

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 24TH DAY OF APRIL, 2000 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT: Mary W. Biggs -Chair
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
Robert C. Parker -Public Information Officer
Vickie L. Swinney -Secretary

ABSENT: Larry N. Rush -Vice Chairman

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

DELEGATION

Recognition - Frank Beamer - Head Football Coach - Virginia Tech

Board Chair Mary Biggs presented a resolution that commends and congratulates Frank Beamer for his outstanding performance as head football coach at Virginia Tech. Assistant Coach Billy Hite accepted the resolution on behalf of Coach Beamer.

PUBLIC HEARINGS

Special Use Permit

Hollybrook Mulch & Sawdust, Inc. (Agent: Alan D. Gillis, Attorney) request for a Special Use Permit; (Tax Parcel 104-A-68G) to allow a garden center on 12.363 acres. Property is located on Firetower Road, in the Riner Magisterial District.

Robert Bratton spoke in opposition of the special use permit. Mr. Bratton presented a petition with signatures of opposition. He believes the area has no need for another mulch business.

Bill King spoke in opposition of the special use permit. Mr. King stated that the roads could not handle more traffic, especially commercial traffic. There has already been increased traffic along Mudpike Road due to the new hospital, and Firetower Road is narrow and winding. He stated the existing roads need to be upgraded and maintained to handle the existing traffic.

Allan Gillis, agent for Hollybrook Mulch and Sawdust, Inc., spoke on behalf of the applicant. Mr. Gillis stated that the land has been zoned industrial and a special use permit was needed to allow for the garden center. Mr. Gillis also stated that this request has nothing to do with Turman Lumber. The land and proposed business is owned by J.E. Bolt.

Ellen King spoke in opposition of the special use permit. Ms. King's main concerns were the traffic and retention pond. Firetower and Mud Pike Road are not sufficient to handle the existing commercial and industrial traffic, and would not be able to handle increased traffic to the garden center. Ms. King also indicated her concerns with stormwater runoff. She stated the current retention pond floods every time it rains. Ms. King asked what the impact would be on the retention pond with the operation of a garden center.

Robert Bratton spoke again in opposition of the special use permit. He believes this will lead to the stockpiling of mulch.

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

Special Use Permit

VMH, Inc. (Agent: James E. Lucas) request for a Special Use Permit (Tax Parcel No. 90C-1-A) to allow a manufactured home Class A (multi-sectional). Property is located on the North side of Springview Drive in Plum Creek section in the Riner Magisterial District.

Jim Lucas, agent, addressed the Board on behalf of VMH. He stated he was available if the Board had any questions. Mr. Lucas stated the property was already zoned residential and VMH is requesting a special use permit to allow double-wide mobile homes. There is already public water and sewer and public streets.

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There being no speakers, the public hearing was closed.

Rezoning Request and Special Use Permit

Oral T. Linkous request to rezone 0.955 acres; (Tax Parcel No. 164-5-4A-4B) from A-1 (Agriculture) to CB (Community Business) to allow an Automotive Repair Shop and a Special Use Permit to allow a Single-Family Dwelling. Property is located adjacent to 4976 Prices Fork Road, in the Prices Fork Magisterial District.

Oral T. Linkous applicant, stated he was available for any questions the Board may have.

There being no speakers, the public hearing was closed.

Rezoning Request and Amendment of a Special Use Permit

Bobby J. Hawley, Jr (Forest Park) (Agent: Gay and Keese, Inc.) request to rezone 1.69 acres (Tax Parcel No. 66-A-90) from A-1 (Agriculture) to PMR (Planned Mobile Home Residential) and to amend the Special Use Permit first issued on June 24, 1996 to allow an expansion of an existing mobile home park to 45 lots (Tax Parcel Nos. 66-A-89, 90 and 93), located at 601 Merrimac Road, Forest Park Mobile Home Park in the Price's Fork Magisterial District.

Mr. Dale Huff, agent, spoke on behalf of the applicant. Mr. Huff stated he was available for any questions the Board may have.

There being no speakers, the public hearing was closed.

Special Use Permit

Hazel B. Linkous (Agent: TEA Group/ Crown Communications) request for a Special Use Permit to allow construction of a telecommunications tower on Tax Parcel 52-A-118 located at 2049 Merrimac Road,

Mike Pace, agent for the applicant, spoke in support for the special use permit. He stated he was available for any questions the Board may have.

Richard Hirsh spoke in opposition of the special use permit. Mr. Hirsh had two major reasons for opposing the telecommunication tower. He said there was little citizen participation in this process and the Town of Blacksburg residents were given notification of the proposed tower at the last minute. Mr. Hirsh also objects to the location and the appearance of the proposed tower. He believes the proposed towers should be placed away from highly visible areas. Mr. Hirsh request that the Board deny this request or delay action until the community is better informed.

M.W. Hyer spoke in opposition of the special use permit. Mr. Hyer asked the Board to consider all data when considering action on the proposed special use permit for a telecommunication tower. The tower will probably be obsolete in five years.

Dan Lugwig spoke in opposition of the special use permit. Mr. Lugwig asked if anyone considered the potential environmental damage to the area. He also asked if alternative sites have been evaluated for suitable use.

Larry Linkous spoke in support of the special use permit. Mr. Linkous stated that the property in question is owned by his mother, Hazel Linkous. Rent from this property will help supplement her income. He said the construction of a telecommunications tower would not deface the property. There is a lapse in service in the Merrimac area.

Chair Biggs noted that the above public hearing is continued to May 22, 2000

Special User Permit

Marvin N. Graham, Sr. (Agent: TEA Group/ Crown Communications) request for a Special Use Permit to allow construction of a telecommunications tower on Tax Parcel 81-A-34 thru 37 located at 1189 Izaak Walton Road, Shawsville Magisterial District.

Mike Pace, agent, spoke on behalf of the applicant and offered to answer questions from the Board.

Larry Martin spoke in support of the Special Use Permit request. Mr. Martin stated that the County does need telecommunication towers. He said the location for the proposed tower is in an ideal area and more suitable to landowners. Mr. Martin mentioned that this location is next to the Ted W. Graham location who is requesting replacing the exiting telecommunication tower with a taller one. He requested the Board to consider approving Marvin Graham's request and denying Ted Graham's request. He believes the existing telecommunication tower on Ted Graham's property is too close to the Interstate and visible to surrounding landowners.

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

Special User Permit

Ted W. Graham (Agent: GTE Wireless, Inc.) request for a Special Use Permit to allow replacement of an existing telecommunications tower with a taller tower on Tax Parcel 81-A-45 located at the end of Brammer Lane, Shawsville Magisterial District.

Greg Raffate, agent, spoke on behalf of the applicant, and offered to answer questions from the Board.

There being no speakers, the public hearing was closed.

Chair Biggs noted that the above public hearing is continued to May 22, 2000

Special Use Permit

American Electric Power (Agent: United Acquisition Service) request for a Special Use Permit to allow construction of a telecommunications tower on Tax Parcel 105-A-71 (existing Edgemont substation) next to Interstate-81, Riner Magisterial District.

Kevin Arnold, agent, spoke in support for the special use permit. Mr. Arnold explained that they will be using the existing AEP substation for co-location of the telecommunication tower.

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

Request to Withdraw Approximately 177 acres from the Agricultural and Forestal District - 3 (Little River)

Chester and Wynnell York request withdrawal of approximately 177 acres (Tax Parcel 135-A-23) from Agricultural & Forestal District - 3 (Little River)

Suzie Leslie spoke in opposition of the Yorks' request to withdraw land from the AFD-3. Ms. Leslie stated they owned land joining this property. She said this area is a very rural community and the proposed use of the land for a subdivision would have an impact in the area. The road leading into this is very narrow and needs to be upgraded.

Randy Leslie spoke in opposition of the Yorks' request to withdraw a land from the AFD-3. Mr. Leslie stated he would not like to see this rural setting ruined by houses.

Charlie Bowles spoke in opposition of the Yorks' request to withdraw a land from the AFD-3. Mr. Bowles pointed out there is no public water and sewer for this area and the existing road could not handle increased traffic. This area is rural and Mr. Bowles believes it should stay that way.

Rod Crowgey spoke on behalf of the applicants. Mr. Crowgey stated that the Yorks' have not received any benefits by putting their property in the AFD and were under the impression that their property was no longer in the AFD. Mr. Crowgey said the Yorks' had four more years left in the AFD, and at that time they would not re-new the application.

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

Proposed Re-Conveyance of a Parcel to Robert C. and Linda S. Smith

To consider the proposed re-conveyance of a 50' x 50' parcel (Deed Book 566, Page 281) to Robert C. and Linda S. Smith, previously given to Montgomery County to provide a T-turn around for Surface Road. Surface Road has been extended, with a new cul-de-sac in Union Valley Subdivision, making the current T-turn around unnecessary.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Charlie Bowles addressed the Board concerning unmanned collection sites in the County. Mr. Bowles stated that the unmanned sites should be fenced, to allow trash to be maintained in the central area of the dumpsters. This also would keep citizens from illegal dumping along side the roads since they could drop off their trash anytime, not just certain times as allowed at the manned collection sites. Mr. Bowles also addressed the Board concerning secondary roads. Mr. Bowles suggested that VDOT maintain these roads regularly not when they get a call about a road. The culverts along these roads need be kept cleaned out yearly.

ADDENDUM

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously, the following addendum dated April 24, 2000 was added to the agenda:

New Business:

Granting and Extension for Filing Personal Property Returns

Closed Meeting:

- Section 2.1-344(A) (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would

Adversely Affect the Bargaining Position or Negotiation Strategy
of the Public Body

1. Blacksburg Industrial Park

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated April 24, 2000 was approved.

The vote on the foregoing motion was as follows:

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

Approval of Minutes Dated April 10, 2000

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the minutes dated April 10, 2000 were approved.

Addition to the Secondary System of State Highways- Former State Route 701

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

WHEREAS, The street described below was established prior to July 1, 1949 as Route 701; and

WHEREAS, Maintenance of this street was discontinued effective March 17, 1977; and

WHEREAS, This street now deemed to provide sufficient public service to warrant its addition as part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby requests the following street be added to the Secondary System of State Highways, pursuant to 33.1-72.1 (D), Code of Virginia:

Name of Street: Length: 0.25 miles
Route 701

From: Int. Route 657

To: 0.25 mil W. Route 657

Guarantee Right-of-Way Width: 50 feet

Recorded Date: Plat Book: 20 Page: 20

Recorded Date: Plat Book: 20 Page: 39

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED, This Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-229, Code of Virginia.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Montgomery Regional Economic Development Commission - Amendment to By-Laws

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

WHEREAS, The Montgomery Regional Economic Development Commission's bylaws state the following:

Section 4. Officers. The members *shall* elect from their membership a Chair *and a* Vice Chair, a Secretary *and a* Treasurer, or a Secretary-Treasurer . . .

Section 10. Annual Meeting. A meeting of the Board of Directors shall be held in Montgomery County during the *second week* of December of each year for the purpose of electing officers, reviewing the affairs of the Commission for the preceding year, and for the transaction of any other business that might properly come before the meeting.

Section 11. Regular Meetings. *Regular meetings of the Board may be held during the fourth week each month, except that the November meeting will be held during the third week and the annual meeting during the second week in December as stated in Section 10 or on such dates, times, and places as the directors may by resolution determine.*

Section 15. Quorum, Resignation, Attendance. *Nine (9) members* of the Board of Directors shall constitute a quorum of the Board for the purposes of conducting its business ~~and exercising its powers~~ and for all other purposes, *except in the event of a vacancy(ies) on the Board, the quorum is automatically reduced the same number as there are vacancies on the Board; however, at no time shall the quorum be less than seven (7) Directors. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the powers and perform all other duties of the Board . . . ; and*

WHEREAS, The Montgomery Regional Economic Development Commission's bylaws also state: Section 19: General. (3) Amendments to the bylaws. These bylaws may be amended by the Board of Directors at any meeting provided one week written notice of the meeting, with copy of the proposed amendments, shall have been given each member. Said notice may be waived as provided in Section 13. No amendment shall be adopted except by a majority vote of the members present of the Board of Directors: Any amendments to the bylaws shall be forwarded to the Board of Supervisors for confirmation; and

WHEREAS, The Montgomery Regional Economic Development Commission proposes that the bylaws be amended to state:

Section 4. Officers. The members *may* elect from their membership a Chair, ~~and a~~ Vice Chair, Secretary, ~~and a~~ Treasurer, or a Secretary-Treasurer . . .

Section 10. Annual Meeting. The annual meeting of the Board of Directors shall be held in Montgomery County during the *month* of December of each year for the purpose of electing officers, reviewing the affairs of the Commission for the preceding year, and for the transaction of any other business that might properly come before the meeting.

Section 11. Regular Meetings. Dates, locations, and times of regular monthly meetings of the Board of Directors may be decided by resolution at the annual meeting for the upcoming year. In absence of a resolution, meetings shall be held during the fourth week each month, except the November meeting shall be held during the third week, and the December meeting during the second week, with dates, times and locations determined by the executive committee.

Section 15. Quorum, Resignation, Attendance. A simple majority of the those members who have been duly appointed to the Board of Directors shall constitute a quorum for the purposes of conducting the business of the Board ~~and exercising its powers~~ and for all other purposes. ~~except~~ In the event of a vacancy(ies) on the Board, the quorum is automatically reduced to constitute a simple majority of remaining Directors. ~~as there are vacancies on the Board~~ However, at no time shall the quorum be less than five (5) Directors. ~~No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the powers and perform all other duties of the Board.~~

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby approves the above listed revisions to the bylaws of the Montgomery Regional Economic Development Commission.

Virginia Juvenile Community Crime Control Act (VJCCCA)

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

WHEREAS, Montgomery County is eligible to receive funds through the Virginia Juvenile Community Crime Control Act (VJCCCA), to be used for establishing special, community-based programs for juveniles whose behaviors have brought them to the attention of the Court; and

WHEREAS, The Board of Supervisors authorizes submission of the VJCCCA application for funding, monies to be used for maintaining current programs developed through VJCCCA funding of prior years, including but not limited to, the Wilson Avenue School, community sentencing for youth and the EXCEL Mentoring program.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to submit a plan for use of the funds through the Virginia Juvenile Community Crime Control Act (VJCCCA).

APPOINTMENT

New River Valley Criminal Justice Services Board

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby **reappoints** **Stephania Munson** to the New River Valley Criminal Justice Services Board effective April 24, 2000 and expiring October 1, 2001.

Resolution of Recognition -Mental Health

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

WHEREAS, Mental Health is critical for the well-being and vitality of our families, businesses, and communities; and

WHEREAS, Mental illness will strike one in five Americans in a given year regardless of age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, One if five children suffers from a diagnosable mental or emotional disorder, and one in ten has a serious disorder which, if untreated, can lead to school failure, addiction, and even suicide; and

WHEREAS, Mental disorders, collectively, make mental illness the most prevalent health problem in America today more common than cancer, lung, and heart disease combined; and

WHEREAS, The guiding principles of community mental healthcare have always been comprehensiveness, cost-efficiency, effective management, and high quality and consumer responsive services, and those principles are now being adopted by private and public healthcare payers; and

WHEREAS, The National Mental Heath Association, the National Council for Community Behavioral Healthcare, and their partners observe Mental Health Month each year in May to raise awareness of mental health, mental illness, and insurance discrimination against people with mental illness.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors, of Montgomery County, Virginia does hereby proclaim ***May, 2000 as Mental Health Month in Montgomery County.***

FURTHER, BE IT RESOLVED, That the Board of Supervisors calls upon all citizens, government agencies, public and private institutions, businesses, and schools in Montgomery County to recommit our community to increase awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illness.

OLD BUSINESS

Proposed Conveyance of Right-of-Way to Virginia Department of Transportation- Merrimac Consolidated Collection Site

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby authorizes the conveyance of right-of- way easement to the Virginia Department of Transportation on 0.735 acre shown of Plat Book 20, Page 19; 0.854 acre, 0.395 acre and 0.017 acre shown on Plat Book 20, Page 39 in order to provide access to the Merrimac Consolidated Collection Site.

BE IT FURTHER RESOLVED, That the Chairman of the Board of Supervisors is hereby authorized to execute the above referenced right-of way easement to Virginia Department of Transportation on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

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

NEW BUSINESS

Appointment - Montgomery Blacksburg Christiansburg (MBC) Development Corporation

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby appoints **Mary W. Biggs** to the MBC Development Corporation effective April 25, 2000 and expiring August 20, 2000.

Said appointment fills the unexpired term of Joseph V. Gorman, Jr.

The vote on the foregoing resolution was as follows:

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

James D. Politis
Mary W. Biggs

GRANTING AN EXTENSION FOR FILING PERSONAL PROPERTY RETURNS

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

WHEREAS, Montgomery County is currently replacing the County's computer systems used by the Commissioner of Revenue and the Treasurer for tax billing and collections; and

WHEREAS, Converting to a new computer system has delayed the mailing of the returns for tangible personal property and for business tangible personal property, machinery and tools and merchants capital (collectively referred to as local property returns); and

WHEREAS, Pursuant to Section 58.1-3916 of the 1950 Code of Virginia, as amended, the Board of Supervisors has the authority to extend the time for filing local property returns for a period not to exceed ninety (90) days whenever good cause exists; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia recognizes that delays may place an undue burden on the taxpayer to file their local property returns on time, which is good cause to grant an extension; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia desires to minimize the burden on the taxpayers resulting from these delays by granting the taxpayers of Montgomery County an extension to file their local property returns from May 1, 2000 to June 1, 2000.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia supports minimizing the burden on taxpayers that may be created by the delay in mailing the local property returns and grants an extension for filing these returns from May 1, 2000 to June 1, 2000.

FURTHER, BE IT RESOLVED, If the local property returns due on May 1, 2000 are filed with the Commissioner of Revenue by June 1, 2000, there shall be no assessment of late filing penalty; however, any taxpayer who does not file the local property return by June 1, 2000, the late filing penalty shall be assessed as if no extension of time had been granted.

The vote on the foregoing motion was as follows:

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AYE

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

NAY

ABSENT

Larry N. Rush

COUNTY ATTORNEY'S REPORT

The County Attorney reported that he and the Planning Director had met with Professor Dennis Sweeney and Professor Bill Cartensen concerning telecommunication towers. They have provided general knowledge and information on towers. He suggested a work session be scheduled so this information can be presented to the Board.

COUNTY ADMINISTRATOR'S REPORT

Christiansburg Institute - Letter of Support The County Administrator provided a draft letter of support from Chair Biggs to the Christiansburg Institute to Board Members for their review. If there are no changes, the letter will be mailed.

BOARD MEMBERS' REPORTS

Supervisor Perkins reported that May 15 - 19, 2000 will be Industry Appreciation Week and the Economic Development Department is planning an Appreciation Day.

Supervisor Perkins reported that Virginia Tech will be receiving money from the tobacco settlement money the State received. They are planning to hire 100 researchers.

Workforce Investment Act Supervisor Perkins attended the WIA meeting. They are working on issues regarding the new Workforce Act.

School Prototype Committee The School Prototype Committee has decided on a prototype school for Blacksburg and Christiansburg Middle Schools. The middle school in Ohio met with everyone's approval.

Supervisor Muffo reported that Broomin' and Bloomin' was held on April 15, 2000 in spite of the rain. There was good participation throughout the County. Supervisor Muffo stated that they did get reduced

tipping fees from the Montgomery Regional Solid Waste Authority for disposing of the trash collected, which was much appreciated.

Supervisor Shorter commented that he would like to organize a Collection & Recycling Committee meeting for May.

Public Service Authority Supervisor Shorter indicated that he would like to move forward concerning the structure of the Public Service Authority.

Chair Biggs received a call from Helen Sowder concerning her request for funding from the Board of Supervisors for the upkeep of the memorial star at Christiansburg High School. The County Administrator commented that the star was located on school property and in the Town of Christiansburg and that the County had no responsibility to help fund the upkeep.

Chair Biggs reminded the Board of the joint work session with the School Board on Tuesday, April 25, 2000.

Telecommunication Work Session Chair Biggs asked that a tentative date for the work session be set on telecommunication towers. The meeting should be scheduled before the Board takes action on the telecommunication requests before them tonight. Monday, May 1, 2000 and Tuesday May 9, 2000 were suggested. The Planning Director was instructed to check with the two professors at Virginia Tech and see which of these two dates would be convenient for them.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

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

- Section 2.1-344(A) (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Mid-County Landfill

- (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. Public Official

- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community

1. Blacksburg Industrial Park

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Blacksburg Industrial Park

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
C.P. Shorter		
James D. Politis		
Joe C. Stewart		
Annette S. Perkins		
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, That the Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

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

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by John A. Muffo 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
John A. Muffo
C.P. Shorter

James D. Politis
Joe C. Stewart
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

Larry N. Rush

ABSENT DURING MEETING

Larry N. Rush

ADJOURNMENT

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Tuesday, April 25, 2000 at 7:00 p.m. at the Farmhouse Restaurant.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 10:30 p.m.