

AT REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY  
COUNTY, VIRGINIA HELD ON THE 14<sup>TH</sup> DAY OF MAY, 2001 AT 7:15 P.M. IN  
COURTROOM B, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

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

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**PUBLIC HEARING**

Conveyance of Ingress and Egress Easement

**American Electric Power requests the Board of Supervisors to convey to Triton Communications an ingress and egress easement** over the existing fifty (50') foot ingress and egress easement reserved to American Electric Power on the County's 12.378 acre parcel located adjacent to Shelor Lane (commonly referred to as the property dedicated by AEP to the County of Montgomery). The purpose behind the request is for the County to grant Triton the legal right to ingress and egress over the existing fifty (50') foot easement in order to install and maintain an antenna on an existing American Electric Power pole located on American Electric Powers's Ellett Station Property adjacent to the County's property.

Mike Quam, representative from American Electric Power, addressed the Board concerning their request granting Triton Communications an ingress/egress easement to AEP's Ellett Station property located at the end of Shelor Lane. Triton Communications will be installing an antenna on the existing AEP pole and they will need access to the property in order to install and maintain the antenna.

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

### **PUBLIC ADDRESS SESSION**

Ann Groves spoke in support of the Parks & Recreation Commission recommendations for the American Electric Power donated land to Montgomery County. She commended Supervisor Perkins, Supervisor Rush, and Supervisor Muffo for their participation in coordinating the community meetings, surveys and class study on this parcel. Ms. Groves stated she is pleased with the recommendations on the development of this property.

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

### **INTO WORK SESSION**

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

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

1. Presentation of the Montgomery County 177 Sewer Study
2. Presentation on Performance Management

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 WORK SESSION**

On a motion by Joe C. Stewart, seconded by James D. Politis and carried unanimously,

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

Session.

The vote on the foregoing motion was as follows:

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

### **CONSENT AGENDA**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously, the Consent Agenda dated May 14, 2001 was approved.

The vote on the foregoing motion was as follows:

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

### **Approval of Minutes**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously, the minutes dated March 26, April 2, April 4, April 9, April 11, and April 16, 2001 were approved.

**Schedule Public Hearing**

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

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby schedules a public hearing for Monday, June 25, 2001 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

**Adoption of a Resolution Allowing the Transfer of Property from the New River Valley Airport Commission to Virginia's First Regional Industrial Facility Authority**

The adoption of a resolution authorizing the transfer of 5 acres of land located in Dublin, Virginia from Montgomery County, a member of the New River Valley Airport Commission to Virginia's First Regional Industrial Facility Authority for the purpose of creating a new road into the New Commerce Park. In exchange for the 5 acre tract Virginia's First Regional Industrial Facility Authority will transfer to The New River Valley Airport Commission members an equal 5 acre tract of land located in the New Commerce Park area.

A copy of the proposed Resolution and plat showing the property to be transferred is available for public inspection at the office of the County Attorney/County Administrator during normal business hours.

**Riner Volunteer Fire Department**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001, for the function and in the amount as follows:

123301RN      Riner Volunteer Fire Department      \$2,012.50

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

**Revenue Account**

419108      Recovered Costs      \$2,012.50

Said resolution appropriates the Riner Volunteer Fire Department's share of the cost of communication equipment.

**Riner Fire Department - Insurance Recovered Costs**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001, for the function and in the amount as follows:

330 Riner Fire Department \$4,142

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

Revenue Account

441101 Insurance Recoveries \$4,142

Said resolution appropriates recovered costs from insurance recoveries for Riner Fire Department.

**Long Shop/McCoy Fire Department - Insurance Recovered Costs**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001, for the function and in the amount as follows:

330 Long Shop/McCoy Fire Department \$1,586

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

Revenue Account

441101 Insurance Recoveries \$1,586

Said resolution appropriates recovered costs from insurance recoveries for Long Shop/McCoy Fire Department.

**Sheriff - Insurance Recovered Costs**

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

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

General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001, for the function and in the amount as follows:

180	Internal Services	\$15,900
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

441101	Insurance Recoveries	\$15,900
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Said resolution appropriates insurance recoveries for the Sheriff's Department.

**Social Services - Appropriation**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001, for the function and in the amount as follows:

540	Social Services	\$15,000
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The sources of the funds for the foregoing appropriation is as follows:

Revenue Account

424102	Public Assistance	\$15,000
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Said resolution appropriates funding for the Adoption Subsidy Program.

**Addition to Secondary System of State Highways - Green Hill Lane**

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

WHEREAS, The street described below was established prior to 1978 and is shown on a plat recorded in the Clerk's Office of the Circuit Court and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-72.1, Code of Virginia; and

WHEREAS, After examining the ownership of all property abutting the street, this Board finds that speculative interest does not exist.

NOW THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-72.1 (D), Code of Virginia:

**ADDITION:**

<u>Name of Street:</u>	<u>Length</u>
Green Hill Lane	0.25 miles
From: Int. Route 11	
To: A Turn Around	
Plat Recorded, Date: June 23, 2000, Plat Book: 20, Page: 148,149,150	
Plat Recorded, Date: November 2, 1961, Plat Book: 2, Page 105	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 40' as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, This Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-72.1 (D), Code of Virginia; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

**APPOINTMENTS**

**Parks and Recreation Commission**

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby reappoints **Martin Jansons** to the Montgomery County Parks and Recreation Commission as representative for District G effective May 15, 2001 and expiring May 14, 2004.

**OLD BUSINESS**

**An Ordinance Creating Chapter 9.3 of the Code of the County of Montgomery, Virginia, Entitled Cross Connection Control in Order to Establish and Enforce a Cross Connection Control and Backflow Prevention Ordinance**

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

**2001-06  
An Ordinance Creating Chapter 9.3  
of the Code of the County of Montgomery, Virginia,  
Entitled Cross Connection Control**

BE IT ORDAINED, That the Board of Supervisors of the County of Montgomery, Virginia hereby creates Chapter 9.3 of the Code of the County of Montgomery, Virginia, Entitled Cross Connection Control in Order to Establish and Enforce a Cross Connection Control and Backflow Prevention Ordinance as follows:

**Section 9.3.1 Purpose and Authority of the Ordinance**

(a) Purpose of the Ordinance

Purpose of this ordinance is to abate or control actual or potential cross connections and protect the public health. This ordinance provides for establishment and enforcement of a program of cross connection control and backflow prevention in accordance with the Commonwealth of Virginia, State Board of Health, *Waterworks Regulations 1995*, or as amended. **THIS ORDINANCE IS DIRECTED AT SERVICE LINE PROTECTION (CONTAINMENT).**

(b) Authority for Ordinance

Commonwealth of Virginia, Department of Health  
*Waterworks Regulations*, Part II, Article 3:  
Cross Connection Control and Backflow Prevention in Waterworks

**Section 9.3.2 Administration of the Ordinance**

(a) The Public Service Authority Director, herein called the Director, shall administer and enforce the provisions of this ordinance under the direction of the County Administrator.

(b) It shall be the duty of the Director to cause assessment to be made of properties served by the waterworks where cross connection with the waterworks is deemed possible. The method of determining potential cross connection with the

waterworks and the administrative procedures shall be established by the Director in a Cross Connection Control Program (Program) approved by the Commonwealth of Virginia, Department of Health, Division of Water Supply Engineering.

- (c) The responsibility to carry out the Program lies with the Water Operations Supervisor or his/her designee.

### **Section 9.3.3 Enforcement of the Ordinance**

- (a) Upon request, the owner or occupants of property served shall furnish to the Water Operations Supervisor or his/her designee pertinent information regarding the consumer's water supply or systems on such property for the purpose of assessing the consumer's water supply system for cross connection hazards and determining the degree of hazard, if any. The refusal of such information, when requested, shall be deemed evidence of the presence of a high degree of hazard cross connection.

- (b) Notice of Violation

Any consumer's water supply system owner found to be in violation of any provision of this ordinance shall be served a written notice of violation sent certified mail to the consumer's water supply system owner's last known address, stating the nature of the violation, corrective action required and providing a reasonable time limit, not to exceed 30 days, from the date of receipt of the notice of violation, to bring the consumer's water supply system into compliance with this ordinance or have water service terminated.

- (c) Penalties

Any owner of properties served by a connection to the waterworks found guilty of violating any of the provisions of this ordinance, or any written order of the County Administrator in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 or more than \$1,000 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

### **Section 9.3.4 Responsibilities of the Public Service Authority (PSA), and Water Operations Supervisor**

Effective cross connection control and backflow prevention requires the cooperation of the

PSA, Director, Water Operations Supervisor or his/her designee, the owner(s) of the property served, the Local Building Official and the backflow prevention device tester.

- (a) The Program shall be carried out in accordance with the Commonwealth of Virginia, State Board of Health, *Waterworks Regulations* and shall as a minimum provide containment of potential contaminants at the consumer's service connection.
- (b) The PSA has full responsibility for water quality and for the construction, maintenance and operation of the waterworks beginning at the water source and ending at the service connection.
- (c) The owner of the property served and the PSA have shared responsibility for water quality and for the construction, maintenance, and operation of the consumer's water supply system from the service connection to the free flowing outlet.
- (d) The Director shall, to the extent of their jurisdiction, provide continuing identification and evaluation of all cross connection hazards. This shall include an assessment of each consumer's water supply system for cross connection to be followed by the requirement, if necessary, of installation of a backflow prevention device or separation. Assessments shall be performed at least annually.
- (e) In the event of the backflow of pollution or contamination into the waterworks, the Director shall promptly take or cause corrective action to confine and eliminate the pollution or contamination. The Director shall report to the appropriate Commonwealth of Virginia, Department of Health, Office of Water Programs Field Office in the most expeditious manner (usually by telephone) when backflow occurs and shall submit a written report by the 10<sup>th</sup> day of the month following the month during which backflow occurred addressing the incident, its causes, effects, and preventative or control measures required or taken.
- (f) The Director shall take positive action to ensure that the waterworks is adequately protected from cross connections and backflow at all times. If a cross connection exists or backflow occurs into a consumer's water supply system or into the waterworks or if the consumer's water supply system causes the pressure in the waterworks to be lowered below 10 psi gauge, the Director may discontinue the water service to the consumer and water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the Director.
- (g) In order to protect the occupants of a premises, the Water Operations Supervisor or his/her designee should inform the consumer's water supply system owner(s)

of any cross connection beyond the service connection that should be abated or controlled by application of an appropriate backflow prevention device or separation. Appropriate backflow prevention device or separation should be applied at each point-of-use and/or applied to the consumer's water supply system, isolating an area which may be a health or pollutional hazard to the consumer's water supply system or to the waterworks.

- (h) Records of backflow prevention devices, separations, and consumer's water supply systems, including inspection records, records of backflow incidents, and records of device tests shall be maintained by the Director for ten years.

### **Section 9.3.5 Responsibilities of the Consumer's Water Supply System Owner**

- (a) The consumer's water supply system owner(s), at their own expense, shall install, operate, test, and maintain required backflow prevention devices or backflow prevention by separation.
- (b) The consumer's water supply system owner(s) shall provide copies of test results, maintenance records and overhaul records to the Director within 30 days of completion of testing or work. Such testing or work shall have been performed by device testers which have obtained a certificate of completion of a course recognized by the American Water Works Association, the Virginia Department of Health or the Virginia Cross Connection Control Association for cross connection control and backflow prevention inspection, maintenance and testing or otherwise be certified by a Commonwealth of Virginia tradesman certification program.
- (c) All new residences shall be fitted with a residential dual check (ASSE#1024).
- (d) All existing residences shall be fitted with a residential dual check (ASSE#1024) by January 1, 2001.

### **Section 9.3.6 Preventative and Control Measures for Containment**

- (a) Service Line Protection

Backflow prevention device or separation shall be installed at the service connection to a consumer's water supply system where, in the judgment of the Director a health or pollutional hazard to the consumer's water supply system or to the waterworks exists or may exist unless such hazards are abated or controlled to the satisfaction of the Director.

(b) Special Conditions

1. When, as a matter of practicality, the backflow prevention device or separation cannot be installed at the service connection, the device or separation may be located downstream of the service connection but prior to any unprotected takeoffs.
2. Where all actual or potential cross connections can be easily correctable at each point-of-use and where the consumer's water supply system is not intricate or complex, point-of-use isolation protection by application of an appropriate backflow prevention device or backflow prevention by separation may be used at each point-of-use in lieu of installing a containment device at the service connection.

(c) A backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system serving premises where the following conditions exist:

1. Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks (this shall include premises having auxiliary water systems or having sources or systems containing process fluids or waters originating from a waterworks which are no longer under the control of the waterworks owner).
2. Premises having internal cross connection that, in the judgement of the Director may not be easily correctable or intricate plumbing arrangements which make it impracticable to determine whether or not cross connections exist.
3. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make an evaluation of all cross connection hazards.
4. Premises having a repeated history of cross connections being established or reestablished.
5. Other premises specified by the Director where cause can be shown that a potential cross connection hazard not enumerated above exists.

(d) Premises having booster pumps or fire pumps connected to the waterworks shall have the pumps equipped with a pressure sensing device to shut off or regulate the flow from the booster pump when the pressure in the waterworks drops to a

minimum of 10 psi gauge at the service connection.

- (e) An approved backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system or installed under Special Conditions, Section VII.B. serving, but not necessarily limited to, the following types of facilities:
1. Hospitals, mortuaries, clinics, veterinary establishments, nursing homes, dental offices and medical buildings;
  2. Laboratories;
  3. Piers, docks, waterfront facilities;
  4. Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
  5. Food and beverage processing plants;
  6. Chemical plants, dyeing plants and pharmaceutical plants;
  7. Metal plating industries;
  8. Petroleum or natural gas processing or storage plants;
  9. Radioactive materials processing plants or nuclear reactors;
  10. Car washes and laundries;
  11. Lawn sprinkler systems, irrigation systems;
  12. Fire service systems;
  13. Slaughter houses and poultry processing plants;
  14. Farms where the water is used for other than household purposes;
  15. Commercial greenhouses and nurseries;
  16. Health clubs with swimming pools, therapeutic baths, hot tubs or saunas;
  17. Paper and paper products plants and printing plants;

18. Pesticide or exterminating companies and their vehicles with storage or mixing tanks;
  19. Schools or colleges with laboratory facilities;
  20. High-rise buildings (4 or more stories);
  21. Multi use commercial, office, or warehouse facilities;
  22. Others specified by the Director when reasonable cause can be shown for a potential backflow or cross connection hazard.
- (f) Where lawn sprinkler systems, irrigation systems or fire service systems are connected directly to the waterworks with a separate service connection, a backflow prevention device or backflow prevention by separation shall be installed at the service connection or installed under Special Conditions, Section VII.B.1.

### **Section 9.3.7 Type of Protection Required**

The type of protection required shall depend on the degree of hazard which exists or may exist.

The degree of hazard, either high, moderate, or low, is based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by a backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Table 1, entitled DETERMINATION OF DEGREE OF HAZARD, which is attached as an appendix and incorporated by reference to this chapter, shall be used as a guide to determine the degree of hazard for any situation.

- (1) air gap or physical disconnection gives the highest degree of protection and shall be used whenever practical to do so in high hazard situations subject to backpressure.
- (2) An air gap, physical disconnection and a reduced pressure principle backflow prevention device will protect against backpressure when operating properly.
- (3) ressure vacuum breakers will not protect against backpressure, but will protect against backsiphonage when operating properly. Pressure vacuum breakers may be used in low, moderate or high hazard situations subject to backsiphonage only.

- (4) double gate - double check valve assembly shall not be used in high hazard situations.
- (5) arometric loops are not acceptable.
- (6) Interchangeable connections or change-over devices are not acceptable.

**Section 9.3.8 Backflow Prevention Devices and Backflow Prevention by Separation for Containment**

- (a) Backflow prevention devices for containment include the reduced pressure principle backflow prevention assembly, the double gate - double check valve assembly, and the pressure vacuum breaker assembly.
- (b) Backflow prevention by separation shall be an air gap or physical disconnection. The minimum air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which case the minimum air gap shall be three times the effective opening of the outlet. In no case shall the minimum air gap be less than one inch.
- (c) Backflow prevention devices shall be of the approved type and shall comply with the most recent American Water Works Association Standards and shall be approved for containment by the University of Southern California, Foundation for Cross Connection Control and Hydraulic Research.
- (d) Backflow prevention devices shall be installed in a manner approved by the Director and in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research recommendations and the manufacturer's installation instructions. Vertical or horizontal positioning shall be as approved by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.
- (e) Existing backflow prevention devices approved by the Director prior to the effective date of this ordinance shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of Section X. C. and D. if the Director is assured that the devices will protect the waterworks.
- (f) For the purpose of application to Special Conditions, Section VII.B.2., point-of-use isolation devices or separations shall be as specified by the Director where reasonable assurance can be shown that the device or separation will protect the

waterworks. As a minimum, point-of-use devices should bear an appropriate American Society of Sanitary Engineering Standard Number. See the Cross Connection Control Program, Appendix A, for Isolation Device Application.

- (g) Backflow prevention devices with openings, outlets, or vents that are designed to operate or open during backflow prevention shall not be installed in pits or areas subject to flooding.

### **Section 9.3.9 Maintenance and Inspection Requirements**

- (a) It shall be the responsibility of the consumer's water supply system owner(s) to maintain all backflow prevention devices or separations installed in accordance with Section VII in good working order and to make no piping or other arrangements for the purpose of bypassing or defeating backflow prevention devices or separations.
- (b) Operational testing and inspection schedules shall be established by the Director as outlined in the Cross Connection Control Program for all backflow prevention devices and separations which are installed at the service connection or installed under Special Conditions, Section VII. The interval between testing and inspection of each device shall be established in accordance with the age and condition of the device and the device manufacturer's recommendations. Backflow prevention device and separation inspection and testing intervals shall not exceed 1 year.
- (c) Backflow prevention device overhaul procedures and replacement parts shall be in accordance with the manufacturer's recommendations.
- (d) Backflow prevention device testing procedures shall be in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, Backflow Prevention Assembly Field Test Procedure and the manufacturer's instructions.

### **Section 9.3.10 Definitions**

- (a) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated for the purpose of this Chapter:

*Air Gap* — means the unobstructed vertical distance through the free atmosphere between the lowest point of the potable water outlet and the rim of the receiving vessel.

*Authority* — means the Montgomery County Public Service Authority.

*Auxiliary Water System* — means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

*Backflow* — means the flow of water or other liquids, mixtures, or substances into a waterworks from any source or sources other than its intended source.

*Backflow Prevention by Separation (“Separation”)* — means preventing backflow by either an air gap or by physical disconnection of a waterworks by the removal or absence of pipes, fittings, or fixtures that connect a waterworks directly or indirectly to a nonpotable system or one of questionable quality.

*Backflow Prevention Device (“Device”)* — means any approved device intended to prevent backflow into a waterworks.

*Backpressure Backflow* — means backflow caused by pressure in the downstream piping which is superior to the supply pressure at the point of consideration.

*Backsiphonage Backflow* — means backflow caused by a reduction in pressure which causes a partial vacuum creating a siphon effect.

*Consumer* — means person who drinks water from a waterworks.

*Consumer’s Water Supply System (“Consumer’s System”)* — means the water service pipe, water distributing pipes, and necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

*Containment* — means the prevention of backflow into a waterworks from a consumer’s water supply system by a backflow prevention device or by backflow prevention by separation in the service connection.

*Contaminant* — means any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

*Cross Connection* — means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

*Degree of Hazard* — means either a high, moderate or low hazard based on the nature

of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

*Director* — means the Director of the Montgomery County Public Service Authority.

*Distribution Main* — means a water main whose primary purpose is to provide treated water to service connections.

*Division* — means the Commonwealth of Virginia, Virginia Department of Health, Office of Water Programs, Division of Water Supply Engineering.

*Domestic Use or Usage* — means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets (see Appendix A for Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

*Double Gate-Double Check Valve Assembly* — means an approved assembly designed to prevent backsiphonage or backpressure backflow and used for moderate or low hazard situations, composed of two independently operating, spring-loaded check valves, tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

*Entry Point* — means the place where water from the source is delivered to the distribution system.

*Health Hazard* — means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well being of the water consumer.

*Isolation* — means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the sources of potential contamination in the consumer's water supply system. This is also called point-of-use isolation. Isolation of an area or zone within a consumer's water supply system confines the potential source of contamination to a specific area or zone. This is called area or zone isolation.

*Maximum Contaminant Level* — means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a waterworks, except in the cases of turbidity and VOC's, where the maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping

and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either “primary” (PMCL) meaning based on health considerations or “secondary” (SMCL) meaning based on aesthetic considerations.

*Plumbing Fixture* — means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, waste materials, or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

*Pollution* — means the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

*Pollution Hazard* — means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer’s water system.

*Premises* — means a piece of real estate; house or building and its land.

*Pressure Vacuum Breaker* — means an approved assembly designed to prevent backsiphonage backflow and used for high, moderate, or low hazard situations, composed of one or two independently operating, spring-loaded check valves; an independently operating, spring-loaded air-inlet valve; tightly closing shutoff valves located at each end of the assembly; and fitted with properly located tests cocks.

*Process Fluids* — means any kind of fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:

1. Polluted or contaminated water,
2. Process waters,
3. Used water, originating from the waterworks which may have deteriorated in sanitary quality,
4. Cooling waters,
5. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems,

6. Chemicals in solution or suspension, and
7. Oils, gases, acids, alkalis, and other liquids and gaseous fluid used in industrial or other processes, or for fire fighting purposes.

*Pure Water or Potable Water* — means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served.

*Reduced Pressure Principle Backflow Prevention Device (RPZ) device* — means an approved assembly designed to prevent backsiphonage or backpressure backflow used for high, moderate, or low hazard situations, composed of a minimum of two independently operating, spring-loaded check valves together with an independent, hydraulically operating pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the assembly and be fitted with properly located test cocks.

*Service Connection* — means the point of delivery of water to a customer's building service line as follows:

1. If a meter is installed, the service connection is the downstream side of the meter;
2. If a meter is not installed, the service connection is the point of connection to the waterworks;
3. When the water purveyor is also the building owner, the service connection is the entry point to the building.

*System Hazard* — means a condition posing a threat of or actually causing damage to the physical properties of the waterworks or a consumer's water supply system.

*Used Water* — means water supplied from the waterworks to a consumer's water supply system after it has passed through the service connection.

*Water Operations Supervisor* — means the licensed responsible person in charge of water operations for the PSA.

*Water Supply* — means the water that shall have been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface water (natural or impounded),

and the tributaries thereto, and all impounded groundwater, but the term “water supply” shall not include any waters above the point of intake of such waterworks.

*Waterworks* — means a system that serves piped water for drinking or domestic use to (1) the public, (2) at least 15 connections, or (3) an average of 25 individuals for at least 60 days out of the year. The term “waterworks” shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

*Waterworks Owner* — means an individual, group of individuals, partnership, firm, association, institution, corporation, government entity, or the Federal Government which supplies or proposed to supply water to any person within this State from or by means of any waterworks (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

## APPENDIX

### **TABLE 1 - DETERMINATION OF DEGREE OF HAZARD**

Premises with the following conditions shall be rated at the corresponding degree of hazard.

High Hazard	<ul style="list-style-type: none"><li>- The contaminant is toxic, poisonous, noxious or unhealthy.</li><li>- In the event of backflow of the contaminant, a health hazard would exist.</li><li>- A high probability exists of a backflow occurrence either by backpressure or by backsiphonage.</li><li>- The contaminant would disrupt the service of piped water for drinking or domestic use.</li><li>- Examples — Sewage, used water, nonpotable water, auxiliary water systems and toxic or hazardous chemicals.</li></ul>
Moderate Hazard	<ul style="list-style-type: none"><li>- The contaminant would only degrade the quality of the water aesthetically usefulness of the water.</li><li>- In the event of backflow of the contaminant, a health hazard would not exist.</li><li>- A moderate probability exists of a backflow occurrence either by backpressure or by backsiphonage.</li></ul>

- The contaminant would not seriously disrupt service of piped water for drinking or domestic use.

- Examples — Food stuff, nontoxic chemicals and nonhazardous chemicals.

Low  
Hazard

- The contaminant would only degrade the quality of the water aesthetically.

- In the event of backflow of the contaminant, a health hazard would not exist.

- A low probability exists of the occurrence of backflow.

- Backflow would not occur by backsiphonage.

- The contaminant would not disrupt service of piped water.

- Examples — Food stuff, nontoxic chemicals and nonhazardous chemicals.

ADOPTED By the Board of Supervisors of the County of Montgomery, Virginia, this  
14th day of May, 2001.

The vote on the foregoing ordinance was as follows:

AYE

C.P. Shorter

Larry N. Rush

John A. Muffo

Annette S. Perkins

Joe C. Stewart

James D. Politis

Mary W. Biggs

NAY

None

### **Special Use Permit - Anthony R. Graves**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Anthony R. Graves request for a Special Use Permit (Tax Parcel No. 45-A-33E) in Agriculture (A-1) with possible conditions on 1.0 acres of a 41.194 acre tract to allow custom meat cutting and processing, located at 2701 Flatwoods Road in the Mount Tabor Magisterial District is hereby approved subject to the following conditions:

May 14, 2001

Page 22 of 41

- (a) The building is to be used for custom meat cutting and processing only and shall not exceed 1000 square feet in size and shall be located no closer than thirty (30) feet from any property line.
- (b) All septic and well permits for the proposed use shall be obtained prior to issuance of any building permits.
- (c) All waste shall be contained in a leak-proof container and kept in a secure area. Containers shall be collected on a regular basis for proper disposal.
- (d) A minimum 15 foot vegetative buffer shall be maintained or replanted with evergreen trees (6' in height at 1215' spacing) for 100 feet along property line in area of the proposed building.
- (e) There will be no retail sales on the property.
- (f) A permit from Virginia Department of Transportation shall be obtained, if applicable, prior to issuance of any building permits.
- (g) Proposed building as depicted on the concept plan dated 2/20/01, will be rotated 90 to 180 degrees so the loading area is not facing adjacent property owners.
- (h) Facility will be inspected by the VA Department of Agriculture.

The vote on the foregoing motion was as follows:

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

**Rezoning Request - Georgia Anne Snyder-Falkinham**

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

**ORDINANCE 2001 - 07**

**An Ordinance Amending the Zoning  
Classification of 4.21 acres from  
A-1 (Agricultural) to Manufacturing-Light (M-L)**

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 4.21 acres of land is hereby amended and rezoned from the zoning classification of A-1 (Agricultural) to Manufacturing-Light (M-L) subject to the following proffered conditions:

1. Public water and public sewer will be extended to serve this site prior to issuance of any building permits.
2. The general layout of the site will be in substantial conformance with the attached concept plan dated 2/28/01.
3. The following uses will not be permitted on this site: Crematorium, Homeless Shelter and Laundry, Dry Cleaning Plant.
4. Any mechanical equipment necessary for the buildings will be located at the rear of the buildings or will be screened so they would not be so visible to the road.
5. No billboards or pole-mounted signs will be allowed.

This action was commenced upon the application of Georgia Anne Snyder-Falkinham (Agent Anderson & L. Associates, Inc.)

These tracts or parcels of land are identified as being shown on Tax Parcel No. 067-A-161A located on the South side of the proposed, revised Route 460 Bypass and West of Norfolk Southern Railroad Tunnel in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing motion was as follows:

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

Joe C. Stewart  
Larry N. Rush  
Mary W. Biggs

**Rezoning Request - Beliveau Development Corp. (Agent: Yvan Beliveau)**

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

BE IT RESOLVED, The Beliveau Development Corp. (Agent: Yvan Beliveau) request to rezone 2.2 acres from Agricultural (A-1) to Residential (RM-1), with possible proffered conditions, for multi-family or townhouse development located at 3030-3032 Peppers Ferry Road in the Prices Fork Magisterial District is hereby **TABLED** until such time as an entrance permit has been approved by the Virginia Department of Transportation.

The vote on the foregoing motion was as follows:

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

**Comprehensive Plan Amendment**

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

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

TEXT AMENDMENT- Regional Approach to Telecommunication Towers dated April 11, 2001 addressing the following issues:

1. Uniform definition and approach to co-location
2. Uniform and consistent notification procedures
3. Uniform approach to siting of new towers
4. Uniform mapping of tower sites
5. Consistent use of consultants to assist jurisdiction in review of requests

The vote on the foregoing motion was as follows:

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

**NEW BUSINESS**

**School Operating Fund: Transfer from Special Contingencies**

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

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

FROM:

02 General Fund-Special Contingencies	(\$60,830)
---------------------------------------	------------

TO:

09 School Operating Fund	\$60,830
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Said resolution transfers funds from the General Fund to the School Operating fund for the next maintenance project on the School Board Priority List.

The vote on the foregoing motion was as follows:

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

**Revenue Refunds: Supplemental Appropriation**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001, for the function and in the amount as follows:

900 Revenue Refunds \$25,000

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

Revenue Account

400BRE 2000B Real Estate Taxes \$25,000

Said resolution appropriates additional funds for the payment of revenue refunds.

The vote on the foregoing motion was as follows:

AYE                      NAY

Larry N. Rush None

John A. Muffo

C.P. Shorter

Annette S. Perkins

James D. Politis

Joe C. Stewart

Mary W. Biggs

**Resolutions of Appreciation - Redistricting Committee - Joseph S. Brown**

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

WHEREAS, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County’s election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed **Joseph S. Brown** to the Redistricting Committee as a representative for District A; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task , with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to **Joseph S. Brown** for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

### **Resolution of Appreciation - Rhonda Reynolds**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County's election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed **Rhonda Reynolds** to the Redistricting Committee as a representative for District B; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery

County, Virginia expresses its gratitude and appreciation to ***Rhonda Reynolds*** for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

### **Resolution of Appreciation - Charlie Elgin**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County's election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed ***Charlie Elgin*** to the Redistricting Committee as a representative for District C; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to ***Charlie Elgin*** for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

C.P. Shorter

Annette S. Perkins

James D. Politis

Joe C. Stewart

Larry N. Rush

Mary W. Biggs

NAY

None

**Resolution of Appreciation - Robert A. Phillips**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County's election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed ***Robert A. Phillips*** to the Redistricting Committee as a representative for District D; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to ***Robert A. Phillips*** for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

C.P. Shorter

Annette S. Perkins

James D. Politis

Joe C. Stewart

Larry N. Rush

Mary W. Biggs

NAY

None

**Resolution of Appreciation - Joseph L. Wall**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County’s election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed *Joseph L. Wall* to the Redistricting Committee as a representative for District E; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County’s elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to *Joseph L. Wall* for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

**Resolution of Appreciation - Andy Morikawa**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County’s election districts based on

information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed *Andy Morikawa* to the Redistricting Committee as a representative for District F; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to *Andy Morikawa* for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

**Resolution of Appreciation - Joseph V. Gorman, Jr.**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County's election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed *Joseph V. Gorman, Jr.* to the Redistricting Committee as a representative for District G; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to **Joseph V. Gorman, Jr.** for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

**Resolution of Appreciation - Steve Cochran**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County's election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed **Steve Cochran** to the Redistricting Committee as a non-voting representative for the Democratic Party; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to **Steve Cochran** for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

**Resolution of Appreciation - Larry J. Linkous**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County's election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed **Larry J. Linkous** to the Redistricting Committee as a non-voting representative for the Republican Party; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to **Larry J. Linkous** for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

Larry N. Rush  
Mary W. Biggs

**Resolution of Appreciation - Basil I. Gooden**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County's election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed ***Basil I. Gooden*** to the Redistricting Committee as a non-voting representative for the NAACP; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to ***Basil I. Gooden*** for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

**Resolution of Appreciation - Marcia Sullivan**

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

*WHEREAS*, Pursuant to Article VII, Section 5 of the Virginia Constitution the Montgomery County Board of Supervisors established a Redistricting Committee for the purpose of recommending to the Board of Supervisors a redistricting plan containing adjustments to the County's election districts based on information provided in the 2000 US Census; and

*WHEREAS*, The Board appointed *Marcia Sullivan* to the Redistricting Committee as a non-voting representative for the League of Women Voters; and

*WHEREAS*, The Redistricting Committee has worked conscientiously and effectively completed its task, with a recommendation to the Board of Supervisors for a redistricting plan containing adjustments to the County's elections districts.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia expresses its gratitude and appreciation to *Marcia Sullivan* for the excellent and dedicated service provided to the citizens of Montgomery County as a member of the 2001 Redistricting Committee.

The vote on the foregoing motion was as follows:

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

### **COUNTY ATTORNEY'S REPORT**

Redistricting Plan The County Attorney reported that Montgomery County's redistricting plan has been submitted to the Justice Department. The process for reviewing and approving the redistricting plan is 60 days.

### **COUNTY ADMINISTRATOR'S REPORT**

Road Update Report The County Administrator reported that a copy of the updated road report is provided in the Board's packet for their review.

## **BOARD MEMBERS' REPORTS**

Supervisor Rush Parks and Recreation Commission Supervisor Rush reported that the Parks and Recreation Commission submitted their recommendations on the donated land from AEP to the County Administrator. They recommended that the land be left in a natural state, develop trails around the site, develop picnic shelters, and install playground equipment for small children. Supervisor Rush said that the Parks and Recreation Commission, County Staff and Supervisor Muffo's government class put in a lot of hours and hard work to hold public meetings and sending out surveys to get input from the citizens.

Supervisor Politis reported that the meeting with Dominion Greenbriar concerning the proposed gas pipeline is scheduled for Wednesday, May 16, 2001 at 6:00 p.m at the Auburn High School.

Supervisor Stewart - Speed Study Request - Den Hill Road Supervisor Stewart requested the Board send a speed study request on Den Hill Road to the Virginia Department of Transportation.

### **Den Hill Road - Speed Study Request**

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

WHEREAS, The Board of Supervisors has expressed concerns relative to conditions and safety on Den Hill Road (SR 641); and

WHEREAS, Vehicles travel at a high rate of speed in this area.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on Den Hill Road ( SR 641), beginning at the intersection of Izaak Walton Lane and ending at North Fork Road (SR 603), to determine the feasibility of reducing the speed limit to improve the safety of this area.

The vote on the foregoing motion was as follows:

AYE

NAY

Larry N. Rush None

May 14, 2001

Page 37 of 41

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

### **Supervisor Stewart's Report Continued**

Crab Creek Road Supervisor Stewart received a call concerning the condition of Crab Creek Road. It is in need of grading and gravel.

Eastern Montgomery High School Supervisor Stewart expressed concerns with the bright lights from the Eastern Montgomery High School at night. The lights are extremely bright and requested that the School Board be notified.

Supervisor Perkins asked the County Attorney if the antenna to be constructed by Triton Communications on AEP's Ellett Substation is in conformance with the Comprehensive Plan. The County Attorney stated it was.

School Board Supervisor Perkins attended the School Board meeting held May 8, 2001. The School Budget was approved with 4.5% salary increase for school employees.

Supervisor Muffo commended the Parks and Recreation Commission for their recommendations on the land donated by AEP.

Retired Senior Volunteer Program (RSVP) Luncheon - Supervisor Muffo attended the RSVP luncheon. The volunteers contributed hours worth \$567,091, which is a tremendous service to the County.

Supervisor Shorter requested a community sign be installed in the Plum Creek community.

Speed Studies Supervisor Shorter expressed his concerns with the numerous requests for the speed limit to be lowered on county roads. He asked if a county wide speed limit of 35 mph can be imposed on county roads.

School Bus Fleet Supervisor Shorter reviewed the School Bus Maintenance Report prepared by the School, and he still has questions and concerns about the maintenance of school buses. Chair Biggs stated this issue could be discussed in a work session with the schools if the Board so desired.

Supervisor Biggs County/School Liaison Meeting Chair Biggs attended the last County/School Liaison meeting where several issues were discussed. She reported that several supervisors questioned the student

parking at the high schools and there is no lottery for parking. The students get to park wherever they like in the student parking area. Also, the School Board will be requesting from the Board any year end funds be turned back over to the Schools to be spent on maintenance and technology. The next work session between the School Board and Board of Supervisors is scheduled for May 31, 2001 at 6:00 p.m. at the Christiansburg High School.

National Association of Counties (NACo) conference is scheduled for July in Pennsylvania if any of the Board members are interested in attending.

Fire and Rescue Work Session is scheduled for Tuesday, May 15, 2001. Chair Biggs reminded Board members to have their specific questions ready.

Redistricting Committee Dinner The dinner for the Redistricting Committee will be held Tuesday, June 5, 2001 at the Farm House Restaurant at 6:30 p.m.

### **INTO 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 hereby enters into Closed Meeting for the purpose of discussing the following:

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

1. Shelor v Commissioner of Revenue

The vote on the foregoing motion was as follows:

AYE

NAY

Larry N. Rush None

C.P. Shorter

James D. Politis

Joe C. Stewart

Annette S. Perkins

John A. Muffo

May 14, 2001

Page 39 of 41

Mary W. Biggs

**OUT OF CLOSED MEETING**

On a motion by Larry N. Rush, seconded by John A. Muffo 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:

AYE

NAY

Larry N. Rush None

C.P. Shorter

James D. Politis

Joe C. Stewart

Annette S. Perkins

John A. Muffo

Mary W. Biggs

**CERTIFICATION OF CLOSED MEETING**

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

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

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

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

VOTE

AYES

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

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**ADJOURNMENT**

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

The vote on the foregoing motion was as follows:

AYE

NAY

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

The meeting adjourned to 11:00 p.m.