

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 25<sup>TH</sup> DAY OF JANUARY, 1999 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Mary W. Biggs	-Vice Chairman
	Ira D. Long	-Supervisors
	Larry N. Rush	
	Annette S. Perkins	
	James D. Politis	
	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
	Angie M. Hill	-Director of Financial & Management Services
	Vickie L. Swinney	-Secretary

### **CALL TO ORDER AND PUBLIC HEARINGS**

Chairman Gorman called the public hearings to order in the Board Chambers, the Public Hearing location having been moved across the hall from Courtroom B, the public present being so notified. The purpose of the public hearing was to receive comments on:

#### **Request for Tax Exempt Status**

**-NRV Nursing Center, Inc. (Warm Hearth Health Care Center)** proposal to request exemption from real estate taxation from the General Assembly on the 14.511 acres of real property owned by NRV Nursing Center, Inc., where the Warm Hearth Health Care Center is located that is assessed at a value of \$72,600 with a real estate tax liability in the amount of \$552. The exemption request is pursuant to Article X, Section 6(a)(b) of the Constitution of Virginia and the provisions of Chapter 36 of Title 58.1 of the Code of Virginia 1950, as amended, and that such exemptions should be categorized as charitable and benevolent.

John Sankey, representing NRV Nursing Center, Inc., as President and CEO of Warm Hearth Inc., spoke in favor of the request for tax exempt status from NRV Nursing Center. He said that tax exemption would enable the Center to provide high quality care and services while keeping fees at reasonable levels. The Warm Hearth Health Care Center will contribute to the economic development of Montgomery County. Approximately 110 new jobs will be created and goods and services purchased locally will increase. Mr. Sankey asked the Board to consider supporting this request.

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

### **DELEGATION**

#### **FY 1997-1998 Audit Report**

Deanne Cox, representative from Robinson, Farmer, Cox Associates, presented Montgomery County's audit for the year ended June 30, 1998. The purpose of the audit was to provide an opinion on the general purpose financial statements of Montgomery County. Montgomery County's financial fund balance is healthy, the per capita bonded debt is low and tax collection is around 95%, which indicates that Montgomery County is at a healthy financial level. Montgomery County has been awarded a Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report for the last eleven consecutive years. In order to win this award, a government

unit must publish an easily readable and efficiently organized comprehensive annual financial report, whose contents conform to program standards.

Ms. Cox also reported during the course of the audit of the Public Service Authority, Social Services and the School Board they noted several deficiencies. She said a meeting was held and they were told of the improvement to be made.

Ms Cox told the Board she appreciated all the cooperation and help from the staff members.

### **PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

### **PUBLIC ADDRESS SESSION**

There were no speakers.

### **ADDENDUM**

The NRV Nursing Center request for tax exemption was added under New Business at the request of the Chairman.

### **CONSENT AGENDA**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Consent Agenda dated January 25, 1999, was approved as follows:

#### **AYE**

Mary W. Biggs  
Larry N. Rush  
Annette S. Perkins  
Ira D. Long  
Joe C. Stewart  
James D. Politis  
Joseph V. Gorman, Jr.

#### **NAY**

None

### **Approval of Minutes of November 23, 1998, December 14, 1998 and January 6, 1999**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the minutes of November 23, 1998, December 14, 1998 and January 6, 1999 were approved.

### **Schedule Public Hearing- Rezoning Request**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby schedules a public hearing on Monday, February 22, 1999 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

#### **Rezoning Request**

**Arleta Marie Ingram (Agent: Roy Bolen)** request to rezone 4.538 acres; Tax Parcel No. 090-A-29C from GB (General Business to R-3 (Residential). Property is located at 1528 Firetower Road in the Riner Magisterial District.

### **Supplemental Appropriation - Department of Social Services**

On a motion by Ira D. Long, 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 for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

410	Social Services	\$5,438
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The source of funds for the foregoing appropriation is as follows:

Revenue Account

2401-02	Public Assistance	\$5,438
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Said resolution appropriates additional monies to the Department of Social Services for the Energy Assistance Program. No local dollars are required.

**Additional Appropriations: Clerk of Circuit Court**

On a motion by Ira D. Long, 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, 1999, for the function and in the amount as follows:

510	Grants-Record Preservation Grant	\$4,235
320	Circuit Court Clerk	<u>\$3,515</u>
	Total	\$7,750

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

Revenue Account

2404-37	Circuit Court Record Grant	\$4,235
1601-02	Excess fees of the Clerk	<u>\$3,515</u>
		\$7,750

Said resolution appropriates monies from the Library of Virginia Circuit Court Records Preservation Grant and from Excess Fees of the Clerk.

**Addition to the Secondary System of State Highways-Cedar Orchards**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The streets described below 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 33.1-229, 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 streets to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

ADDITION:

Name of Subdivision

Cedar Orchards IV-A

Name of Streets:

Eheart Street

Length

From Intersection SR 1239 (Eheart Street)  
and SR1238 (Cedar Orchard Drive West) 0.13 Mi  
To Cul-de-Sac

Brockton Street  
From SR 1238(Cedar Orchard Drive West) 0.04 Mi  
To .04 Mi East

Leisure Lane  
From Brockton Street 0.25 Mi  
To Cul-de-Sac

Gigi Drive  
From Leisure Lane 0.12 Mi  
To Cul-de-Sac  
Plat Recorded, April 3, 1997  
Deed Book 17: Page 40-41

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', 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 streets to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-229, 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.

**Addition to the Secondary System of State Highways-Mill Wood Lane**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The street described below 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 33.1-229, 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 33.1-229, Code of Virginia:

**ADDITION:**

Name of Subdivision  
Lusters Mill

<u>Name of Street:</u>	Length
Mill Wood Lane	
From SR 1034 (Mill Pointe Road)	0.51 Mi
To Cul-de-Sac	
Plat Recorded, September 9, 1996	
Deed Book 930: Page 155	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of

50', 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 streets to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-229, 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.

**Addition to Secondary System of State Highways-Shelor Farms**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The street described below 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 33.1-229, 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 33.1-229, Code of Virginia:

**ADDITION:**

**Name of Subdivision**

Shelor Farms

**Name of Street:**

**Length**

Crestwood Drive

From End of SR 1226 (Crestwood Drive) 0.13 Mi

To 0.13 Mi South

Plat Recorded, December 10, 1992

Deed Book 15: Page 697

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', 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 33.1-229, 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.

**Addition to Secondary System of State Highways-Parkview Estates**

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The streets described below 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 33.1-229, 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 streets to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

ADDITION:

Name of Subdivision

Parkview Estates

<u>Name of Streets:</u>	Length
Woods Vista Drive From SR 604 ( Plum Creek Road ) To Cul-de-Sac	0.22 Mi

Blair Street From SR 738 (Blair Street) To SR 751 (Grim Street) Plat Recorded, May 19, 1989 Deed Book 465: Page 101	0.58 Mi
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BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', 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 streets to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-229, 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

Office on Youth Advisory Board

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That the Montgomery County Board of Supervisors reappoints **Robert E. (Bob) Anderson** to the Office on Youth Advisory Board effective January 26, 1999 and expiring January 25, 2002.

NEW BUSINESS

New River Valley Economic Development Alliance - New River Link Road

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

WHEREAS, By resolution adopted May 12, 1997 the Montgomery County Board of Supervisors specified that the Dublin-Blacksburg connector (NRV link) is not a priority for Montgomery County; and

WHEREAS, Key legislative issues adopted by the New River Valley Economic Development Alliance include support for a "Link Road" Transportation Study.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby reaffirms that the Dublin-Blacksburg connector (NRV link) is not a priority for Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Larry N. Rush	
Annette S. Perkins	
Ira D. Long	
Joe C. Stewart	
Joseph V. Gorman, Jr.	

**Industrial Development Authority Sale of Property-Falling Branch Industrial Park**

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Industrial Development Authority of Montgomery County, Virginia (the "Authority"), has entered into an agreement, subject to the approval of the Board of Supervisors, to sell an industrial property, know as lot 6-A in the Falling Branch Industrial Park, to Prestar Packaging, Inc.; and

WHEREAS, The Falling Branch Industrial Park Service Agreement between the Board of Supervisors and the Authority provides for the Board of Supervisors review and approve any sale or transfer of the Park properties; and

WHEREAS, The sale of lot 6-A will be for the purpose of the purchaser's construction of a new manufacturing facility, involving significant capital investment and the creation of new job opportunities, thus enhancing the economic well being of the County; and

WHEREAS, The Authority has recommended that the Board approve the sale of the described property to Prestar Packaging, Inc.

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board approve the property sale of lot 6-A in Falling Branch Industrial Park, by the Authority to Prestar Packaging, Inc.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Ira D. Long	None
James D. Politis	
Mary W. Biggs	
Larry N. Rush	
Annette S. Perkins	
Joe C. Stewart	
Joseph V. Gorman, Jr.	

Mr. Craig Chrisman representing Prestar Packaging, thanked the Board for their approval of the sale. This will enable the expansion of their business and will create additional jobs in the area.

**Request for Real Estate Tax Exemption-NRV Nursing Center Inc.**

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

RESOLUTION SUPPORTING THE DESIGNATION OF CERTAIN REAL PROPERTY  
OF NRV NURSING CENTER, INC., AN AFFILIATE CORPORATION OF  
WARM HEARTH, INC. AS EXEMPT FROM TAXATION BY THE  
GENERAL ASSEMBLY OF VIRGINIA

WHEREAS, NRV Nursing Center, Inc., an affiliate corporation of Warm Hearth, Inc., is a non-stock, non-profit corporation which provides long term health care services to the citizens of

Montgomery County; and

WHEREAS, NRV Nursing Center, Inc., owns 14.511 acres of real property in the Prices Fork Magisterial District of the County of Montgomery, Virginia, South of Showalter Drive and North of Oak Forest Mobile Home Park where it is presently constructing the Warm Hearth Health Care Center; and

WHEREAS, real property used exclusively for charitable and benevolent purposes by a qualifying organization shall be exempt from taxation as authorized by Article X, Section 6(a)(b) of the Constitution of Virginia, upon action by the General Assembly of Virginia and so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organizations classified; and

WHEREAS, NRV Nursing Center, Inc., has requested the Board of Supervisors of the County of Montgomery, Virginia to support NRV Nursing Center, Inc.'s efforts in seeking a real estate tax exempt status on the 14.511 acres where the Warm Hearth Health Care Center is located from the General Assembly of Virginia; and

WHEREAS, based on this request, the Board of Supervisors of the County of Montgomery, Virginia, has conducted a public hearing, following proper notice, as required by Section 30-19.04 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Board of Supervisors of the County of Montgomery, Virginia, has examined and considered the following factors before the adoption of this resolution in support of the real estate tax exempt status for the 14.511 acres where Warm Hearth Health Care Center, is located:

1. NRV Nursing Center, Inc. is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to NRV Nursing Center, Inc. for use on the organization's property.
3. No director or officer of NRV Nursing Center, Inc. is paid any compensation in excess of the value of the services performed in such position with the corporation.
4. No part of the net earnings of NRV Nursing Center, Inc. inures to the benefit of any individual, the services provided by NRV Nursing Center, Inc. are generated by funds received from fees, donations, contributions, and grants from private foundations. No significant portion of the services provided by NRV Nursing Center, Inc. are generated from funds received by local, state, or federal grants other than the reimbursements received for services provided to eligible participants through the Medicaid and Medicare entitlement program.
5. NRV Nursing Center, Inc. provides services for the common good of the public.
6. No part of the activities of NRV Nursing Center, Inc. involves carrying on propaganda or otherwise attempting to influence legislation. The corporation does not participate in or intervene in any political campaign on behalf of any candidate for public office.
7. NRV Nursing Center, Inc. has no rule, regulation, policy or practice which discriminates on the basis of religious conviction, race, color, sex or natural origin.
8. In 1998, the 14.511 acres where the Warm Hearth Health Care Center is to be located is assessed at a value of \$72,600.00, with real estate taxes in the amount of \$552.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Montgomery, Virginia, as follows:

1. That this Board supports the request of NRV Nursing Center, Inc. for exemption from real

estate taxation on the 14.511 acres of real property owned by NRV Nursing Center, Inc., where the Warm Hearth Health Care Center is to be located, that is assessed at a value of \$72,600.00 with a real estate tax liability in the amount of \$552.00. The exemption request is pursuant to Article X, Section 6(a)(b) of the Constitution of Virginia and the provisions of Chapter 36 of Title 58.1 of the Code of Virginia, 1950, as amended, and that such exemption should be categorized as charitable and benevolent.

2. That the County Administrator is directed to forward a certified copy of this resolution to the members of the General Assembly representing the County of Montgomery, Virginia, with the request that the proper legislation be introduced in the General Assembly to achieve the purpose of this resolution.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Joe C. Stewart	None	Annette S. Perkins
Ira D. Long		
James D. Politis		
Mary W. Biggs		
Larry N. Rush		
Joseph V. Gorman, Jr.		

Supervisor Perkins abstained due to serving on the Board of Directors for Warm Hearth which may cause a conflict of interest.

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

American Electric Power - Donated Land The County Attorney reported that American Electric Power has contacted the Planning Department about submitting an application for a subdivision variance. The Planning Commission will need to approve the request and then forwarded it to the Board for approval. If AEP files the request within a few weeks, the process should be finished by March.

Coal Miner's Park The County Attorney reported that the deed to the property for the Coal Miner's Park has been prepared and he is waiting on the closing. The County should procure title insurance on the land once the closing has been done.

Option Agreement-Price's Fork Property The County Attorney reported that the County has exercised the option agreement on the thirty (30) acre tract of land in Price's Fork and he is waiting for the closing of the property. The option agreement for Lot 4, which is 13.5 acres, has been obtained and expires by May 31, 1999. The option agreement on Lot 5, which is 13.9 acres, has been obtained and expires July 3, 1999. These options have been recorded in the Clerk of Circuit Court Office and the Board will need to make a decision before the expiration dates on whether to purchase the property.

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

County/Town Liaison Meeting The County Administrator reported that the Superintendent of the Schools wanted the Board to know that the Joint Meeting between the Board of Supervisors and the School Board went well and he received favorable comments about the meeting. The Administrator also reported they discussed the Nellie's Cave Park and the possibilities of use for the donated land by American Electric Power.

Commerce Park The County Administrator reported that no response has been received from the Virginia Industrial Site Development on the Virginia's First Regional Industrial Facilities Authority's application for funds to construct the Commerce Park; or from the Appalachian Regional Commission. There are two issues before the Authority: 1) How Machinery and Tools tax can be shared by localities and how specific the law is; and 2) If a host locality loses state funding due to

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a project in the locality the Authority would hold them harmless to keep from losing state funds.

Board of Equalization There have been five dates scheduled to hold meetings for citizens to make appointments with the Board of Equalization. These dates have been properly advertised.

Christiansburg Middle School Site The County Administrator reported he had a meeting scheduled on January 28, 1999 with the property owner to go over the survey for the potential site for the proposed Christiansburg Middle School.

Thompson Landfill Mr. Robert Dick, Olver Inc., gave a report on the Thompson Landfill Ground Water Monitoring Program. Mr. Dick has been working with the Department of Environmental Quality (DEQ) on the monitoring wells at Thompson Landfill. The determination of waste and the determination of the adequacy of the monitoring wells will need to be done. A proposed plan will be submitted to DEQ by February 12, 1999 and if approved, the new wells will be installed and the monitoring plan will begin on June 1, 1999.

## **BOARD MEMBERS' REPORTS**

**Supervisor Long** reported he received a letter from the Virginia Association of Counties inviting him to serve on VACo's Transportation Steering Committee for the calendar year 1999. The Chairman noted that several other Board Members also received invitations to serve on VACo committees and it would be appropriate to endorse these Board Members by resolution.

### **Supervisor Perkins-VACo Community Development and Planning Steering Committee**

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously,

WHEREAS, Supervisor Annette S. Perkins has been invited to serve on the Virginia Association of Counties (VACo) Community Development and Planning Steering Committee.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Perkins for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, That the Board of Supervisors endorses Supervisor Perkins' participation on the Community Development and Planning Steering Committee.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Joe C. Stewart	
James D. Politis	
Larry N. Rush	
Ira D. Long	
Mary W. Biggs	
Joseph V. Gorman, Jr.	

### **Supervisor Biggs - VACo Education Steering Committee**

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously,

WHEREAS, Supervisor Mary W. Biggs has been invited to serve on the Virginia Association of Counties (VACo) Education Steering Committee.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Biggs for expenses arising from attendance at committee meetings.

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BE IT FURTHER RESOLVED, That the Board of Supervisors endorses Supervisor Biggs' participation on the Education Steering Committee.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Joe C. Stewart	
James D. Politis	
Larry N. Rush	
Ira D. Long	
Mary W. Biggs	
Joseph V. Gorman, Jr.	

**Chairman Gorman - VACo Environment and Agriculture Steering Committee**

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously,

WHEREAS, Supervisor Joseph V. Gorman, Jr. has been invited to serve on the Virginia Association of Counties (VACo) Environment and Agriculture Steering Committee.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Gorman for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, That the Board of Supervisors endorses Supervisor Gorman's participation on the Environment and Agriculture Steering Committee.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Joe C. Stewart	
James D. Politis	
Larry N. Rush	
Ira D. Long	
Mary W. Biggs	
Joseph V. Gorman, Jr.	

**Supervisor Long - VACo Transportation Steering Committee**

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously,

WHEREAS, Supervisor Ira D. Long has been invited to serve on the Virginia Association of Counties (VACo) Transportation Committee.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Long for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, That the Board of Supervisors endorse Supervisor Long's participation on the Transportation Committee.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None

Joe C. Stewart  
James D. Politis  
Larry N. Rush  
Ira D. Long  
Mary W. Biggs  
Joseph V. Gorman, Jr.

Missing Road Signs Supervisor Long reported that several road signs in the County were missing and asked staff to notify VDOT. The signs missing are Buckshot Road, Bob Cat Road, Backwoods Road, Glade Road, and Merrimac Road.

Supervisor Biggs School Board Meeting Supervisor Biggs reported that the School Board has held numerous budget hearings for the FY 1999-2000 budget. They also discussed the issue of mobile units being used at the schools. A report will be issued on the number of units being used and the location.

Planning Commission At their January 10, 1999 meeting, the Planning Commission discussed the possibility of a joint meeting with the Board of Supervisors on the Draft Zoning Ordinance. Supervisor Biggs asked for guidance and information to take back to the Planning Commission at their next meeting. Also discussed was the comprehensive plan for the I77 Corridor Area and the Stuart Rezoning Request. Mr. Stuart will approach the Planning Department again about his rezoning request. Supervisor Biggs said that Mr. Echols of Gay and Keessee Engineering gave a presentation at the meeting on the Christiansburg Downtown Revitalization Program.

School Board Association Meeting Supervisor Biggs attended the School Board Association Meeting held in Richmond on January 22, 1999. The meeting was very informative and the main area of interest was the Governor's Budget.

Supervisor Perkins League of Women Voters Supervisor Perkins attended a breakfast meeting sponsored by the League of Women Voters.

Nellie's Cave Road Supervisor Perkins asked staff to contact VDOT about a traffic study on Nellie's Cave Road.

Supervisor Stewart asked the status of the speed study on State Route 603. The Chairman explained the petition received by the Board from residents on SR 603 did not contain the required number of signatures. A letter was sent to William Reese, who submitted the petition, advising him that the petition did not contain the required number of signatures. The letter also explained that the County's policy was currently under review and one of the issues being addressed was to include dead-end and private roads as part of the nearest state maintained road for the purposes of qualifying the road for a speed study.

Chairman Gorman Joint Meeting with School Board Chairman Gorman reported that the joint meeting held with the School Board went well. A lot of questions were answered and they are moving forward.

1999 Project Priorities Chairman Gorman distributed a list of 1999 Project Priorities to the Board Members for ranking, and asked that they return them by February 2, 1999.

League of Women Voters Chairman Gorman reported that the 1999 Facts for Voters publication was available. The League of Women Voters publish this pamphlet every year and it has proven to be very helpful to Board Members and County Staff.

A resolution to change the format of the future meetings by reciting the Pledge Allegiance immediately after the Call to Order was added to the agenda at the request of Chairman.

### Format of Agenda Items

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Pledge of Allegiance shall be recited immediately after the Call to Order at the Board of Supervisors meetings.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Ira D. Long	
Larry N. Rush	
James D. Politis	
Joe C. Stewart	
Annette S. Perkins	
Joseph V. Gorman, Jr.	

### **INTO EXECUTIVE SESSION**

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

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

- |                    |     |   |
|--------------------|-----|---|
| Section 2.1-344(A) | (1) | Discussion of Appointment of Personnel  |
|                    |     | 1. Adjustment and Appeals Board   |
|                    |     | 2. Parks and Recreation Commission  |
|                    | (7) | Consultation with Legal Counsel and Briefings by Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel |
|                    |     | 1. Montgomery County vs Draper Aden   |
|                    |     | 2. Shelor Automotive Group vs Montgomery County   |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
Annette S. Perkins	
Ira D. Long	
Mary W. Biggs	
James D. Politis	
Joe C. Stewart	
Joseph V. Gorman, Jr.	

### **OUT OF EXECUTIVE SESSION**

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors ends their Executive Session to

return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush  
Annette S. Perkins  
Ira D. Long  
Mary W. Biggs  
James D. Politis  
Joe C. Stewart  
Joseph V. Gorman, Jr.

NAY

None

**CERTIFICATION OF EXECUTIVE SESSION**

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the executive meeting were heard, discussed or considered by the Board.

VOTE

AYES

Joe C. Stewart  
Ira D. Long  
Mary W. Biggs  
Larry N. Rush  
James D. Politis  
Annette S. Perkins  
Joseph V. Gorman, Jr.

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**APPOINTMENTS**

**Adjustment and Appeals Board**

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints

January 25, 1999

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**Daryl E. Toler** to the Adjustment and Appeals Board effective January 26, 1999 and expiring January 25, 2003.

The vote on the forgoing motion was as follows:

AYE

Mary W. Biggs

Ira D. Long

Larry N. Rush

Joe C. Stewart

James D. Politis

Annette S. Perkins

Joseph V. Gorman, Jr.

NAY

None

**ADJOURNMENT**

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously, the Board adjourned to February 8, 1999 at 7:15 p.m.

The meeting adjourned at 9:20 p.m.