \$41 million; and

**WHEREAS,** During that time the County’s General Fund has increased from \$2 million in 1973 to \$28 million in 2003; and

**WHEREAS,** The Board of Supervisors fully recognizes the hard work, dedication, experience and outstanding leadership **Freda Conner** has demonstrated in her three decades of services to the citizens of Montgomery County.

**NOW, THEREFORE, BE IT RESOLVED,** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to **Freda Conner** for her outstanding dedication to the citizens of Montgomery County; and

**BE IT FURTHER RESOLVED,** That the original of this resolution be presented to **Freda Conner** as a testimonial of the high esteem and appreciation in which she is regarded by the members of the Board of Supervisors and that a copy be made a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed  
None  
Douglas W. Marrs  
John A. Muffo  
Steve L. Spradlin  
Mary W. Biggs  
Annette S. Perkins  
James D. Politis

NAY

**State to Locality to Citizen Emergency Notification Proof of Concept Pilot Program**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Commonwealth of Virginia and Virginia localities are currently seeking multiple channel rapid communication strategies for the effective and rapid delivery of reliable and accurate information about emergency situations in Virginia; and

WHEREAS, The Town of Blacksburg has begun to develop a second generation “Blacksburg Alert” focusing on direct citizen communication through e-mail, telephone, fax or cell services and programs; and

WHEREAS, The Blacksburg system is capable of using the same infrastructure to prioritize emergency notifications to the public per the Virginia Department of Emergency Services (VDEMS) emergency notification structure; and

WHEREAS, The six-month state-to-local proof of concept will use a series of Tele-Works FirstResponder systems to communicate state disseminated information for localities to process and re-distribute to their staff and communities according to their own policies.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses the “State to Locality to Citizen Emergency Notification Proof of Concept Pilot Program”.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Gary D. Creed	
Douglas W. Marrs	
John A. Muffo	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	

Steve Critchfield, Tele-Works, Inc., described the State to Locality to Citizen Emergency Notification Proof of Concept Pilot Program. The Town of Blacksburg began developing a second generation BlacksburgAlert focusing on direct citizen communication through email, telephone, fax, or cell phone. The pilot program is to determine whether the BlacksburgAlert system can effectively communicate citizen alert messages from the Virginia Department of Emergency Management Services (VDEMS). For example, if VDEMS sends out an emergency alert for a hurricane to all localities, the locality then could notify their citizens all at the same time. Tele-Works Inc., is requesting Montgomery County to join in the pilot program to initiate a broader range of

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communications to the local governments. The pilot program is for six months, at no cost to Montgomery County.

**INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

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

-FY 2004-2005 Budget Status

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Douglas W. Marrs	None
John A. Muffo	
Steve L. Spradlin	
Mary W. Biggs	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

**OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo  
Steve L. Spradlin  
Mary W. Biggs  
Gary D. Creed  
Douglas W. Marrs  
Annette S. Perkins  
James D. Politis

NAY

None

**COUNTY ADMINISTRATOR'S REPORT**

**Davenport LTD- Update on Montgomery County's 2003A and 2004 Bond Sales**

Courtney Rogers, Financial Advisor with Davenport, LTD, updated the Board on the recent bond sales for Montgomery County. The Board of Supervisors approved two \$10 million bond issuances to finance capital projects. The first financing is for the courthouse expansion/renovation project (\$5 million) and for construction and renovations of the four high school athletic fields. The second financing (\$10 million) is to complete the courthouse expansion/renovation project. The financing was broken up into two pieces in order to have the entire amount (\$20 million) to qualify for bank qualified financing. The Industrial Development Authority, on behalf of the County, can issue up to \$10 million per year and receive a better interest rate with less borrowing costs with a bank qualified financing. The 2003A Bond Issuance closed on December 17, 2003, at 4.20% fixed interest for 20 years. The 2004A Bond Issuance will close on January 14, 2004, at 4.16% fixed interest for 20 years.

**Proposed Board of Supervisors Retreat**

The County Administrator recommended that the Board consider scheduling a Board Retreat in order to discuss strategic goals, short-term and long-term, and to identify priorities. Board members are to provide a list of possible dates to the County Administrator.

**Appointment - History Book Committee - Montgomery Museum**

The County Administrator reported the Montgomery Museum has requested that Joe Powers, Planning Director, serve on the History Book Committee, which will be researching and writing the history of Montgomery County for Virginia's 400<sup>th</sup> year anniversary that will be celebrated in Jamestown in 2007. By consensus of the Board, Joe Powers, Planning Director, was authorized to serve on the Montgomery Museum's History Book Committee.

**BOARD MEMBERS' REPORTS**

Supervisor Muffo - Tour of Edward Via College of Osteopathic Medicine - A tour of the College of Osteopathic Medicine is scheduled for Thursday, January 15, 2004 at 2:00 p.m. with the Economic Development Alliance.

Loop Trail Proposal - Town of Blacksburg's Recreation Director and Montgomery County's Recreation Director are working together to submit a proposal and recommendations to their respective governing bodies on the proposed Link Trail. A meeting is scheduled in two weeks with Supervisors Creed, and Muffo and representatives from the Town of Blacksburg to discuss the proposals. Recommendations should be forthcoming.

Supervisor Creed - Consolidated Collection and Recycling Sites Supervisor Creed expressed concern about the closure of several collection and recycling sites over the Christmas Holiday. Apparently, some of the sites were at full capacity and the sites were closed over the weekend due to the holiday rush. Supervisor Creed suggested more manpower to unload the containers to eliminate the problem next year. The County Administrator will look into the matter and report back to the Board.

Supervisor Biggs -VDOT Public Meeting - I-81 Proposals Supervisors Biggs reported a public meeting is scheduled by VDOT to hear citizens comments on the two proposals for improvements to I-81. She requested that staff forward the Board's resolution stating their position on the two proposals and to forward the Board's resolution which supports looking into the concept of rail service as part of the Environmental Study being conducted by VDOT.

Supervisor Marrs - Crab Creek Road Supervisor Marrs received a call from Larry Alderman requesting that the Board consider including Crab Creek Road in the Rural Rustic Road Program. The County Administrator will review the requirements for the Rural Rustic Road Program to determine if Crab Creek Road would be eligible.

Supervisor Spradlin reported that he and Supervisor Marrs attended the new Supervisors Fourm, held January 9-11, 2004 in Richmond.

Supervisor Spradlin stated he is looking forward to serving the citizens of Montgomery County and with the Board members for the next four years.

Supervisor Perkins -Virginia Tech/Montgomery Regional Airport Authority Supervisor Perkins reported that the Airport Authority has been reviewing the Personal Property Taxes levied on airplanes housed at the Virginia Tech/Montgomery Regional Airport. The Authority has requested the Board to consider lowering this tax. Supervisor Perkins would like for the Board of Supervisors to continue to research this issue. Michael St. Jean, Executive Director of the Airport Authority, will attend the Board's January 26, 2004 meeting to update the Board on the Airport Authority and discuss the tax issue.

Supervisor Politis - Riner Ruritan Supervisor Politis submitted a letter from the Riner Ruritan Club which includes a list of road concerns in the Riner area. Supervisor Politis requested this letter be forwarded to

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VDOT. Concerns listed are: 1) lower speed limit on Meadow Creek Road to 45 mph; 2) new rumble strips at the end of Childress and Tyler Roads; 3) warning sign at the end of Childress Road and Rt. 8; 4) warning sign or turn off land into Smith Creek Road; 5) red light at the corner of Route 8 and Fairview Church Road; 6) fix pot holes at beginning of Fairview Church Road; 7) lower speed limit on Route 8; and 8) re-work the intersection of Meadow Creek and Dairy Roads.

**ADJOURNMENT**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, January 26, 2004 at 7:15 p.m.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
Steve L. Spradlin	
Douglas W. Marrs	
Mary W. Biggs	
James D. Politis	

The meeting adjourned at 9:50 p.m.

**ATTEST:**

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**James D. Politis**  
Chairman

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**B. Clayton Goodman, III**  
County Administrator