

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 26TH DAY OF JULY, 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
	Annette S. Perkins	
	Larry N. Rush	
	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
	Robert Isner	-Economic Development Director
	Vickie L. Swinney	-Secretary

ABSENT: James D. Politis -Board of Supervisors

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

DELEGATION

Presentation - Jimmy Gilmore Resolution of Recognition

Supervisor Nick Rush presented framed editions of the resolution passed on June 28th recognizing the heroism of Jimmy Lee Gilmore, to Gilmore's daughter Jayme Gilmore, his mother Pat Reynolds, and his father Bobby Gilmore. Jimmy Gilmore drowned May 17, 1999 while rescuing another swimmer at McCoy Falls on the New River.

PUBLIC HEARING

Amendment to Montgomery County Comprehensive Plan

Proposed Amendment to Montgomery County Comprehensive Plan regarding Water and Sewer Projects.

Rosemarie Sawdon Chair of the New River Sierra Club, spoke in opposition to including the water and sewer projects into the Comprehensive Plan. Ms. Sawdon believes Montgomery County should have planned growth and if the proposed water and sewer projects are included in the Comprehensive Plan this will only produce sprawl development. One other issue Ms. Sawdon addressed is the fact that the Board of Supervisors and the Public Service Authority Board are one and the same. The Public Service Authority Board should not be made up of the Board of Supervisors but with people who are trained in the technical knowledge needed to make the appropriate decisions.

Harriet Cooper spoke in opposition to the proposed amendment to the Comprehensive Plan to include water and sewer projects. Ms. Cooper stated she agreed with Ms. Sawdon's comments. Ms. Cooper also stated that the Board of Supervisors and the Public Service Authority Board should not be the same body.

Bob Stuart spoke in favor of including the water and sewer projects in the Comprehensive Plan. Mr. Stuart said this was the first step in planned development and it would be beneficial to Montgomery County.

PUBLIC ADDRESS SESSION

Joe Painter, reported that a mother of a child at a computer camp at Blacksburg Middle School informed him that her daughter had observed children at the camp viewing pornographic materials from the Internet. He said she was concerned that this material was so readily accessible to the children and precautions needed to be taken.

CONSENT AGENDA

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously, the Consent Agenda dated July 26, 1999 was approved. The vote was as follows:

AYE

Larry N. Rush

NAY

None

ABSENT

James D. Politis

July 26, 1999

Page 2 of 13

Ira D. Long
Joe C. Stewart
Annette S. Perkins
Mary W. Biggs
Joseph V. Gorman, Jr.

Approval of Minutes Dated June 14, 1999

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, Virginia hereby approves the minutes dated June 14, 1999.

Board of Supervisors: Transfer from Special Contingencies

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 a transfer is hereby authorized, as follows:

FROM:

960	Special Contingencies	
	Juvenile Detention Home	(\$43,189)
	Disability Services Board	<u>(\$10,361)</u>
		(\$53,550)

TO:

910	Juvenile Detention Home	\$43,189
	Disability Services Board	<u>\$10,361</u>
		\$53,550

Said resolution transfers funds from Special Contingencies to the Juvenile Detention Home and the Disability Services Board.

Falling Branch Industrial Park

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, 2000, for the function and in the amount as follows:

940	CIP - Falling Branch Industrial Park	\$2,500,000
-----	--------------------------------------	-------------

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

Revenue Account

451203	Undesignated Fund Balance	\$2,500,000
--------	---------------------------	-------------

Said resolution appropriates fund balance monies to pay for costs to be incurred associated with the Falling Branch Industrial Park construction.

Reconciliation of Compensation Board Budgets - Capital Outlay and Part-time Salaries

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 revenue and expenditures for the fiscal year ending June 30, 2000 are adjusted, for the function and in the amount as follows:

150	Commissioner of Revenue	\$ 6,791
160	Treasurer	5,227
200	Commonwealth Attorney	10,487
250	Circuit Court Clerk	735
310	Sheriff	\$ <u>22,731</u>
Total		\$ 45,971

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

Revenue Account

423100	Shared Expense	\$45,971
--------	----------------	----------

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

FROM:

960	Special Contingencies	(\$ 13,234)
-----	-----------------------	-------------

TO:

150	Commissioner of Revenue	\$ 2,059
160	Treasurer	\$ 1,613
200	Commonwealth Attorney	\$ 2,918
310	Sheriff	\$ <u>6,644</u>
Total		\$ 13,234

Said resolution adjusts the Constitutional Officer's capital outlay and part-time salary budgets to reconcile with the Compensation Board approved amounts. In addition, this resolution transfers monies from Special Contingencies to meet the County's share of additional equipment monies in the Treasurer's, Commissioner of Revenue's Commonwealth's Attorney's and Sheriff's budgets.

Virginia Municipal League (VML) and Virginia Association of Counties (VACo) Negotiations with American Electric Power (AEP)

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 Virginia hereby authorizes payment of \$5,383.00 to Virginia Municipal League (VML) for Montgomery County's share of negotiation expenses with American Electric Power for electrical rates.

Virginia Association of Counties (VACo) Nominating Committee-Supervisor Ira D. Long

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

WHEREAS, Supervisor Ira D. Long has been invited to serve on the Virginia Association of Counties (VACo) Nominating 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 endorses Supervisor Long's participation on the Nominating Committee.

OLD BUSINESS

Participation in Virginia's First Regional Industrial Facility Authority-New River Valley Commerce Park Initial Phase

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia agrees to participate in the initial phase of Virginia's First Regional Industrial Facility Authority (VFRIFA) entitled "The New River Valley Commerce Park Initial Phase".

FURTHER, BE IT RESOLVED, That the Montgomery County Board of Supervisors authorizes the purchase of Ten Thousand (10,000) shares in the initial phase of the New River Valley Commerce Park project at a cost of Two and 75/100 Dollars (\$2.75) per share for a total cost of Twenty Seven Thousand Five Hundred Dollars (\$27,500.00) per annum, contingent upon approval by the Board of Supervisors of the final Participation Agreement, Initial Phase.

FURTHER, BE IT RESOLVED, That the Board of Supervisors appoints Jeffrey D. Johnson, County Administrator, to serve as Montgomery County's representative on the New River Valley Commerce Park Participation Committee Initial Phase.

FURTHER, BE IT RESOLVED, That the Board of Supervisors appoints Larry N. Rush, Supervisor District B, to serve as alternate member on the New River Valley Commerce Park Participation Committee Initial Phase.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Ira D. Long	Joe C. Stewart	James D. Politis
Annette S. Perkins		
Mary W. Biggs		
Larry N. Rush		
Joseph V. Gorman, Jr.		

NEW BUSINESS

2232 Review of Christiansburg Middle School Site

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Christiansburg Middle School Site (Buffalo Drive) is hereby referred to the Planning Commissions of Montgomery County and the Town of Christiansburg for review and discussion of the compliance or non-compliance of the proposed public use of the property with the respective Comprehensive Plans in accordance with Section 15.2-2232 of the Code of Virginia, as amended.

The vote on the foregoing motion was as follows:

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

2232 Review and Special Use Permit for Blacksburg High School Site

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Blacksburg High School Site, including 29+ acres recently purchased and 27+ acres under option, is hereby referred to the Blacksburg Planning Commission for review and discussion of the compliance or non-compliance of the proposed public use of the property with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia, as amended.

FURTHER, The County Administrator is authorized to prepare and submit an application for a Special Use Permit for an Education Facility/Secondary to the Town of Blacksburg on this property.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins Joe C. Stewart Larry N. Rush Ira D. Long	None	James D. Politis

Mary W. Biggs
Joseph V. Gorman, Jr.

Participation in an Economic Development Assistance Proposal to Induce Industry Prospect

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

WHEREAS, The Montgomery County Board of Supervisors has entered into negotiations with Pharming Healthcare, Inc., in an effort to induce the company to select Montgomery County as the site for its new bio-tech research and manufacturing facility; and

WHEREAS, Certain incentives have been proposed to provide for the competitive recruitment of this company, in cooperation with the Commonwealth of Virginia, other entities and jurisdictions; and

WHEREAS, Such incentives provided by the County, not to exceed \$200,000, would be matched, in an equal amount, by the Governor's Opportunity Fund so as to enhance the overall incentive plan; and

WHEREAS, The company shall be held accountable to a performance agreement to be administered by the Montgomery County Industrial Development Authority, whereby the company shall invest a certain Capital Expenditure and also shall create a certain level of new employment in Montgomery County; and

WHEREAS, Participating in such incentives will encourage the establishment of this facility, induce Pharming Healthcare, Inc. to make a significant taxable Capital Investment in Montgomery County and create career opportunities for the citizens of our County.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby approves the County's participation in the incentive plan for Pharming Healthcare, Incorporated, and that the County of Montgomery shall provide up to \$200,000 in economic development incentives to Pharming Healthcare, Inc.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	Joe C. Stewart	James D. Politis
Annette S. Perkins		
Larry N. Rush		
Ira D. Long		
Joseph V. Gorman, Jr.		

Authorization to Fill Position-Public Facilities

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 County Administrator is authorized to fill the following position:

-Public Facilities - Part-time Site Attendant

The vote on the foregoing motion was as follows:

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

COUNTY ATTORNEY’S REPORT

Blacksburg School Sites- The County Attorney reported that the County is ready to close on the first tract of land which includes 13 acres in Price’s Fork for the Blacksburg School on Friday, July 30, 1999. The second tract of land, which includes 14 acres may, be ready to close on Friday also.

VML Legal Issue The dispute with Virginia Municipal League has been resolved. Montgomery County had decided not to renew insurance with VML. VML amended their policy that members who did not renew membership would not receive dividends prior to the amendment date. Montgomery County decided to pursue a legal option to receive dividends that was rightfully theirs. VML has decided that dividends would be paid.

Price’s Fork Township - The Commission on Local Government heard evidence and received public comments on July 21 and 22, 1999 regarding the Price’s Fork petition to become a town. The Commission will report its findings and recommendations to the court and the decision should be made in October.

COUNTY ADMINISTRATOR’S REPORT

The County Administrator commended the County Attorney for his efforts in resolving the case with the Virginia Municipal League dispute.

NACo Award The County Administrator reported that Montgomery County has won an Achievement Award from the National Association of Counties (NACo) for its digital filing and retrieval system. The nomination -- titled "Productivity in the Criminal Justice System" -- describes the benefits and the efficiencies of the system known as StorEdge(TM), which includes high speed digital scanning equipment and digital storage. As a result of these improvements, the jail records management system is made more accurate by using high resolution digital scanning; more reliable by reducing misfiled records, and eliminating refileing.

Also, former County Supervisor Jim Moore, who submitted the nomination, will describe the program in a technical paper to be presented on August 12, 1999 at the 15th International Conference on Production Research at the University of Limerick in Limerick, Ireland. Mr. Moore serves as the Treasurer of the International Foundation for Production Research, which is sponsoring the conference.

Mid-County Landfill - The County has been working with the Department of Environmental Quality on amending the County's permit for methane gas removal at the Mid-County Landfill. The County will install gas vents at the baseball fields, along the road, and near the Montgomery Regional Solid Waste Authority's building.

The Virginia Workforce Strategy The Virginia Workforce Investment Act will replace the Job Training Partnership Act (JTPA). Governor Gilmore's plan is to establish the Virginia Workforce Council and develop a strategic plan for the workforce department. The goals of the Workforce is to increase employment and occupational skills in the workforce; ans to train and enhance productivity and competitiveness in the Commonwealth. Once the council is formed and the training areas are developed, the Board will need to review the act and approve the policy.

BOARD MEMBERS' REPORTS

Supervisor Stewart received a complaint about speeding problems on Rt. 11/460 in the Elliston/Shawsville area. He asked that the County Administrator request the Sheriff's Department to patrol this area more frequently.

Supervisor Biggs reported that the Board of Supervisors' concerns regarding the Proposed Revised Zoning Ordinance will be submitted to the Planning Commission at their first meeting in August. Supervisor Biggs requested that the Virginia Department of Transportation be contacted about McCoy Road. There are patches on the road making it uneven.

Supervisor Long commended the County Attorney and staff for all their efforts and hardwork in getting information together for the Commission of Local Government on the Price's Fork petition for township.

Supervisor Perkins received a complaint about the air conditioning unit at the Blacksburg Library. The unit is very noisy when turned on. Supervisor Perkins requested that this problem be investigated.

NRV Planning District Commission- a copy of the agenda and minutes are available in the non-agenda section of the Board packet for review. At the next meeting to be held August 26, 1999 the cost of membership to each locality will be discussed. There has been some discussion about increasing the cost per capita, and the Commission is inviting communities and universities to join the PDC. The deadline for interest to join is August 20, 1999.

Montgomery Regional Economic Development Commission (EDC)-Supervisor Perkins gave the Montgomery Regional Economic Development Commission Activity Report to the County Administrator to be included in the Board's Friday's Report.

New River American Heritage Supervisor Perkins reported that she and Supervisor Biggs attended a workshop held by Congressman Rick Boucher about the New River. There are approximately 300 projects planned around the New River to increase tourism.

Supervisor Rush asked when the population projection for Montgomery County will be available for this year. Weldon Cooper Center for Public Service at the University of Virginia provides a yearly population total for counties and towns. This figure is not available until next year. The Planning Department has averaged the growth per year in Montgomery County to be approximately 1% per year. The latest figure for Montgomery County is 77,500.

Chairman Gorman commended all staff involved in helping with the public meeting in Price's Fork with the Commission of Local Government regarding the Price's Fork Township.

Pharming Bio-Tech Project - Chairman Gorman reported that Pharming Bio-Tech has announced that they will locate two new bio-technology facilities in Virginia. A transgenic cattle facility in Craig County and a milk processing facility in the Virginia Tech Corporate Research Center. They commended the New River Valley in the way all the localities worked together to find a suitable site for their operation.

Personnel Hiring Policy- Chairman Gorman mentioned that the County's Personnel Hiring Policy needs to be amended to reflect that the Board no longer needs to authorize approval to fill vacant positions. The Board will still need to approve any new positions created.

INTO CLOSED SESSION

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

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

Section 2.1-344(A) (3) Discussion or Consideration of the Condition, Acquisition or Use

of Real Property for Public Purpose

1. Public Facilities

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED SESSION

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

BE IT RESOLVED, That the Board of Supervisors ends their Closed Session 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	James D. Politis
Joe C. Stewart		
Ira D. Long		
Larry N. Rush		
Mary W. Biggs		
Joseph V. Gorman, Jr.		

CERTIFICATION OF CLOSED SESSION

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

WHEREAS, The Board of Supervisors of Montgomery County has convened an 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

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

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Wednesday, August 11, 1999 at 7:00 p.m.

The meeting adjourned at 8:55 p.m.