

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 8<sup>TH</sup> DAY OF JANUARY 2001 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	John A. Muffo	-Supervisors
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahan	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**ELECTION OF CHAIRMAN**

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

BE IT RESOLVED, That **Mary W. Biggs** be and hereby is, elected as Chairman of the Montgomery County Board of Supervisors for the calendar year 2001, or until a successor is elected.

The vote on the foregoing motion was as follows:

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

Mary W. Biggs

**ELECTION OF VICE CHAIRMAN**

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

BE IT RESOLVED, That **Larry N. Rush** be and hereby is, elected as Vice Chairman of the Montgomery County Board of Supervisors for calendar year 2001, or until a successor is elected.

The vote on the foregoing motion was as follows:

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

**ORGANIZATIONAL MATTERS**

**Selection of Regular Meeting Date**

On a motion by John A. Muffo, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2001 shall be the 2<sup>nd</sup> and 4<sup>th</sup> **Monday** of each month beginning at **7:15 p.m.** in Room 327, third floor, Montgomery County Courthouse, 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 motion was as follows:

<u>AYE</u>	<u>NAY</u>
Joe C. Stewart	None
Larry N. Rush	

James D. Politis  
Annette S. Perkins  
C.P. Shorter  
John A. Muffo  
Mary W. Biggs

## **Rules of Order and Parliamentary Procedures and Code of Ethics and Standards of Conduct**

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

BE IT RESOLVED, By the Board Supervisors of Montgomery County, Virginia by authority of Section 2-8(d) of the Montgomery County Code that the following rules of order and parliamentary procedures shall govern the transaction of business at it meeting:

### **RULES OF ORDER**

- 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 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).

The vote on the foregoing motion was as follows:

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

### **CODE OF ETHICS AND STANDARDS OF CONDUCT**

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

BE IT RESOLVED, By the Board Supervisors of Montgomery County, Virginia hereby approves the Code of Ethics and Standard of Conduct for the members of the Board of Supervisors as follows:

#### **Code of Ethics and Standards of Conduct for Members of the Montgomery County Board of Supervisors**

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.
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 motion was as follows:

AYE

Larry N. Rush  
James D. Politis  
Annette S. Perkins  
C.P. Shorter  
John A. Muffo  
Joe C. Stewart  
Mary W. Biggs

NAY

None

**PUBLIC HEARING**

**Fiscal Year 2001-2002 County Budget**

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

Bruce Hull spoke in support of increasing school funding. Mr. Hull believes in public education and Montgomery County needs to have competitive salaries in order to retain qualified teachers. He stated that he would support a tax increase.

Sandra Gaylord spoke in support of a pay increase for teachers in Montgomery County. Ms. Gaylord said that the School Board will be requesting more funding for the next year. This increase will help raise teacher salaries to enable Montgomery County to be more competitive. Ms. Gaylord said she would be

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willing to accept a tax increase in order to increase school funding. She suggested that the citizens of Montgomery County write the Governor asking that personal property taxes be reinstated in order to fund education.

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

Cleveland L. Duncan, Sr. (Agent: David Beasley) Rezoning

**Cleveland L. Duncan, Sr. (Agent: David Beasley) request to rezone 5.9068 acres** (Part of Tax Parcel No. 103-A-78), with possible proffered conditions, from Agriculture (A-1) to Rural Residential (R-R). Property is located on the north side of Lovely Mount Drive (Route 664) approximately 1000 feet east of Wintergreen Drive (Route 787) / Route 664 intersection in the Riner Magisterial District. The property is located within the Route 177 Overlay District and lies within an area designated as Rural Expansion Area in the Comprehensive Plan.

There being no speakers, the public hearing was closed.

**PUBLIC ADDRESS SESSION**

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

**ADDENDUM**

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously, the following addendum dated January 8, 2001 was added to Closed Meeting:

Section 2.1-344(A)                      (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

3. Va Gas Pipeline Company merger with NUI/SCC

The vote on the foregoing motion was as follows:

AYE

NAY

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Annette S. Perkins      None  
Joe C. Stewart  
C.P. Shorter  
Larry N. Rush  
John A. Muffo  
James D. Politis  
Mary W. Biggs

**CONSENT AGENDA**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously, the Consent Agenda dated January 8, 2001 was approved. The vote was as follows:

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

**Approval of Minutes**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously, the minutes dated November 6, November 15, November 27, December 6, and December 11, 2000 were approved.

**Sheriff - Recovered Costs**

On a motion by Larry N. Rush, seconded by James D. Politis 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, 2001, for the function and in the amount as follows:

310	Sheriff-State	\$21,393
321	Sheriff-Grants	\$ 75
	Total	\$21,468

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

**Revenue Account**

441101	Insurance Recoveries	\$ 5,222
419108	Recovered Costs- Sheriff	\$ 6,164
423100	Shared Expenses	\$10,007
419117	Dare Contributions	<u>\$ 75</u>
		\$21,468

Said resolution appropriates recovered costs from insurance recoveries, extraditions, restitution paid by inmates for damages to jail property, additional Compensation Board reimbursements, and DARE contributions.

**Planning and Inspections- Recovered Costs**

On a motion by Larry N. Rush, seconded by James D. Politis 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, 2001, for the function and in the amount as follows:

800	Planning and Inspections	\$1,230
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

441101	Insurance Recoveries	\$ 1,230
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Said resolution appropriates recovered costs from insurance recoveries for Planning and Inspections.

**Blacksburg Volunteer Rescue Squad Recovered Costs**

On a motion by Larry N. Rush, seconded by James D. Politis 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, 2001, for the function and in the amount as follows:

330	Blacksburg Volunteer Rescue Squad	\$114
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

441101	Insurance Recoveries	\$ 114
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Said resolution appropriates recovered costs from insurance recoveries for the Blacksburg Volunteer Rescue Squad.

**Board of Supervisors - Recovered Costs**

On a motion by Larry N. Rush, seconded by James D. Politis 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, 2001, for the function and in the amount as follows:

100	Board of Supervisors	\$847
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$847
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Said resolution appropriates recovered costs for the Board of Supervisors.

**General Services - Recovered Costs**

On a motion by Larry N. Rush, seconded by James D. Politis 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, 2001, for the function and in the amount as follows:

400	General Services	\$1,700
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$1,700
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Said resolution appropriates recovered costs for General Services.

**Social Services - Appropriation**

On a motion by Larry N. Rush, seconded by James D. Politis 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, 2001, for the function and in the amount as follows:

540 Social Services \$8,027

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

Revenue Account

424102 Public Assistance \$8,027

Said resolution appropriates funding for the Energy Assistance Program.

**Final Plat - Springview Subdivision Phase 5**

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

WHEREAS, Springview Subdivision Phase 5 consists of 25 lots located off Springview Drive.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Springview Subdivision, Phase 5 (Altizer, Hodges & Varney, Inc. Project No. 2000036 dated 17 Nov 2000), Riner Magisterial District.

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

**Speed Study Acknowledgment - Mash Run Road**

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

WHEREAS, The Montgomery County Board of Supervisors received a petition from concerned citizens requesting a speed study on Mash Run Road (SR 721); and

WHEREAS, By resolution dated June 12, 2000 the Board referred said request to the Virginia Department of Transportation for a traffic study on Mash Run Road to determine the feasibility of reducing and posting a speed limit; and

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WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDoT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does not recommend reducing the speed limit at this time, since there is low traffic volume and traffic is of a local nature, and there are no reported accidents.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that no speed limit reduction on Mash Run Road will be undertaken at this time, and extends its appreciation to the Virginia Department of Transportation for the report.

## **OLD BUSINESS**

### **Rezoning Request - Cleveland L. Duncan, Sr. (Agent: David Beasley)**

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

**ORDINANCE 2001-01**  
**An Ordinance Amending**  
**the Zoning Classification of 5.9068 acres**  
**from A-1 (Agriculture) to Rural**  
**Residential (R-R).**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 5.9068 acres of land is hereby changed, amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) subject to the following two proffered conditions:

1. One new VDoT approved entrance on Lovely Mount Drive will be installed to service new lots.
2. All new lots will be serviced by individual, on-site septic systems approved by the Health Department. New lots will not share septic systems.

This action was commenced upon the application of Cleveland L. Duncan, Sr. (Agent: David Beasley).

These tracts or parcels of land are identified as being a portion of the property shown on Tax

Parcel No. 103-A-78 located on the north side of Lovely Mount Drive (SR 664) approximately 1000 feet east of Wintergreen Drive (SR 787)/SR 664 intersection in the Riner Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

## **NEW BUSINESS**

### **Board Member Appointments**

On a motion by C.P. Shorter, 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, 2001 and expiring December 31, 2001:

<u>Board/Commission</u>	<u>Supervisor</u>
Alleghany Area Library Building Committee Liaison	<u>Jeffrey D. Johnson , County Administrator</u> <u>Joe C. Stewart</u>
Collection & Recycling Committee	<u>C.P. Shorter</u>
County/School Liaison Committee	<u>Jeffrey D. Johnson, County Administrator</u> <u>Mary W. Biggs</u> (Chairman)
Economic Development Alliance (New River)	<u>Jeffrey D. Johnson, County Administrator</u> <u>Mary W. Biggs</u> (Chairman)

Economic Development Commission (Montgomery Regional)	<u>Annette S. Perkins</u>
Fairview District Home Board	<u>Joe C. Stewart</u>
Finance Board	<u>Mary W. Biggs</u> (Chairman)
Human Services Commission Liaison to Executive Committee	<u>Annette S. Perkins</u>
Library Board Liaison	<u>Larry N. Rush</u>
Montgomery County Improvement Council (MCIC)	<u>John A. Muffo</u>
New River/Mount Rogers Workforce Investment Consortium	<u>Mary W. Biggs</u> <u>Larry N. Rush</u> <u>Annette S. Perkins</u>
Parks & Recreation Commission Liaison	<u>Larry N. Rush</u>
Planning Commission Liaison	<u>John A. Muffo</u> <u>Mary W. Biggs</u> (Alternate)
Real Estate Committee (2)	<u>James D. Politis</u> <u>Joe C. Stewart</u>
Resource Conservation & Development District (RC&D)	<u>C.P. Shorter</u> <u>James D. Politis</u> (Alternate)
Roads Committee (2)	<u>James D. Politis</u> <u>Joe C. Stewart</u>
Road Viewers Board	<u>All Board Members</u>
School Board Liaison	<u>Annette S. Perkins</u> <u>Mary W. Biggs</u> (Alternate)
Transportation Safety Commission	<u>James D. Politis</u>

Utilities Committee

Jeffrey D. Johnson, County Administrator  
Mary W. Biggs (Chairman)  
All Board Members ( Alternate Rotating Basis)

The vote on the foregoing motion was as follows:

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

**Commissioner of Revenue - Position Conversion and Transfer from General Contingencies**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that two County funded permanent part-time Cartographer/GIS Analyst positions in the Commissioner of Revenue’s office are converted to one permanent full-time position at Grade 15 of the County’s current compensation scale.

FURTHER, BE IT RESOLVED, That a transfer is authorized as follows:

FROM:

950 General Contingencies (\$5,000)

TO:

152 Department of Assessing \$5,000

Said resolution re-establishes the full-time Cartographer/GIS Analyst position.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
C.P. Shorter	
Joe C. Stewart	
James D. Politis	

John A. Muffo  
Larry N. Rush  
Mary W. Biggs

**Reassessment**

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

WHEREAS, The *Code of Virginia* requires counties to conduct a general reassessment of real estate, at a minimum, every four years; and

WHEREAS, There may be a general reassessment of real estate in any county in any year, if the governing body so directs by a majority of its members; and

WHEREAS, The last general reassessment was effective January 1, 1999, and on a four year cycle, the next general reassessment would be effective January 1, 2003; and

WHEREAS, To combine the data collection efforts with the general reassessment for efficiency the Board of Supervisors, by resolution approved August 16, 2000, changed the effective date of the next general reassessment from January 1, 2003 to January 1, 2002; and

WHEREAS, Since that resolution was adopted the conduct of the general reassessment a year early has been found to be cost prohibitive, since proposals submitted were significantly higher than anticipated.

NOW THEREFORE BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby directs that a general reassessment of real estate be conducted with the new assessments to be effective as of January 1, 2003.

The vote on the foregoing motion was as follows:

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

**E-government Project - Transfer From Capital Projects Reserve - County**

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

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

FROM:

Capital Projects Fund - County	
960 Capital Projects Reserve	(\$135,000)

TO:

Capital Projects Fund - County	
140 e-Government Project	\$135,000

Said resolution transfers funds from the Capital Projects Reserve for the first phase of the County's e-government project.

The vote on the foregoing motion was as follows:

AYE

James D. Politis  
John A. Muffo  
Larry N. Rush  
Annette S. Perkins  
C.P. Shorter  
Mary W. Biggs

NAY

Joe C. Stewart

**Montgomery County Courthouse Renovation Project - Award Contract - Architectural / Engineering Services**

On a motion by C.P. Shorter, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a contract for Architectural/Engineering Services for the Montgomery County Courthouse Renovation Project to Dalglish, Eichman, Gilpin & Paxton, P.C. of Charlottesville, Virginia for Part One of the project for a fee of \$40,000, plus a not to exceed fee of \$2,000 for reimbursable expenses.

BE IT FURTHER RESOLVED, That a transfer is hereby authorized, as follows:

FROM:

Capital Projects Fund - County

960 Capital Projects Reserve (\$42,000)

TO:

Capital Projects Fund - County

110 Courthouse Renovation \$42,000

The vote on the foregoing motion was as follows:

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

**Amendment to Reimbursement Agreement Between Montgomery County and The Industrial Development Authority**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves the Second Amendment to the Reimbursement Agreement dated August 16, 2000, by and between the Board of supervisors of the County of Montgomery, Virginia and the Industrial Development Authority.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Chair of the Board to sign the Second Amendment to the Agreement on behalf of the Board of Supervisors of the County of Montgomery.

The vote on the foregoing motion was as follows:

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

**SECOND AMENDMENT TO REIMBURSEMENT AGREEMENT DATED AUGUST 16, 2000, BY AND BETWEEN THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA**

THIS AGREEMENT, made and entered into this 8th day of January, 2001, by and between the BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA, ( the “Board” ), and the INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA ( the “Authority” )

W I T N E S S E T H

WHEREAS, The Board and the Authority entered into an Agreement dated August 16, 2000, providing for the advancement and subsequent reimbursement of \$1,403,000 between the Board and the Authority concerning the construction of the 100,000 square foot shell building project in the Falling Branch Industrial Park ( the “Reimbursement Agreement” ); and

WHEREAS, The Board and the Authority entered into an Amendment to the Reimbursement Agreement whereby the Board agreed to advance, subject to reimbursement by the Authority, an additional \$1,700,000 or a total of \$3,103,000 to the Authority; and

WHEREAS, Paragraph 2 of the Reimbursement Agreement specified that the Authority would reimburse the Board the \$3,103,000 plus interest once the Authority obtains permanent financing; and

WHEREAS, In lieu of reimbursing the Board the \$3,103,000 from the money obtained from the permanent financing of the 100,000 square foot shell building project in the Falling Branch Industrial Park, the Authority desires to apply the \$3,103,000 as interim financing for the ACT MicroDevices Project in the Blacksburg Industrial Park ( the “ACT Project” ) until such time that permanent construction financing can be obtained by the Authority for the ACT Project; and

WHEREAS, The Board is willing to allow the Authority to use the \$3,103,000 as interim financing for the ACT Project and the Authority is willing to reimburse the Board the \$3,103,000 with interest, once the Authority’s permanent construction financing is in place for the ACT Project.

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NOW THEREFORE, In consideration of the general welfare of the County of Montgomery, Virginia which shall be promoted by this economic development activity and the mutual promises and undertakings specified below, the parties agree to further amend the Agreement dated August 16, 2000, as follows:

1. Paragraph 1 of the amended Reimbursement Agreement shall be amended to provide that the Authority shall be able to use the \$3,103,000 as interim financing for the ACT Project in lieu of reimbursing the Board from the money obtained by the Authority from the permanent financing for the 100,000 square foot shell building in the Falling Branch Industrial Park. The Authority agrees that once the Authority receives its permanent construction financing for the ACT Project, the Authority shall reimburse the Board the \$3,103,000 plus interest at the same rate that the Authority obtains under the permanent financing.

IN WITNESS WHEREOF, The parties hereto have caused this Agreement to be executed and delivered on their behalf by their duly authorized officers on the date first set out above.

BOARD OF SUPERVISORS OF THE COUNTY OF  
MONTGOMERY, VIRGINIA

By: \_\_\_\_\_  
Mary W. Biggs, Chairperson

INDUSTRIAL DEVELOPMENT AUTHORITY  
OF MONTGOMERY COUNTY, VIRGINIA

By: \_\_\_\_\_  
Larry J. Linkous, Chairman

**Authorization For The Issuance of Revenue Anticipation Notes Not to Exceed \$5,000,000 - Eastern Montgomery High School**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously, the attached resolution authorizing the issuance of revenue Anticipation Notes not to exceed \$5,000,000 of Montgomery County,

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Virginia, and providing for the form, details and payment thereof was adopted by a majority of the members of the Board of Supervisors by a roll call vote, the votes being recorded as follows:

AYES

Larry N. Rush  
Annette S. Perkins  
C.P. Shorter  
Joe C. Stewart  
James D. Politis  
John A. Muffo  
Mary W. Biggs

NAYS

None

**COUNTY ADMINISTRATOR'S REPORT**

Road Concerns Report The County Administrator reported that a copy of the Road Concerns Report was provided in the Board's packet.

**BOARD MEMBERS' REPORTS**

Supervisor Rush reported he received a letter from a concerned citizen about several cases of Lou Gherig's disease in one neighbor in Pilot. Supervisor Rush asked that the Montgomery County Health Department be requested to investigate this matter.

Supervisor Politis questioned a press release he saw concerning the possibility of another natural gas pipeline coming through Montgomery County. The County Administrator reported that he thought a company called Dominion Energy was considering constructing a pipeline from West Virginia through Virginia. He will investigate the matter further and report back to the Board.

Catawba Valley - TEA 21 Grant Supervisor Politis reported he received an e-mail from Michael Van Ness concerning a TEA21 Grant for the Catawba Valley. The Western Virginia Land Trust (WVLT) is applying for the Virginia Transportation Enhancement Program (TEP) for a grant in the Catawba Valley. They have requested that Montgomery County endorse this project and agree to act as the fiscal agent for the project. There would not be any investment of funds by the County. Supervisor Politis asked if this was a project the Board of Supervisors would be interested in supporting.

Camp Carybrook Road Supervisor Politis requested the status of guardrail installation on Camp Cary Brook Road.

Supervisor Perkins attended the School Board meeting. A copy of the School Budget Summary was distributed and several employee groups gave presentations requesting salary increases. Supervisor

Perkins stated that the Governor did not include any funding in the State Budget for salary increases for teachers. The School Board will have several budget work sessions and will have a public hearing on the School Budget on January 30, 2001 at the Christiansburg High School.

New River Community Services Supervisor Perkins reported that the State Department of Mental Health Retardation & Substance Abuse is conducting an investigation regarding the New River Community Services' ( NRCS) budget deficit. She suggested a copy of the Board's resolution dated November 27, 2000 requesting information from NRCA, be sent to the State Commissioner of Mental Health and request a copy of their findings.

Workforce Investment Act Supervisor Perkins will be attend the WIA meeting on Thursday, January 11, 2001 in Wytheville.

Supervisor Shorter asked when the County/School Task Force will be formed. The County Administrator advised that the County and the Schools are currently in the middle of the budget process and as soon as the Schools have their budget prepared, then they will meet to form the Task Force.

Ms. Irene Ashley Supervisor Shorter requested a letter be sent to Fred Altizer, District Administrator for VDoT Salem District, and to Delegate Jim Shuler about Ms. Irene Ashley's driveway on Prices Fork Road. The Virginia Department of Transportation had to dig up her driveway due to road construction and Ms. Ashley was told it would be repaired. VDOT did repair the driveway but not to its original condition. It was at the consensus of the Board that a letter be sent to Mr. Altizer and Delegate Jim Shuler.

VDoT Speed Study Policy and Procedures Supervisor Shorter requested a copy of VDOT's speed study policy and procedures. He also requested a copy of the speed study report on Mash Run Road.

Zoning Ordinance Supervisor Shorter asked if there was something that could be done about citizens requesting a building permit for construction of garages, etc. for personal use and then request a rezoning for business use. The County Administrator commented that the Planning Department and Planning Commission are aware of this and they are in the process of drafting amendments to the Zoning Ordinance and will send recommendations to the Board.

Reading Teachers Supervisor Shorter directed the Boards' attention to the letter from Sylvia Wright in their non-agenda packet. Supervisor Shorter stated that there is a shortage of reading teachers in Montgomery County.

Maintenance Problem on Brookfield Road ( SR 654 ) Supervisor Shorter asked that the Board request VDoT to fix a continuing problem with a culvert on Brookfield Road ( SR 654 ). It was the consensus of the Board to send a resolution to VDoT requesting an estimate to repair this culvert.

**Request to the Virginia Department of Transportation - Brookfield Road ( SR 654 )**

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

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WHEREAS, A culvert along a section of Brookfield Road ( SR 654 ) is continually being repaired due to vehicles running off the side of the road into the culvert and crushing the pipe; and

WHEREAS, Due to the damaged pipe the road floods and freezes in the winter time; and

WHEREAS, The Virginia Department of Transportation redirects traffic by placing cones along the damaged section creating a one lane road around a dangerous curve.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Virginia Department of Transportation to provide an estimate of the cost to repair the culvert with a four (4) foot concrete culvert and to allocate resources from the Department of Transportation's maintenance budget for this fiscal year for said repairs.

FURTHER, The Board of Supervisors requests the Virginia Department of Transportation to provide a timetable for completing said repairs on Brookfield Road (SR 654).

The vote on the foregoing motion was as follows:

AYE

John A. Muffo None

Annette S. Perkins

Joe C. Stewart

James D. Politis

Larry N. Rush

C.P. Shorter

Mary W. Biggs

NAY

Chair Biggs School Board Meeting Chair Biggs reported that Sylvia Wright also spoke at the School Board meeting concerning the shortage of reading teachers in Montgomery County. Chair Biggs noted that the teachers have requested a 10% increase in salary for the upcoming fiscal year. She suggested that another joint meeting between the Board of Supervisors and the School Board be scheduled, and asked that the Board members get back with her on days that they would be available.

League of Women Voters Chair Biggs reported that the League of Women Voters would like to schedule Breakfast meeting with the Board of Supervisors. It was the consensus of the Board to schedule the meeting for Friday, February 16, 2000 at 7:00 a.m.

Virginia Tech Airport Authority Chair Biggs reported that the Board of Supervisors will need to vote on the Memorandum of Understanding ( MOU) for the Airport Authority between the Town of Blacksburg, the Town of Christiansburg, Montgomery County and Virginia Tech. The Town of Christiansburg has already adopted the resolution and the Town of Blacksburg will consider it at their February 30, 2001 meeting. The MOU will be placed on the Board of Supervisors agenda for consideration. The MOU will establish the terms and conditions for the transition of the Tech Airport operations to a regional authority.

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**INTO CLOSED MEETING**

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

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

Section 2.1-344 (A)                   (7)    Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1.     Carilion Bond Financing
2.     Permanent Financing for ACT MicroDevices Project.
3.     Virginia Gas Pipeline merger with NUI/SCC

(1)    Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1.     Human Services Commission

The vote on the foregoing motion was as follows:

AYE  
Larry N. Rush   None  
C.P. Shorter  
James D. Politis

NAY

Joe C. Stewart  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs

**OUT OF CLOSED MEETING**

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

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

The vote on the foregoing motion was as follows:

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

**CERTIFICATION OF CLOSED MEETING**

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously,

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

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

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

**VOTE**

AYES

Larry N. Rush  
C.P. Shorter  
James D. Politis  
Joe C. Stewart  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**HUMAN SERVICES BOARD - APPOINTMENT**

On a motion by Larry N. Rush, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints **Lucinda Hamilton** to the Human Services Commission Board of Directors effective January 9, 2001 and expiring May 31, 2002.

Said appointment fills the unexpired term of Claire Cole Vaught, resigned.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush  
C.P. Shorter  
James D. Politis  
Joe C. Stewart  
Annette S. Perkins

NAY

None

John A. Muffo  
Mary W. Biggs

## **OTHER BUSINESS**

### **Bond Refunding**

David Rose, Financial Advisor, Davenport & Co., recommended the Board of Supervisors refund the Series 1987 and Series 1994 General Obligation Bonds. Mr. Rose indicated the Board would have a net savings over the remaining life of the bonds of \$125,000 to \$190,000.

It was the consensus of the Board to place a resolution on the agenda for January 22, 2001 authorizing refunding of these bonds.

## **ADJOURNMENT**

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, January 22, 2001 at 7:15 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 10:15 p.m.