

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 26<sup>TH</sup> DAY OF JUNE, 2000 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

|          |                    |                                 |
|----------|--------------------|---------------------------------|
| PRESENT: | Mary W. Biggs      | -Chair                          |
|          | Larry N. Rush      | -Vice Chairman                  |
|          | John A. Muffo      | -Supervisors                    |
|          | 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:  | Annette S. Perkins | -Supervisors                    |
|          | James D. Politis   |                                 |

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

### **PUBLIC HEARINGS**

#### Rezoning Request

**Richard A. & Nancy I. Riazzi** request to rezone 4.01 acres (Tax Parcel No. 119-A-33A) from GB (General Business) to R-2 (Residential) located at 1803 Fairview Church Road in the Riner Magisterial District. The property lies in an area designated Rural Expansion in the Comprehensive Plan.

Mr. Richard Riazzi applicant requested the Board to consider approving his request to rezone his property from General Business to Residential. Mr. Riazzi said the main use of this property will be residential.

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

Amendment to the Montgomery County Zoning Ordinance

**Amendment to the Montgomery County Zoning Ordinance.** Proposed amendment will change the deadline for proffered conditions to the Board of Supervisors (Section 5-401, 9A) and the deadline for public hearing held by the Board of Supervisors (Section 5-401, 12).

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, Prices Fork Magisterial District.

Will Debling, TEA Group/Crown Communications, explained to the Board that the TEA Group/Crown Communications is known as Sun-Com, which is the sole wireless provider for AT&T. Mr. Debling stated they need to construct a telecommunications tower in the Merrimac area, to provide complete coverage to their users. The company has plans to use 12 sites in the County. 9 sites will be co-located, which leaves 3 new sites to be constructed. He explained that the TEA Group has modified their original site plans at the request of the Planning Commission. A monopole structure will be constructed instead of a lattice tower, and they are willing to construct a 125 ft pole instead of a 199 ft. pole. He also stated that the Planning Commission only recommended a 100 ft pole which would not provide adequate coverage. Mr. Debling urged the Board to approve the construction of a 125 ft tower in Merrimac.

Harold Timmons, TEA Group/Crown Communications, presented maps of the Merrimac area where the telecommunications tower will be located. Mr. Timmons showed area coverage at 100 ft, 120 ft, and 150 ft. He explained that the 100 foot tower would still have a gap in coverage if installed and would not be beneficial. If a 120 ft tower was installed then the area would have adequate coverage, but not the entire area. A 150 ft tower would provide more coverage area but the 125 ft tower would be adequate. This would allow construction of a smaller tower.

Roberta Tiller spoke on behalf of her daughter Amy Russell and read the following letter into the record:

“June 26, 2000

Dear Board of Supervisors:

The way I look at it is the tower can be put up or not. A simple decision; a 50% chance of pleasing any one individual in the room. But it has a deeper meaning that some people don't realize. I can think of many reasons, both physical and intellectual that this tower should not be built. Some key points; think of

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pictures on walls, in frames, wherever. How many times have you seen a picture of technology, any type, not just towers? Count them up in your head. Now calculate how many pictures have you seen of rolling hills, sunsets, birds flying in v's, a pure blue sky scattered with puffy clouds, a starry night accented with a moon. Which picture takes your breath away? Which do you urge to see in person? From that little jaunt you have hopefully realized that today beauty in nature has become highly valued; possibly because it has become scarce.

Being literal this is like a puzzle. The tower is like the edge. After being put into place the rest is easy. Who knows what picture will be created; buildings, malls, parking lots.

I think the only way one of you can make a decision is through experience. I invite each and everyone of you to my back porch to watch the stars come out or the sun go down. You all must research the extent of pleasure that just one landscape can bring.

Sincerely,

Amy Russell(s)  
3010 Stradford Ln.  
Blacksburg, Va 24060  
951-2089"

Daniel Ludwig spoke in opposition to the telecommunications tower. Mr. Ludwig thanked the agent for the TEA Group for conducting the balloon test on the proposed site. He said the tower would be visible to Stroubles Mill, even through the trees. Mr. Ludwig asked if other alternatives have been considered. The construction of a tower would have a negative impact on the view shed of the area. Mr. Ludwig presented a petition with 157 signatures in opposition to the construction of the tower.

Richard Hirsh spoke in opposition to the telecommunications tower. He believes the tower's location would be inappropriate land use in a rural setting and would destroy the rural character of the land. Mr. Hirsh stated that alternative approaches exist that can accomplish the same goal. "Treetop Facilities" are being used in Albemarle County, Virginia, which are flushed mounted antennas that are not more than 10 feet taller than existing trees. Mr. Hirsh believes there is a need for comprehensive planning for future telecommunications tower requests. He requested the Board to consider all possibilities and alternatives.

Roberta Tiller spoke in opposition to the telecommunications tower. Ms. Tiller asked if there was a possibility of co-locating this site elsewhere. She explained that the proposed site in Merrimac is not the area originally planned for the tower and the agent chose to go farther in range to pick a suitable site. Also, if they can not use a 100' tower then why construct a tower at the site anyway. Ms. Tiller believes that the construction of this tower is not suitable for the area.

Larry Linkous spoke in favor of the telecommunications tower. He stated that it was ironic that the same people who oppose this tower were the same people who built houses on a pasture setting adjoining his

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land ruining his view shed. Mr. Linkous stated that a tower is much needed in the area to fill the gap of coverage. There are areas along Merrimac Road that are in a dead zone and full coverage is needed for safety reasons.

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

### **PUBLIC ADDRESS SESSION**

Jane Barnett spoke to the Board about the Village of Elliston. Ms. Barnett stated that the Village of Elliston is newly formed and represents Elliston, Lafayette and Ironto. This organization will provide community services and strategic planning for the future. Ms. Barnette requested the Board to consider allowing the Village of Elliston to use the Elliston Fire Department facilities once they build a new fire house. This would allow them to hold community meetings. Ms. Barnett also asked the Board to consider using the building to allow residents to pay their taxes and buy county vehicle decals and dog tags.

### **ADDENDUM**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the following addendum dated June 26, 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. Larry Z. Martin vs. Board of Supervisors of Montgomery County and GTE Wireless, Inc.
  
  - (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. Public Facilities

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The vote on the foregoing motion was as follows:

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

### **CONSENT AGENDA**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated June 26, 2000 was approved.

The vote on the foregoing motion was as follows:

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

### **Parks & Recreation - Supplemental Appropriation**

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 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:

|     |                      |        |
|-----|----------------------|--------|
| 700 | Parks and Recreation | \$ 100 |
|-----|----------------------|--------|

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

| <u>Revenue Account</u> |              |        |
|------------------------|--------------|--------|
| 416133                 | Contribution | \$ 100 |

Said resolution appropriates a donation for use by Parks and Recreation to help maintain a County Park Nature Trail.

**Commonwealth's Attorney - Supplemental Appropriation**

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 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:

220 Commonwealth's Attorney \$ 993

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

Revenue Account

419104 Confiscations \$993

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**School Operating Fund: Supplemental Appropriation**

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 an appropriation reduction in the General Fund for the fiscal year ending June 30, 2000 is hereby authorized, as follows:

521 Grants (\$67,921)  
Virginia Juvenile Community Crime Control Act  
(VJCCCA)Wilson Avenue

Revenue Account

451206 Transfer to School Operating Fund (\$67,921)  
Wilson Avenue VJCCCA

FURTHER, BE IT RESOLVED, That an appropriation to the School Operating fund for the fiscal year ending June 30, 2000 is hereby authorized, as follows:

09 School Operating Fund \$67,921

Revenue Account:

|        |   |          |
|--------|---|----------|
| 451102 | Transfer From the General Fund<br>Wilson Avenue VJCCA | \$67,921 |
|--------|---|----------|

Said resolution increases the transfer to the School Operating Fund to provide reimbursement to the schools for services paid through the County's allocation under the Virginia Juvenile Crime Control Act.

**School Operating and Cafeteria Funds: Supplemental Appropriation**

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 School Operating and School Cafeteria Funds were granted appropriations in addition to the annual appropriation for the fiscal year ending June 30, 2000, for the function and in the amount as follows:

|                       |                        |                   |
|-----------------------|------------------------|-------------------|
| School Operating Fund |                        |                   |
| 564000                | Operations/Maintenance | \$ 54,250         |
|                       |                        |                   |
| School Cafeteria Fund |                        |                   |
| 565100                | Cafeteria Expenses     | <u>\$ 81,000</u>  |
|                       | Total                  | <u>\$ 135,250</u> |

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

Revenue Account:

|           |                            |                  |
|-----------|----------------------------|------------------|
| 09 418301 | Rebates/Refunds            | \$ 54,250        |
| 11 416124 | Local Revenues             | \$ 20,000        |
| 11 433213 | Federal Cafeteria Receipts | <u>\$ 61,000</u> |
|           | Total                      | <u>\$135,250</u> |

Said resolution appropriates the additional monies generated during the year.

**Library-Supplemental Appropriation**

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 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 | \$2,041 |
|-----|--------------------|---------|

|     |               |                |
|-----|---------------|----------------|
| 720 | Floyd Library | <u>\$2,954</u> |
|     | Total         | \$4,995        |

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

Revenue Account

|              |                 |                |
|--------------|-----------------|----------------|
| 02710-419108 | Recovered Costs | \$ 629         |
| 02710-416158 | Donations       | \$ 912         |
| 02710-416151 | Library Savings | \$ 500         |
| 02720-419108 | Recovered Cost  | \$ 91          |
| 02720-416158 | Donations       | <u>\$2,863</u> |
|              | Total           | \$4,995        |

Said resolution appropriates additional funds for use by the Library.

**School Operating Fund Transfer**

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 a transfer for the fiscal year ending June 30, 2000 is hereby authorized, as follows:

**FROM:**

|                          |             |             |
|--------------------------|-------------|-------------|
| 09 School Operating Fund |             |             |
| 561000                   | Instruction | (\$102,630) |

**TO:**

|        |                            |                  |
|--------|----------------------------|------------------|
| 563000 | Pupil Transportation       | \$ 28,240        |
| 564000 | Operations and Maintenance | <u>\$ 74,390</u> |
|        | Total                      | \$102,630        |

Said resolution transfers funds from Instruction to Pupil Transportation and Operations and Maintenance.

**Revenue Refunds: Supplemental Appropriation**

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 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:

|     |                 |          |
|-----|-----------------|----------|
| 900 | Revenue Refunds | \$20,000 |
|-----|-----------------|----------|

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

Revenue Account

|       |                        |          |
|-------|------------------------|----------|
| 02CPT | Current Property Taxes | \$20,000 |
|-------|------------------------|----------|

Said resolution appropriates additional funds for the payment of revenue refunds.

**Human Services Supplemental Appropriation: Delinquency Prevention Grant**

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 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:

|     |                |          |
|-----|----------------|----------|
| 520 | Human Services | \$ 1,304 |
|-----|----------------|----------|

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

Revenue Account

|        |                              |          |
|--------|------------------------------|----------|
| 424414 | Delinquency Prevention Grant | \$ 1,304 |
|--------|------------------------------|----------|

Said resolution appropriates an increase in the Delinquency Prevention Grant received from the state.

**Sheriff - Recovered Costs**

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 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:

|     |                |                 |
|-----|----------------|-----------------|
| 310 | Sheriff-State  | \$15,814        |
| 320 | Sheriff-County | <u>\$ 5,923</u> |

Total \$21,737

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

Revenue Account

|                                       |                 |
|---------------------------------------|-----------------|
| 02310 419108 Recovered Costs- Sheriff | \$14,741        |
| 02310 441101 Insurance Recoveries     | \$ 1,073        |
| 02320 419108 Recovered Costs-County   | <u>\$ 5,923</u> |
| Total                                 | \$21,737        |

Said resolution appropriates the recovered costs from insurance recoveries, recovered costs from extraditions, restitution paid by inmates for damages to jail property, reimbursement for uniforms, recovered costs for security work by deputies, additional reimbursements from the state for training, and recovered costs under the National Forest co-op agreement.

**County Administration Facility**

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 General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2000, for the function and in the amount as follows:

|  |          |
|--|----------|
| 940 CIP - County Administration Facility | \$20,000 |
|--|----------|

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

Revenue Account

|                             |           |
|-----------------------------|-----------|
| 451205 General Fund Balance | \$ 20,000 |
|-----------------------------|-----------|

Said resolution advances fund balance dollars to cover costs incurred for site improvements of the new County Administration facility prior to the receipt of bond proceeds.

**Vacation of Lot Lines - Natures Waye**

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

WHEREAS, The Relocation/Vacation of Lot Lines Lots 13 & 14 Natures Waye requests the vacation of a portion of the 15' public utility and drainage easement on behalf of the landowners, Jeffrey and Carrie Ligon; and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate this portion of public easement upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Relocation/Vacation of Lot Lines Lots 13 & 14 Natures Waye (Highland Surveys Plan No. P-7476 dated 24 May 2000) in the Mt. Tabor Magisterial District.

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

### **Speed Study - Reesedale Road**

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

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to lower the speed limit on Reesedale Road ( State Route 622) from 55 mph to 35 or 40 mph to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to improve the safety of this area.

### **Holiday - Independence Day July 4**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby declares the Fourth of July holiday to include Monday, July 3 and Tuesday, July 4, 2000.

### **APPOINTMENTS**

#### **Board of Zoning Appeals- Recommendation for Appointment**

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

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BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge, the appointment of **Doug Eckel** to the **Board of Zoning Appeals** effective July 1, 2000 and expiring June 30, 2005.

**Community Action, Inc. (New River Valley)**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Lori Walden** to **Community Action, Inc. (New River Valley)** effective July 5, 2000 and expiring June 30, 2002.

**Local Workforce Investment Board-Local Youth Council**

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

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

Said appointment fills the unexpired term of Meg Goepel and will be between 2-4 years, as determined by the Local Work Force Investment Board.

**OLD BUSINESS**

**Special Use Permit Telecommunication Tower - Anna J. N. Thompson (Agent: the Tea Group/Crown Communications)**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Anna J.N. Thompson request for a Special Use Permit; (Tax Parcel No. 092-3-A) to allow a freestanding

telecommunications tower on 0.23 acre located at 1771 Radford Road in the Riner Magisterial District is hereby approved subject to the following four conditions:

1. This permit is to authorize construction of a monopole telecommunications tower. In accordance with the provisions of the zoning ordinance, this permit shall automatically become void if substantial completion has not taken place within two years of the date this permit is approved.
2. The height of the new tower and attached antennas shall be no greater than one hundred fifty (150) feet above finished ground elevation of 2192'.
3. All additional standards specified for freestanding telecommunication towers in Section 4-806 of the zoning ordinance shall be met.
4.
  - a) A vegetative easement 30' in depth shall be established along the entire south perimeter at the leased area to insure that a buffer of existing trees will remain as a screen; and
  - b) A vegetative easement extending to the property line ( approximately 16' in depth) shall be established along the entire east perimeter of the leased area to insure that a buffer of existing trees will remain as a screen; and
  - c) A new vegetative buffer 4' in depth shall be established along the entire north end and west perimeters of the leased area, except for the access road entrance, at such future time that the existing trees to the north and the west are removed.

The vote on the foregoing resolution was as follows:

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

## **NEW BUSINESS**

### **Authorization to Submit Application for Literary Loan- Blacksburg Middle School**

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

WHEREAS, The School Board for the County of Montgomery, Virginia presented to this Board an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$7,500,000 for the new school building at Blacksburg, Virginia, to be paid in 20 annual installments, and the interest thereon at 3 per cent paid annually.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the application of the Montgomery County School Board to the State Board of Education of Virginia for a loan of \$7,500,000 from the Literary Fund is hereby approved, and authority is hereby granted the said County School Board to borrow the said amount for the purpose set out in said application.

FURTHER, That the Montgomery County Board of Supervisors will each year during the life of this loan, at the time they fix the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

The vote on the foregoing resolution was as follows:

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

**Authorization to Submit Application for Literary Loan- Christiansburg Middle School**

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

WHEREAS, The School Board for the County of Montgomery, Virginia presented to this Board an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$7,500,000 for the new school building at Christiansburg, Virginia, to be paid in 20 annual installments, and the interest thereon at 3 per cent paid annually.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the application of the Montgomery County School Board to the State Board of Education of Virginia for a loan of \$7,500,000 from the Literary Fund is hereby approved, and authority is hereby granted the said County School Board to borrow the said amount for the purpose set out in said application.

FURTHER, That the Montgomery County Board of Supervisors will each year during the life of

this loan, at the time they fix the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

The vote on the foregoing resolution was as follows:

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

### **Establish Coal Mining Heritage Park Committee**

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

WHEREAS, Radford University students in the Department of Sociology and Anthropology have prepared a study, plan and recommendations to guide the development of a Coal Mining Heritage Park (CMHP) at Merrimac; and

WHEREAS, The members of the Montgomery County Coal Mining Heritage Association and the citizens of the Merrimac community have demonstrated a strong desire for a community park combining educational and recreational facilities and centered around the region's mining history; and

WHEREAS, Montgomery County desires a cooperative partnership to continue the active involvement of both public and private groups in the development and long-term maintenance of the park.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby establishes a committee to assist in the development and long-term maintenance of the Coal Mining Heritage Park (CMHP) at Merrimac, Virginia and the committee shall be initially comprised of:

- Two members of the Coal Mining Heritage Association, chosen by the Association
- Two members from the Merrimac community, appointed by the Supervisors
- One member from the Warm Hearth community, appointed by the Supervisors
- One member from Radford University, appointed by the Supervisors
- One member of Friends of the Huckleberry, chosen by the Friends
- One member of the Parks and Recreation Commission, chosen by the Commission
- One member of the Planning Commission, chosen by the Commission

The vote on the foregoing resolution was as follows:

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

**Capital Improvement Plan (CIP) and Capital Budget**

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Capital Improvement Program (CIP) plan has been developed for a 5-Year period, FY 2000-2001 through FY 2004-2005; and

WHEREAS, This 5-Year CIP has been reviewed and approved by the Planning Commission; and

WHEREAS, The debt service costs for the FY 2000-01 CIP projects were approved as a part of the FY 2000-01 Operating Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves the CIP Plan for Fiscal Years 2000-2001 through 2004-2005 for planning purposes.

FURTHER, BE IT RESOLVED, The FY 2000-01 Capital Budget is approved for planning purposes.

The vote on the foregoing resolution was as follows:

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

**Comprehensive Services Act - Supplemental Appropriation and Transfer from Contingencies**

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 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:

|     |                            |           |
|-----|----------------------------|-----------|
| 510 | Comprehensive Services Act | \$174,254 |
|-----|----------------------------|-----------|

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

Revenue Account

|              |                            |           |
|--------------|----------------------------|-----------|
| 02510-424445 | Comprehensive Services Act | \$174,254 |
|--------------|----------------------------|-----------|

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

**FROM:**

|     |                       |          |
|-----|-----------------------|----------|
| 950 | General Contingencies | (68,914) |
|-----|-----------------------|----------|

**TO:**

|     |                            |          |
|-----|----------------------------|----------|
| 510 | Comprehensive Services Act | \$68,914 |
|-----|----------------------------|----------|

Said resolution appropriates a supplemental allocation from the state for the Comprehensive Services Act, transfers the local match for the supplement from General Contingencies.

The vote on the foregoing resolution was as follows:

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

**INTO WORK SESSION**

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

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

-Code of Ethics and Standards of Conduct

The vote on the foregoing motion was as follows:

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

**OUT OF WORK SESSION**

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

**COUNTY ADMINISTRATOR’S REPORT**

Road Concerns Report An updated road report was provided for the Board’s review.

Virginia Tech Airport A joint meeting with the Town of Blacksburg, Town of Christiansburg and Montgomery County will be held August 13, 2000 at 7:30 pm at the Virginia Tech Airport. A presentation will be given on the consolidation of the Virginia Tech Airport as a regional airport.

**BOARD MEMBERS’ REPORTS**

Supervisor Shorter commended the Virginia Department of Transportation on a fine job they did on repairing the roads in his District. He requested a letter be sent to VDOT asking if the road at the railroad tracks on SR 114 near the New River Valley Mall could be smoothed out.

Supervisor Rush reported he attended the Virginia’s First Regional Industrial Facilities Authority meeting. The contract for Commerce Park was presented along with a list of proffers. These proffers will be incorporated into the contract and a copy of the revised contract will be available at the next meeting.

Chair Biggs reported she received a letter from the Blacksburg Regional Chamber of Commerce offering a permanent seat on the Chamber's Board. The Chamber believes there is a need for additional input from the County. At the consensus of the Board, the County Administrator will write a letter to the Blacksburg Regional Chamber of Commerce thanking them for the invitation but declining a seat on the Board. The Board stated they support both Chambers in the County.

Christiansburg Middle School Chair Biggs reported that the School Board will be presenting the Christiansburg Middle School plans to the Christiansburg Town Council on July 18, 2000. She asked if several of the Board members would attend.

School Athletic Facilities Chair Biggs reported that the DeJong report does not include the athletic facilities for the schools.

Ground breaking for the Blacksburg Middle School will be August 8, 2000 at 5:00 p.m.

Chair Biggs reported she attended the Workforce Investment Act (WIA) and the Industrial Development Authority (IDA) on behalf of Supervisors Perkins.

### **INTO CLOSED MEETING**

On a motion by Larry N. Rush, seconded by C.P. Shorter 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. Community College Board (New River)
  2. Community Services Board ( New River Valley)
  3. Montgomery-Floyd Regional Library Board
  4. Social Services Board
  5. Peppers Ferry Regional Wastewater Treatment Authority
  6. Electrical Examining Board
- (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

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Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Larry Z. Martin vs. Board of Supervisors of Montgomery County and GTE Wireless, Inc.

(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. Public Facilities

The vote on the foregoing motion was as follows:

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

**OUT OF CLOSED MEETING**

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

**CERTIFICATION OF CLOSED MEETING**

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

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

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins  
James D. Politis

ABSENT DURING MEETING

Annette S. Perkins  
James D. Politis

APPOINTMENTS

Community College Board (New River)

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Wendell Hensley** to the **New River Community College Board** effective July 1, 2000 and expiring June 30, 2004.

The vote was as follows:

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

#### **Community Services Board (New River Valley)**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Karen S. Frazier** to the **New River Valley Community Services Board** effective July 1, 2000 and expiring June 30, 2003.

The vote was as follows:

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

#### **Montgomery-Floyd Regional Library Board (2 Appointments)**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Susan M. Miller** to the **Montgomery-Floyd Regional Library Board** effective July 1, 2000 and expiring June 30, 2004.

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Ann H. Carter** to the **Montgomery-Floyd Regional Library Board** effective July 1, 2000 and expiring June 30, 2004.

The vote was as follows:

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

### **Social Services Board**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Father Harry B. Scott, III** to the **Social Services Board** effective July 1, 2000 and expiring June 30, 2004.

The vote was as follows:

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

**Peppers Ferry Regional Wastewater Treatment Authority**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Jeffrey D. Johnson** as an **alternate** to the **Peppers Ferry Regional Wastewater Treatment Authority** effective July 1, 2000 and expiring February 8, 2003.

The vote was as follows:

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

**ADJOURNMENT**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously, the Board adjourned to July 10, 2000 at 7:15 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 10:30 p.m.