

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13<sup>th</sup> DAY OF JANUARY 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

|          |                    |                                 |
|----------|--------------------|---------------------------------|
| PRESENT: | Larry N. Rush      | -Chair                          |
|          | Annette S. Perkins | -Vice Chairman                  |
|          | Mary W. Biggs      | -Supervisors                    |
|          | Gary D. Creed      |                                 |
|          | John A. Muffo      |                                 |
|          | James D. Politis   |                                 |
|          | C.P. Shorter       |                                 |
|          | Jeffrey D. Johnson | -County Administrator           |
|          | L. Carol Edmonds   | -Assistant County Administrator |
|          | Martin M. McMahon  | -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.

### ELECTION OF CHAIRMAN

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

BE IT RESOLVED, By the Board of Supervisor of Montgomery County, Virginia, that **Larry N. Rush**, be and hereby is, elected as Chairman of the Montgomery County Board of Supervisors for the calendar year 2003, or until a successor is elected.

The vote on the foregoing resolution was as follows:

|                    |            |
|--------------------|------------|
| <u>AYE</u>         | <u>NAY</u> |
| C.P. Shorter       | None       |
| James D. Politis   |            |
| Gary D. Creed      |            |
| Annette S. Perkins |            |

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

**ELECTION OF VICE CHAIRMAN**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisor of Montgomery County, Virginia, that **Annette S. Perkins**, be and hereby is, elected as Vice Chairman of the Montgomery County Board of Supervisors for calendar year 2003, or until a successor is elected.

The vote on the foregoing resolution was as follows:

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

**SELECTION OF REGULAR MEETING DATE**

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

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2003 shall be the 2nd and 4th Monday of each month beginning at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

The vote on the foregoing resolution was as follows:

| <u>AYE</u>         | <u>NAY</u> |
|--------------------|------------|
| Annette S. Perkins | None       |
| Gary D. Creed      |            |
| James D. Politis   |            |

C.P. Shorter  
John A. Muffo  
Mary W. Biggs  
Larry N. Rush

**RULES OF ORDER AND PARLIAMENTARY PROCEDURES AND CODE OF ETHICS  
AND STANDARDS OF CONDUCT**

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

**CODE OF ETHICS**

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

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.

8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.
17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

## **STANDARDS OF CONDUCT**

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

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.
3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the foregoing resolution was as follows:

AYE

NAY

Gary D. Creed None

James D. Politis

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

## **PUBLIC HEARINGS**

### **Montgomery County Budget for FY 2003-2004**

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

Constance Kriz, Director of Montgomery County Human Services Commission, addressed the Board on the Fiscal Year 2003-2004 budget. Ms. Kriz stated that annually they review the budgets submitted by Human Services Agencies and reported back to the Board of Supervisors. There are several agencies represented tonight who wish to address the Board.

Terri Smutz, Executive Director, New River Valley Community Action, addressed the Board about the upcoming budget session. While the Board does not have an easy task before them due to the recent state budget cuts, she asked the Board to consider the tremendous need for low income citizens, homelessness, emergency assistance and the needs of children. Ms. Smutz requested the Board to consider level funding for FY 2003-2004.

Randy Wertz, Executive Director, New River Valley Literacy Volunteers, thanked the Board for supporting the Literacy Volunteers in the past. This organization plays a critical role in the lives of citizens who are illiterate. The number of citizens that have been helped have increased from 103 citizens in FY 1999-2000 to 196 citizens so far in FY 2002-2003. The funding allocated to the Literacy Volunteers by Montgomery County creates a world of difference.

Debra Whitten-Williams addressed the Board on behalf of the New River Community Services Board. Ms. Wood stated that many citizens are served by the NRVCS. They have felt the impact of the state budget cuts over the past years and are servicing the citizens of Montgomery County in the best way possible.

Karen Litver addressed the Board with concerns with funding to New River Community Services. As a consumer of these services, she spoke of the support and help she has received. She urged the Board to continue level funding.

Jerry Hoffman spoke about concerns with high real estate taxes and the equity of the tax structure. Mr. Hoffman noted concerns with the rising cost of owning a home and insuring it. He stated there is inequity in single homeowners with no children sharing the burden of paying for new schools and suggested a sliding

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scale method.

Phil Pappas, Montgomery County Emergency Action Program, urged the Board to continue to support the Emergency Action Program. This program helps citizens who cannot help themselves with clothing, shelter and utilities.

Bob Benoit, Library Board, thanked the Board for their continued support of the library system. Mr. Benoit indicated the Library has reduced their budget accordingly with the state budget cuts, but could not endure another round since there is nothing else to cut. He indicated that the worse the economy gets, the more the library gets used. He urged the Board to continue level funding for the library.

Linda Wilson, Library Board, urged the Board to support the library system. Ms. Wilson stated that the Library plays a vital role in the County with all the different services they provide. The Library has already reduced their budget due to the recent state budget cuts. She urged the Board to support the library system.

Andy Morikawa, Human Relations Council, stated their main purpose is to unify Montgomery County. They are in the process of working with the County Attorney to revise their by-laws and they are working with the Planning Commission on the comprehensive plan. Mr. Morikawa stated that Montgomery County is a leading county in Virginia on diverse issues. There is an increased interest in the Human Relations Council by the citizens. He thanked the Board for their support in the past and appreciates continued support.

Blase Wagenbrenner spoke in opposition to a tax increase and urged the Board to start collecting delinquent taxes. He believes the County should spend less money on building projects and increase support to local farmers. Mr. Wagenbrenner said now is not a time to increase taxes.

Joe Furror, Boys and Girls Club, described the programs and services offered by the Boys and Girls Club and requested continued support.

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

### **PUBLIC ADDRESS SESSION**

Rusty Rowe addressed road concerns on Mt. Pleasant Road. Mt. Pleasant Road has been on the Six Year Road plan for a number of years and to date the road still has yet to be paved and maintained. Mr. Rowe suggested that Mt. Pleasant Road be included in the Rural Rustic Road Program. He believes this road would be eligible and meet all the necessary requirements.

Lindsey West asked the Board's support for wilderness land designation for a portion of the Jefferson

National Forest. She had hoped the Board would consider acting upon two resolution she submitted at the last meeting but understands the Board would like to review the draft plan by the National Forest.

Larry Martin addressed the Board in opposition to higher taxes and requested the Board to lower taxes, implement user fees and to collect whatever merchants' capital tax that can be collected.

Margaret Smith addressed concerns with development of utilities in the Riner area. The area being considered, Bethel-Childress area, is the largest area of conservation and Agriculture Forestal District. The citizens in Riner do not want development in this area, only the bankers and developers. She urged the Board to consider waiting until the comprehensive plan is revised before expanding utilities in this area.

AllisonGalway urged the Board to continue their support for substance abuse services through the New River Valley Community Services. She indicated that she was proud to live in Montgomery County and pay her taxes. These taxes provide much needed services in the County.

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

#### **ADD TO THE AGENDA - ADDENDUM**

On a motion to James D. Politis, seconded by John A. Muffo and carried unanimously the following addendum dated January 13, 2003 was added to the agenda:

#### **Into Closed Meeting:**

- (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. Utility Agreement - Blacksburg

The vote on the foregoing motion was as follows:

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

John A. Muffo  
Gary D. Creed  
Mary W. Biggs  
Larry N. Rush

**REMOVE FROM CONSENT AGENDA - SCHEDULE OF PUBLIC HEARING**

Scheduling of the public hearing on the conveyance of right-of-way to the Greenbrier Pipeline was removed from the Consent Agenda at the request of Supervisor Politis.

**SCHEDULE PUBLIC HEARING - CONVEYANCE OF RIGHT-OF-WAY - GREENBRIER PIPELINE**

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that a Public Hearing is scheduled for Monday, February 24, 2003 at 7:15 p.m. or as soon thereafter, in the Board of Supervisors Meeting Room in the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia in order to consider the public's comments on the following proposed easement to be conveyed by the Board of Supervisors to the Greenbrier Pipeline Company, LLC to construct, install, maintain, repair, replace, operate and remove a pipeline:

1. A 50 foot easement in width, along with a 50 foot temporary construction easement, along the County's property identified as Tax Parcel 127-A-77 located on SR 668.

The vote on the foregoing resolution was as follows:

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

**CONSENT AGENDA**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated January 13, 2003 was approved.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo None

Annette S. Perkins

Gary D. Creed

C.P. Shorter

James D. Politis

Mary W. Biggs

Larry N. Rush

NAY

**Approval of Minutes**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the minutes dated October 14, October 23, October 28, October 29 and November 18, 2002 were approved .

**Schedule Public Hearing -Ordinance Establishing a County Food and Beverage Tax**

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that a Public Hearing is scheduled for Monday, February 24, 2003 at 7:15 p.m. or as soon thereafter, in the Board of Supervisors Meeting Room in the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia in order to consider the public's comments on the following proposed ordinance:

An Ordinance Amending Chapter 2 of the Code of the County of Montgomery by Creating Division 10 Entitled Food and Beverage Tax For the Purpose of Establishing a Food and Beverage Tax Within the Unincorporated Area of the County.

**Appointments - Economic Development Commission (Montgomery Regional)**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Ron Rordam** as the Town of Blacksburg's representative to the Montgomery Regional Economic Development Authority effective January 1, 2003 and expiring December 31, 2005.

## **INTO WORK SESSION**

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

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

1. Revenue Sharing Projects for FY 2001-2002- Update
2. Guardrails
3. Reassessment

The vote on the foregoing motion was as follows:

### **AYE**

C.P. Shorter

James D. Politis

John A. Muffo

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

Larry N. Rush

Supervisor Politis left the meeting at 8:20 p.m.

### **NAY**

None

## **Revenue Sharing Projects for FY 2001-2002 and Guardrails Update**

Dan Brugh, Resident Engineer, Virginia Department of Transportation, updated the Board on Revenue Sharing Projects for FY 2001-2002 and guardrail installations.

### **Reassessment**

Steve Wampler and Mike Colavecchio, Wampler-Eanes Appraisal Group, Inc., updated the Board on the process and results of the general reassessment of real estate. There were 3,800 appeals resulting in 2,800 adjustments. Citizens may appeal at a higher level with the Board of Equalization. Montgomery County's tax base increased by 3% due to new construction in the County and the assessment of property increased by 32% due to increasing market value.

## **OUT OF WORK SESSION**

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

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

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Session.

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      |            |                  |
| Gary D. Creed      |            |                  |
| Mary W. Biggs      |            |                  |
| C.P. Shorter       |            |                  |
| Larry N. Rush      |            |                  |

### **OLD BUSINESS**

#### **SPECIAL USE PERMIT - LARRY PUCKETT**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Larry W. Puckett request for a Special Use Permit in Agriculture (A-1) to allow a garden center is hereby approved subject to the following conditions:

1. This Special Use Permit authorizes the operation of a garden center with associated landscaping business only.
2. The property shall contain no more than one (1) additional storage building and two (2) greenhouse structures **associated with a garden center business**. The gross floor area of any one of these structure(s) shall not exceed three thousand (3,000) square feet. Building permits shall be required for all structures prior to construction.
3. In addition to family members residing on the farm or the farm operators, up to two (2) nonresident, non-family employees (equivalent to two full-time workers at 40 hours per week) are permitted to be engaged in the enterprise on an annual basis.
4. Structures and parking areas shall be located at least one hundred (100) feet from any residential zoning district and adjacent dwellings, other than the owner's dwelling and at least two hundred (200) feet from roadways.
5. Hours of operation shall be limited to the hours between 7 a.m. and 9 p.m.

6. One sign shall be permitted and it shall be non-illuminated and not exceed twenty (20) square feet in area.
7. The proposed garden center shall be of a seasonal nature and have a gravel parking area that complies with Section 10-44 of the Montgomery County Zoning Ordinance.
8. No more than five (5) pieces of heavy equipment associated with the business shall be parked outside at any time and all shall be in good working condition.
9. The owner shall plant a double offset row of evergreen trees along the rear property lines of lots 5 and 6 (eastern side). The trees shall be a minimum of **three (3) feet tall** at time of planting and buffer shall consist of a minimum of three (3) different evergreen species planted on 25' centers. The rows shall be 15' apart.

The property is located at 4055 and 4065 Childress Road and is identified as Tax Parcel Nos. 127-9-5,6 (Account ID #033488, 033489) in the Riner Magisterial District. The property lies in an area designated as Agriculture in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

|  |            |                  |
|--|------------|------------------|
| <u>AYE</u>   | <u>NAY</u> | <u>ABSENT</u>    |
| Gary D. Creed<br>C.P. Shorter<br>Annette S. Perkins<br>John A. Muffo<br>Mary W. Biggs<br>Larry N. Rush | None       | James D. Politis |

**SIX YEAR ROAD IMPROVEMENT PROGRAM**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, in cooperation with representatives of the Virginia Department of Transportation, have prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary Highway System in Montgomery County for which funds are to be budgeted in fiscal years 2003-2009; and

WHEREAS, A duly advertised public hearing was conducted at the Montgomery County Government Center in Christiansburg, Virginia at 7:15 p.m. on November 13, 2002 for the purpose of informing interested citizens of the proposed Six-Year Plan and for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County hereby approves the aforementioned Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years 2003-2009, attached as Exhibit A, with changes to the following:

1. Remove SR 708, Norris Run, from the proposed plan.
2. Add SR 621, Craig Creek Road, back to the plan.
3. Add SR 677, County Line Road, back to the plan.
4. Add relocation of SR 737, Thomas Lane, back to the plan.

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the fiscal year 2003-2004 by the Virginia Department of Transportation Resident Engineer.

The vote on the foregoing resolution was as follows:

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

## **NEW BUSINESS**

### **Board of Supervisors -Appointments**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representatives to the indicated boards, commissions and committees, effective January 1, 2003 and expiring December 31, 2003:

Board/Commission

Supervisor

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|   |  |
|---|--|
| AFD Advisory Board  | <u>James D. Politis</u>  |
| Alleghany Area Library Building<br>Committee Liaison        | <u>Gary D. Creed</u><br><u>Jeffrey D. Johnson</u>                                    |
| County/School Liaison Committee                             | <u>Jeffrey D. Johnson</u> (County Administrator)<br><u>Larry N. Rush</u> (Chair)     |
| Economic Development Alliance (NRV)                         | <u>Jeffrey D. Johnson</u> (County Administrator)<br><u>Larry N. Rush</u> (Chair)     |
| Economic Development Commission<br>(Montgomery Regional)    | <u>Annette S. Perkins</u>  |
| Fairview District Home Board                                | <u>Larry N. Rush</u><br><u>Jeffrey D. Johnson</u> (Alternate)                        |
| Fairview Home, Inc. Board of Directors                      | <u>Jeffrey D. Johnson</u> (County Administrator)<br><u>Larry N. Rush</u> (Alternate) |
| Finance Board   | <u>Larry N. Rush</u> (Chair)<br><u>Jeffrey D. Johnson</u> (County Administrator)     |
| Fire/Rescue Task Force                                      | <u>C. P. Shorter</u>   |
| Human Services Commission<br>Liaison to Executive Committee | <u>Annette S. Perkins</u>  |
| Legislative Liaison   | <u>Mary W. Biggs</u>   |
| Library Board Liaison                                       | <u>Mary W. Biggs</u>   |
| Montgomery County Chamber<br>of Commerce Liaison            | <u>Larry N. Rush</u> (Chairman)  |
| Montgomery County Improvement<br>Council (MCIC)             | <u>John A. Muffo</u>   |
| New River/Mount Rogers Workforce<br>Investment Consortium   | <u>Annette S. Perkins</u><br><u>Mary W. Biggs</u><br><u>Larry N. Rush</u>            |

|  |  |
|--|--|
| Parks & Recreation Commission Liaison                  | <u>Larry N. Rush</u>   |
| Planning Commission Liaison                            | <u>John A. Muffo</u><br><u>Mary W. Biggs</u> (Alternate)                         |
| Real Estate Committee (2)                              | <u>Gary D. Creed</u><br><u>James D. Politis</u>                                  |
| Resource Conservation &<br>Development District (RC&D) | <u>C. P. Shorter</u><br><u>James D. Politis</u> (Alternate)                      |
| Roads Committee (2)                                    | <u>James D. Politis</u><br><u>Larry N. Rush</u>                                  |
| Road Viewers Board                                     | <u>All Board Members</u>   |
| School Board Liaison                                   | <u>Mary W. Biggs</u><br><u>Annette S. Perkins</u> (Alternate)                    |
| Transportation Safety Commission                       | <u>Gary D. Creed</u>   |
| Utilities Committee                                    | <u>Jeffrey D. Johnson</u> (County Administrator)<br><u>Larry N. Rush</u> (Chair) |

The vote on the foregoing resolution was as follows:

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

**Amendment to By-Laws - Montgomery Regional Economic Development Commission**

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

WHEREAS, The Montgomery Regional Economic Development Commission wishes to amend their by-laws; and

WHEREAS, The directors of the Montgomery Regional Economic Development Commission have performed due diligence required by the by-laws of the organization for amendment to the by-laws; and

WHEREAS, The proposed amendments to the by-laws of the Montgomery Regional Economic Development Commission have been approved by unanimous vote of a majority of directors of the Commission.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the by-laws of the Montgomery Regional Economic Development Commission are hereby amended as follows:

1. Section 2: Changes the principal office location from the Montgomery County Courthouse to the Montgomery County Government Center.
2. Section 3: Amend the number of directors from 13 to 11 due to the recent merger of the Greater Blacksburg and Christiansburg-Montgomery County Chamber of Commerce.
3. Section 3: Amend the number of directors appointed by the Montgomery Regional Chamber of Commerce to two. The by-laws presently states that two directors shall be recommended by the Greater Blacksburg Chamber and two recommended by the Christiansburg-Montgomery County Chamber of Commerce.

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      |            |                  |
| Gary D. Creed      |            |                  |
| C.P. Shorter       |            |                  |
| Mary W. Biggs      |            |                  |
| Larry N. Rush      |            |                  |

### **Metropolitan Planning Organization**

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

WHEREAS, Pursuant to the 2000 decennial census, an area of Montgomery County, including the

Town of Blacksburg, the Town of Christiansburg, and a portion of Montgomery County, has been designated as an urbanized area; and

WHEREAS, The State is required to designate the region as a Metropolitan Planning Organization (MPO); and

WHEREAS, The Montgomery County Board of Supervisors is required to establish a Blacksburg/Christiansburg/Montgomery MPO to evaluate regional transportation needs and any requirements under the Clean Air Act; and

WHEREAS, The Montgomery County Board of Supervisors, the Town of Blacksburg, and the Town of Christiansburg desire to establish the Blacksburg/Christiansburg/Montgomery MPO; and

WHEREAS, The Montgomery County Board of Supervisors desires to have an area in addition to the urbanized area included in the Blacksburg/Christiansburg/Montgomery MPO.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby endorse the establishment of the Blacksburg/Christiansburg/Montgomery MPO.

The vote on the foregoing resolution was as follows:

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

**Resolution of Support - HB 1397 - Grant Counties Same Powers of Taxation as Cities and Towns**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Sixty-two percent of the revenue generated by Virginia's local governments to pay for local services is generated at the local level; and

WHEREAS, Seventy-five percent of this local revenue is derived from four sources: the real estate tax, the personal property tax, charges for services, and the sales tax; and

WHEREAS, The real estate tax makes up the largest portion of local revenue at forty-three percent

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of the total; and

WHEREAS, In Montgomery County the real estate tax comprises 51% percent of locally generated revenue; and

WHEREAS, Because counties have very few unrestricted revenue options available, the burden to balance county budgets often falls on the real estate tax; and

WHEREAS, Counties in Virginia need to diversify their revenue base to reduce the burden on the real estate tax; and

WHEREAS, Section 15.2-1104 of the Code of Virginia sets forth the financial powers of cities and towns but counties do not have comparable language in the code; and

WHEREAS, Section 15.2-1104 of the Code of Virginia therefore allows cities and towns to raise taxes and assessments on property, persons, and other subjects of taxation that are not otherwise prohibited by law and the practical application of this results in the ability of cities and towns to levy cigarette taxes and admissions taxes, levy transient occupancy taxes without a cap or restrictions, and levy a meals tax without a cap and without holding a voter referendum; and

WHEREAS, Section 15.2 of the Code of Virginia should be amended to grant counties the same powers of taxation as cities and towns; and

WHEREAS, HB 1397 (Hull) amends Sections 15.2-204 and 15.2-1200 of the Code of Virginia to grant counties the same powers of taxation as cities and towns.

NOW, THEREFORE, BE IT RESOLVED, THAT the Board of Supervisors of the County of Montgomery, Virginia hereby supports HB 1397 and urges its General Assembly delegation to support HB 1397 in the 2003 General Assembly.

The vote on the foregoing resolution was as follows:

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

**Cooperative Service Field Agreement With USDA Wildlife Services (Control of Black Vultures)**

**and Transfer From General Contingencies**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to enter into a Cooperative Service Field Agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) to cooperate in a wildlife damage management project for the purpose of reducing the population of black vultures at the Radford Arsenal Ammunition Plant (RAAP).

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

**FROM**

950 General Contingencies                      (\$2,000)

**TO**

100 Board of Supervisors                      \$2,000

Said funds will provide reimbursement to the U.S. Department of Agriculture to cover the costs of salary, travel, supplies and program services.

The vote on the foregoing resolution was as follows:

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

**Sheriff - Local Law Enforcement Block Program Grant Appropriation and Transfer from General Contingencies**

On a motion by Mary W. Biggs, 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 ended June 30, 2003, for the function and in the amount as follows:

321                      Grants - LLEB                      \$21,495

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

Revenue Account

434401          LLEB Grant – Sheriff                  \$21,495

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

FROM:

950                  General Contingencies (\$2,388)

TO:

321                  Grants-LLEB                                  \$2,388

Said resolution appropriates grant funds received from the federal Local Law Enforcement Block Grant and transfers the required local match.

The vote on the foregoing resolution was as follows:

AYE                          NAY                          ABSENT

Gary D. Creed None                          James D. Politis

C.P. Shorter

Annette S. Perkins

John A. Muffo

Mary W. Biggs

Larry N. Rush

**Salary Increase Requested by The Clerk of The Circuit Court and Transfer From General Contingencies**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby approves and authorizes the following change to the FY2002-2003 Position Classification Plan:

Include Position in County's Classification Plan – Clerk of the Circuit Court (pay grade 35)

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

FROM:

950                  General Contingencies (\$625)

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TO:  
250 Clerk of Circuit Court \$625

The vote on the foregoing resolution was as follows:

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

**New River Sheltered Workshop – Transfer from Community Services Board**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried,

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

FROM:  
910 New River Community Services Board (\$17,010)

TO:  
910 New River Sheltered Workshop \$17,010

Said resolution transfers appropriated funds from the New River Community Services Board to the New River Sheltered Workshop pursuant to the Board of Supervisor's resolution dated November 25, 2002.

The vote on the foregoing resolution was as follows:

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

## **COUNTY ADMINISTRATOR'S REPORT**

Peppers Ferry Regional Wastewater Treatment Authority (PFRWTA) Planning Area The County Administrator reported that PFRWTA has designated services areas where they presently provide wastewater services and currently in the process of planning for the next twenty years. In order to be included in PFRWTA's planning for the future, the County Administrator suggested the Board will need to decide what areas of the County may need additional wastewater services. One area in particular is the Childress - Riner- Bethel area. It has been determined by engineering studies that this area will be expanding and services will be required. The Board will need to request PFRWTA to include this area in their overall planning.

Eagle Rock Subdivision The County Administrator reported that Floyd County has requested the Board of Supervisors to include the road leading into Eagle Rock Subdivision into their road maintenance list. This road could be paved under the Rural Rustic Road Program. This is a private road and the developer declared bankruptcy before the road was paved.

## **BOARD MEMBERS' REPORTS**

Supervisor Shorter Use of Vacant School Facilities It has come to Supervisor Shorter's attention that a private company in Big Island, Virginia purchased a vacant elementary school and used it as a Center for Culture Arts. He believes this was a good idea and may be a possible use for vacant schools in Montgomery County.

Virginia Cooperative Extension - A meeting is scheduled for January 16, 2003 to discuss the possibility of hiring Extension Agents as consultants.

Supervisor Muffo Planning Commission - The Planning Department has trained the Planning Commission members as training facilitators for the comprehensive plan. This will allow the Planning Commission members to train groups who volunteer to help with the comprehensive plan survey. The survey is available on line and encourages every citizen in Montgomery County to complete the survey. Results of the survey will be used in the revision of the comprehensive plan.

Supervisor Perkins Virginia Tech/Montgomery Regional Airport Authority - Supervisor Perkins submitted a copy of the financial statement of the Airport Authority to be distributed to the Board members.

School Board - A copy of the preliminary school budget for FY 2003-2004 is available. The School Board has requested level funding. Also, the new Christiansburg Middle School construction is right on schedule. The new middle school should be open next year.

Supervisor Creed Transportation Safety Commission- Supervisor Creed reported that the representative from the Virginia State Police reported a problem with excessive charging for towing on Interstate 81. Supervisor Creed asked if the County could impose a limit on towing company charges.

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Riffe Street - Supervisor Creed asked for the status on paving Riffe Street. The County Administrator reported that it was included on the County's Rural Addition List at the Board's December 16, 2002 meeting. The Planning Department is also working with the surveyor to complete a platted right-of-way. No right-of-way can be conveyed until the survey is completed. Supervisor Creed indicated that the process could move at a faster pace. A meeting with the County Administrator, Planning Director, and Supervisor Creed will be scheduled to discuss this issue in more detail.

Supervisor Biggs Cat Ordinance Supervisor Biggs has received a complaint from a constituent concerning feral cats roaming free. The County has no ordinance regarding cat control.

Dog Tags Supervisor Biggs suggested the County study the feasibility of allowing dog owners to purchase dog tags for three years instead of for one year. This would be voluntarily and dog owners would still have the opportunity to purchase the dog tag annually.

School Board Supervisor Biggs reported that Wat Hopkins was elected Chair of the School Board and Tacy Newell as Vice-Chair.

County Comparison - Supervisor Biggs requested staff to create a handout or report showing how and why Montgomery County is compared to localities other than the surrounding localities such as Pulaski, Giles and Floyd. This handout would be beneficial to Board members when their constituents ask why Montgomery County is compared to northern Virginia.

Supervisor Rush asked for suggestions from the Board on ideas for developing the meeting agendas and for suggestions for improving Board meetings. He requested each Board member to submit their ideas and they could discuss these during a work session.

## **INTO CLOSED MEETING**

On a motion by John A. Muffo, seconded by Mary W. Biggs 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      (1)      Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance,

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Demotion, Salaries, Disciplining or Resignation of Specific Public Officers, Appointees or Employees

1. Personnel Matter
  2. Adjustment and Appeals Board
  3. Office on Youth Advisory Board
  4. Parks & Recreation Commission
  5. Board of Equalization
- (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 Industry

- (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. Utility Agreement - Blacksburg

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 |
| Gary D. Creed      |            |                  |
| Annette S. Perkins |            |                  |
| John A. Muffo      |            |                  |
| Mary W. Biggs      |            |                  |
| Larry N. Rush      |            |                  |

**OUT OF CLOSED MEETING**

On a motion by John A. Muffo, seconded by C.P. Shorter 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>    |
|--------------------|------------|------------------|
| C.P. Shorter       | None       | James D. Politis |
| Gary D. Creed      |            |                  |
| Annette S. Perkins |            |                  |
| John A. Muffo      |            |                  |
| Mary W. Biggs      |            |                  |
| Larry N. Rush      |            |                  |

### **CERTIFICATION OF CLOSED MEETING**

On a motion by C.P. Shorter, seconded by Mary W. Biggs 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**

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

#### **NAYS**

None

#### **ABSENT DURING VOTE**

James D. Politis

ABSENT DURING MEETING

James D. Politis

BOARD OF EQUALIZATION RECOMMENDATION

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia pursuant to Section 58.1-3370 of the Code of Virginia, as amended, adopted a resolution on December 16, 2002 requesting the Honorable Ray W. Grubbs, Judge of the Circuit Court of Montgomery County, Virginia to create for Montgomery County a Board of Equalization of real estate assessments consisting of 3 Landowners of the County and the Court entered an Order appointing the following individuals to the Board of Equalization:

Robert Poff  
Harlan E. White  
Crosby Houston

WHEREAS, The Board of Supervisors desires to recommend that Reed Kennedy also be appointed to the Board of Equalization.

NOW, THEREFORE, BE IT RESOLVED, The Montgomery County Board of Supervisors requests the Honorable Ray W. Grubbs, Judge of the Circuit Court of Montgomery County to expand the Board of Equalization to 4 members and consider the appointment of **Reed Kennedy** to the Board of Equalization.

The vote on the foregoing resolution was as follows:

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

OTHER BUSINESS

The Board discussed the Boys and Girls Club and the New River Valley Economic Development Alliance funding. It was the consensus of the Board to include these two activities in the FY 04 budget requests in light of the fact that the Board had funded these activities in the FY 03 budget.

The Board discussed a request from the Town of Blacksburg for the County to adopt an ordinance which would allow real estate rebates to improvements to real property located within historical districts as prescribed by the Code of Virginia. It was the unanimous consensus of the Board not to pursue this ordinance based upon the counsel of the County Attorney. The Board was advised this type of ordinance would apply county-wide and could not just be applied to one entity. The Board was advised the County currently does not have the resources to administer this type of county-wide ordinance.

### **ADJOURNMENT**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, January 27, 2003 at 7:15 p.m.

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 |
| Gary D. Creed      |            |                  |
| Annette S. Perkins |            |                  |
| John A. Muffo      |            |                  |
| Mary W. Biggs      |            |                  |
| Larry N. Rush      |            |                  |

The meeting adjourned at 10:30 p.m.