

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 24TH DAY OF JANUARY, 2000 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chair
	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 Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Request to Withdraw from Agricultural and Forestal District-3 (Little River)

Mr. John J. Simon of Danbury Ltd. has requested withdrawal of a 9.8520 acre parcel (tax parcel no. 135-A-23D) from Agricultural & Forestal District-3 (Little River). This property is located on Blue Springs Road (SR 620).

John Simon, applicant, addressed the Board concerning his request to withdraw a 9.8520 acre parcel from the AFD District. Mr. Simon explained that when he first purchased this property he was not aware of it being in the AFD area, neither the land book nor the deed book showed any indication of this. He said he had plans to subdivide the property into three parcels and he couldn't do this while it is still in the AFD.

Charlie Bowles spoke in opposition to the AFD withdrawal request by Mr. Simon. Mr. Bowles stated

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that the area in which this parcel of land is located should remain preserved and should remain in the AFD.

Randy Leslie spoke in opposition to the AFD withdrawal request by Mr. Simon. Mr. Leslie said he owns approximately 70 acres which connects to the parcel Mr. Simon wants to withdraw. He said the area should remain unchanged. He stated that Blue Springs Road (SR 620) is a very narrow road and could not handle growth and the safety issue of this road should be considered. Mr. Leslie believes the withdrawal of this parcel from the AFD would change the nature of the area.

DELEGATIONS

Montgomery County Electoral Board

Frances Tieleman, Montgomery County Electoral Board Chair, presented a proposal on the establishment of a Central Absentee Voter Electoral District. This new district would establish one precinct in the County to count all absentee ballots for the General Election each November. This process would increase the efficiency and security of the electoral process.

MUNIS - Computer System Vendor

MUNIS President John Marr and Regional Manager Ron Goodrow addressed the Board regarding delays, reliability and performance issues with the County's new MUNIS computer system. The County contracted with MUNIS in July, 1998 as a beta test site for a Y2K-compliant comprehensive and integrated financial system, including accounting, payroll, budget, property assessments, and tax billing and collection functions.

Mr. Marr indicated that several of the as-yet-undelivered components will be provided by the end of January, with others to follow by April.

PUBLIC ADDRESS SESSION

Gary McCoy addressed the Board concerning school construction in Blacksburg. Mr. McCoy expressed his concerns with the new resolution approved by the Montgomery County School Board to build a new high school in Blacksburg and to renovate the current high school into a middle school. He believes the immediate and greatest need is a new middle school, not a high school.

Hershel Wilson addressed the Board concerning Slusher Lane in Shawsville. Mr. Wilson stated that the residents who live on Slusher Lane petitioned Montgomery County for state maintenance last year and was accepted on the Rural Addition Priority List. He expressed his concern that one resident has refused to give the necessary right-of-way needed to proceed any further. Mr. Wilson asked the Board and the

County Administrator to help him and the other residents to find a solution to this problem so that Slusher Lane can be brought into the state maintained system.

Charles Hurst, representative for Long Shop/McCoy Volunteer Rescue Squad, addressed the Board concerning the "Montgomery County Fire and Rescue Vehicle Policy". Mr. Hurst stated that the policy was dated October 22, 1990 and needed to be revised. He explained that he will be holding training and certification classes in the future, and the current policy prohibits him from training anyone under the age of 21 and who is a non-member of the rescue squad. Mr. Hurst requested that the Board review and revise the current policy.

Chris Newmark spoke in opposition to the new resolution approved by the Montgomery County School Board to build a new high school and renovate the existing high school into a middle school. Ms. Newmark stated the Town of Blacksburg needs a new middle school first and hopes that the Board of Supervisors will also consider this.

Cecile Newcomb addressed the Board concerning the Blacksburg Middle School issues. Ms. Newcomb supports the middle school remaining at its current site and be renovated not be moved to a renovated high school.

John Simon addressed the Board on two issues. The first issue Mr. Simon addressed is the Blacksburg Middle School issue. He suggested the Board should consider the problems that Blacksburg Middle School is currently facing when deciding upon new schools in Montgomery County. The second issue Mr. Simon addressed is the issues with the computer vendor regarding the County's new computer system. Mr Simon stated that delays and complications are to be expected with any new computer system.

Charlie Bowles addressed the Board concerning the new computer system and suggested that the County hire a computer consultant. He also addressed the Board concerning green box sites and the issues with Alan Sissan. Mr. Bowles believes that Mr. Sissan should be paid for allowing greenboxes on his property.

ADDENDUM

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously, the following Addendum dated January 24, 2000 was added to the Agenda under Closed Meeting:

- Section 2.1-344(A) (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community

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1. Prospective Business or Industry

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

1. Falling Branch Industrial Park

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	

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by James D. Politis and carried, the Consent Agenda dated January 24, 2000 was approved. The vote was as follows:

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

Approval of Minutes

On a motion by Larry N. Rush, seconded by James D. Politis and carried, the minutes dated December 13, 1999 were approved.

Schedule Public Hearings

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby schedules a public hearing on Monday, February 28, 2000 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

1. Request for Special User Permit
Kathleen Stewart (Agent: Anderson & Associates, Inc.) request for a Special Use Permit amendment; (Tax Parcel Nos. 104-A-27A, 104-A-28, 104-4-46) to allow a Professional Office served by private well and septic system. Property is located at the Northeast corner of Barn Road and Route 177 Intersection in the Riner Magisterial District. The property lies in an area designated residential in Comprehensive Plan.
2. Request for Special User Permit
Quorum Holding Company (Agent: Christopher Tuck) request for a Special Use Permit; (Tax Parcel No. 067-A75) to allow performance space for community theater. Property is located at 805 Triangle Street in the Price's Fork Magisterial District. The property lies in an area designated commercial in the Comprehensive Plan.
3. Request for Special User Permit
Quorum Holding Company (Agent: Bill Tuck/Trula Tuck) request for a Special Use Permit;(Tax Parcel No. 67-5-6) to allow mini-warehouses. Property is located at 3956 South Main Street in the Price's Fork Magisterial District. The property lies in an area designated commercial in the Comprehensive Plan.

APPROPRIATIONS AND TRANSFERS

Escrow Request- Public Facilities

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

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, 2000, for the function and in the amount as follows:

400	Public Facilities	\$32,500
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	General Fund Balance	\$32,500
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Said resolution appropriates funds recommended to be escrowed for use in the current year.

Fire Program Fund Allocation

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

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, 2000, for the function and in the amount as follows:

23311	Fire Program Fund Distribution	\$31,185
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	Fire Program Fund Distribution	\$31,185
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Joint Automation: Transfer from Sheriff's Department

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

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

FROM:

310	Sheriff's Department - Comp Board	(\$64,945)
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TO:

940	Joint Automation	\$64,945
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Said resolution transfers funds from the Sheriff's Department to Joint Automation.

Grant Appropriation: Help Eliminate Automobile Theft (HEAT) Grant

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

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, 2000, for the function and in the amount as follows:

321	Sheriff Grants	\$1,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	HEAT Grant	\$1,000
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Said resolution appropriates monies from the state HEAT Grant program.

Grant Appropriation: Stop Violence Against Women (VSTOP) Grant

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

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, 2000, for the function and in the amount as follows:

321	Sheriff Grants	\$33,447
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	V-STOP Grant	\$33,447
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Said resolution appropriates monies from the state V-STOP Grant program.

County Engineer: Transfer

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

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

FROM:

410 Solid Waste Collections (\$37,434)

TO:

420 Environmental/Engineering Services \$37,434

Said resolution transfers funds from Solid Waste Collections to Environmental Services to cover salary and fringe benefit costs of the County Engineer and a portion of the Secretary B position.

Amend Compensation and Classification Plan

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Compensation and Classification Plan is hereby amended to change the classification of County Engineer from Grade 11 to Grade 12.

OLD BUSINESS

Authorization to Purchase Land- Merrimac Collection and Recycling Site

On a motion by Annette S. Perkins, seconded by James D. Politis and carried,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the purchase of approximately 0.735 acre from Duane S. and Debra Ann Taylor for the purchase price of eight thousand dollars (\$8,000), located in the Price's Fork Magisterial District, for improved access to the County's Merrimac Collection and Recycling site.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia authorizes Mary W. Biggs, Chair of the Board of Supervisors, to accept the property on behalf of the County evidenced by her signature on the deed.

The vote on the foregoing motion was as follows:

AYE

NAY

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

NEW BUSINESS

Clerk of Circuit Court: Transfer from Special Contingencies and General Contingencies

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

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

FROM:

960	Contingencies-Special	(\$7,000)
950	Contingencies-General	(\$4,700)

TO:

250	Clerk of Circuit Court	\$11,700
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Said resolution transfers funds from Special and General Contingencies to Clerk of the Circuit Court for the purchase of a plat cabinet and to cover the payment of overtime for the Clerks staff.

The vote on the foregoing motion was as follows:

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

Commonwealth's Attorney: Transfer from General Contingencies

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 a transfer is hereby authorized, as follows:

FROM:

550 General Contingencies (\$14,055)

TO:

200 Commonwealth's Attorney \$14,055

Said resolution transfers funds from General Contingencies to the Commonwealth's Attorney's Office for furniture and computer equipment.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

Larry N. Rush

C.P. Shorter

James D. Politis

Joe C. Stewart

Annette S. Perkins

Mary W. Biggs

NAY

None

COUNTY ATTORNEY'S REPORT

Prices Fork Incorporation Hearing The County Attorney reported the court hearing for the Prices Fork Incorporation is set for Wednesday, January 26, 2000 in Courtroom B.

COUNTY ADMINISTRATOR'S REPORT

Emergency Vehicle Response Procedures The County Administrator explained that the Sheriff's Office provided Board members a copy of the Sheriff's Routine and Emergency Vehicle Operation Policy in the packet for their review. This is in response to Supervisor Stewart's concern when observing a Sheriff's vehicle traveling at a high rate of speed along a narrow and curvy road in Elliston. .

Use of Inmate Labor The County Administrator reported staff has checked with the Sheriff's Department about using inmates to help with roadside cleanup and any other areas that the County may need them to assist with. The Sheriff explained that the use of inmate labor was eliminated due to lack of funding from the State Compensation Board. In order to redevelop this program, funding would be needed.

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Transportation Enhancement Funding for Catawba Valley - TEA 21 Grant The Planning Director reported that the Virginia Outdoor Foundation is working with Roanoke , who agreed to be the applicant on the grant, in applying for the TEA 21 Grant. Montgomery County can still participate as co-applicant next year if the Board desires to do so. The Planning Director also stated that if the County is interested in this project then it is advisable to solicit public interest in the Catawba area.

Montgomery County Road Concerns Update The County Administrator reported that the road concerns update was in their packet for review. If the Board has no objections, the report will be provided monthly instead of bi-monthly. He also updated the Board on Sarah Wall's request to widen her driveway in Merrimac in order to see on-coming traffic. Dan Brugh, VDOT, indicated that state funding cannot be used to widen or maintain private entrances.

BOARD MEMBERS' REPORTS

Supervisor Shorter thanked Mike Kirk, Director of PSA, in dealing with a citizen's problem with frozen pipes. Supervisor Shorter indicted that Mr. Kirk handled the situation and everything worked out fine.

Collections and Recycling Committee Supervisor Shorter stated that he would like to hold the Collections and Recycling Committee meetings in the evening. This would allow citizens to attend the meetings. Supervisor Shorter also indicated he would like to have citizens on the committee.

Intersection of McCoy Road and Tucker Road Supervisor Shorter requested an update on the stop sign situation at the intersection of McCoy Road and Tucker Road. A letter has been sent to Dan Brugh at VDOT. The County Administrator is awaiting a response.

Montgomery County Fire and Rescue Vehicle Policy Supervisor Shorter indicated he would like to have the policy reviewed. He also wanted to know what Longshop/McCoy Volunteer Rescue Squad could do in the meantime in order to have training classes. The County Attorney advised that is was at the Board's discretion if they wanted to grant a waiver until staff had time to review and make recommendations on the policy.

Add to the Agenda - Montgomery County Fire and Rescue Vehicle Policy

Montgomery County Fire and Rescue Vehicle Policy

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

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BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby grant an exception to the Montgomery County Fire and Rescue Vehicle Policy to allow non-members of the fire or rescue departments to operate the emergency vehicles during off road training exercises. This exception shall expire on March 28, 2000, unless extended by the Board of Supervisors.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby directs the County Administrator to review the entire Fire and Rescue Vehicle Policy and advise the Board of Supervisors by March 27, 2000 of any recommended changes to the Policy.

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	

Board Members' Reports (Cont'd)

Supervisor Rush has received several complaints concerning school issues. 1) could the School Board check into adding another bus route to the Windmill Hill area.; 2) the parking lot area is congested in the mornings and evenings at the Christiansburg Primary and the Christiansburg Elementary schools. The parking lots seems to be too small to handle the number of vehicles during the day; 3) would like the status on repair of the tennis courts at Christiansburg High School.

Public Hearings Supervisor Rush received a request from Valley Landscaping about the Public Hearing procedure. Valley Landscaping has submitted a request for a special use permit to allow a greenhouse and garden center, and due to the public hearing process it would be too late for the business to open in time for spring. Supervisor Rush asked if the Board could schedule the public hearing for Valley Landscaping and be considered the same night.

Add to the Agenda - Schedule Public Hearing - Valley Landscaping

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby schedules a public hearing on Monday, March 13, 2000 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

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Special Use Permit

Todd and Paige Walters T/A Valley Landscaping Inc. request for a Special Use Permit to allow a Garden Center on 3.45 acres near the intersection of Lusters Gate Road (SR 723) and Den Hill Road (SR 603), portion of Tax Parcel No. 68-A-9A

BE IT FURTHER RESOLVED, That action by the Board of Supervisors on Valley Landscaping's request be considered at the same meeting.

The vote on the foregoing motion was as follows:

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

Supervisor Politis reported he attended the Transportation Safety Commission meeting on Tuesday, January 11, 2000. Discussions included: 1) the Transportation Safety Commission's request that the Board of Supervisors write a letter to Dan Brugh, VDOT, requesting installation of a traffic signal at the intersection of Route 460 and Gardner Street in Elliston. The opening of Rowe Furniture in the Elliston/Lafayette Industrial Park has created an increase in traffic. Currently the Montgomery County Sheriff's Department is providing traffic control during the mornings and evenings; 2) another item of concern was the increase in the number of fatalities on Route 8 in Riner. The Transportation Safety Commission supports sobriety checkpoints on Route 8 and requests a letter of support from the Board of Supervisors. The Sheriff's Department will be applying for a state grant with the Division of Motor Vehicles to assist with the traffic control on Route 8; 3) the Transportation Safety Commission also discussed the difficulty school buses are having at the intersection of Route 8 and Fairview Church Road. Buses entering the highway are unable to see the traffic due to the curve. The Transportation Safety Commission suggested that the school bus route and the parents entrance route into the school be rerouted. The school buses should use the entrance on Route 8 and the parents should use the entrance at the intersection of Route 8 and Fairview Church Road. The Commission requests the Board of Supervisors to write a letter of support to the School Board.

Montgomery County Taxpayers Association Supervisor Politis received a phone call from Arnie Saari, on behalf of the Montgomery County Taxpayers Association, regarding the School Construction Plan. Mr. Saari sent copies of a letter to all the School Board Members and the Board of Supervisors concerning an alternative school building plan for the Blacksburg area. The Taxpayers Association would like for the School Board to consider changing the school organization back to include six graders in the elementary school. This would alleviate overcrowding in the middle schools. A K-6, 7-8, and 9-12 grade organization

would be an option to consider.

Supervisor Stewart reported there was a problem with getting in touch with the State Game Warden. There fails to be a direct number to call or leave a message with the Game Warden and when you do leave a message with the dispatchers, it is several days before they call back. Supervisor Stewart requested the County Administrator to check to see if there was a better solution. The Game Wardens could carry pagers or cell phones, if need be.

Supervisor Perkins attended the School Board Meeting on January 18, 2000 and the School Board approved a revised resolution about school construction. They agreed to construct a new high school and renovate the current high school into a middle school in Blacksburg. The new resolution omitted renovating or constructing a second middle school for the Blacksburg area.

Public Meeting for Citizens Input- 12 acre parcel Donated by AEP Supervisor Perkins stated that a public meeting was being scheduled to be held in Blacksburg for citizen input on how to use the 12 acres of land donated by American Electric Power. Montgomery County Parks & Recreation and the Town of Blacksburg's Recreation Advisory Board will be working together to develop this land.

Cedar Orchards Townhouse Construction Supervisor Perkins received a letter of complaint concerning the construction of townhouses in Cedar Orchards. She forwarded this letter to the Planning Director. She is still receiving complaints about construction on Clay Street. The construction crew is apparently blocking the entrance with heavy equipment and trucks. She said that the Sheriff's Department has been contacted several times and by the time they arrive the equipment is moved. The County Administrator said he would contact the Town of Blacksburg to see if the Town Police would go by and check out the complaints when called. They will be able to get to the site quicker since it is closer to the Town limits.

Supervisor Muffo attended the Planning Commission meeting on January 19, 2000. He stated that the problems with updating the record keeping the County has been having lately is affecting other areas within the County. Supervisor Muffo stated is supports upgrading all record keeping.

Chair Biggs received an invitation from the League of Women Voters for a breakfast meeting on February 3, 2000 at 7:00 a.m. They asked the Board of Supervisors to fill out a questionnaire for this meeting. Chair Biggs requested the Board let her know if they will be attending and to send in their questionnaire if not.

Chair Biggs provided the County Administrator information on the Workforce Investment Act; information on the Passenger Railroad Express in Virginia; and information about the New River Airport. She requested that copies be provided to the Board.

Chair Biggs stated that Delegate Jim Shuler is going to introduce House Bill 354 which proposes the

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elimination of both the Merchants Capital Tax and the BPOL, and offers no replacement for the local dollars lost. Chair Biggs introduced a resolution where Montgomery County opposes such bill.

Add to the Agenda - Merchants Capital Tax and BPOL

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

WHEREAS, Montgomery County currently imposes a Merchants Capital Tax ; and

WHEREAS, Montgomery County is prohibited by law from imposing a Business, Professional and Occupational License (BPOL) in the incorporated Towns within the County, since both Towns impose such a tax; and

WHEREAS, Merchants' Capital Tax provided the County with \$ 1,476,680 in local dollars in 1999 which has increased by 48% percent since 1995, becoming an integral part of the County's tax base; and

WHEREAS, House Bill 354 introduced by Delegate Jim Shuler proposes the elimination of both the Merchants Capital Tax and the BPOL, and offers no replacement for the local dollars lost due to the elimination of the tax; and

WHEREAS, If Montgomery County had to replace the local dollars lost due to the elimination of the Merchants' Capital Tax, a four cent increase in the County's real estate tax rate would be required to offset the current dollars collected locally through the tax.

NOW THEREFORE BE IT RESOLVED That the Board of Supervisors of Montgomery County, Virginia, opposes House Bill Number 354 eliminating Merchants' Capital Tax and BPOL in its current form and any other legislation designed to eliminate the local taxing authority without replacing the local dollars through a stable revenue source.

FURTHER, BE IT RESOLVED, That the Montgomery County Board of Supervisors believes that should the Merchants' Capital tax be eliminated that the dollars generated by Montgomery County should be replaced with a stable revenue source that would be increased annually based on a reasonable index such as, the increase in the local sales tax revenues.

The vote on the foregoing motion was as follows:

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AYE

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

NAY

None

Board Members Reports (cont'd)

Chair Biggs reported that the County and the Town of Blacksburg and Christiansburg are joining together to offer employee training. She stated this was a great idea.

Board of Supervisors Special Meeting Chair Biggs asked the Board if they would like to hold a special meeting to discuss financing of the upcoming construction projects, which includes the County Administration facility and school construction. The Board agreed to meet on Wednesday, February 2, 2000 at 7:15 p.m.

INTO CLOSED MEETING

On a motion by Larry N. Rush, seconded by Annette S. Perkins 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)
- (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. Juvenile Detention Commission
 - 2. Industrial Development Authority
 - (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

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or Retained by a Public Body Regarding Specific Legal Matters
Requiring Provision of Legal Advice by Such Counsel

1. Shelor Entities v. Commissioner of Revenue
2. Mid County Landfill
- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community
 1. Prospective Business or Industry
- (3) Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
 1. Falling Branch Industrial Park

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	

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, 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>
John A. Muffo	None
Annette S. Perkins	
Joe C. Stewart	
James D. Politis	
C.P. Shorter	
Larry N. Rush	
Mary W. Biggs	

EXTENSION OF MEETING

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the meeting was extended in order to cover all items of business listed in the Closed Meeting session of the agenda.

The vote on the foregoing motion was as follows:

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

INTO CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Joe C. Stewart 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) (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. Juvenile Detention Commission
 2. Industrial Development Authority
- (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 Entities v. Commissioner of Revenue
 2. Mid County Landfill
- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community
1. Prospective Business or Industry
- (3) Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Falling Branch Industrial Park

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Annette S. Perkins
Joe C. Stewart

NAY

None

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

CERTIFICATION OF CLOSED MEETING

On a motion by John A. Muffo, seconded by C.P. Shorter 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
Annette S. Perkins
Joe C. Stewart
James D. Politis
C.P. Shorter
Larry N. Rush
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

Industrial Development Authority

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby reappoints **Larry J. Linkous** to the Industrial Development Authority effective January 25, 2000 and expiring January 24, 2004.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

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

Industrial Development Authority

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby reappoints **David O. Shanks** to the Industrial Development Authority effective January 25, 2000 and expiring January 24, 2004.

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

Juvenile Detention Commission

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 appoints **Walter R. Koball** to the Juvenile Detention Commission effective January 25, 2000 and expiring January 24, 2004.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

ADJOURNMENT

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously, the Board adjourned to Wednesday, February 2, 2000 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

The meeting adjourned at 12:35 a.m., Tuesday, January 25, 2000.