

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 25th DAY OF JUNE, 2001 AT 7:15 P.M. IN COURTROOM B, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

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

ABSENT: John A. Muffo -Supervisor

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC HEARINGS

Special Use Permit

Michael J. & Barbara J. Ankrum (Agent: GoForth Construction, Inc.) requests a Special Use Permit, with possible conditions, in Agricultural (A-1) on a 9.950 acre tract to allow a private garage in excess of 850 square feet. The property is located at 1700 Bishop Road and is identified as Tax Parcel No. 28-A-70 (Account ID #015380) in the Mt. Tabor Magisterial District. The property lies in an area designated as Agriculture in the Comprehensive Plan.

Michael Ankrum, applicant, addressed the Board about his request for a special use permit. He is building

a 9,000 square foot house and would like to have a 1,200 square foot garage. The garage will be for private use only, he has no desire to have a business located out of his garage or house. Mr. Ankrum said he has five vehicles which he would like to garage and would appreciate the Board's consideration of his request.

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

Rezoning Request with a Special Use Permit

Robert M. Apgar requests to rezone approximately 1.5 acres of a 7.12 acre tract from Agriculture (A-1) to Community Business (CB) and a Special Use Permit, with possible proffered conditions, to allow truck and trailer sales, service, rental and repair with outside operations. The property is located at 10212 Roanoke Road and is identified as Tax Parcel No. 47-A-32 (Account ID # 000839) in the Shawsville Magisterial District. The properties lie in an expansion area in the Comprehensive Plan.

Hershel Scott spoke in support of Mr. Apgar's request for rezoning and a special use permit. He said he will be leasing the property at 10212 Roanoke Road from Mr. Apgar and would like to open a used mobile home sales operation. There will be no repair or service to the mobile homes on the lot, all mobile homes will be ready to sell when he receives them and they will be 1990 models and on up.

Robert Apgar thanked the Board for their contribution of \$1,000 to help move utility poles located on Green Hill Lane in order for VDOT to take Green Hill Lane into the secondary system of state highways. The residents of Green Hill Lane are much appreciative. He also asked the Board to consider his request for rezoning and a special use permit for his property located at 10212 Roanoke Street. Mr. Apgar stated that a business has been located at this property for 34 years and they decided to close. He would like to lease the property to Mr. Scott and needs to have the property zoned in order to do so.

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

Proposed 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.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

There were no speakers for the Public Address Session.

ADD TO THE AGENDA - ADDENDUM

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the following addendum dated June 25, 2001 was added to the agenda under Closed Meeting:

CLOSED MEETING

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. Blacksburg/Christiansburg/VPI Water Authority
2. Water Agreement - Town of Blacksburg

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

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

Agenda dated June 25, 2001 was approved.

The vote on the foregoing motion was as follows:

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

Approval of Minutes

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously, the minutes dated April 23, May 7, May 14, May 15 and May 31, 2001 were approved.

School Operating Fund - Additional Appropriation

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

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

09	<u>School Operating Fund</u>	
	561000 Instruction	\$199,539
	564000 Operation/Maintenance	<u>\$167,831</u>
	Total	\$367,370

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

Revenue Account:

240272	Alternative Education	\$199,539
424234	Benefits/Other State Agencies	<u>\$167,831</u>
	Total	\$367,370

Said resolution appropriates additional monies for the School Operating Fund.

Library - Supplemental Appropriation

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

710	Montgomery Library	\$20,678
720	Floyd Library	<u>1,875</u>
	Total	\$22,553

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

Revenue Account

02710-416158	Library Donations-Montgomery	\$18,527
02710-419108	Recovered Costs	24
02710-424409	State Library Grant	2,127
02720-416158	Library Donations – Floyd	<u>1,875</u>
	Total	\$22,553

Said resolution appropriates additional funds for use by the Library.

County Administration - Recovered Costs

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

110	County Administration	\$1,745
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$1,745
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Said resolution appropriates recovered costs for training.

Commonwealth's Attorney - Compensation Board Reconciliation

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

200	Commonwealth's Attorney	\$5,150
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

423100	Shared Expense	\$5,150
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Said resolution adjusts the Commonwealth's Attorney's capital outlay budget to reconcile with the Compensation Board approved amounts.

Commonwealth's Attorney

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

220	Commonwealth's Attorney	\$695
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The sources of the funds for the foregoing appropriation is as follows:

Revenue Account

419104	Confiscations	\$695
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Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

INTO WORK SESSION

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

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

-Amendment to the Montgomery County Zoning Ordinance - Private Streets

The vote on the foregoing motion was as follows:

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

Mr. Joe Powers, Planning Director, summarized the amendment to the Montgomery County Zoning Ordinance in regards to private streets. During the past several months the Planning Commission has been reviewing the Zoning Ordinance. Mr. Powers explained the pros and cons of the amendment on private streets. The amendment proposed by the Planning Commission would address private streets in two ways. One would eliminate the creation of new lots on 40 foot private easements in the A-1 District except for one lot divided from any parent parcel. The second would allow the creation of new lots on 40 foot private access easements in the Rural Residential District when setting aside 50% permanent green space under the compact development option. Mr. Powers stated the County should have a deciding vote in whether or not to allow private streets since there is a strong possibility that residents on a private street will ask the County to upgrade that street and have VDoT take it over. This has happened numerous times in the past.

It was the consensus of the Board to place this item on the July 23, 2001 agenda instead of the July 9, 2001 agenda for consideration.

OUT OF WORK SESSION

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

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

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

ABSENT

John A. Muffo

NEW BUSINESS

2002 Legislative Priorities

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

BE IT RESOLVED, The Montgomery County Board of Supervisors hereby adopts their 2002 legislative priorities as follows:

**Montgomery County's
Legislative Priorities for 2002**

FINANCE

Unfunded mandates Montgomery County continues to oppose any unfunded mandates either by the state or federal government.

Judicial System Montgomery County supports legislation that provides state funding for support personnel and offices and equipment for any judicial positions it creates.

Interest on Erroneously Assessed Taxes Montgomery County supports amending 58.1-3916 of the Code of Virginia, 1950, as amended, to add language stating that a locality does not have to provide for interest on overpayments due to erroneously assessed taxes when an act or omission on the taxpayers part contributed to the erroneous assessment.

Local Revenue If the General Assembly removes or curtails a revenue source, Montgomery County insists that the General Assembly fully replace the lost local revenue with state funds in amounts to capture projected economic growth and local need. If the state chooses to curtail any local revenue sources, Montgomery County would support the state becoming fully responsible for services currently provided by local governments in a dollar amount no less than any lost local revenues plus any growth in costs of such services. Montgomery County opposes any effort to restrict or limit the growth of real estate revenue, real estate assessments or real estate tax rates.

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Montgomery County supports legislation to provide local governments the authority to levy impact fees to pay for cost of capital facilities for new developments, including road construction and maintenance.

Portion of Income Taxes Returned to Localities Montgomery County supports legislation that would provide for a percentage of individual income tax revenues to be returned to localities, or the authority to levy a local income tax.

Local Option Sales and use tax Montgomery County supports a “hold harmless” provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

Merchants Capital and BPOL Tax Montgomery County supports a “hold harmless” provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

Impact on local tax base of state-owned land Montgomery County requests that the Joint Legislative Audit and Review Commission (JLARC) prepare a financial impact analysis of real estate taxes that would have been received from land and buildings owned by Virginia Polytechnic Institute and State University, the Virginia Tech Foundation, and Radford University Foundation to determine the cost to Montgomery County.

Situs for Taxation Montgomery County supports legislation amending Section 58.1-3511A of the Code of Virginia, 1950, as amended, requiring that situs for the assessment and taxation of tangible personal property, merchant’s capital and machinery and tools (would not include motor vehicles, travel trailers, boats and airplanes which are already assessed based on where they are “normally garaged, docked or parked”) be the county, district, town or city in which the property is “normally used, located or held out for sale” instead of where the property “may be physically located on tax day”. The purpose of the change is to prevent tax payers from being able to move their tangible personal property, merchants capital or machinery and tools out of the locality where the property is normally kept throughout the year on “tax day” in order to avoid being assessed for the tax by claiming that the property was not “physically located” in the locality on tax day.

LAND USE

Land Use Montgomery County supports legislation that requires state agencies to comply with local land use ordinances.

State Corporation Commission-Public Service Corporations Montgomery County supports legislation that requires public utility service corporations when applying for a certificate of convenience and necessity to construct or enlarge any facility from the State Corporation Commission, to first provide written notice to persons residing or owning property within the affected area.

EDUCATION

School Funding Montgomery County supports enhanced funding for public education, including increasing the funds available for distribution to localities through the Literary Loan Fund or other innovative revenue sources. Montgomery County supports full funding of SOQ so that a redistribution of existing state aid among jurisdictions does not occur without an increase of state funds. Montgomery County supports state funding allocated for teacher pay raises based on actual positions, not just positions recognized in the SOQ. Montgomery County supports “cost for competing Add-on” funding for all Virginia School Districts.

School Construction Montgomery County supports legislation to provide authority for reimbursement of construction costs for school facilities which have been built by a developer, similar to those reimbursements which are now allowed by law, for construction of water and sewer lines by developer.

HEALTH AND HUMAN SERVICES

Comprehensive Services Act (CSA) Montgomery County supports full state funding for 100% of the costs of CSA.

ENVIRONMENT AND AGRICULTURE

Water and Sewer availability fees Montgomery County supports legislation that would grant counties authority to enact water and sewer availability fees and mandatory water and sewer connections powers.

The vote on the foregoing motion was as follows:

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

Treasurer - Transfer from General Contingencies

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

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

FROM:

950 General Contingencies (\$8,500)

TO:

162 Treasurer's Collections \$8,500

Said resolution transfers funds from General Contingencies to the Treasurer's Collections to cover overtime costs and office supplies.

The vote on the foregoing motion was as follows:

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

Assessing - Transfer from General Contingencies

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

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

FROM:

950 General Contingencies (\$3,500)

TO:

152 Assessing \$3,500

Said resolution transfers funds from General Contingencies to Assessing to cover the cost of overtime and temporary salary expenses.

The vote on the foregoing motion was as follows:

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

Larry N. Rush
Mary W. Biggs

Resolution of Appreciation Community College Board (New River Valley)-Arnold J. Saari

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

WHEREAS, Arnold J. Saari has faithfully served as a member of the New River Valley Community College Board since July 1, 1993; and

WHEREAS, The County recognizes the excellent and dedicated service that **Arnold J. Saari** has rendered the citizens of Montgomery County.

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

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

The vote on the foregoing motion was as follows:

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

Resolution of Appreciation Montgomery-Floyd Regional Library Board -James F. Johnson

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

WHEREAS, James F. Johnson has faithfully served as a member of the Montgomery-Floyd Regional Library Board since July 1, 1993; and

WHEREAS, The County recognizes the excellent and dedicated service that **James F. Johnson** has rendered the citizens of Montgomery County.

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

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

The vote on the foregoing motion was as follows:

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

Resolution of Appreciation Montgomery-Floyd Regional Library Board-Sarah J. Mackie

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

WHEREAS, Sarah J. Mackie as faithfully served as a member of the Montgomery-Floyd Regional Library Board since July 1, 1993; and

WHEREAS, The County recognizes the excellent and dedicated service that ***Sarah J. Mackie*** has rendered the citizens of Montgomery County.

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

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

The vote on the foregoing motion was as follows:

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

Resolution of Appreciation -Social Services Board- Jean Bourne

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

WHEREAS, Jean Bourne as faithfully served as a member of the Social Services Board since July 1, 1993; and

WHEREAS, The County recognizes the excellent and dedicated service that ***Jean Bourne*** has rendered the citizens of Montgomery County.

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

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

The vote on the foregoing motion was as follows:

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

Web Site - Privacy Policy

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts an Internet Website Privacy Policy as follows:

MONTGOMERY COUNTY GOVERNMENT INTERNET PRIVACY POLICY STATEMENT

The following information explains the Internet Privacy Policy which the Montgomery County Board of Supervisors has adopted for its website (web pages at addresses beginning with "http://www.montva.com"). The following is intended to explain our current Internet privacy practices, but shall not be construed as a contractual promise. We reserve the right to amend our Internet Privacy Policy Statement at any time without notice.

Virginia Law

We protect our records in accordance with our obligations as defined by applicable Virginia statutes, including, but not limited to, the "Virginia Privacy Protection Act of 1976", the "Virginia Freedom of Information Act", and by any applicable U.S. federal laws.

Links to Other Websites

Our website may contain links to other public or private entities' websites, whose privacy practices we do not control.

Information We Collect

When you access our website, the routing or client information, and the essential and nonessential technical information listed below, is automatically collected.

*Routing, or client, information: the Internet domain and Internet address of the computer you are using.

*Essential technical information: identification of the page or service you are requesting, type of browser and operating system you are using; and the date and time of access.

*Nonessential technical information: the Internet address of the website from which you linked directly to our website.

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No other information is collected through our website except when you deliberately decide to send it to us (for example, by clicking on a link to send us an email). The information you might choose to send us is listed below as “optional information”.

*Optional information: when you send us an e-mail, your name, e-mail address, and the content of your e-mail; when you fill out online forms, all the data you choose to fill in or confirm.

*Cookies: Our website does not place any “cookies” on public users’ computers. (Cookies are placed ONLY on the computers of those County staff persons or contractors who have administrative rights to the site, for editing and updating the site design and content.)

How the collected information is used

Routing information is used to route the requested web page to your computer for viewing. We send the requested web page and the routing information to our Internet service provider or other entities involved in transmitting the requested pages to you. We do not control the privacy practices of those entities. Essential and nonessential technical information helps us respond to your request in an appropriate format or in a personalized manner and helps us plan website improvements.

Optional information enables us to provide services or information tailored more specifically to your needs or to forward your message or inquiry to another entity that is better able to do so, and also allows us to plan website improvements.

We may keep your information indefinitely, but we do not try to obtain any information to link it to the individuals who browse our website. However, on rare occasions when a “hacker” attempts to breach computer security, logs of routing information are retained to permit a security investigation and in such cases may be forwarded together with any other relevant information in our possession to law enforcement agencies. We use this transaction routing information primarily in a statistical summary type format to assess site content and server performance. We may share this summary information with our business partners when needed.

Optional information is retained in accordance with the records retention schedules at the Library of Virginia.

Under the “Virginia Freedom of Information Act”, any records in our possession at the time of a “Freedom of Information Request” might be subject to being inspected by, or disclosed to, members of the public. However, all identifiable confidential/personal information will be removed prior to releasing the routing information.

Choice to provide information

There is no legal requirement for you to provide any information at our website. However, our website will not work without routing information and the essential technical information. Failure of your browser to provide nonessential technical information will not prevent your use of our website, but may prevent certain features from working. Failure to provide optional information will mean that the particular feature or service associated with that part of the web page will not be available to you.

Customer comments or review

If you have questions about this privacy statement or the practices of this website, or if you choose to review or correct any information you previously submitted, please contact us at mcwebmaster@naxs.net or call 540-381-6891 or 540-381-6887.

The vote on the foregoing motion was as follows:

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

COUNTY ATTORNEY'S REPORT

Redistricting

The County Attorney received a notification from the Department of Justice that Montgomery County's redistricting plan has been approved.

Dedication of Land for County Park - McCoy

The County Attorney reported the trustees who donated the 4.7853 acres in McCoy to the County want to make sure that the park is used for the purpose of a ballfield and County Park. The County Attorney suggested the Board amend the prior resolution adopted June 11, 2001 to include wording that the land will be used for maintaining and locating a ballfield and a County Park.

Dedication of Land in McCoy for County Park - Amend Resolution Adopted on June 11, 2001

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

WHEREAS, The Trustees of the Community Park at McCoy, Virginia desires to dedicate to the County of Montgomery, Virginia, the 4.7853 acres located on McCoy Road in the Prices Fork Magisterial District (the "Park Property") for the purpose of maintaining and locating a ballfield and a County Park; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, desires to accept the dedication of the Park Property for the purpose of maintaining and locating a ballfield and a County Park.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to accept the dedication by the Trustees of the Community Park at McCoy, Virginia, of the Park Property for the purpose of maintaining and locating a ballfield and a County Park.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Mary W. Biggs is hereby authorized to accept the dedication of Public Park on behalf of the County which said acceptance shall be evidenced by the execution of the Deed by Mary W. Biggs, Chairperson of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing motion was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

Use of School Facilities

The County Administrator reported there has been discussion about the use of the new Blacksburg Middle School recreational fields. The Schools will have first priority for use of the fields after school hours. The Town of Blacksburg Recreational Department will have priority after the schools. The County Administrator suggested that the County be included in the agreement to have priority along with the Town of Blacksburg. The County Administrator will meet with the Blacksburg Town Manager to work out an agreement.

Virginia Local Government Managers Association (VLGMA)

The County Administrator reported he attended the annual VLGMA meeting held in Virginia Beach June 18-22, 2001. The main topic discussed was e-government. Fairfax City is developing their e-government and it is very similar to what the Public Information Officer presented to the Board of Supervisors several months ago as to what Montgomery County would like to do. The County Administrator suggested that an e-government committee be established and to include citizens on the committee for their input as to what they believe would be helpful to the citizens.

BOARD MEMBERS' REPORTS

Supervisor Perkins attended the Economic Development Commission meeting. The activity report is included in the packet for the Boards review. She commented that the research grants for the Smart Road far exceed expectations.

School Board Meeting Supervisor Perkins attended the School Board meeting. The School Superintendent received a 4.5% raise and his contract has been extended for four years.

Supervisor Shorter received a call from Mrs. Betty Shepherd about a culvert on Norris Run Road being stopped up. Supervisor Shorter requested VDoT be notified about this concern.

Supervisor Politis requested that VDoT be notified about a culvert on Brush Creek Road being stopped up. He also requested that VDoT be notified about water flowing from Interstate 81 onto Dale Teel's property.

Prices Fork Public Meeting Supervisor Politis reported that a public meeting was held in Prices Fork to discuss the water issue in Prices Fork which was very informative. A representative from the State Health Department attended and advised the County that a plan to address the water issues in Prices Fork should be complete in 60 days and they have 18 months to implement the plan.

Supervisor Stewart attended an emergency meeting at the Fairview District Home. The Administrator was terminated due to inappropriate use of funds. An interim administrator was appointed until another administrator can be hired.

Damage to Personal Property Supervisor Stewart expressed concern with damage to personal property due to vehicles wrecking or running off the side of the road and then leaving the scene. He knows on several occasions where fences have been torn down due to vehicles running off the road into the fence. He asked if an ordinance could be adopted or something could be done to prevent the property owner from having to pay the expense of repairing the damage.

Supervisor Biggs attended the Industrial Development Authority meeting and new officers were elected. President - John S. Phillips, Vice President- Gerald W. Higgins and Secretary/Treasurer - Bob Isner.

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Economic Development Department - Work Session Supervisor Biggs stated that the Economic Development Department is still working on the Economic Model and once completed a work session will be scheduled for a presentation to the Board.

INTO CLOSED MEETING

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

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

- Section 2.1-344(A) (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Community College Board (New River Valley)
 2. Community Policy and Management Team (CPMT) Citizen Representative
 3. Community Services Board (New River Valley)
2 Appointments
 4. Montgomery Regional Economic Development Commission
 5. Montgomery-Floyd Regional Library Board
 6. Planning District Commission - 2 Appointments
(One Citizen and One Board Member)
 7. Board of Zoning Appeals
- (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. Blacksburg/Christiansburg/VPI Water Authority
 2. Water Agreement - Town of Blacksburg

The vote on the foregoing motion was as follows:

AYE

NAY

ABSENT

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

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

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

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

WHEREAS, Section 2.1-344.1 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

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

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

APPOINTMENTS

Community College Board (New River Valley)

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **James F. Johnson** to the **New River Community College Board** effective July 1, 2001 and expiring June 30, 2005.

The vote on the foregoing motion was as follows:

AYE

NAY

ABSENT

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

Community Policy and Management Team (CPMT) Citizen Representative

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Sue Bentley** as citizen representative on the **Community Policy and Management Team** effective July 1, 2001 and expiring June 30, 2003.

The vote on the foregoing motion was as follows:

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

Community Services Board (New River Valley)

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Sheila Roop** to the **New River Valley Community Services Board** effective July 1, 2001 and expiring June 30, 2004.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	John A. Muffo
C. P. Shorter		
James D. Politis		

Annette S. Perkins
Joe C. Stewart
Mary W. Biggs

Community Services Board (New River Valley)

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Maria S. Vass-Gal** to the **New River Valley Community Services Board** effective July 1, 2001 and expiring June 30, 2004.

The vote on the foregoing motion was as follows:

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

Planning District Commission-(One Citizen Appointment)

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **James M. Moore** to the **New River Valley Planning District Commission** effective July 1, 2001 and expiring June 30, 2004.

The vote on the foregoing motion was as follows:

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

Planning District Commission (Board Appointment)

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Annette S. Perkins** as Board of Supervisors Representative to the **New River Valley Planning District Commission** effective July 1, 2001 and expiring June 30, 2004.

The vote on the foregoing motion was as follows:

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

Board of Zoning Appeals

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge, the reappointment of **Thomas E. Heavener** to the **Board of Zoning Appeals** effective July 1, 2001 and expiring June 30, 2006.

The vote on the foregoing motion was as follows:

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

Montgomery Regional Economic Development Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints

Joe Meredith to the Montgomery Regional Economic Development Commission effective June 26, 2001 and expiring February 23, 2003.

Said appointment fills the unexpired term of John S. Phillips, resigned.

The vote on the foregoing motion was as follows:

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

Montgomery-Floyd Regional Library Board

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Robert E. Benoit** to the Montgomery-Floyd Regional Library Board effective July 1, 2001 and expiring June 30, 2005.

The vote on the foregoing motion was as follows:

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

OTHER BUSINESS

School Roof Replacement Program

School Superintendent, Frederick S. Morton, IV, provided the Board with information concerning school roof projects for calendar years 1998, 1999 2000, and 2001. Mr. Morton further provided the projected school roof replacement program, associated estimated costs for the calendar years of 2002, 2003 and 2004. Mr. Morton indicated resources in the amount of \$100,000 per year would need to be allocated for school roof preventative maintenance. He indicated that a major school roof replacement program would need to commence again for 2010.

The Board requested Mr. Morton to address the issue of the construction technique of flat roofs at the new Blacksburg Middle School on Prices Fork Road. Mr. Morton explained there are sections of this building where flat roof construction technique has been utilized. Correspondence concerning information contained herein is dated June 25, 2001 and is on file in the County Administrator’s office.

ADJOURNMENT

On a motion by Larry N. Rush seconded by C.P. Shorter and carried unanimously, the Board adjourned to Monday, July 9, 2001 at 7:15 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 10:00 p.m.

ATTEST:

CHAIRMAN
COUNTY ADMINISTRATOR