

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 24TH DAY OF SEPTEMBER, 2001 AT 7:15 P.M. IN COURTROOM B, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

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

CALL TO ORDER

The Chairman called the September 24, 2001 meeting to order.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

The Chairman called for a Moment of Silence to observe the victims, their families and those involved in the continuing rescue efforts which resulted from the terrorist attacks on the United States on September 11, 2001.

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Blacksburg/Christiansburg/Montgomery County 2020 Area Transportation Plan

The Virginia Department of Transportation has developed the 2020 Area Transportation Plan jointly with staff from Montgomery County and the Towns of Blacksburg and Christiansburg with recommendations of future transportation needs in the Blacksburg/Christiansburg/Montgomery County area.

Margaret Smith addressed the Board in opposition to the 2020 Area Transportation Plan recommendation to widen Route 8 one mile from Riner to Christiansburg. Ms. Smith also stated that the Planning Commission recommended that five miles of Route 8 between Riner and Christiansburg be moved to the 2010 plan and become part of the Comprehensive Plan revision. She believes that upgrading and improvements are needed on Route 8 in Riner, not four laning. She suggested the comprehensive plan should first be updated after carefully studying where best to direct growth.

Leon Alley addressed the Board concerning Fisherview Road in Pilot. Mr. Alley asked that Fisherview Road be considered for surface treatment and thanked the Board for their support.

Virginia Reilly spoke on behalf of the Friends of Riner in opposition to four laning Route 8 in Riner. Ms. Reilly stated numerous studies and reports have been done for the Riner area, which includes the New River Valley 2020, Route 8 Corridor Study, and studies from graduate students from Virginia Tech and Radford University. All studies have proven that the citizens of Riner want to preserve the community and rural environment. To four lane Route 8 in Riner would only promote development. Ms. Reilly stated there are safety issues to address on Route 8. The shoulders need to be widened and turn lanes installed, but not four laning.

Michael Reilly spoke in opposition to four laning Route 8 in Riner. He believes the citizens in any region/community should be involved before any major road construction or renovation is undertaken. Also, there should be more notification in the newspapers and letters to the community to let the citizens know what is being proposed.

Henry Tieleman spoke in opposition to four laning Route 8 in Riner. Mr. Tieleman stated that Montgomery County should do what Floyd County did and upgrade the existing road. They should widen and upgrade the road from the Floyd County line to the intersection of Interstate 81 in Christiansburg. This plan seems more realistic than four laning Route 8.

Kelly Brennan spoke in opposition to four laning Route 8 in Riner. He agreed with the statement that Mr. Tieleman made, Route 8 needs to be upgraded to address the safety issues.

Russell Duncan addressed the Board concerning safety issues on Route 8. He stated that Route 8 is a dangerous road with heavy traffic that is increasing daily. Mr. Duncan does not agree to four laning, but if that will improve the conditions of the road, then so be it.

Kitty Brennan spoke in opposition to four laning Route 8 in Riner. Ms. Brennan said it is a correct

statement that Route 8 needs work and they have been promised for 20 years that the road will be upgraded. It will probably be 40 years before VDOT gets around to four laning Route 8. Her main concern is the plan to four lane Route 8 before the comprehensive plan is updated, and supports keeping Riner rural.

Mary North addressed her concerns with four laning Route 8. She has similar concerns that the previous speakers stated. She believes the comprehensive plan needs to be updated, and Route 8 should be upgraded before it is four-laned.

Bill Richardson addressed the Board on the 2020 Transportation Plan. He stated the plan is more of a wish list for the County and Towns. Some of the projects recommended are needed and will improve traffic in the future. Mr. Richardson commented that once the 460 by-pass is complete then he believes more traffic will be routed to Route 8 which will only add to the safety issues.

Charlie Bowles addressed the Board concerning safety issues on Route 8 in Riner. He said they have been promised that Route 8 will be upgraded for years. Mr. Bowles stated that Route 8 is in desperate need of turn lanes, especially at the new Post Office and School, and the shoulders need to be widened. He stated that Riner does not need four lanes, the citizens do not want it, they want to keep Riner rural.

Gloria Hoover addressed the Board concerning four laning Route 8 in Riner. She suggested that the current safety issues be addressed first.

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

Dangerous and Vicious Dog Ordinance

-An Ordinance Amending Chapter 3 Entitled Animals, Sections 3-28, 3-28.1, 3-28.2, 3-28.3, 3-28.7, 3-41 and 3-42 and Creating Article V Entitled Dangerous or Vicious Dogs Sections 3-50 through 3-55 respectively of the Code of the County of Montgomery, Virginia in order to control dangerous and vicious dogs and to comply with the state enabling legislation.

Jason Nicolai spoke on behalf of the New River Valley Kennel Club. They believe the proposed ordinance is very sound in many respects. Their main concern with the proposed ordinance is Section 3-51 (b) which gives authority to the Animal Control Officer in determining whether a dog is a dangerous dog. The New River Valley Kennel Club requests that Section 3-51 (b) be totally stricken from the proposed ordinance.

Mr. Bartcol spoke in opposition to the proposed ordinance. He stated there are more important issues in the County for the Board to concentrate on.

September 24, 2001

Page 3 of 32

Elizabeth Nardi spoke in support of the proposed ordinance. A dog in her neighborhood has bitten her, and on another occasion came after her and her child. The dog constantly breaks out of its leash and chases people and cars. She hates to see someone lose their dog but something needs to be done before someone is seriously injured.

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

Maple Ridge Land, LLC (Agent: Anderson & Associates, Inc) Rezoning and Comprehensive Plan Amendment

Maple Ridge Land, LLC (Agent: Anderson & Associates, Inc) requests the following:

1. A Comprehensive Plan Amendment to change the land use designation for Tax Parcel Nos. 028-A-93, 94, 95, 96, 97, 98 & 41-A-3, 1A & 41-8-85 (a total of approximately 131 acres) from Rural Area to Urban Expansion.
2. Rezone 11.35 acres from Residential (R2) to Multi Family Residential (RM-1) with proffered conditions.
3. Rezone 119.99 acres from Residential (R2) to Residential (R2) with proffered conditions.

The properties are located near the North Main Street (US 460) and Mount Tabor Road (Rte 624) intersection and are identified as Tax Parcel Nos. 028-A-93, 94, 95, 96, 97, 98 & 41-A-3, 1A & 41-8-85 (Acct ID #'s 015210, 012278, 015237, 015209) in the Mount Tabor Magisterial District.

Sterling Nichols, applicant, spoke on behalf of his request. He explained that this project has been a year and a half in the making and believes it is a wise use of development of land. He has worked with the surrounding property owners by getting their input and addressing their concerns.

Gloria Hoover spoke in support of the rezoning request. There have been numerous developers over the past years with various plans and she believes this plan is the most favorable.

Ann Glass spoke in favor of the rezoning request. Even though she is not thrilled with the idea of 300 housing units, she does appreciate Mr. Nichols respecting their concerns.

Frances Russell spoke in support of the rezoning request. She stated that Mr. Nichols has meet with all the surrounding property owners and has addressed many of their concerns. The plan for green space left in the neighborhood is very favorable.

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

Rezoning and Special Use Permit Request

Oscar & Edith Akers (Agent: Margaret Owens) request to rezone approximately 0.5 acres from Agriculture (A-1) to Residential (R-3), with possible proffered conditions, and a Special Use Permit to allow an existing manufactured home. Property is located at 126 Walton Road and is identified as Tax Parcel No. 64-A-115 (Account ID #000283) in the Riner Magisterial District.

There being no speakers, the public hearing was closed.

Special Use Permit Request

Walter Bowles (Agent: Thomas Bowles) request for a Special Use Permit, with possible conditions, in Agricultural (A-1) on a 10.44 acre tract to allow a private garage in excess of 850 square feet. The property is located at 3022 Seneca Hollow Road and is identified as Tax Parcel No. 70-A-34F (Account ID #035877) in the Mt. Tabor Magisterial District.

Walter Bowles, applicant, addressed the Board regarding his request. Mr. Bowles stated they live in a rural area and have equipment such as large mowing tractors, chippers, and generators that need to be stored. He would appreciate the Board's support of his request.

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

Special Use Permit Request

A. Travis & Calvert K. Poole request for a Special Use Permit, with possible conditions, in Agricultural (A-1) on a 5.3140 acre tract to allow a private garage in excess of 850 square feet. The property is located at 4510 Preston Forest Drive and is identified as Tax Parcel No. 16-3-12 (Account ID #003659) in the Mt. Tabor Magisterial District.

Travis Poole, applicant, spoke on behalf of his request. Mr. Poole is buying an RV Motor Home and needs a garage to store it. The garage will be built away from the road in a wooded area and will not be seen from the road.

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

Proposed Review and Renewal of Agricultural & Forestal District 6 (South of Shawsville)

Proposed review and renewal of Agricultural & Forestal District 6 (South of Shawsville) for the following landowners:

September 24, 2001

Page 5 of 32

Givens Land Associates	145 acres
Ann Gardner Gray	185 acres
Mary Rordam	232 acres
Macon Sammons, Jr.	483 acres
Jimmy Yopp	37 acres
C.M. Yopp Jr.	<u>235 acres</u>
Total Acreage	1,347 acres

There being no speakers, the public hearing was closed.

Proposed Ordinances Amending the Code of the County of Montgomery, Virginia as follows:

An Ordinance Amending Sections 1-6 of Chapter 1 of the Code of the County of Montgomery, Virginia, Entitled General Provisions in Order to Comply with the State Enabling Legislation.

An Ordinance Amending Sections 2-1, 2-8, 2-12 and 2-122 Respectively of Chapter 2 of the Code of the County of Montgomery, Virginia, Entitled Administration in Order to Comply with the State Enabling Legislation.

An Ordinance Amending Section 4-3 of Chapter 4 of the Code of the County of Montgomery, Virginia, Entitled Fire Prevention and Protection in Order to Comply with the State Enabling Legislation.

An Ordinance Amending Sections 7-7 and 7-28 Respectively of Chapter 7 of the Code of the County of Montgomery, Virginia, Entitled Offenses-Miscellaneous in Order to Comply with the State Enabling Legislation.

An Ordinance Amending Sections 8-17 and 8-23 Respectively of Article II of Chapter 8 of the Code of the County of Montgomery, Virginia, Entitled Buildings in Order to Comply with the State Enabling Legislation.

There being no speakers, the public hearing was closed.

Conveyance of Right-of-Way Easement to American Electric Power

-Proposed conveyance of right-of-way easement to American Electric Power in order to provide electrical services to the new collection and recycling site on Pilot Road in Montgomery County. The

September 24, 2001

Page 6 of 32

property is located at 2750 Pilot Road, in the Shawsville Magisterial District.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Allan Burke, Clerk of the Circuit Court, requested the Board to revisit his escrow request. He stated the office is in dire need filing cabinets and three computers. He also stated he would like to pay out the compensatory time accumulated by his employees.

Eric Oliver addressed the Board concerning the proposed ordinance regarding private streets. He believes private streets need to be addressed due to the number of subdivisions being developed or being proposed in the County with improper roads.

Elizabeth Nardi addressed the Board concerning the proposed ordinance regarding private streets. She stated that private roads should be eliminated within the County due to property owners not honoring private easements.

Larry Martin addressed the Board in opposition to the proposed ordinance regarding private streets. He stated that the Board should keep housing affordable, and if they eliminate private roads they are increasing the cost of developing and therefore increasing the cost of houses. Mr. Martin believes it is the property owners right in A-1 to subdivide and build a private road.

There being no speakers, the public hearing was closed.

CONSENT AGENDA

On a motion by Joe C. Stewart, seconded by Larry N. Rush and carried unanimously, the Consent Agenda dated September 24, 2001 was approved.

The vote on the foregoing motion was as follows:

AYE

NAY

Larry N. Rush None

C.P. Shorter

James D. Politis

Joe C. Stewart

September 24, 2001

Page 7 of 32

Annette S. Perkins
John A. Muffo
Mary W. Biggs

Approval of Minutes

On a motion by Joe C. Stewart, seconded by Larry N. Rush and carried unanimously, the minutes dated August 15 and August 27, 2001 were approved.

Schedule Public Hearing - Conveyance of Right-of-Way Easement to American Electric Power - New Blacksburg Middle School

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, schedules a public hearing for Monday, October 22, 2001 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving citizens' comments on the following:

Conveyance of Right-of-Way Easement to American Electric Power

-Proposed conveyance of right-of-way easement to American Electric Power in order to provide electrical services to the new Blacksburg Middle School. The property is located on Prices Fork Road, in the Prices Fork Magisterial District.

Social Services Additional Appropriation

On a motion by Joe C. Stewart, 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, 2002, for the function and in the amount as follows:

540	Social Services	\$12,500
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The sources of the funds for the foregoing appropriation is as follows:

Revenue Account

Said resolution appropriates monies from the State Jail Block Grant carryover from the prior year.

Board of Supervisors Meeting-Change of Meeting Date

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in November on **Wednesday, November 14, 2001 at 7:15 p.m.**

OLD BUSINESS

Authorization of Issuance of Not to Exceed \$7,500,000 of General Obligation School Bonds to be Sold to the Virginia Public School Authority (VPSA) - Blacksburg Middle School

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

WHEREAS, In February of 2001, the Commonwealth of Virginia Board of Education (**the “Board of Education”**) placed the application (**the “Application”**) of the School Board of Montgomery County, Virginia (**the “School Board”**), for a loan of \$7,500,000 (**the “Literary Fund Loan”**) from the Literary Fund, a permanent trust fund established by the Constitution of Virginia (**the “Literary Fund”**), for the construction of the new Blacksburg Middle School (**the “Project”**) in Montgomery County, Virginia (**the “County”**), on the First Priority Waiting List; and

WHEREAS, The Board of Education was to have approved the release of Literary Fund moneys to the School Board and make a commitment to loan such moneys to the School Board (**the “Commitment”**) within one (1) year of placement of the Application on the First Priority Waiting List upon receipt of the Literary Fund of an unencumbered sum available at least equal to the amount of the Application and the approval, by the Board of Education, of the Application as having met all conditions for a loan from the Literary Fund; and

WHEREAS, The Board of Education was thereafter to have given advances on the amount of the Commitment for the Literary Fund Loan to the School Board, as construction or renovation of the Project progressed, in exchange for temporary notes from the School Board to the Literary Fund (**the “Temporary Notes”**) for the amounts so advanced; and

September 24, 2001

Page 10 of 32

WHEREAS, After the completion of the Project and the advance of the total amount of the Commitment, the Temporary Notes were to have been consolidated into a permanent loan note of the School Board to the Literary Fund (**the “Literary Fund Obligation”**) which was to evidence the obligation of the School Board to repay the Literary Fund Loan; and

WHEREAS, The Literary Fund Obligation was to have borne interest at three percent (3%) per annum and mature in annual installments for a period of twenty (20) years; and

WHEREAS, In connection with the 2001 Interest Rate Subsidy Program (**the “Program”**), the Virginia Public School Authority (**the “VPSA”**) has offered to purchase general obligation school bonds of the County, and the Board of Education has offered to pay, to the County, a lump sum cash payment (**the “Lump Sum Cash Payment”**) equal to the sum of (i) net present value difference, determined on the date on which the VPSA sells its bonds, between the weighted average interest rate that the general obligation school bonds of the County will bear upon sale to the VPSA and the interest rate that the Literary Fund Obligation would have borne plus (ii) an allowance for the costs of issuing such bonds of the County (**the “Issuance Expense Allowance”**); and

WHEREAS, The Board of Supervisors (**the “Board”**) of the County of Montgomery, Virginia (**the “County”**), has determined that it is necessary and expedient to borrow not to exceed \$7,500,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, The County held a public hearing, duly noticed, on September 10, 2001, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (**the “Virginia Code”**); and

WHEREAS, The School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds and, consented to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA:

- 1. Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$7,500,000 (**the “Bonds”**) for the purpose of financing the construction of the new Blacksburg Middle School. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.
- 2. Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (**the “VPSA”**) to purchase from the County, and to sell to

September 24, 2001

Page 11 of 32

the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution. The Chairman of the Board, the County Administrator, and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (**the “Bond Sale Agreement”**).

3. **Details of the Bonds.** The Bonds shall be issuable in fully registered form; shall be dated the date of issuance and delivery of the Bonds; shall be designated “General Obligation School Bonds, Series 2001A”; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2002 (**each an “Interest Payment Date”**), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (**each a “Principal Payment Date”**) and in the amounts set forth on Schedule I attached hereto (**the “Principal Installments”**), subject to the provisions of Section 4 of this Resolution.
4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (**the “VPSA Bonds”**), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six and twenty five one hundredths percent (6.25 %) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.
5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as **Exhibit A**.
6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:
 - (a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date or Principal Payment

September 24, 2001

Page 12 of 32

Date, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date or Principal Payment Date.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) _____, _____, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. **No Redemption or Prepayment**. The Principal Installments of the Bonds shall not be subject to redemption or prepayment. Furthermore, the Board covenants, on behalf of the County, not to refund or refinance the Bonds without first obtaining the written consent of the VPSA or the registered owner of the Bonds.
8. **Execution of the Bonds**. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.
9. **Pledge of Full Faith and Credit**. For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.
10. **Use of Proceeds Certificate and Certificate as to Arbitrage**. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (**the “Code”**), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds except as provided below. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply

September 24, 2001

Page 13 of 32

with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.
12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).
13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.
14. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.
15. **Effective Date.** This Resolution shall take effect immediately.

The vote on the foregoing motion was as follows:

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

Mary W. Biggs

Authorization of Issuance of Not to Exceed \$7,500,000 of General Obligation School Bonds to be sold to the Virginia Public School Authority (VPSA) - Christiansburg Middle School

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

WHEREAS, In February of 2001, the Commonwealth of Virginia Board of Education (**the “Board of Education”**) placed the application (**the “Application”**) of the School Board of Montgomery County, Virginia (**the “School Board”**), for a loan of \$7,500,000 (**the “Literary Fund Loan”**) from the Literary Fund, a permanent trust fund established by the Constitution of Virginia (**the “Literary Fund”**), for the construction of the new Christiansburg Middle School (**the “Project”**) in Montgomery County, Virginia (**the “County”**), on the First Priority Waiting List; and

WHEREAS, The Board of Education was to have approved the release of Literary Fund moneys to the School Board and make a commitment to loan such moneys to the School Board (**the “Commitment”**) within one (1) year of placement of the Application on the First Priority Waiting List upon receipt of the Literary Fund of an unencumbered sum available at least equal to the amount of the Application and the approval, by the Board of Education, of the Application as having met all conditions for a loan from the Literary Fund; and

WHEREAS, The Board of Education was thereafter to have given advances on the amount of the Commitment for the Literary Fund Loan to the School Board, as construction or renovation of the Project progressed, in exchange for temporary notes from the School Board to the Literary Fund (**the “Temporary Notes”**) for the amounts so advanced; and

WHEREAS, After the completion of the Project and the advance of the total amount of the Commitment, the Temporary Notes were to have been consolidated into a permanent loan note of the School Board to the Literary Fund (**the “Literary Fund Obligation”**) which was to evidence the obligation of the School Board to repay the Literary Fund Loan; and

WHEREAS, The Literary Fund Obligation was to have borne interest at three percent (3%) per annum and mature in annual installments for a period of twenty (20) years; and

WHEREAS, In connection with the 2001 Interest Rate Subsidy Program (**the “Program”**), the Virginia Public School Authority (**the “VPSA”**) has offered to purchase general obligation school bonds of the County, and the Board of Education has offered to pay, to the County, a lump sum cash payment (**the “Lump Sum Cash Payment”**) equal to the sum of (i) net present value difference, determined on the date on which the VPSA sells its bonds, between the weighted average interest rate that the general obligation school bonds of the County will bear upon sale to the VPSA and the interest rate that the

September 24, 2001

Page 15 of 32

Literary Fund Obligation would have borne plus (ii) an allowance for the costs of issuing such bonds of the County (**the “Issuance Expense Allowance”**); and

WHEREAS, The Board of Supervisors (**the “Board”**) of the County of Montgomery, Virginia (**the “County”**), has determined that it is necessary and expedient to borrow not to exceed \$7,500,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, The County held a public hearing, duly noticed, on September 10, 2001, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (**the “Virginia Code”**); and

WHEREAS, The School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds and, consented to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA:

1. **Authorization of Bonds and Use of Proceeds**. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$7,500,000 (**the “Bonds”**) for the purpose of financing the construction of the new Christiansburg Middle School. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.
2. **Sale of the Bonds**. It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (**the “VPSA”**) to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution. The Chairman of the Board, the County Administrator, and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (**the “Bond Sale Agreement”**).
3. **Details of the Bonds**. The Bonds shall be issuable in fully registered form; shall be dated the date of issuance and delivery of the Bonds; shall be designated “General Obligation School Bonds, Series 2001B”; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2002 (**each an “Interest Payment Date”**), at the rates

September 24, 2001

Page 16 of 32

established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a “Principal Payment Date”) and in the amounts set forth on Schedule I attached hereto (the “Principal Installments”), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the “VPSA Bonds”), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six and twenty five one hundredths percent (6.25%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as **Exhibit A**.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:
 - (a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date or Principal Payment Date, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date or Principal Payment Date.

 - (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

 - (c) _____, _____, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. **No Redemption or Prepayment.** The Principal Installments of the Bonds shall not be subject to redemption or prepayment. Furthermore, the Board covenants, on behalf of the County, not

September 24, 2001

Page 17 of 32

to refund or refinance the Bonds without first obtaining the written consent of the VPSA or the registered owner of the Bonds.

8. **Execution of the Bonds.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.
9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.
10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (**the “Code”**), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds except as provided below. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.
11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

- 12. **Continuing Disclosure Agreement**. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

- 13. **Filing of Resolution**. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

- 14. **Further Actions**. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

- 15. **Effective Date**. This Resolution shall take effect immediately.

The vote on the foregoing motion was as follows:

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

Amendment to Montgomery County Zoning Ordinance - Private Streets

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

**ORDINANCE 2001-11
An Ordinance Amending the**

Montgomery County Zoning Ordinance

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Zoning Ordinance is hereby amended as follows:

Additions shown in **bold underline**. Deletions shown in **~~bold strikethrough~~**.

Section 10-21. A-1 Agricultural District.

(d) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDoT) system or from a hard-surfaced **private street** road designed by a professional engineer to **meet current VDoT subdivision street requirements** accommodate projected volumes, loads and vehicle types and approved by the zoning administrator with **one** ~~two (2)~~ exceptions. Under the **first** exception; **up to three (3) lots one lot** divided from any parent parcel may be served by a private access easement at least forty (40) feet in width. ~~Under the second exception, a private access easement at least forty (40) feet in width may be used if the easement serves all the permitted lots derived from the parent parcel and if VDoT has approved an entrance permit for the easement to access the VDoT road system. The purpose of the exceptions are to discourage strip development by allowing lot access from interior private roads rather than separate access for each lot onto the public road.~~

Section 10-23. R-R. Rural Residential District.

(5) *Lot requirements.*

(b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDoT) system ~~or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator~~ **under the compact development option**.

Section 10-24. R-1 Residential District,

(5) *Lot requirements.*

(b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDoT) system ~~or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator.~~

Section 10-25. R-2 Residential District

- (b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDoT) system ~~or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator.~~

Section 10-26. R-3 Residential District

- (5) *Lot requirements.*

- (b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDoT) system ~~or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator.~~

Section 10-41. Supplemental District Regulations.

- (18) *Private Streets.*

- (a) *Design.* Private streets shall be hard-surfaced roads designed and certified by a professional engineer to meet current VDoT subdivision street requirements.

- (b) *Entrance.* The entrance point of any private street onto a public street shall comply with applicable VDoT entrance requirements.

- (c) *Subdivision Ordinance.* Private streets shall comply with applicable **Subdivision Ordinance requirements including the requirement that a statement be included on the subdivision plat and in each deed stating that the streets are private streets and that the streets do not meet state standards, if applicable, and will not be maintained by the state or county. If the property owners association officially petitions to dedicate the necessary right-of-way to the state or county then the association shall pay the full cost to bring the street up to state standards.**

The vote on the ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	James D. Politis
C.P. Shorter	Larry N. Rush
John A. Muffo	Joe C. Stewart

Mary W. Biggs

NEW BUSINESS

Proclamation - Attack on America

1. On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, a resolution condemning the terrorists attacks on September 11, 2001 and expressions of support for the President's defense against additional attacks, was adopted. The vote was as follows:

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

2. On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the Board called for a re-vote on the resolution due to the absence of Supervisor Perkins on the original vote. The vote was as follows:

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

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

WHEREAS, On September 11,2001, The United States was suddenly and brutally attacked by foreign terrorists; and

WHEREAS, These terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, DC, and the fourth into a field in Somerset County, Pennsylvania; and

WHEREAS, Thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and

WHEREAS, These cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve; and

WHEREAS, These horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud.

NOW, THEREFORE, BE IT RESOLVED, That Board of Supervisors of Montgomery County, Virginia condemns the cowardly and deadly actions of these terrorists; and

BE IT FURTHER RESOLVED, The Montgomery County Board of Supervisors supports the President of the United States as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice; and

BE IT STILL FURTHER RESOLVED, The Montgomery County Board of Supervisors recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

The vote on the foregoing motion was as follows:

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

John A. Muffo
C.P. Shorter
Mary W. Biggs

Escrow Appropriation

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

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, 2002, for the function and in the amount as follows:

100	Board of Supervisors	\$ 22,190
110	County Administrator	\$ 31,979
130	Financial and Management Services	\$ 12,000
132	Insurance	\$ 3,580
140	Information Management Services	\$ 115,057
153	Reassessment	\$ 75,333
162	Treasurer-Collections	\$ 6,780
170	Registrar	\$ 16,975
180	Internal Services	\$ 62,145
230	Juvenile Domestic Relations	\$ 3,388
320	Sheriff - Comp Board	\$ 28,216
400	General Services	\$ 84,560
520	RSVP	\$ 11,927
710	Library	\$ 94,100
720	Floyd Library	\$ 23,385
800	Planning and Inspections	\$ 138,635
810	Economic Development	<u>\$ 52,520</u>
	Total	\$ 782,770

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

Revenue Account

451205	General Fund Balance	\$ 782,770
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Said resolution appropriates amounts recommended to be escrowed for use in the current year to complete projects and to provide funding for liabilities over and above those encumbered by purchase orders.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	Joe C. Stewart
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Larry N. Rush	
Mary W. Biggs	

School Operating Fund Carry Forward of Funds

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

561000	Instruction	\$230,782
564000	Operations and Maintenance	<u>185,465</u>
	Total	\$416,247

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

Revenue Account:

451204	General Fund Balance	\$416,247
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Said resolution appropriates the balance of the Reading Excellence Grant (\$230,782) remaining at June 30, 2001 and appropriates unspent school operating funds (\$185,465) remaining at June 30, 2001 for maintenance projects started in FY 01.

The vote on the foregoing motion was as follows:

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

INTO WORK SESSION

It was the consensus of the Board to move the Work Session to the October 9, 2001 meeting.

COUNTY ATTORNEY'S REPORT

Out of Order During Meetings The County Attorney apologized to the Board concerning the outburst of a citizen earlier in the meeting. He explain that he took position as Sergeant of Arms due to the disruptive behavior and lack of respect to the Board members.

COUNTY ADMINISTRATOR'S REPORT

Road Report Update A copy of the Road Update Report was included in the packet for the Board's review.

Businesses Using Consolidated Collection Sites The County Administrator reported on the possibility of businesses using the consolidated collection sites. Businesses located in remote locations within the County have expressed concerns regarding the lack of services by private haulers of commercial waste. The current ordinance does not allow commercial waste to be accepted at the consolidated collection sites or open greenbox sites. A proposal to accept commercial waste from businesses that cannot receive service from private haulers has been drafted for the Boards' review. A proposed ordinance will be available at the October 9th meeting, and a public hearing will need to be scheduled.

County/School Liaison Meeting Several items were discussed during the County/School Liaison meeting on September 20, 2001. The School Superintendent reported in response to Supervisor Stewart's concern about children going door to door for fund raising activities, that the school board has no set policy and individual schools decide fund rasing activities through the Parent/Teacher Association (PTA) and booster clubs. The Superintendent stated they discourage elementary students from going door to door.

Other items discussed included the study of vacant school facilities; school enrollment; Prices Fork Elementary ballfields and lights; and redistricting.

BOARD MEMBERS' REPORTS

Supervisor Perkins attended the Virginia Tech/Montgomery Regional Airport Authority meeting. They discussed the guidelines for an Executive Director for the Authority and advertising for this position. They hope to have this position filled by January 2002. The Town of Blacksburg will be the Fiscal Agent for the Authority.

September 24, 2001

Page 26 of 32

Sunnyside Veterans War Memorial Supervisor Perkins attended the opening of the Veterans War Memorial in Sunnyside. She stated that the community of Sunnyside and Tom's Creek did a great job in pulling together to have this memorial built.

Supervisor Muffo attended the Montgomery County Improvement Council (MCIC) meeting where they discussed the annual Broomin' and Bloomin' event for 2002. The new policy allowing large bulky items and appliances at the Consolidated Collection Sites may eliminate roadside dumping throughout the County and create less waste to pick up.

Supervisor Muffo also attended the playground dedication at Elliston/Lafayette Elementary School, the Sunnyside Veterans War Memorial opening and the NAACP dinner.

Supervisor Shorter Sunnyside Veterans War Memorial Supervisor Shorter attended the opening of the Veterans War Memorial located at Sunnyside. There were an estimated 500 people in attendance. The community dedicated many hours of hard work to make this happen. Supervisor Shorter also thanked the Board for their contribution and support for the memorial.

Department of Conservation and Recreation (DCR) Supervisor Shorter attended the DCR's Mill and Dodd Creeks Watershed Kick-Off meeting held September 24, 2001. Topic of discussion included fecal coliform bacteria levels above the maximum level in Mill Creek and Dodd Creek. Monitoring of these two creeks will be done with studies to include land use, animal inventory, weather and watershed activities such as septic systems. Three public forums are to be held. The first forum is scheduled for September 27, 2001 at Riner High School concerning Mill Creek, the second will be held at Floyd High School December 4, 2001 concerning Dodd Creek, the third is yet to be scheduled.

Supervisor Politis attended the Social Services Board meeting. A meeting to discuss Social Services joining the County's Compensation and Class Plan is to be scheduled.

School Text Book Fund Supervisor Politis questioned the Text Book Fund. At one time children were charged rental fee for use of textbooks. This seemed like a good source for additional revenue for the schools. Supervisor Perkins explained that the State started providing funds for text books so children would not be charged. Schools are not allowed to charge now and one would have to get the legislation changed in the State Code.

Supervisor Stewart stated that he was not surprised that Mill Creek had excessive bacterial levels and believes it's because of the sewer plant. He asked Supervisor Shorter what DCR was going to do about this issue. Supervisor Shorter explained that they were going to study the surrounding environment which will include the sewer plant, and any animal activity at the creek to determine the cause of the excess

bacteria.

Supervisor Biggs along with the County Administrator, attended a meeting at Virginia Tech with President Steger and Ray Smoot. Areas of discussion included growth in student population, water authority issues, planning for the use of land purchased by Virginia Tech Foundation, Virginia Tech's economic development plans, and planning for update on Virginia Tech's 10 year plan.

County/School Liaison Meeting Supervisor Biggs reemphasized several items that the County Administrator reported on. The student enrollment figures should be available by September 30th. The schools will also be studying the possibility of redistricting to even out the number of students in each school.

INTO CLOSED MEETING

On a motion by C.P. Shorter, seconded by John A. Muffo 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. New River Community College Board
 - 2. New River Valley Planning District Commission

 - (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. Boundary Adjustment - Blacksburg
 - 2. Boundary Adjustment - Christiansburg

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

On a motion by Larry N. Rush, seconded by C.P. Shorter 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
Larry N. Rush
C. P. Shorter
John A. Muffo
Joe C. Stewart
James D. Politis
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

New River Community College Board

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

September 24, 2001

Page 30 of 32

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Larry J. Linkous** to the **New River Community College Board** effective September 25, 2001 and expiring June 30, 2002.

Said appointment fills the unexpired term of James M. Moore.

The vote on the foregoing resolution was as follows:

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

New River Valley Planning District Commission

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Beth F. Hanson** to the **New River Valley Planning District Commission** effective September 25, 2001 and expiring June 30, 2004.

Said appointment fills the unexpired term of James M. Moore.

The vote on the foregoing resolution was as follows:

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

ADJOURNMENT

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously, the Board adjourned to Sunday, September 30, 2001 at 2:00 p.m. at the Round Meadow Country Club in Christiansburg.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 11:45 p.m.