

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 8TH DAY OF MAY, 2000 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman (Arrived 7:40 p.m.)
	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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC ADDRESS SESSION

Robert Bratton addressed the Board concerning Hollybrook Mulch's request for a special use permit to allow construction of a garden center. Mr. Bratton opposes this request and asked the Board to deny it.

Robert Mitchell addressed the Board concerning Hollybrook Mulch's request for a special use permit to allow construction of a garden center. Mr. Mitchell opposes this request and said there was a concern with traffic. Mr. Mitchell also pointed out that the applicant did not submit a detailed plan of the garden center and he wanted to know exactly what was being planned for this property.

Bill King addressed the Board concerning Hollybrook Mulch's request for a special use permit to allow construction of a garden center. Mr. King spoke in opposition of this request.

Michael Gay , Gay & Keesee Engineering, spoke in support of Bobby Hawley’s request for a special use amendment to allow expansion of Forest Park Mobile Home. Mr. Gay told the Board he and Mr. Hawley were available if they had any questions.

There being no further speakers, the public address session was closed.

ADDENDUM

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the following Addendum dated May 8, 2000 was added to the Agenda:

INTO CLOSED MEETING:

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

NEW BUSINESS:

Revenue Sharing Program

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		

CONSENT AGENDA

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the Consent Agenda dated May 8, 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		

Two for Life Fund Allocation

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2000, for the function and in the amount as follows:

331	Fire and Rescue Grants-Two for Life	\$28,127
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
23312-424401	Two for Life	\$28,127

Said resolution appropriates funds received from the Two for Life program for use by the Volunteer Rescue Squads.

Library - Supplemental Appropriation

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2000, for the function and in the amount as follows:

710	Montgomery Library	\$39,530
720	Floyd Library	<u>\$5,224</u>
	Total	\$44,754

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

Revenue Account

02710-416152	Other Library Fees	\$ 13,594
02710-416158	Donations	\$ 7,904
02710-424409	State Library Grant	\$17,032
02710-416159	Town of Blacksburg Contr.	\$ 1,000
02720-416158	Donations	\$1,980
02720-424409	State Library Grant	<u>\$ 3,244</u>
	Total	\$44,754

Said resolution appropriates additional funds for use by the Library.

School Funds-Supplemental Appropriation

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund, and ECIA Federal Title I Fund were granted appropriations in addition to the annual appropriations for the fiscal year ending June 30, 2000, for the function and in the amount as follows:

09	School Operating Fund	
	561000 Instruction	\$ 74,390
21	ECIA Fund	
	562100 ECIA Federal Title I	<u>\$ 54,704</u>
	Total	\$129,094

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

Revenue Account:

418301	Refunds/ Rebates	\$ 74,390
433202	Federal Title I	<u>\$ 54,704</u>
	Total	\$129,094

Said resolution appropriates additional State Operating and ECIA Title I Federal Funds.

Collections - Transfer

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

410 Collections (\$25,000)

TO:

180 Motor Pool \$25,000

Said resolution transfers funds from Collections to Motor Pool for the purchase of a vehicle for the County Engineer.

Addition to the Secondary System of State Highways - Cherry Lane

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

WHEREAS, The street described below is shown on a plat recorded in the Clerk's Office of the Circuit Court and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

WHEREAS, After examining the ownership of all property abutting the street, this Board finds that speculative interest does not exist.

NOW THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

ADDITION:

The Orchards Subdivision

<u>Name of Street:</u>	<u>Length</u>
Cherry Lane From Rt. 694 To Cul-De-Dac Plat Recorded, 09-14-1999 Plat Book: 18 Page: 236 & 237	0.16 Miles

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

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

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

Resolution of Recognition -Industry Appreciation Week

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

WHEREAS, The Montgomery County Board of Supervisors recognizes the role of existing businesses and industries in the thriving economy of Montgomery County; and

WHEREAS, Existing businesses and industries provide essential employment opportunities for the citizens of Montgomery County; and

WHEREAS, Existing businesses and industries make significant contributions to promote educational opportunities and a variety of activities which increases the quality of life in the County; and

WHEREAS, Existing businesses and industries provide revenues from which the entire citizenry benefits.

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NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby recognizes the existing businesses and industries of Montgomery County.

FURTHER, BE IT RESOLVED , That the Board of Supervisors hereby declare the week of **May 14 - 20, 2000, Industry Appreciation Week** in Montgomery County.

INTO WORK SESSION

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

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

Presentation by Thompson + Litton of the proposed design for the new County Administration Facilities.

The vote on the foregoing motion was as follows:

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

OUT OF WORK SESSION

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors hereby ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

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

John A. Muffo
Larry N. Rush
C.P. Shorter
James D. Politis
Joe C. Stewart
Mary W. Biggs

OLD BUSINESS

Special Use Permit-Holly Brook Mulch & Sawdust

On a motion by John A. Muffo, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the 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 located on Fire Tower Road, in the Riner Magisterial District is hereby **DENIED**.

The vote on the foregoing resolution was as follows:

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

Special Use Permit - VMH

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the 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), located on the North side of Springview Drive in the Plum Creek section in the Riner Magisterial District is hereby approved subject to the following two conditions:

1. All primary structures shall be placed on permanent foundations in order to keep in character with the neighborhood.
2. A permanent green space buffer shall be placed around the perimeter of the development that meets the requirements for compact development (Section 2-608).

The vote on the foregoing resolution was as follows:

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

Rezoning Request and Special Use Permit - Oral T. Linkous

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

ORDINANCE 2000-05
An Ordinance Amending the Zoning Classification
of 0.955 Acres from A-1 (Agriculture) to CB
(Community Business)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.955 acres of land is hereby amended and rezoned from the zoning classification of A-1 (Agriculture) to CB (Community Business).

This action was commenced upon the application of Oral T. Linkous.

These tracts or parcels of land are identified as being shown on Tax Parcel Nos. 164-5-4A,4B located adjacent to 4976 Prices Fork Road, in the Prices Fork Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

Special Use Permit - Oral T. Linkous

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

BE IT RESOLVED, That Oral T. Linkous request for a Special Use Permit to allow a Single-Family Dwelling in conjunction with automobile repair business on the property located at 4976 Prices Fork Road, in the Prices Fork Magisterial District is hereby approved subject to the following six conditions:

1. All entrances to the property must comply with VDoT regulations including curbing. The applicant must obtain a commercial entrance permit from VDoT and provide a copy of this permit to the Zoning Administrator.
2. All repairs and services on the property shall take place within a completely enclosed building which can be no larger than 2,000 square feet in size.
3. All waste oil and solvents used on the property shall be properly stored and disposed of according to state and federal requirements.
4. Hours of operation for any business on the property shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday.
5. No more than 10 vehicles to be repaired or being repaired shall be parked on the property

at any given time.

6. The applicant shall provide buffering in the form of a fence and trees on the west side, trees on the north side and trees and shrubs on the front between the parking lot and the road.

The vote on the foregoing resolution was as follows:

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

Rezoning Request - Bobby J. Hawley - Forest Park

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

ORDINANCE 2000-06
An Ordinance Amending the Zoning Classification
of 1.69 Acres from A-1 (Agriculture) to PMR
(Planned Mobile Home Residential)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 1.69 acres of land is hereby amended and rezoned from the zoning classification of A-1 (Agriculture) to PMR (Planned Mobile Home Residential).

This action was commenced upon the application of Bobby J. Hawley, Jr. (Forest Park) (Agent: Gay and Keese, Inc.).

These tracts or parcels of land are identified as being shown on Tax Parcel Nos. 66-A-89,90 and 93, located at 601 Merrimac Road, Forest Park Mobile Home Park, in the Prices Fork Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

Annette S. Perkins

James D. Politis

John A. Muffo

Larry N. Rush

Joe C. Stewart

C.P. Shorter

Mary W. Biggs

NAY

None

Special Use Permit Amendment - Bobby J. Hawley, Jr.

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

BE IT RESOLVED, That Bobby J. Hawley, Jr. (Forest Park) (Agent: Gay and Keesee, Inc.) request for a Special Use Permit Amendment to allow an expansion of an existing mobile home park to 44 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 is hereby approved subject to the following seven conditions:

1. This Special Use Permit authorizes expansion of the existing Forest Park, based on the concept plan prepared by Gay and Keesee, Inc. (Job No. 869), as revised with the dumpster relocated outside the recreational/open space area. A maximum of 44 mobile home lots are permitted in this park.
2. A new fire hydrant shall be installed beside the existing street in the park in the vicinity of lot #9.
3. The dumpster and approach ramp shall be a concrete pad screened by a fence or wall 6 feet in height.
4. A final site plan shall be approved by the Zoning Administrator.
5. An erosion and sediment control plan shall be approved by the county.
6. Existing recreational/open space to be expanded to include areas shown as "Lot 31" and "New Location Lot 30" on concept plan dated 3/8/00.
7. Above conditions #2 through #6 shall be completed prior to the issuance of building permits for new lots 32 through 44.

The vote on the foregoing resolution was as follows:

AYE

James D. Politis

John A. Muffo

Larry N. Rush

Joe C. Stewart

C.P. Shorter

Annette S. Perkins

Mary W. Biggs

NAY

None

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

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

WHEREAS, Robert C. and Linda S. Smith dedicated a 50'x50' parcel to the Board of Supervisors of the County of Montgomery, Virginia, for the purpose of constructing a cul-de-sac(Deed Book 566, page 281) on Surface Road; and

WHEREAS, Since Surface Road has been extended past the proposed cul-de-sac into the Union Valley Estates Subdivision, the cul-de sac is no longer warranted; and

WHEREAS, Since the cul-de-sac is no longer needed, the Smiths have requested the Board of Supervisors of the County of Montgomery, Virginia, to convey the 50'x50' parcel back to the Smiths for their private use; and

WHEREAS, Pursuant to Section 15.2- 1800 of the 1950 Code of Virginia, as amended, the Board of Supervisors of the County of Montgomery, Virginia, held a duly advertised public hearing on the proposed conveyance on April 24, 2000.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby agrees to convey the 50'x50' parcel (Deed Book 566, page 281) adjacent to Surface Road, to Robert C. and Linda S. Smith at 3848 Surface Road, Riner, Virginia.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes Mary W. Biggs, Chairperson, to execute all documents necessary to convey the property.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter

Larry N. Rush

NAY

None

Joe C. Stewart
Annette S. Perkins
John A. Muffo
James D. Politis
Mary W. Biggs

NEW BUSINESS

Renew Health Insurance Contract - Aetna/U.S. Healthcare

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby accepts the renewal proposal from Aetna/U.S.Healthcare through the New River Valley Health Insurance Consortium of other local government entities.

BE IT FURTHER RESOLVED, This renewal proposal is inclusive of a Preferred Provider Option (PPO) and a Point of Service (POS) plan, with dental and vision insurance coverage options, and a prescription drug plan.

BE IT FURTHER RESOLVED, The rate structure for this renewal proposal is as follows:

<u>PPO</u>	Employee Only	\$251.62
	Employee and Children	\$359.31
	Employee and Spouse	\$500.25
	Family	\$625.75
<u>POS</u>	Employee Only	\$239.82
	Employee and Children	\$342.74
	Employee and Spouse	\$476.64
	Family	\$596.91

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
Joe C. Stewart
Annette S. Perkins
John A. Muffo
James D. Politis
C.P. Shorter
Mary W. Biggs

NAY

None

Application to Apply for Grant Funding - Coal Mining Heritage Park

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

WHEREAS, The Department of Conservation & Recreation (DCR), provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and

WHEREAS, There are urgent needs within Montgomery County to develop park land; and

WHEREAS, This area is deemed of high development priority by said Montgomery County Board of Supervisors and shall be referred to as the Merrimac-Huckleberry Trail, Coal Mining Heritage Park Recreational Access Project; and

WHEREAS, In order to attain funding assistance from DCR, it is necessary that the Montgomery County Board of Supervisors guarantee a proportionate share of the cost thereof; and

WHEREAS, The proportionate project share \$26,010 is funded by the Montgomery County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to cause such information or materials as may be necessary to be provided to the appropriate state agency and to enter into such agreements as may be necessary to permit the formulation, approval and funding of the Merrimac--Huckleberry Trail, Coal Mining Heritage Park Recreational Access Project.

BE IT FURTHER RESOLVED, That the Montgomery County Board of Supervisors gives its assurance (1) that the funds needed as the proportionate share of the cost of the approved program will be provided, up to \$26,010; (2) that the General Provisions of the L&WCF Act and the Virginia Outdoors Fund fiscal Procedures will be complied with in administration of this project; (3) that the Board of Supervisors will operate and maintain the public recreation facility in good condition in perpetuity and will provide permanent project acknowledgments of the Participating Funding Agencies; (4) that all other

applicable federal and state regulations governing such expenditures of funds will be complied with in the administration and operation of this project.

BE IT FURTHER RESOLVED, That DCR is respectfully requested to assist in the prompt approval and funding of the Merrimac-Huckleberry Trail Coal Mining Heritage Park Recreational Access Project in order to enhance the standard of recreational enjoyment of all our citizenry.

The vote on the foregoing resolution was as follows:

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

Revised Personnel Policies and Procedures Manual

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby approves and authorizes a revised Personnel Policies and Procedures Manual for County employees.

The vote on the foregoing motion was as follows:

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

Resolution Declaring its Intention to Reimburse Itself from Proceeds of One or More Tax-exempt Financing

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF OR THE SCHOOL BOARD, AS APPROPRIATE, FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR THE COUNTY KNOWN AS THE SCHOOL PROJECTS AND THE ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR THE COUNTY KNOWN AS THE ADMINISTRATION PROJECT

WHEREAS, The County of Montgomery, Virginia (**the "County"**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, The County has paid, beginning no earlier than March 15, 2000, and will pay, on and after the date hereof, certain expenditures (**the "Expenditures"**) in connection with (i) the acquisition of land, site improvements, road and utility costs, construction, equipping and furnishing of two new school projects and the roof repair, construction, renovation, equipping and furnishing as related to existing school facilities (**the "School Projects"**) and (ii) construction, renovation, equipping and furnishing as related to the renovation of a County office building (**the "Administration Project"**); and

WHEREAS, The Board of Supervisors of the County (**the "Board"**) has determined that those monies previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (**the "Bonds"**).

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS AS FOLLOWS:

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County or the School Board, as appropriate, with the proceeds of the Bonds for the Expenditures with respect to the School Projects and the Administration Project (**together, the "Projects"**) made on and after March 15, 2000, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Bonds expected to be issued for the School Projects is \$45,600,000 and for the Administration Project is \$12,000,000.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 8th day of May, 2000.

The vote on the foregoing resolution was as follows:

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

Mary W. Biggs

Health Department: Transfer from Special Contingencies

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

960 Special Contingencies (\$15,544)

TO:

530 Public Health \$15,544

Said resolution transfers funds from Special Contingencies to the Health Department.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter
Larry N. Rush
Annette S. Perkins
John A. Muffo
James D. Politis
Mary W. Biggs

NAY

Joe C. Stewart

Revenue Sharing Program

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to submit a Letter of Intent to participate in the County Primary and Secondary Road Fund Revenue Sharing for Fiscal Year 2000-2001 in the amount of \$135,000 to be matched dollar for dollar by the State of Virginia for the purpose of making the necessary road improvements to Route 11/460 for safe access to the new Eastern Montgomery High School.

FURTHER, BE IT RESOLVED, That the \$135,000 in matching funds shall come from the future bond proceeds.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo
James D. Politis
C.P. Shorter
Larry N. Rush
Annette S. Perkins
Mary W. Biggs

NAY

Joe C. Stewart

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reviewed the Road Concerns Report with the Board members.

Industry Appreciation Day is scheduled for Tuesday, May 16, 2000.

Allan Sisson - Lease agreement with Allan Sisson for the Green Box Site is ready. The County has agreed to pay Mr. Sisson back rent of \$3,200 for use of his property for green boxes and continue to pay \$300.00 per month for rent.

County Engineer The County Administrator introduced the new County Engineer, Ron Bonnema, to the Board.

Echo Star has chosen the Falling Branch Industrial Park as the site for their new business. The Senior Vice President of Echo Star will be here Thursday, May 11, 2000 to finalize the lease agreement.

BOARD MEMBERS' REPORTS

Supervisor Perkins has attended several meetings for the Workforce Investment Act. The WIA is accepting nominations for the Local Youth Council and she would like to nominate Meg Goepel, Director of Montgomery County's Office on Youth.

Appointment - Local Youth Council for the Local Workforce Investment Board

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Meg Goepel** to the Local Youth Council for the Local Workforce Investment Board in Local Workforce Investment Area #2.

Term for said appointment will be between 2-4 years, as determined by the Local Work Force Investment Board.

The vote on the forgoing motion was as follows:

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

Supervisor Perkins Report(continued)

School Board Meeting The School Board adopted the FY 2000-01 Budget. The budget included an overall 5% salary increase. This does not mean every school employee will get a 5% increase.

Supervisor Muffo attended the PTA meeting and stated there was special recognition for the bus drivers, maintenance workers and cafeteria workers.

Supervisor Shorter requested information on the County's ordinance on open/recreational space in communities and mobile home parks. The County Administrator will direct staff to provide this information.

Supervisor Shorter introduced the following items for the Board's consideration.

Community Signs in the County
Allan Sisson Lease Agreement
VDoT - Inadequate Sign

Community Signs in the County

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia has agreed to provide community signs in the County; and

WHEREAS, The Virginia Department of Transportation has agreed to erect community signs that are approximately 6" x 18".

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby requests the Virginia Department of Transportation to install community signs in the following communities:

- | | |
|-------------------|------------------------|
| Alleghany Springs | Merrimac |
| Basham | Montgomery |
| Belmont | New Ellett |
| Belview | Pepper |
| Childress | Pilot |
| Ellett | Prices Fork |
| Elliston | Reesdale |
| Fagg | Riner |
| Fairview | Rogers |
| Graysontown | Shawsville |
| Ironto | Sunnyside |
| Lafayette | Vicker |
| Lusters Gate | Whitethorne |
| McCoy | Yellow Sulphur Springs |
| McDonalds Mill | |

The vote on the foregoing resolution was as follows:

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

Lease Agreement - Allan Sisson

On a motion by C. P. Shorter, seconded by Joe C. Stewart and carried unanimously,

**RESOLUTION AUTHORIZING THE EXECUTION
OF A LEASE FOR A SOLID WASTE SITE
IN ALLEGHANY SPRINGS AND THE PAYMENT
OF BACK RENT TO ALLAN AND MARGARET SISSON**

WHEREAS, The County of Montgomery, Virginia has operated a County solid waste collection site on the property of Allan and Margaret Sisson located in the Alleghany Springs area of the County without a written lease and without paying rent since August, 1997; and

WHEREAS, Mr. And Mrs Sisson have indicated their willingness to enter into a written lease agreement with the County if the County agreed to pay Mr. And Mrs. Sisson \$100 a month (\$3,200.00) for 32 months of back rent from August, 1997 through April, 2000; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia has agreed to pay Mr. And Mrs. Sisson \$3,200.00 for back rent for August, 1997 through April, 2000 if Mr. and Mrs. Sisson agree to execute the proposed lease agreement dated May 1, 2000.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to pay Allan and Margaret Sisson the sum of \$3,200.00 as back rent for the County's use of their property for a County solid waste collection site from August, 1997 through April, 2000, subject to Mr. And Mrs. Sisson executing a written lease agreement with the County.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to execute a written lease agreement, dated May 1, 2000, with Mr. And Mrs. Sisson to locate a County solid waste collection site, and further agrees to authorize Chair Mary W. Biggs to execute the said lease agreement on behalf of the County of Montgomery.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Joe C. Stewart	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	

C. P. Shorter
Larry N. Rush
Mary W. Biggs

Virginia Department of Transportation - Direction Signs to Pride and Joy Auto Repair

On a motion by C.P. Shorter, seconded by Joe C. Stewart and carried unanimously,

WHEREAS, The Virginia Department of Transportation is making road improvements to McCoy Road; and

WHEREAS, The through traffic is blocked from McCoy Road during said improvements; and

WHEREAS, Pride & Joy Auto Repair is located on McCoy Road, and has requested a sign at the beginning of the barricade to instruct patrons to drive through; and

WHEREAS, VDoT installed a sign which is small and not clear as to where patrons should enter.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby requests the Virginia Department of Transportation to install a sign more definitive and of adequate size at the barricade, directing patrons to the entrance to Pride & Joy Auto Repair.

The vote on the foregoing resolution was as follows:

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

Supervisor Politis requested an update on the Plum Creek Recreational/Collection Site. The County Administrator reported that the design of the park and collection site is completed and will soon go out for bid . He also indicated that a new site in Pilot is being looked at to replace the Rogers site for green boxes.

Supervisor Politis expressed his concerns along with citizens concerns about the safety along State Route 8. He pointed out that more businesses have opened in Riner and the traffic has increased; therefore ,the speed limit in the commercial section should be lowered.

Speed Study - State Route 8

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia has expressed concerns relative to conditions and safety on State Route 8; and

WHEREAS, Route 8 is a high traffic road with high population growth along the Route 8 corridor; and

WHEREAS, Vehicles travel at an excessive rate of speed in this area.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors does hereby request the Virginia Department of Transportation to conduct a speed study on a portion of State Route 8 beginning at the Riner Veterinary Services and ending at Riner Small Engines to determine the feasibility of posting a reduced speed.

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo None

Annette S. Perkins

Joe C. Stewart

C.P. Shorter

Larry N. Rush

James D. Politis

Mary W. Biggs

Supervisor Politis expressed his interest in serving on the the New River Valley Visitor Alliance as Board representative.

Appointment - New River Valley Visitors Alliance

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints James D. Politis to the New River Valley Visitor Alliance effective May 9, 2000 and expiring May 8, 2001.

The vote on the foregoing motion was as follows:

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

Chair Biggs distributed copies of a draft Code of Ethics and Standards of Conduct for Boards, Commission, and Committees and for the Board of Supervisors. She asked that Board members review the documents and provide any comments or questions within two weeks.

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)
- (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. Resource Conservation & Development Council
 - a. Agriculture Resource Committee
 - b. Recreation & Tourism Resource Committee
 - c. Water Quality Resource Committee
 - (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

The vote on the foregoing motion was as follows:

AYE

Joe C. Stewart
John A. Muffo
James D. Politis
C.P. Shorter
Larry N. Rush
Mary W. Biggs

NAY

ABSENT

Annette S. Perkins

OUT OF 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 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
Joe C. Stewart	
John A. Muffo	
James D. Politis	
C.P. Shorter	
Larry N. Rush	
Mary W. Biggs	

CERTIFICATION OF CLOSED MEETING

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
Joe C. Stewart
John A. Muffo
James D. Politis
C.P. Shorter
Larry N. Rush
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

Resource Conservation & Development Council’s Water Quality Resource Committee.

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia appoints **Rebecca Barlow** to serve on the Resource Conservation & Development Council’s **Water Quality Resource Committee.**

The vote on the foregoing resolution was as follows:

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

Resource Conservation & Development Council’s Recreation and Tourism Resource Committee.

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia appoints **Lesley F. Howard** to serve on the Resource Conservation & Development Council's **Recreation and Tourism Resource Committee**.

The vote on the foregoing resolution was as follows:

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

Resource Conservation & Development Council's Agriculture Resource Committee.

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia appoints **Margaret Smith** to serve on the Resource Conservation & Development Council's **Agriculture Resource Committee**.

The vote on the foregoing resolution was as follows:

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

ADJOURNMENT

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously, the Board adjourned to Tuesday, May 9, 2000 at 7:00 p.m.

The vote on the foregoing motion was as follows:

AYE

NAY

Larry N. Rush None

Joe C. Stewart

C.P. Shorter

James D. Politis

Annette S. Perkins

John A. Muffo

Mary W. Biggs

The meeting adjourned at 10:45 p.m.