

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8th DAY OF JUNE, 2009 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	L. Carol Edmonds	-Interim County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Brenda Rigney	-Economic Development Project Manager
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT: William H. Brown -Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

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

- Section 2.2-3711 (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 Negotiating Strategy of the Public Body
1. Blacksburg Technology Manufacturing Building
- (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. Community College Board
 2. Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	William H. Brown
James D. Politis		

Mary W. Biggs
Doug Marrs
John A. Muffo
Annette S. Perkins

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis 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>
James D. Politis	None	William H. Brown
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by James D. Politis 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 2.2-3711 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

Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
James D. Politis
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

William H. Brown

ABSENT DURING MEETING

William H. Brown

INVOCATION

A moment of silence was lead by Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Ordinance Amending Chapter 1, Section 1-6

An Ordinance Amending Chapter 1 Entitled General Provisions Section 1-6 of the Code of the County of Montgomery, Virginia by clarifying that the Courthouse Security Fee Assessed as additional costs in Criminal or Traffic Cases shall apply to Juvenile and Domestic Relations District Court and that the Processing Fee shall be ordered as part of court costs when an individual is admitted to the Regional Jail.

The County Attorney provided a brief summary of the ordinance amending Chapter 1 of the Code of Montgomery County. The changes to the ordinance include the Juvenile and Domestic Relations Court as a court that can collect the Courthouse Security Fee assessed in criminal and traffic cases. Also, the ordinance is amended to include that individuals admitted to the Western Virginia Regional Jail shall be assessed the processing fee allowed. Since Montgomery County joined the Western Virginia Regional Jail Authority, individuals are also processed at the regional jail .

There being no speakers, the public hearing was closed.

DELEGATIONS

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County.

Six-Year Secondary Road Projects: Mt. Pleasant Road (SR 639) project has been advertised. Bids are expected back in June with a November 2009 completion date.

Rest Area Closures: The Commonwealth Transportation Board (CTB) announced that the closure of rest areas across the state will be effective July 1, 2009. The CTB did approve keeping several open, including the southbound rest area in Radford and the northbound rest area in Ironto. The northbound rest area in Radford will be closed.

Supervisor Biggs questioned what the CTB's future plans are for the vacated rest area facilities? Mr. Clarke replied that he does not know at this time.

Supervisor Biggs commented that it is sad the amount of money the state spent to renovate the rest areas across the state only to have them close. She stated that we want people to come to Virginia, but questioned the message we sending them by closing the rest areas.

Supervisor Perkins asked Mr. Clarke about the reduction in maintenance on county roads, particularly mowing. Mr. Clarke replied that mowing will be done approximately two times per year, maybe more on high volume roads. He reported that the CTB did not receive many public comments on the reduction of mowing. The majority of comments received were on the rest areas closings. Also, they did not receive many public comments at the public hearings held across the state on the Six-Year Road Plan for Primary and Interstate Roads.

Supervisor Politis expressed appreciation to VDOT for responding quickly to repair several critical places on roads throughout the County that were damaged from the recent heavy rains.

Supervisor Marrs asked the status of repairs to the damage on Yellow Sulphur Road caused by the storms. Mr. Clarke replied that one section of a low-lying area near Christiansburg has been repaired. VDOT replaced the pipe and rock.

The Interim County Administrator asked Mr. Clarke to provide an update on the FY 10 Revenue Sharing Program. Mr. Clarke reported that the CTB is tentatively scheduled to approve \$50 million for the FY 2010 Revenue Program at their June 18, 2009 meeting. All counties, as well as cities and towns maintaining their own roadways, may apply for funds up to \$1 million. Localities have until August 14, 2009 to submit an application. As in the past VDOT will prioritize requests based on the 3 tier level adopted several years ago. The first priority funding will go to localities who will administer the projects themselves. The second priority will go to localities who provide more than the 50% matching dollars.

The Board thanked Mr. Clarke for his time.

Inmate Litter Clean-up Program

Captain Robbie Hall made a presentation on the Inmate Litter Clean- Up project for May 2009. A total of 2,280 pounds of trash and 43 tires were collected from the County secondary roads from May 16 – May 22, 2009. Since August 2008, a total of 32,640 pounds of trash was collected along with 202 tires and a total of 308 staff hours and 1,542 inmate hours.

Sheriff Tommy Whitt reported that the Sheriff's Office is utilizing two trucks for the inmate litter clean -up program. Both vehicles are close to 20 years old with major problems and need to be replaced. Sheriff Whitt commented that if either truck breaks down, they will not be able to repair them and the Sheriff's Office will not have any vehicles available for the inmate litter clean-up program.

Sheriff Whitt requested permission to use remaining funds in the Sheriff's professional services line item budget to purchase two new vehicles. He received a quote of \$34,800 for each truck and \$5,000 each for equipment needed. A total of \$370,000 remains from outsourcing inmates (one time cost savings due to the opening of the new regional jail) and he requested the \$90,000 of these funds be used to cover the cost of the purchase of two new trucks.

The Board discussed Sheriff Whitt's request and commented how valuable the inmate litter cleanup program has been since it was started in August 2008. Supervisor Marrs asked the Board to approve Sheriff Whitt's request.

R-FY-09-174 RESOLUTION AUTHORIZING THE SHERIFF'S OFFICE TO PURCHASE VEHICLES

On a motion by Doug Marrs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the Montgomery County Sheriff's Office to purchase two trucks for the Inmate Litter Clean-up Program.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	William H. Brown
James D. Politis		
Doug Marrs		
Mary W. Biggs		
John A. Muffo		

Annette S. Perkins

PUBLIC ADDRESS

Nelsie Cales, who resides on Firetower Road, expressed concerns with pet owners not cleaning up after their pets, which is creating strong odors. Ms. Cales asked if the County had an ordinance or could adopt an ordinance that would require pet owners to cleanup pet feces on their property.

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

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated June 8, 2009 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	William H. Brown
John A. Muffo		
Gary D. Creed		
James D. Politis		
Mary W. Biggs		
Annette S. Perkins		

Approval of Minutes

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the minutes dated March 9, 2009 were approved.

Appropriations and Transfers

**A-FY-09-108
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

220 Commonwealth's Attorney	\$634
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104 Confiscations	\$634

Said resolution appropriates monies received in the Forfeited Asset Sharing Program for use by the Commonwealth's Attorney's office.

**A-FY-09-109
HUMAN SERVICES
CSA INNOVATIVE COMMUNITY SERVICES GRANT**

On a motion by Mary W. Biggs, seconded by Gary D. Creed 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, 2009 for the function and in the amount as follows:

511 CSA Innovative Community Services Grant \$1,313

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

Revenue Account
05111-424401 State Grants \$1,313

Said resolution appropriates the CSA Innovative Community Services Grant for use by the Human Services Department to help cover the cost of the Transitional Coordinator position.

**A-FY-09-110
SHERIFF
RECOVERED COSTS**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

310 Sheriff \$641

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

Revenue Account
419108 Recovered Costs \$641

Said resolution appropriates recovered costs and grant funds for use by the Sheriff's department.

**A-FY-09-111
PUBLIC SERVICE AUTHORITY
BOUNDARY ADJUSTMENT FEES
KENSINGTON SUBDIVISION**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

890 Transfer to the PSA \$48,000

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

Revenue Account
413306 Boundary Adjustment Fee \$48,000

Said resolution appropriates boundary adjustment fees to the PSA from the Kensington Subdivision.

**A-FY-09-112
FIRE AND RESCUE CAPITAL PROJECT
ELLISTON FIRE DEPARTMENT**

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

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

FROM:
3300 Undesignated Fire and Rescue Projects (\$335,720)

TO:
3301 Elliston Fire Department \$335,720

Said resolution transfers appropriated funds from Undesignated Fire and Rescue Projects to the Elliston Fire Department.

**A-FY-09-113
COUNTY ATTORNEY
TRANSFER FROM GENERAL CONTINGENCIES**

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

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

FROM:
950 General Contingencies (\$23,000)

TO:
120 County Attorney \$23,000

Said resolution transfers appropriated funds from General Contingencies to the County Attorney to cover the cost of professional services.

**A-FY-09-114
REASSESSMENT
APPROPRIATION**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

153 Reassessment \$570,465

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

Revenue Account
451203 Undesignated Fund Balance \$570,465

Said resolution appropriates fund balance to cover the cost of the Reassessment contractor.

**R-FY-09-167
USDA GRANT
POLICE EQUIPMENT
SHERIFF'S DEPARTMENT**

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

BE IT HEREBY RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government) in the development of police equipment for

the Sheriff's Department to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED, That the Interim County Administrator of Montgomery County be authorized to execute on behalf of Montgomery County the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Governing Body.

R-FY-09-168
PARKS AND RECREATION COMMISSION
APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Rudy Emmel**, who resides in District G, to the **Parks and Recreation Commission** effective June 9, 2009 and expiring June 8, 2012.

R-FY-09-169
PLANNING COMMISSION
APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **John Tuttle** to the **Montgomery County Planning Commission** effective June 9, 2009 and expiring June 8, 2013.

R-FY-09-170
PLANNING COMMISSION
APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Ryan E. Thum** to the **Montgomery County Planning Commission** effective June 9, 2009 and expiring June 8, 2013.

R-FY-09-171
VIRGINIA'S FIRST REGIONAL INDUSTRIAL
FACILITY AUTHORITY-APPOINT ALTERNATE

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Brian Hamilton** to serve as alternate for **Mary W. Biggs** on the Board of Directors of Virginia's First Regional Industrial Facility Authority effective June 9, 2009 and expiring June 30, 2012.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

Said appointment fills the unexpired term of Bob Isner, resigned.

OLD BUSINESS

**ORD-FY-09-15
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION
OF APPROXIMATELY 3.0 ACRES LOCATED
AT 2348 & 2330 MEADOW CREEK ROAD
IDENTIFIED AS TAX PARCEL NO(S) 118-5-11 AND
118-5-12, PARCEL NO(S) 022151 AND 022152
FROM RESIDENTIAL (R-3) TO AGRICULTURAL (A-1)
IN THE RINER MAGISTRERIAL DISTRICT
JOHN GUNTER AND DEAN SMITH**

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

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 approximately 3.0 acres of land is hereby amended and rezoned from the zoning classification of Residential (R-3) to Agriculture (A-1).

This action was commenced upon the applications of John Gunter and Dean Smith.

The property is located at 2348 & 2330 Meadow Creek Road and is identified as Tax Parcel No. 118-5-11 and 118-5-12 (Account #'s 022151 and 022152) in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

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	William H. Brown
Gary D. Creed		
Mary W. Biggs		
Doug Marrs		
James D. Politis		
Annette S. Perkins		

NEW BUSINESS

A-FY-10-01
FY 2009-2010 BUDGET APPROPRIATION

On a motion by Mary W. Biggs, seconded by James D. Poltis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the following appropriation for the fiscal year ending June 30, 2010 be and the same is hereby made effective July 1, 2009 for the organizations indicated on the attached listing.

BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary transfers between funds as required to keep expenditure account appropriated by the Board of Supervisors and revenue estimates approved by the Board of Supervisors in balance by Fund.

BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary wire transfer, as appropriate.

**EXPENDITURE ACCOUNTS
TO BE APPROPRIATED**

1. 02 GENERAL FUND

100	Board of Supervisors	\$	244,899
110	County Administration		1,381,547
120	County Attorney		231,638
130	Financial and Management Services		869,405
132	Insurance		283,900
140	Information Technology		1,280,672
150	Commissioner of Revenue		644,948
152	Assessment - 100% County		487,341
160	Treasurer		582,069
162	Collections - 100% County		444,254
170	Registrar		330,988
180	Internal Services		271,003
200	Commonwealth Attorney		925,372
210	Circuit Court		157,839
220	General District Court		29,347
230	Juvenile and Domestic Relations Court		20,524
240	Magistrate		5,000
250	Circuit Court Clerk - 100% County		618,379
310	Sheriff-Co/State Support		6,743,006
320	Sheriff-County Support		3,524,540
330	Fire and Rescue		1,056,391

	400	General Services	4,692,445
	510	Comprehensive Services Act	1,726,128
	520	Human Services	396,636
	530	Public Health	449,886
	540	Social Services	6,607,363
	700	Parks and Recreation	763,693
	710	Regional Library	1,861,146
	800	Planning and GIS	657,788
	810	Economic Development	357,411
	900	Revenue Refunds	164,106
	910	Other Agencies	1,195,013
	950	General Contingencies	371,400
	960	Contingencies - Special	50,000
	990	Adjustments for Internal Services	(91,700)
		TOTAL GENERAL FUND	\$ 39,334,377
2.	03	LAW LIBRARY FUND	
	03	Law Library	\$ 17,600
3.	09	SCHOOL OPERATING FUND	
	610	Instruction	74,775,041
	620	Administration, Attendance, and Health	3,974,854
	630	Pupil Transportation	4,509,496
	640	Operations and Maintenance	13,152,849
	650	Other Non-Instructional Operations	12,484
		TOTAL SCHOOL OPERATING FUND	\$ 96,424,724
4.	11	SCHOOL CAFETERIA FUND	\$ 3,772,715
5.	19	SCHOOL CAPITAL CONSTRUCTION FUND	\$ 0
6.	12	COUNTY CAPITAL FUND	\$ 335,720
7.	18	DEBT SERVICE FUND	\$ 19,025,209
GRAND TOTAL EXPENDITURES			\$ 158,910,345

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

<u>ESTIMATED RESOURCES</u>		
1. GENERAL FUND		
A. REVENUE		
General Property Taxes	\$	64,046,927
Other Local Taxes		10,340,400
Other Undesignated Revenue		877,884
Resources Designated by Department		15,432,851
Subtotal	\$	90,698,062
B. OTHER		
Use of Fund Balance		1,050,000
Transfers to School Operating Fund:		(35,103,980)
Transfers to Debt Service Fund		(16,973,985)
Transfers to School Capital Construction Fund		0
Transfers to County Capital Construction Fund		(335,720)
Subtotal	\$	(51,363,685)
TOTAL GENERAL FUND RESOURCES:	\$	39,334,377
2. LAW LIBRARY FUND		
A. REVENUE	\$	15,000
B. USE OF FUND BALANCE		2,600
TOTAL LAW LIBRARY FUND RESOURCES	\$	17,600
3. SCHOOL OPERATING FUND		
A. REVENUE	\$	61,320,744
B. TRANSFER FROM GENERAL FUND		35,103,980
TOTAL SCHOOL OPERATING FUND	\$	96,424,724
4. SCHOOL CAFETERIA FUND RESOURCES	\$	3,772,715
5. SCHOOL CAPITAL CONSTRUCTION FUND RESOURCES	\$	0
6. COUNTY CAPITAL CONSTRUCTION FUND RESOURCES	\$	335,720

7. DEBT SERVICE FUND

A.	INTEREST REVENUE	\$	177,679
B.	TRANSFER FROM GENERAL FUND		<u>18,847,530</u>

TOTAL DEBT SERVICE FUND **\$ 19,025,209**

GRAND TOTAL ALL RESOURCES **\$ 158,910,345**

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	William H. Brown
Mary W. Biggs		
Doug Marrs		
James D. Politis		
John A. Muffo		
Annette S. Perkins		

R-FY-09-172
RESOLUTION APPROVING THE AGREEMENT
FOR THE PROVISION OF ELECTRIC SERVICES
FOR THE COUNTY OF MONTGOMERY
BY AMERICAN POWER COMPANY

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

WHEREAS, The VML/VACo Appalachian Power Company (“APCo”) Steering Committee (the “Committee”) comprised of representatives of local governments and political subdivisions has for many years negotiated on behalf of such governmental units within the service area of APCo the terms of standard contract forms which have included rates for the purchase of electricity supply and delivery service and for the installation, maintenance and delivery service of street lights by aforesaid governmental units from APCo as a single source provider; and

WHEREAS, APCo has agreed with the Committee to furnish counties, cities, towns and other political subdivisions (“Public Authorities” or “PAs”) in its service area such electric services as shall be purchased for governmental facilities for a three year term commencing on July 1, 2009 at rates which parallel those approved by the Virginia State Corporation Commission for regulated customers and APCo has also agreed to provide an aggregate total rate surcredit to the PA class of customers amounting to \$5.25 million over the three year contract term; and

WHEREAS, Such agreement shall also provide, among other things, that APCo will install appropriate meters to measure the future PA class load, and upon termination of such contracts to supply PA load data, cost of service analysis, and to negotiate with representatives of the PA class in good faith on a cost of service basis for further contracts; and

WHEREAS, If applicable, APCo also will furnish street lighting service to PAs on a three year contract, commencing on July 1, 2009; and

WHEREAS, On advice and recommendation of the Committee, the terms of such agreements and contracts which so provide, including the rates, are deemed fair and reasonable; and further that APCo is the sole practical source of electric services for the County of Montgomery, Virginia; and

WHEREAS, Contracts for such electric services, including such as relate to street lighting, if applicable, for three years, commencing July 1, 2009, which have been reviewed by

the Committee, its counsel and consultants, and approved as to form by the County Attorney, have been duly presented to the meeting and considered,

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia on motion duly made and seconded, the following resolutions are duly Adopted:

1. That the contracts referred to above for the provision of electric services to the County of Montgomery County, Virginia by Appalachian Power Company for a three year term commencing on July 1, 2009 are hereby approved and adopted; and
2. That Annette Perkins, Chair, is hereby authorized to execute and deliver said contracts to Appalachian Power Company for and on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	William H. Brown
Doug Marrs		
James D. Politis		
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		

R-FY-09-173
RESOLUTION OF APPRECIATION
MONTGOMERY COUNTY PLANNING COMMISSION
WILLIAM STEPHEN HOWARD

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

WHEREAS, William Stephen Howard has faithfully served as a member of the Montgomery County Planning Commission from June 1, 2001 through May 31, 2009; and

WHEREAS, William Stephen Howard served as Secretary of the Planning Commission for 2003, 2004 and 2005; and

WHEREAS, William Stephen Howard served as Vice Chair for 2006 and as Chair for 2007; and

WHEREAS, The County recognizes the impartial and dedicated service that **William Stephen Howard** has rendered the citizens of Montgomery County.

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

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

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	William H. Brown

James D. Politis
Gary D. Creed
Mary W. Biggs
John A. Muffo
Annette S. Perkins

COUNTY ATTORNEY'S REPORT

The County Attorney addressed the comments spoken under Public Address by Ms. Cales regarding strong odor from neighboring property due to improper cleanup after pets. He explained that the Montgomery County Code includes a section that he believes will address this complaint. The County Attorney will contact the County's Code Enforcer in the Sheriff's Office to investigate this complaint.

COUNTY ADMINISTRATOR'S REPORT

Employee Service Award Dinner is scheduled for June 18, 2009 at 6:30 p.m. in the Multi-Purpose Room.

BOARD MEMBERS' REPORTS

Supervisor Marrs reported the Western Virginia Regional Jail Authority agreed to meet quarterly instead of monthly now that the regional jail is open.

Supervisor Politis reported the Riner Volunteer Fire Department held a fundraiser to help kickoff a wellness program for the volunteer fire personnel. He had a meeting with the County's Human Resources Director to see if it would be feasible for the volunteer fire and rescue personnel to use the County's fitness center and join the County's Weight Watchers program. According to the HR Director a change in the County's Personnel Policy is needed. Supervisor Politis requested that staff review this request.

The Interim County Administrator replied that staff would work on a fiscal impact report and would report back to the Board.

Supervisor Perkins received a letter from the Brain Injury Services of Southwest Virginia thanking the Board of Supervisors for approving their request for funding in the County's budget. The FY 09-10 budget included a one-time contribution of \$1,000.

Virginia Association of Counties (VACo) is requesting localities to adopt a resolution in support of using any stimulus money for goods purchased be made in the United States. The purpose of the stimulus money is to stimulate the economy and in order to do this we must purchase goods and services made in the United States. A copy of the model resolution provided by VACo will be included in the Board's weekly packet.

Planning District Commission - Supervisor Perkins reported that the PDC's May 2009 agenda included a resolution of support for the National Steel Interstate System which includes I-81 passenger rail service. She indicated that since Montgomery County does not support the intermodal facility for freight in Elliston, that Montgomery County could not support this resolution even though it stated for passenger rail. The PDC approved removing language from the resolution in order for Montgomery County to support this resolution.

Proposed Link Road (Pulaski County to Montgomery County) – Supervisor Perkins reported that the PDC voted on the regional project prioritization, which includes a new link road that connects Pulaski County to Montgomery County. Since the PDC votes on the all the projects under one vote she could not support the regional projects as it included the link road project. The road would connect the area near the Commerce Park in Dublin to Prices Fork Road near McCoy.

The Board of Supervisors in the past has not been in favor of a link road as they believe Route 8 and Route 114 need to be upgraded first. Supervisor Perkins asked the Board for direction in the

future as to whether or not they support the link road or do they still believe existing roads need to be upgrade first.

Supervisor Creed asked if there have been any studies on the proposed link road. How many vehicles are they proposing will use the new road and how many will it take off Rt. 114?

Supervisor Marrs stated he is still opposed to a link road because open farmland would have to be used for the new road.

Supervisor Politis stated there are a lot of good projects on the PDC list; however, he is still opposed to a link road. He would be in favor of supporting the entire project list if the link road was removed.

Supervisor Biggs asked if there is still a need for the link road. She believes Pulaski County and Giles County population is decreasing not increasing. She strongly believes that Rt. 8 and Rt. 114 in Montgomery County need to be upgraded first.

It is still the position of the Board of Supervisors to oppose the link road project.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously, the Board adjourned to Wednesday, June 10, 2009 at 5:30 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	William H. Brown
James D. Politis		
Gary D. Creed		
Mary W. Biggs		
John A. Muffo		
Annette S. Perkins		

The meeting adjourned at 8:15 p.m.

APPROVED: _____ ATTEST: _____
Annette S. Perkins L. Carol Edmonds
Chair, Board of Supervisors Interim County Administrator