

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 23rd DAY OF JULY, 2001 AT 7:15 P.M. IN COURTROOM B, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

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

ABSENT: James D. Politis -Supervisor

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC HEARINGS

Special Use Permit

Kenneth K. & Sara Lynn Jones requests a Special Use Permit, with possible conditions, in Agricultural (A-1) on a 2.29 acre tract to allow commercial kennel. The property is located at 1723 Mount Tabor Road and is identified as Tax Parcel No. 28-1-45, 46, & 49 (Account ID #007792) in the Mt. Tabor Magisterial District. The property lies in an area designated as Agriculture in the Comprehensive Plan.

The Chair announced the application had been withdrawn at the request of the applicant.

Resolution - Accept Applicants Withdrawal of SUP Request

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby accepts Kenneth K & Sara Lynn Jones letter to withdraw their request for a Special Use Permit due to financial feasibility and inconvenience to the neighbors.

The vote on the foregoing motion was as follows:

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

Rezoning Request and Special Use Permit

JAG, Ltd. (Agent- Altizer, Hodges, & Varney, Inc.) requests to rezone 5.4829 acres from Agriculture (A-1) to Planned Unit Development Commercial (PUD-COM), with possible proffered conditions, and a Special Use Permit to allow a convenience store with motor fuel sales. The properties are located at intersection of Meadow Creek Road (Rte 658) and Tyler Avenue (Rte 600) near exit 109 of Interstate I-81 and is identified as Tax Parcel Nos. 104-A-29,44,47,48 and 87 (Account ID #'s 002241, 002243, 002244, 002245, 002242) in the Riner Magisterial District. The properties lie in an area designated as Planned Commercial in the Comprehensive Plan.

The Chair announced the request had been withdrawn by the applicant. Since the request was withdrawn at the Planning Commission level, it is not necessary for the Board of Supervisor to adopt a resolution accepting the withdrawal.

PUBLIC ADDRESS SESSION

Mike Moles, Chief, Riner Volunteer Fire Department, requested his time be allocated to the Work Session for the Riner Volunteer Fire Department's request for additional funding to purchase equipment. The Board

agreed to allow him to speak during the Work Session.

Dr. Arnie Saari complimented the Board on its decision to receive bulky items and those containing refrigerants, for free at consolidated sites. He expressed his gratitude for the Board's recognition of his service on the New River Community College Board.

Larry Martin addressed the Board in opposition to the amendment to the Zoning Ordinance regarding private roads. He stated he is opposed to any changes to private roads due to the hardship it would cause on the property owner. He requested the Board reconsider the resolution concerning private roads, and asked that it be sent back to Planning Commission.

DELEGATION

Vital Signs Report for the New Technology Corridor

Priscilla Richardson presented a report titled Vital Signs: Sustainability Indicators for the Virginia's Technology Corridor. Vital Signs is a report on major objective indicators for a twelve county, five city region of western Virginia. These indicators can be used by government, businesses and individuals to help move the region toward a more sustainable society.

Prices Fork Water Project

Martin Janson, Engineer, Anderson and Associates, provided an update on the Prices Fork Water Project. He provided proposed site locations for a water tank and the route alternatives for water lines necessary to provide water from Alliant Tech to the Prices Fork area. Mr. Janson explained that he is in the process of conducting the necessary environmental assessment and advised that the application to Rural Development must be submitted no later than September 2001.

ADD TO THE AGENDA - ADDENDUM

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the following addendum dated July 23, 2001 was added under the Consent Agenda:

Amend Resolution Dated July 9, 2001 Waiver of Fees for Bulky Items - Consolidated Collection Sites

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated July 23, 2001 was approved.

The vote on the foregoing motion was as follows:

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

Floyd Library Appropriation

On a motion by John A. Muffo, seconded by C.P. Shorter 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, 2002 for the function and in the amount as follows:

720	Floyd Library	\$178,294
-----	---------------	-----------

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

Revenue Account

416156 Floyd County Reimbursement	\$130,606
416157 Town of Floyd Contribution	\$ 2,000
2404-09 State Library Grant	<u>\$ 45,688</u>
Total:	\$178,294

Said resolution provides the appropriation for the operation of the Floyd Library, with Floyd residents and the State providing the funding.

Commonwealth's Attorney - Victim Witness Grant

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

551	Victim Witness Grant	\$105,093
-----	----------------------	-----------

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

Revenue Account

25511-424401	Victim Witness Grant	\$ 99,528
02-451205	Designated Fund Balance	<u>\$ 5,565</u>
	Total	\$105,093

Said resolution appropriates the Victim Witness Grant funds for FY 02 and the balance of the FY 01 grant for repayment to the Department of Criminal Justice Services.

Library - Appropriation Adjustment

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was adjusted for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

710 Montgomery Library (\$10,052)

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

Revenue Account

02710-424409 State Library Grant (\$10,052)

Said resolution adjusts the appropriation for use by the Library.

Acknowledge Speed Study -Merrimac Road (SR 657)

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

WHEREAS, The Montgomery County Board of Supervisors has expressed concerns relative to conditions and safety on Merrimac Road (SR 657); and

WHEREAS, By resolution dated October 23, 2000 and April 9, 2001 the Board of Supervisors requested the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to improve the safety of this area; and

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 recommend posting a section of Merrimac Road (SR 657) from NCL Christiansburg (M.P. 0.000) to Remington Rd (SR 770) (M.P. 2.28) 35 mph.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that the speed limit will be lowered to 35 mph on a section of Merrimac Road (SR 657) and extends its appreciation to the Virginia Department of Transportation for the report.

Amend Resolution Dated July 9, 2001 Waiver of Fees for Bulky Items - Consolidated Collection Sites

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia the resolution adopted on July 9, 2001 authorizing the waiver of fees for large, bulky items at the Montgomery County Consolidated Collection Sites is hereby amended to include items containing refrigerants such as refrigerators, freezers, air conditioners, dehumidifiers, etc.

OLD BUSINESS

Rezoning Request - Robert M. Apgar

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

BE IT RESOLVED By the Board of Supervisors of Montgomery County, Virginia that Robert M. Apgar's request to rezone 65,000 square feet of land from the zoning classification of A-1 (Agricultural) to Community Business (CB) located at 10212 Roanoke Road (Tax Parcel No. 47-A-32, Account ID # 000839) in the Shawsville Magisterial District is hereby **DENIED**.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	Larry N. Rush James D. Politis	
Annette S. Perkins		

John A. Muffo
Joe C. Stewart
Mary W. Biggs

The motion was for denial.

Special Use Permit - Robert Apgar

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Robert M. Apgar's request for a Special Use Permit to allow truck and trailer sales, service, rental and repair with outside operations, located at 10212 Roanoke Road (Tax Parcel No. 47-A-32, Account ID # 000839) in the Shawsville Magisterial District is hereby **DENIED**.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo C.P. Shorter Annette S. Perkins Joe C. Stewart Mary W. Biggs	Larry N. Rush	James D. Politis

The motion was for denial.

Comprehensive Plan Map Amendment

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Comprehensive Plan Map is hereby amended as follows:

- Change the land use designation for the western portion of Tax Parcel No. 55-A-27, approximately 8.86 acres (Blacksburg Duplexes, Phase III) from Agriculture to Rural Expansion.

The vote on the foregoing motion was as follows:

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

Rezoning Request - Community Housing Partners Corporation (Former VMH, Inc.)

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

ORDINANCE: 2001-09
An Ordinance Amending the
Zoning Classification of 8.86 acres
From GB (General Business) to R-2
(Residential)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 8.86 acres of land is hereby changed, amended and rezoned from the zoning classification of GB (General Business) to R-2 (Residential).

This action was commenced upon the application of Community Housing Partners Corporation (formerly VMH, Inc.)

These tracts or parcels of land are identified as being property shown as the western portion of Tax Parcel No. 55-A-27, approximately 8.86 acres (Blacksburg Duplexes, Phase III) located adjacent to the Town of Blacksburg and east of Cedar Hill Drive in the Mt. Tabor Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis

Larry N. Rush
Joe C. Stewart
C.P. Shorter
Annette S. Perkins
Mary W. Biggs

Amendment to The Montgomery County Zoning Ordinance - Private Streets

On a motion by C.P. Shorter, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports having the Zoning Ordinance amended to require Private Streets to meet VDoT Subdivision Street Requirements and refers the proposed amendment back to the Planning Commission for another public hearing since the ordinance would be more restrictive than what was discussed at the public hearing held on May 29, 2001.

The vote on the foregoing motion was as follows:

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

NEW BUSINESS

Court Services Unit: Transfer from General Contingencies

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer

is hereby authorized, as follows:

FROM:

950 General Contingencies (\$1,491)

TO:

910 27th District Court Services Unit \$1,491

Said resolution transfers funds from General Contingencies for Montgomery County's share of the 27th District Court Services Unit.

The vote on the foregoing motion was as follows:

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

Sheriff's Department Grant Appropriation and Transfer from General Contingencies

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

BE IT RESOLVED, By the Montgomery County 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, 2002, for the function and in the amount as follows:

321 School Resource Officer Grant Program \$26,892

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

Revenue Account

424401 State Grants \$26,892

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

FROM:

950 General Contingencies (\$24,103)

TO:

321 School Resource Officer Grant Program \$24,103

Said resolution appropriates the School Resource Officer Grant funds and transfers the local match.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	Joe C. Stewart	James D. Polits
C.P. Shorter		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

Revision to the Montgomery County Personnel Policies and Procedures Manual

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes the revisions to the Personnel Policies and Procedures Manual for County employees dated July 23, 2001 as follows:

**REVISIONS TO COUNTY PERSONNEL POLICIES AND PROCEDURES
July 23, 2001**

Italics = new language

~~Strikethrough~~ = language to be deleted

1.10 PERSONNEL DEFINITIONS

Department Directors

...

. ~~Public Facilities~~ County Engineer

2.3.C.2. HIRING OF RELATIVES

A dependent *generally* means a son, daughter, father, mother, brother, sister or other person, whether or

not related by blood or marriage, if such person receives from the officer or employee, or provides to the officer or employee, more than one-half of his/her financial support. *A Department Director or Constitutional Officer may extend this definition to other family members as deemed necessary.*

Justification: Removes limitations to be applied as Directors deem appropriate.

3.6 SALARY ADJUSTMENTS FOR RECLASSIFICATIONS

C. Upward Reclassification/Reallocation

Upon upward reclassification/reallocation of a position, an employee shall receive the greater amount of either the minimum rate for the new salary range or ~~the next higher rate of pay in the new pay range~~ *two steps (5 percent) in the new pay range.*

Justification: Brings reclassification employee increase in line with promotion increase.

4.10.A OVERTIME PAY AND COMPENSATORY TIME

...

Employees who are required to be available on-call will be compensated for a minimum of ~~4 hours per day~~ *2 hours for each 8-hour period/shift of on-call time.* On-call hours will not be considered hours worked for purposes of overtime calculation. Hours worked in response to a call will apply toward the ~~4-hour minimum~~ *2-hour minimum.*

Justification: This 4-hour provision has caused an operational and administrative burden for departments. Two hours is reasonable and brings the limit in line with current Sheriff's Department practice. It is also in line with other localities that offer on-call time.

5.2.A WORK SCHEDULES

The County Administrator shall establish the hours of work. The regular workweek is a seven (7) day period (5:01 p.m. Friday through 5:00 p.m. Friday). Full-time employees (*including those working as full-time in a temporary capacity*) work a 40-hour workweek (excluding meal periods). ...

Justification: Includes full-time temporary positions into the County's work scheduling definition.

8.3.H GENERAL LEAVE PROVISIONS

...

For a pay period in which an eligible employee is paid less than the regular standard hours, including paid leave, leave earned shall be calculated on a one-half time basis if the employee ~~has not worked at least one-half month~~ *has worked less than one-half month. If the employee has worked at least one-half month but less than a full month, he/she will still earn a full month's leave for that*

month. Eligible part-time employees will earn leave based on budgeted hours (average hours of work) if they average at least 20 hours/week.

Justification: Clarifies current language.

8.3.K GENERAL LEAVE PROVISIONS

...

The County may accept a portion of or all of a new hire's sick and/or annual leave from another agency or locality into the County's leave system. The request must be in writing and approved by the County Administrator. No more than 96 hours of annual leave may be transferred; sick leave transfer is negotiable. A statement is required from the former employer which verifies that the leave being transferred in was not *eligible to be* paid out to the employee. The leave transferred in must be used first and will not be included in any cash payout by the County to the employee. The new employee, however, will begin to accrue County leave from the first day of work and would be subject to payout as described elsewhere in this Policy Manual.

Justification: Clarifies the existing policy.

8.4.A ~~President's Day~~ *Presidents' Day*
~~Veteran's Day~~ *Veterans' Day*

Justification: Corrects grammatical error.

8.4.B.2 HOLIDAY LEAVE

Regular part-time employees who are specifically required by the County to work on a holiday are eligible to receive a proportional amount of holiday leave. ~~Based on the annual leave accrual table~~

Justification: Holiday leave is not based on the annual leave accrual table.

8.5.A.4 ANNUAL LEAVE

...

The maximum annual leave accrual rates for part-time employees are as follows:

<i>Date of Hire – 5 years continuous service</i>	<i>12 workdays</i>
<i>5+ years – 10 years continuous service</i>	<i>15 workdays</i>
<i>10+ years continuous service</i>	<i>18 workdays</i>

Justification: Includes provision for part-time employees at a prorated amount.

8.6.C SICK LEAVE

...

Full-time employees not using sick leave during an entire calendar year shall receive one additional day of annual leave (*based on the employee's annual leave accrual rate*) to be credited at the beginning of the next calendar year. ...

Justification: Provides definition of “additional day” vs. 8-hour day.

8.6.C.1.g. Sick Leave Policy

The necessary care and attendance of an employee's immediate family, defined as the employee's parents, grandparents, ~~mother-in-law, father-in-law~~, child, brother, sister, and any *of these relatives in-law, as well as any* relative living in the household of the employee.

Justification: Adds “in-laws” to each category of immediate family.

8.8.10 SICK LEAVE BANK

10. While utilizing benefits in the Sick Leave Bank, members will not accrue further leave benefits. Individual accrual will begin again once the member has returned to work and is no longer utilizing the Bank.

Justification: Addresses accrual while an employee is utilizing the Sick Leave Bank.

8.14.B FAMILY AND MEDICAL LEAVE ACT OF 1993

...

Employees and spouses employed by the County are jointly entitled to a combined total of 12 work weeks of Family/Medical Leave for the birth and care of a newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Justification: Adds clarifying language dealing with both an employee and spouse desiring to use Family/Medical Leave for the same event.

11.8.A ELECTRONIC MAIL/INTERNET USAGE

...

Employees are encouraged to use discretion and courtesy when communicating through electronic mail. Improper use of e-mail (e.g., spreading offensive or derogatory remarks, jokes or references) is prohibited. Examples of inappropriate remarks would include racist or sexual language, obscenities, or comments referring to a person's age, religious beliefs, national origin, or disability. *Inappropriate use of the internet is also prohibited, including transmitting or downloading material that is discriminatory,*

defamatory, harassing, insulting, offensive, pornographic or obscene. Personal internet use that interferes with an employee's work or that of others is prohibited (i.e., non-work related web sites such as chat rooms, games, travel, shopping, stock trading, entertainment, etc.). Employees are also prohibited from copying and sending any County confidential information to unauthorized individuals. Employees who violate this policy are subject to a disciplinary action.

Justification: Adds language regarding internet use and prohibited usage.

12.7 DISCIPLINE

...

Offenses included in this group are the most serious in nature. Management review by the ~~Department of Human Resources and the~~ County Administrator is required before corrective action is taken. Three Group Two offenses of any kind within a 12-month period and trends of offenses listed previously ~~will~~ *shall* constitute a Group Three offense. ~~Examples are:~~ *The following shall constitute a Group Three offense:*

...

Corrective Action

Due to the serious nature of these offenses, a first occurrence usually warrants dismissal. Before final action is taken, the employee will be placed on administrative leave pending review by the ~~Human Resources Director and~~ County Administrator.

Justification: Strengthens current language regarding actions to be taken in response to Group Three offenses.

13.1.0.3a. GRIEVANCE PROCEDURE

If the panel determines that the grievance is meritorious in whole or in part it may (as to that portion which is meritorious):

Order that an employee be reinstated to a former position; ~~award back pay;~~ order expungement of information contained in the employee's personnel files, or other files maintained by the County; or render opinions as to the application or interpretation of the personnel management system for the County or rules and regulations adopted thereunder, as they may relate to the specific facts of the case before it.

Justification: Removes the option for Grievance Panels to award back pay since courts have ruled that such panels do not have the authority under the State enabling legislation to award money to grievants.

The vote on the foregoing motion was as follows:

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

Fire/EMS Mutual Aid Agreement Between the County of Montgomery and the County of Floyd

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

WHEREAS, Both Floyd County and Montgomery County maintain firefighting and EMS equipment and provides for these services with the help of dedicated volunteers; and

WHEREAS, Both Floyd County and Montgomery County have concurred in the effort to develop a mutual aid agreement for improved firefighting and EMS capabilities within and around the jurisdictions of Floyd County and Montgomery County; and

WHEREAS, It is deemed to be mutually beneficial to both Floyd County and Montgomery County to enter into this Agreement concerning mutual aid with regard to the provision of fire suppression and operations, fire prevention, hazardous materials response, specialized rescue response, incident management, and emergency medical services by Floyd County and Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Chair of the Board of Supervisors is hereby authorized to execute the necessary documents 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>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		
Larry N. Rush		
Joe C. Stewart		
C.P. Shorter		

Mary W. Biggs

Board of Zoning Appeals - Establishment of Two Alternate Positions

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

BE IT RESOLVED, Pursuant to Section 15.2-2308 of the Code of Virginia of 1950, as amended, the Board of Supervisors of Montgomery County, Virginia hereby establishes two (2) alternate positions on the Board of Zoning Appeals.

The vote on the foregoing motion was as follows:

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

INTO WORK SESSION

On a motion by Joe C. Stewart, seconded by C.P. Shorter and carried unanimously,

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

-Riner Volunteer Fire Department and Longshop/McCoy Rescue Squad - Requests for Vehicles.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	James D. Politis
Joe C. Stewart		

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

Mike Moles, Captain of the Riner Volunteer Fire Department, reviewed the CIP requests from the Riner Fire Department as follows:

Item 1 - Equipment Unit	Total \$166,157 \$130,000 from 2000-01 CIP \$ 36,000 from Contingencies
Item 2 - Generator	Total \$15,000 from Contingencies
Item 3 - Two Fire Trucks & Equipment	Total \$350,000 from 2001-2002 CIP

Instead of \$350,000 to purchase a major pumper, Mr. Moles said they prefer to purchase two smaller pumpers at \$300,000 and \$50,000 for equipment.

Mr. Moles said the Riner Volunteer Fire Department will not be requesting to purchase a brush truck in the future, if they purchased two smaller pumpers now instead of one major pumper.

OUT OF WORKS SESSION

On a motion by Annette S. Perkins, seconded by Joe C. Stewart 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:

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

Riner Volunteer Fire Department - Transfer from General Contingencies

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer from the General Fund to the County Capital Projects Fund is hereby authorized, as follows:

FROM

02	General Fund		
	950	General Contingencies	(\$52,000)

TO:

12	County Capital Projects Fund		
	330 Riner Fire Department		
		Equipment Van Replacement	\$37,000
		Generator Replacement	<u>\$15,000</u>
		Total	\$52,000

Said resolution transfers funds from General Contingencies in the General Fund to the County Capital Projects Fund for use by the Riner Fire Department in the replacement of an equipment van and the replacement of a generator.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	C.P. Shorter	James D. Politis
Joe C. Stewart		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

COUNTY ATTORNEY'S REPORT

The County Attorney reported that the Registrar requested in January 2000 to utilize a Central Absentee Voter Election District Precinct (CAVED PRECINCT) to allow for all absentee ballots to be counted in one central location as opposed to each separate precinct. At the time the request was made, the redistricting process was beginning and it was not allowed by the Attorney General to create a new precinct

but it was allowed to be requested as part of the redistricting process. Therefore, the CAVED PRECINCT was created during the redistricting process. The County Attorney advised the Board that the County will have to submit a proposal from the Attorney General to use the new Optech Eagle Electronic Voting Machine for use in the CAVED Precinct.

Central Absentee Voter Election District Precinct

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Central Absentee Voter Election District Precinct (CAVED PRECINCT) was created by the Board of Supervisors during the Redistricting Process to allow for all the absentee ballots to be counted in one central location as opposed to each separate precinct.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County Virginia hereby approves the use of the Optech Eagle Electronic Voting Machine by the Montgomery County Registrar only in the Central Absentee Voter Election District Precinct (CAVED PRECINCT) during the November General Elections.

The vote on the foregoing motion was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

Road Update Report A copy of the Road Update Report was included in the packet for the Board's review.

BOARD MEMBERS' REPORTS

Supervisor Shorter reported several road concerns. There are several potholes on Big Springs Road and Long Shop Road. He also expressed appreciation to VDOT for cleaning out the culvert in front of Nutter's Store.

School Roofs In a report from Virginia Tech about different types of roofs, it is recommended that membrane roofs be used rather than tar/gravel roofs. He suggested that this information be forwarded to the School Board. Chair Biggs said she would add this to the County/School Liaison agenda.

Supervisor Stewart received a call from an elderly citizen wanting the County to take better care of the elderly in Montgomery County. He also received a call from a gentleman about deer getting into his garden and wants to know what can be done.

Supervisor Perkins informed the Board that a copy of the Economic Development July Activity Report was in the Board packet for review.

Delinquent Taxes Supervisor Perkins requested information about the procedure used for informing citizens about delinquent taxes.

Supervisor Muffo received a call from a citizen wanting to know how the County was going to tax the refunds received back from the Federal Income Tax.

Supervisor Biggs informed the Board that the letter Marlene Clift sent to them concerning Farmview Road was also in the Roanoke Times.

NAACP Freedom Fund Banquet will be held on September 22, 2001 at Squires Student Center for Board members interested in attending.

INTO CLOSED MEETING

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

BE IT RESOLVED, 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. Shelor v. Commissioner of Revenue

- (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. Montgomery-Floyd Regional Library Board
2. Office on Youth Advisory Board
3. Social Services Board
4. Virginia Tech/Montgomery Regional Airport Authority

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Sale of Property - Blacksburg Industrial Park

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

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

BE IT RESOLVED, 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>	<u>ABSENT</u>
Joe C. Stewart	None	James D. Politis
Larry N. Rush		
John A. Muffo		
C.P. Shorter		
Annette S. Perkins		
Mary W. Biggs		

CERTIFICATION OF CLOSED MEETING

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

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

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

APPOINTMENTS

Montgomery-Floyd Regional Library

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **David L. Collins** to the Montgomery-Floyd Regional Library Board effective July 24, 2001 and expiring July 23, 2005.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

ABSENT

James D. Politis

Office on Youth Advisory Board

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **N. Dail Stancill** to the Office on Youth Advisory Board effective July 24, 2001 and expiring July 23, 2004.

The vote on the foregoing motion was as follows:

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

Social Services Board

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Ann L. Hess** to the Social Services Board effective July 24, 2001 and expiring July 23, 2005.

The vote on the foregoing motion was as follows:

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

Virginia Tech/Montgomery Regional Airport Authority - Board Representative

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia appoints **Annette S. Perkins** as Montgomery County's representative to the Virginia Tech/Montgomery Regional Airport Authority effective July 24, 2001.

Expiration of this appointment shall be determined at the initial meeting of the Virginia Tech/Montgomery Regional Airport Authority.

The vote on the foregoing motion is as follows:

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

OTHER BUSINESS

Parks and Recreation Director

The Board authorized the County Administrator to re-advertise the position of Parks & Recreation Director at Grade 26, up to Step 10 on the Uniform Montgomery County Payscale adopted by the Board of Supervisors July 1, 2001. This approval was for advertising only.

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously, the Board adjourned to Monday, July 30, 2001 at 7:00 p.m at the Competitiveness Center, Planning District Commission in Radford, Virginia.

The vote on the foregoing motion was as follows:

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

John A. Muffo
Mary W. Biggs

The meeting adjourned at 10:40 p.m.