

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 12th DAY OF OCTOBER , 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
	Annette S. Perkins	-Supervisors
	James D. Politis	
	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
	Angie Hill	-Financial & Management Services Director
	Vickie L. Swinney	-Secretary

ABSENT:	Ira D. Long	-Supervisor
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CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

DELEGATIONS

Award of Financial Reporting Achievement

Chairman Gorman presented Angela Hill, Financial & Management Services Director, a Certificate of Achievement for Excellence in Financial Reporting for Montgomery County's Comprehensive Annual Financial Report. Montgomery County has received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) for twelve (12) consecutive years.

Virginia Law Enforcement Challenge Program

The vote on the foregoing motion was as follows:

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

Remove from Consent Agenda- Brush Mountain Estates, Phase III - Final Plat

The above referenced item was removed from the Consent Agenda at the request of Supervisor Perkins and listed under Old Business for consideration by the Board.

CONSENT AGENDA

On a motion by Joe C. Stewart, seconded by James D. Politis and carried unanimously, the Consent Agenda dated October 12, 1999 was approved . The vote was as follows:

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

Falling Branch Industrial Park - Agreement with the Virginia Department of Transportation (VDOT) for Industrial Access Road

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

WHEREAS, The Commonwealth Transportation Board, on June 17, 1999 did approve the

Board's request to re-obligate funds for the Falling Branch Industrial Park Access Road; and

WHEREAS, The Commonwealth Transportation Board re-allocated VDOT funds consisting of \$450,000 (\$300,000 unmatched and \$150,000 locally matched) and extended the time period to recruit a qualified industry to July, 2004; and

WHEREAS, The County and the Virginia Department of Transportation (VDOT) have agreed to expedite the construction of the roadway, with the County administering the construction of the project; and

WHEREAS, The County will be reimbursed up to \$450,000 by VDOT for expenditures in connection with the construction of this road project; and

WHEREAS, The County and VDOT, to facilitate the construction of the Falling Branch Industrial Park Access Road, must enter into a Mutual Agreement for Road Project 1416-060-209, M501.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves entering into a Standard Performance Agreement with the Virginia Department of Transportation for the construction of Road Project 1416-060-209, M501.

BE IT FURTHER RESOLVED, That Joseph V. Gorman, Jr., Chairman and Jeffrey D. Johnson, County Administrator, are authorized and directed to execute and deliver said documents on behalf of the Board of Supervisors to the Virginia Department of Transportation.

OLD BUSINESS

Additional Signatories for Requisitions Under Bond Indenture

On a motion by Mary W. Biggs, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby resolves, in accordance with sections 1.1 and 7.2 of the indenture of trust, dated as of June 1, 1999 between the Industrial Development Authority of Montgomery County, Virginia and Crestar Bank as trustee that in addition to the Chairman or Vice Chairman of the Board and the County Administrator, the following individuals are each hereby designated as authorized County representatives in accordance with the indenture: the Assistant County Administrator (L. Carol Edmonds), the Director of Economic Development (M. Robert Isner) and the County Administrator's Administrative Assistant (Judy Kiser).

The vote on the foregoing motion was as follows:

AYE

NAY

ABSENT

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

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

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

WHEREAS, By resolution dated May 10, 1999, the Montgomery County Board of Supervisors agreed with the pro forma Participation Agreement for members of the Authority who elected to participate in the New River Valley Commerce Park, Initial Phase; and

WHEREAS, By resolution dated July 26, 1999 the Board elected to participate in the New River Valley Commerce Park, Initial Phase and agreed to purchase a total of 18,932 shares contingent upon approval by the Board of Supervisors of the Participation Agreement, Initial Phase.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves the Participation Agreement for the New River Valley Commerce Park, Initial Phase.

FURTHER BE IT RESOLVED, That the Chairman is hereby authorized to sign the Agreement on behalf of Montgomery County.

The vote on the foregoing motion was as follows:

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

Brush Mountain Estates, Phase III - Final Plat

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

WHEREAS, Brush Mountain Estates, Phase III consists of 29 lots located east of Brush Mountain Road (State Route 778) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions: and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners' association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of Brush Mountain Estates, Phase III has agreed that said responsibility shall be assumed by the homeowners' association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Brush Mountain Estates, Phase III (Draper Aden Associates Plan No. T-7557-E revised 9/2/99), Mt Tabor Magisterial District, including stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

The vote on the foregoing motion was as follows:

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

NEW BUSINESS

Proposed Budget Calendar Fiscal Year 2000-2001

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 proposed FY2000-2001 Budget Calendar is hereby approved. It is the intent of the Board of Supervisors that departments, offices and agencies requesting funds through the budget process adhere to the deadlines prescribed within the calendar. The names of the departments, offices and agencies failing to comply with this directive shall be reported to the Board of Supervisors at their first meeting following **December 17, 1999**.

COUNTY OF MONTGOMERY
BUDGET CALENDAR FOR 2000-2001

The Budget Calendar is a schedule for the development of the County budget. It is very important that everyone adhere to the Budget Calendar and fulfill his/her responsibility in the budgeting process.

DATE

FUNCTION

October 29, 1999

January 2000

January 10, 2000

February 9, 2000

December 1 - 10, 1999

February 7 -11, 2000

February 28, 2000

December 20, 1999

Budget working documents delivered to divisions and agencies along with special instructions and guidelines including initial budget session with division heads to set over-all direction for County to identify major needs, gaps in services, and to provide local program context for changes in County budget.

Budget Training Worksessions for Divisions and Agencies.

Base Budget Request for all divisions, agencies and organizations (except Schools) returned to the

Administrator. Budget Addenda request for all divisions, agencies and organizations (except for School) returned to Co. Administrator.

Agency Heads

Budget study sessions by the Bo

Administrative review of budget requests.

County Administrator

Establish proposed tax rate and prepare budget synopsis notices public hearing in paper.

Public Hearing for citizen input

Board of Supervisors

Publishment date for public hearing on proposed tax rate and budget synopsis.

School Budget delivered to County Administrator.

School Board

Public Hearing on proposed tax rate and budget.

Distribute budget recommendations to County Divisions and Offices.

County Administrator

Adopt budget (including Schools) and establish tax rate.

Budget document delivered to Board of Supervisors and placed in Libraries.

County Administrator

Make final budget appropriation.

Divisions and Agencies notified of final appropriation.

February 28-March 2, 2000

March 9, 2000

RESPONSIBILITY

County Administration and Financial & Management Services

March 15, 2000

March 22, 2000

March 23 - April 10, 2000

Financial & Management Services and Information Management Services

By June 30, 2000

After July 1, 2000

Directors, Divisions, and

Board of Supervisors

Board of Supervisors

County Administrator

Board of Supervisors

Board of Supervisors

Board of Supervisors

County Administrator

1. PUBLIC HEARING: A public hearing on the budget is required. If a tax rate increase is needed, notice must be published at least 7 days before the public hearing and at least 14 days before final action.
2. TAX RATE AND BUDGET: The tax rate and budget must be established at the same time. This must be done early to process the first installment of real estate taxes.
3. CAPITAL BUDGET: The Capital Budget should be available to be considered along with Operating Budget if desired.
4. LEGAL NOTICES AND PUBLIC HEARINGS: Legal notices and public hearings on the School Budget may be considered separately from the Non-School Budget. The School Budget must be approved by May 1, 1999 or within 30 days after receipt of State revenue estimates, whichever is later.

The vote on the foregoing motion was as follows:

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

Annette S. Perkins
Mary W. Biggs
Joseph V. Gorman, Jr.

COUNTY ATTORNEY'S REPORT

HP Hydraulics The County Attorney reported that the County is in possession of the HP Hydraulics building at the Elliston/Lafayette Industrial Park. The Economic Development Department is in the process of preparing the building for leasing. The equipment is still in the building and First National Bank will be holding an auction to sell the equipment.

AEP Donated Land The County Attorney reported that the plat has been signed and ready for recordation. The next stage is approval of the subdivision variance by the Board of Supervisors.

COUNTY ADMINISTRATOR'S REPORT

Falling Branch Access Road - Bob Isner, Director of Economic Development, provided an update on the Falling Branch Access Road. Mr. Isner reported that the Board approved earlier tonight to enter into an agreement with the Virginia Department of Transportation to construct an access road into the Falling Branch Industrial Park. The project went out to bid and the bids came in under budget. The project was budgeted for \$600,000 and low bid was \$450,000. Mr Isner stated that they were given verbal approval by VDOT to proceed with construction and are awaiting written approval.

Stone's Water Pump Station The County Administrator reported that a Utilities Committee meeting needs to be scheduled to discuss the Stone's Water Pump Station issue.

Montgomery County Road Concerns An updated report was provided in the Board's packet.

BOARD MEMBERS' REPORTS

Supervisor Biggs reported the next Planning Commission meeting is scheduled for October 13, 1999. There are three public hearings scheduled.

School Board An updated student enrollment report will be provided at the next School Board meeting on October 19, 1999. The School Board is also considering possible snow routes.

Supervisor Rush reported that the road maintenance to Cedar Walk has been completed by the Virginia Department of Transportation.

Supervisor Politis attended the Transportation Safety Commission meeting held on October 4, 1999. Supervisor Politis said Sgt. Frank Duffy, Virginia State Police, attended the meeting to express his concern that the state police currently have two unfilled positions. He stated he would appreciate support from the

Montgomery County Board of Supervisors to help fill these positions. Due to increased traffic on I-81 and the recent string of accidents, it is imperative that all State Police positions be filled. Supervisor Politis requested a letter of support from the Board of Supervisors be sent to the local delegates and state senator.

Five Points Road- Supervisor Politis reported that the Virginia Department of Transportation is working on Five Points Road and has brought in gravel for the road.

Plum Creek Public Meeting Supervisor Politis reported the public meeting held in Plum Creek on the proposed recreational park and consolidated collection site went well. He stated the County needs to look into the concerns of the Plum Creek community on the health and safety issues on the consolidated collection site. Supervisor Politis said he would like to have another public meeting in Plum Creek to show a computer overlay on what the recreational and consolidated collection site would look like and to address the safety issues related to the consolidated collection site.

Supervisor Stewart reported a problem with water runoff from the new Elliston Site school to neighboring property, causing flooding. The County Attorney said the Schools and the Virginia Department of Transportation have visited the site and are in the process of resolving the problem.

Tour of Eastern Montgomery High School Supervisor Stewart suggested that Board Members take a tour of Eastern Montgomery High School, the new school in Elliston. The County Administrator will add this item of interest on the next County/School Liaison agenda and have a tour scheduled.

State Route 636 Supervisor Stewart reported that VDOT has done a tremendous job on clearing out brush on State Route 636.

Supervisor Perkins thanked the Planning Department for providing the Board Members with an updated road report. She also expressed her concern with several roads in her district being delayed for resurfacing or maintenance. They were originally to be resurfaced this year; now the project has been set for the year 2001.

Light Ordinance Supervisor Perkins requested the County Attorney to review the ordinance which addresses the nuisance of lights reflecting onto neighboring property.

Economic Development Commission The Economic Development Commission has scheduled a tour of the Falling Branch Industrial Site and Rowe Furniture for October 28 at 12:15 p.m. Board members are invited.

Chairman Gorman requested the County Administrator give a update on how Montgomery County is getting prepared for the Y2K. A update will be provided at the next Board meeting.

Workforce Investment Act The Chairman stated that the Workforce Investment Act application is due by midnight tonight. The Board by resolution has made a decision to stay in the current Workforce Service

The vote on the foregoing motion was as follows:

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

CERTIFICATION OF CLOSED MEETING

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

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

NAYS

None

ABSENT DURING VOTE

Ira D. Long

ABSENT DURING MEETING

Ira D. Long

APPOINTMENTS

New River Community College Board

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints James M. Moore to the New River Community College Board effective October 13, 1999 and expiring June 30, 2002.

Said appointment fills the unexpired term of Jo K. Kafer.

The vote on the foregoing motion was as follows:

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

ADJOURNMENT

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, October 25, 1999 at 7:15 p.m.

The vote on the foregoing motion was as follows:

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

The Board adjourned at 9:45 p.m.