

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

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

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**PUBLIC HEARINGS**

Special Use Permit

**The TEA Group/Crown Communications (Owner: Michael R.Patrick) request for a Special Use Permit** (Tax Parcel No. 070-A-47) to allow a freestanding telecommunications tower on 0.97 acre parcel. Property is located on State Route 820 in the Mount Tabor Magisterial District. The property lies in an area designated Conservation in the Comprehensive Plan.

Will Dibling, Gentry Locke Rakes and Moore, and Harold Timmons, representative for TEA Group/Crown Communications, explained that Crown Communications is part of Sun Com/AT&T and is responsible for locating possible sites for telecommunications towers. Crown Communications has located 12 sites in Montgomery County to install telecommunications towers for Sun Com. Nine of these sites will be co-located on existing sites and three will be new locations. This request is for one of the three new sites. The

site is located on the north side of Interstate 81 near milepost 122. The height of the tower shall be no greater than 199 feet. The area is rural and heavily wooded providing camouflage for the lower portion of the tower. This tower will provide coverage that is not available to certain areas along Interstate 81.

James Altice adjoining landowner, expressed his concerns with interference to television or radio frequency and if the tower poses any health concerns. Mr. Altice was assured that the tower would not interfere with any television or radio frequency since the tower's frequency was on a different level.

#### Rezoning Request

**William R. and Lockie N. Greear (Agent: Rainey Engineering, Inc.)** request to rezone approximately 81.9 acres, Tax Parcel No. 119-A-32, 33, from PUD-RES (Planned Unit Development-Residential) to RR (Rural Residential) and a major change in the land that is designated commonly owned open space for the land that remains PUD-RES. Property is located in the northeast corner of the Riner Road (Route 8) and Fairview Church Road (Route 669) intersection, in the Riner Magisterial District. The Comprehensive Plan designates this area as Rural Expansion.

Don Rainey, Agent for the applicant, spoke in favor of the rezoning. Mr. Rainey explained that new information from the Public Service Authority about the limited availability of sewer capacity has effected the original plans for development. The original plans included construction of 135 residential units with public sewer. The Greears are requesting rezoning 81.9 acres to rural residential. This plan includes construction of 40 residential units using private sewer.

Charlie Bowles spoke in favor of the request. Mr. Bowles believes that Riner should remain rural. Approving this request will lower the number of new residential development in Riner.

#### **PUBLIC ADDRESS SESSION**

Jon Halberstadt spoke in opposition to the issuance of bonds through the Industrial Development Authority (IDA) for public school construction. Mr. Halberstadt believes the financing of the construction of Blacksburg and Christiansburg Middle Schools should go through General Obligations bonds and be placed on a referendum for the citizens of Montgomery County to vote on.

Arnie Saari, representative of Montgomery County Taxpayers Association, spoke in opposition to the issuance of bonds through the Industrial Development Authority (IDA) for public school construction. Mr. Saari said the Taxpayers Association is concerned with the way the County is going to finance the construction of the Blacksburg and Christiansburg Middle Schools. The financing of public schools should be through General Obligation Bonds and not Industrial Development Bonds. Mr. Saari stated he supports the need for the new schools and believes that the citizens of Montgomery County should have the opportunity to decide by voting on a referendum.

Roger Heslep addressed the Board concerning the boundary line problems in Montgomery County and Roanoke County. Mr. Heslep spoke on behalf of his mother, Annie Heslep, who owns a trailer park which

is located in Montgomery and Roanoke County. Mr. Heslep stated the property is being taxed in Montgomery County, water and sewer services come from Montgomery County and the children go to Montgomery County Schools. The section of the trailer park in Roanoke County cannot be issued permits to upgrade to newer trailers. Mr. Heslep requested that the Board adjust the boundary line to include the entire property into Montgomery County.

Joe Thomas addressed the Board concerning the boundary line problems in Montgomery County and Roanoke County. Mr. Thomas owns property, half is located in Montgomery County and half in Roanoke County. The portion of land that is developed with a subdivision is located in Roanoke County and the entire property is being taxed in Roanoke County. Mr. Thomas requested the Board to adjust the boundary line to include the entire property in Roanoke County.

Vickie Spangler addressed the Board about a dangerous intersection at the corner of North Fork and Garlick Roads. Ms. Spangler stated that she and the community have contacted VDOT and the Montgomery County Transportation Safety Commission about the intersection. They agree that the intersection is dangerous and that the slope of a bank at the intersection needs to be graded in order to see on-coming traffic. Mid-Way Baptist Church would need to give right-of-way in order for this to be done. At the present time the Church is unwilling to give the right-of-way. Ms. Spangler urged the Board to find a way to solve this problem before someone gets seriously hurt at this intersection.

Peter Way spoke in opposition to the issuance of bonds through the Industrial Development Authority ( IDA ) for public school construction. Mr. Way is from Albermarle County and is associated with the Taxpayers Association in Albermarle. Mr. Way expressed his concerns with the way Montgomery County is incurring debt for school construction. Montgomery County citizens have the right to vote via bond referendum as to whether they want to incur such large debt for schools.

Frank Echols addressed the Board about a dangerous intersection at the corner of North Fork and Garlick Roads. Mr. Echols said he lives a quarter of a mile from the intersection and it's like playing Russian Roulette every time you use the intersection. Mr. Echols said the church sign could be re-located and the bank graded to increase site distance at the intersection.

Jack Ledoux spoke in opposition to the issuance of bonds through the Industrial Development Authority ( IDA ) for public school construction. Mr. Ledoux believes that any incurring of debt for new schools should be put forth on a bond referendum for the citizens of Montgomery County to vote on and should go through General Obligation Bonds instead of Industrial Development Bonds.

Jim Chapple addressed the Board about a dangerous intersection at the corner of North Fork and Garlick Roads. Mr. Chapple stated he spoke with the pastor at Mid-Way Baptist Church about the intersection and the possibility of the Church re-locating their sign and giving VDOT the necessary right-of-way to correct the site distance problem. Mr. Chapple said the meeting was not productive.

Charlie Bowles spoke in opposition to the issuance of bonds. Mr. Bowles expressed his concern with the high renovation cost of the County Administration Facility. Mr. Bowles also believes that the County

should create their own road crew to work on the roads in the County.

**INTO WORK SESSION**

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

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

1. Proposed Financing Strategy for Blacksburg Middle School and the County Administration Facility: Lease Revenue Bonds Issued by the Montgomery County Industrial Development Authority

The vote on the foregoing motion was as follows:

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

Dan Siegel (County Bond Counsel, of Sands, Anderson, Marks and Miller) and David Rose (County Financial Advisor, of Davenport and Company) presented information to the Board regarding the proposed financing strategy for using lease revenue bonds issued by the Montgomery County Industrial Development Authority to fund the new Blacksburg Middle School, school projects and the renovated County Administration Facilities.

**OUT OF WORK SESSION**

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

BE IT RESOLVED, 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>
Annette S. Perkins	None	John A. Muffo
Joe C. Stewart		
James D. Politis		
C.P. Shorter		
Larry N. Rush		
Mary W. Biggs		

### **ADDENDUM**

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously, the addendum dated July 24, 2000 was added to the agenda as follows:

- A. Compensation for Public Service Authority Board of Directors (PSA)
- B. Joint Legislative and Audit Review ( JLAR)

The vote on the foregoing motion was as follows:

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

### **CONSENT AGENDA**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated July 24 was approved. The vote was as follows:

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

**Approval of Minutes**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the minutes dated June 26, 2000 were approved.

**Floyd Library Appropriation**

On a motion by James D. Politis, 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, 2001 for the function and in the amount as follows:

720 Floyd Library \$154,533

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

Revenue Account

416156 Floyd County Reimbursement	\$117,655
416157 Town of Floyd Contribution	\$ 1,000
2404-09 State Library Grant	<u>\$ 35,878</u>
Total:	\$154,533

Said resolution provides the appropriation for the operation of the Floyd Library with Floyd residents and the state providing the funding.

**Commonwealth’s Attorney - Victim Witness Grant**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001, for the function and in the amount as follows:

551 Victim Witness Grant \$99,886

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

Revenue Account

5511-424401 Victim Witness Grant	\$99,886
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Said resolution appropriates the Victim Witness Grant funds.

**Sheriff - Community Policing Grant Funds**

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001, for the function and in the amount as follows:

321 Community Policing \$2,625

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

Revenue Account

23216-424401 State Grants \$2,625

Said resolution appropriates Community Policing Grant funds.

**Vacation of Easement - Resubdivision Lot 26 of Gulburg Estates**

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

WHEREAS, The Vacation of Easement on Resubdivision of Lot 26 of Gulburg Estates requests the vacation of a portion of the 15' public utility and drainage easement on behalf of the landowners, Gary Kanode and Debora Zachary; 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 Vacation of Easement on Resubdivision of Lot 26 of Gulburg Estates (Highland Surveys Plan No. 7421A dated 28 June 2000) in the Riner Magisterial District.

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

**Grant Application - Coal Mining Heritage Park**

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

WHEREAS, A rust mine drainage problem currently exists in Lick Creek, which bisects the Coal

Mining Heritage Park, and subsequently drains into the New River, part of the Heritage Rivers System; and

WHEREAS, The Montgomery County Comprehensive Plan places special emphasis on environmental and water quality concerns; and

WHEREAS, Montgomery County has committed to developing the Coal Mining Heritage Park as an educational and recreational facility; and

WHEREAS, The Waste Policy Institute (WPI) a Virginia Tech affiliated corporation, designs and constructs solutions for mine drainage in cooperation with other state and federal agencies; and

WHEREAS, WPI has agreed to partner with Montgomery County, the Virginia Department of Mines, Minerals and Energy, and the Virginia Tech Department of Crops and Soil Environmental Science to obtain a grant through the Office of Surface Mining's Appalachian Clean Streams Initiative, an annual federal grant that provides funding to clean up acid mine drainage; and

WHEREAS, WPI and their partners have committed to finding grants and subsequently funding the construction of artificial wetlands in order to filter the mine rust leakages in the park and design educational materials addressing both the problem and the solution.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia expresses their support for the efforts of the Waste Policy Institute (WPI) to address the water quality issues in the Coal Mining Heritage Park.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the submission of applications to the Office of Surface Mining and other appropriate agencies, in coordination with WPI, Virginia Tech and the Virginia Department of Mines, Minerals and Energy, for funds to clean up the mine drainage in the Coal Mining Heritage Park.

BE IT FURTHER RESOLVED, That Jeffrey D. Johnson, County Administrator, is hereby authorized to sign and submit appropriate documents for the submittal of this Office of Surface Mining Appalachian Clean Streams Initiative grant proposal.

### **Appointments**

#### **Human Services Commission**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby

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reappoints **Margaret K. Bassett** to the Human Services Commission Board of Directors effective July 25, 2000 and expiring July 24, 2003.

**OLD BUSINESS**

**Agricultural & Forestal District - 3 (Little River ) Chester and Wynnell York Request to Withdraw 177 Acres**

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

**ORDINANCE 2000 - 10  
An Ordinance Withdrawing 177 Acres from  
Agricultural & Forestal District - 3 (Little River)**

WHEREAS, Chester and Wynnell York have requested to withdraw 177 acres (Tax Parcel 135-A-23) from Agricultural & Forestal District-3 (Little River); and

WHEREAS, The Board of Supervisors of Montgomery County has processed this request in accordance with Section 15.2-4314 of the Code of Virginia, as amended, and Section 2-150 of the Montgomery County Code, including the holding of a public hearing on April 24, 2000 and the receiving of recommendations from the Advisory Committee on Agricultural and Forestal Districts and the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that the five criteria for withdrawal in Section 2-150 of the Montgomery County Code have been met and that for good and reasonable cause shown, the 177 acres owned by Chester and Wynnell York is hereby withdrawn from Agricultural & Forestal District-3.

The vote on the foregoing ordinance was as follows:

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

**NEW BUSINESS**

**Capital Financing - Blacksburg Middle School, School Projects and County Administration Facility**

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

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF MONTGOMERY COUNTY, VIRGINIA**

**WHEREAS**, The Board of Supervisors of Montgomery County, Virginia (**the “Board of Supervisors”**) has determined that the County of Montgomery, Virginia(**the “County”**) has an immediate need to implement certain capital projects and has requested the Industrial Development Authority of Montgomery County, Virginia (**the “Authority”**) to assist it in the financing of such projects and in furtherance of such financing (a) to issue, offer and sell (i) its lease revenue notes in an amount not to exceed \$7,500,000 (**the “Series A Notes”**) to finance the acquisition, construction and equipping of certain improvements and renovations to the County’s schools and related facilities including the Blacksburg Middle School and various other improvements (**the “School Projects”**) on real property owned by the County and by the Montgomery County School Board (**the “School Real Estate”**), (ii) its lease revenue bonds in an amount not to exceed \$17,500,000 (**the “Series B Bonds”**) to finance that portion of the cost of the School Projects not covered by the Series A Notes; and, (iii) its lease revenue bonds in an amount not to exceed \$11,900,000 (**the “Series C Bonds”**) to finance the acquisition, construction and equipping, of certain capital projects related to the county administrative offices, (**the “Capital Improvement Projects”**) a portion of which are on real property to be owned by the County (**the “County Real Estate”**) and (b) to lease the Capital Improvement Projects and the School Projects (**together, the “Projects”**) to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the “Act”**), and the Authority has agreed to do so; and

**WHEREAS**, There has been presented to the Board of Supervisors a plan for lease financing of the acquisition, construction and equipping of the Projects involving issuance of the Series A Notes, the Series B Bonds and the Series C Bonds by the Authority, which would not create debt of the County for purposes of the Virginia Constitution; and

**WHEREAS**, There have been presented to this meeting drafts of the following documents (**the “Documents”**), copies of which shall be filed with the records of the Board of Supervisors:

- (a) A Ground Lease between the Authority, the County and the School Board conveying to the Authority a leasehold interest in the County Real Estate and the School Real Estate (**the “Ground Lease”**).
- (b) A Financing Lease between the Authority and the County conveying to the County a leasehold interest in the Projects (**the “Financing Lease”**);

- (c) An Indenture of Trust between the Authority and SunTrust Bank, as the trustee **(the “Trustee”)**, pursuant to which the Series A Notes, the Series B Bonds and the Series C Bonds are to be issued, including the form of the Series A Notes, the Series B Bonds and the Series C Bonds, which is to be acknowledged and consented to by the County **(the “Indenture”)**;
- (d) An Assignment of Rents and Leases between the Authority and the Trustee, assigning to the Trustee certain of the Authority’s rights under the Financing Lease, which is to be acknowledged and consented to by the County **(the “Assignment Agreement”)**;
- (e) A Bond and Note Purchase Agreement among the Authority, the County and Davenport & Company, LLC, as Underwriter **(the “Underwriter”)** for the purchase of the Series A Notes, the Series B Bonds and the Series C Bonds **(the “Bond Purchase Agreement”)**;
- (f) A Continuing Disclosure Agreement among the County, the Authority and the Underwriter for the purpose of assuring compliance with continuing disclosure obligations under Rule 15c2-12 **(the “Continuing Disclosure Agreement”)**; and
- (g) A Preliminary Official Statement for the offering and sale of Series A Notes, the Series B Bonds and the Series C Bonds.

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

1. The following plan for financing the acquisition, construction and equipping of the Projects for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the Series A Notes in the maximum amount of \$7,500,000 and the Series B Bonds in the maximum amount of \$17,500,000 and to use the proceeds therefrom to finance the acquisition, construction and equipping of the School Projects and to issue the Series C Bonds in the maximum amount of \$11,900,000 and to use the proceeds therefrom to finance the acquisition, construction and equipping of the Capital Improvement Projects. The Authority will acquire, construct and equip a portion of the Projects on the County Real Estate and the School Real Estate, respectively, which will be leased to the Authority under the Ground Lease, and the Authority will lease the Projects to the County pursuant to the Financing Lease. The Authority will also enter into the Indenture with the Trustee, pursuant to which the Series A Notes, the Series B Bonds and the Series C Bonds will be issued, which Indenture is to be acknowledged and consented to by the County. The Authority will also enter into the Assignment Agreement

whereby the Authority's rights under the Financing Lease will be assigned to the Trustee, which Assignment Agreement is to be acknowledged and consented to by the County. The Authority will be requested to lease the Capital Improvement Projects to the County for the term of the Series C Bonds and the School Projects to the County for the term of the Series A Notes and Series B Bonds, under a "triple net lease" at rents sufficient to pay interest and principal due on the Series A Notes, the Series B Bonds and the Series C Bonds, all pursuant to the Financing Lease. The obligation of the Authority to pay principal and interest on Series A Notes, the Series B Bonds and the Series C Bonds will be limited to rent payments received from the County. The obligation of the County to pay rent will be subject to the Board of Supervisors making annual appropriations for such purpose. The Series A Notes, the Series B Bonds and the Series C Bonds will be secured by an assignment of the Financing Lease to the Trustee for the benefit of the bondholders. If the County exercises its right not to appropriate money for rent payments, the Trustee or the holder of the Series A Notes, Series B Bonds and Series C Bonds may terminate the Financing Lease or otherwise take possession of the Projects, subject to the terms of the Financing Lease, the Assignment Agreement, the Ground Lease, and the Indenture. The issuance of the Series A Notes maturing not later than December 31, 2002 at a per annum interest rate not to exceed 5.75% and of the Series B Bonds and the Series C Bonds, maturing, whether in serial or term form, not later than December 31, 2023 at a per annum interest rate not to exceed 7.00% is hereby approved.

2. The Board had previously selected Sands, Anderson, Marks & Miller as Bond Counsel, and in connection therewith, the Underwriter for the purchase of the Series A Notes, the Series B Bonds and the Series C Bonds, and the Authority is hereby requested to designate the Underwriter as such.
3. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Ground Lease, the Financing Lease and the Continuing Disclosure Agreement.
4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Indenture, the Assignment Agreement, the Bond Purchase Agreement and any other instruments executed by the Authority in connection with an assignment of the Financing Lease for the purpose of securing the Series A Notes, the Series B Bonds and the Series C Bonds, including designating and confirming the final interest rate, maturities, redemption provisions and other terms of the Series A Notes, the Series B Bonds and the Series C Bonds.
5. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of

his approval of any such completions, omissions, insertions and changes.

6. The Capital Improvement Projects and the School Projects are hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Projects will continue to be essential to the operation of the County during the term of the Financing Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Financing Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Financing Lease.
7. The Chairman or Vice-Chairman of the Board, the County Administrator, County Attorney, the County Treasurer and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the County Attorney, the Authority Counsel, Bond Counsel, and the Underwriter to perform all services and prepare all documentation necessary to bring the Series A Notes, the Series B Bonds and the Series C Bonds to market, including without limitation, final forms of the Documents.
8. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Series A Notes, the Series B Bonds and the Series C Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”), or otherwise cause interest on Series A Notes, the Series B Bonds and the Series C Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Series A Notes, the Series B Bonds and the Series C Bonds.
9. The County covenants that it shall not permit the proceeds of the Series A Notes, the Series B Bonds or the Series C Bonds to be used in any manner that would result in (a) 10% or more of the proceeds of either the Series A Notes, the Series B Bonds or the Series C Bonds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County’s use of the Projects, (b) 5% or more of such proceeds being used with respect to any “output facility” (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than as governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives

an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Series A Notes, the Series B Bonds and the Series C Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

10. The Board of Supervisors hereby consents to Sands, Anderson, Marks & Miller serving as bond counsel and Underwriter's Counsel and recommends that such firm be appointed by the Authority as such.
11. All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of Series A Notes, the Series B Bonds and the Series C Bonds and the acquisition, construction, and equipping of the Projects are hereby approved and ratified.
12. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
13. The County hereby agrees to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Series A Notes, Series B Bonds or Series C Bonds or the acquisition, construction and equipping of the Projects.
14. Nothing in this Resolution, the Series A Notes, the Series B Bonds, the Series C Bonds or the Documents shall constitute a debt or a pledge of the faith and credit of the County, and neither the County nor the Authority shall be obligated to make any payments under the Series A Notes, the Series B Bonds, the Series C Bonds or the Documents except from payments made by or on behalf of the County under the Financing Lease pursuant to annual appropriation thereof in accordance with applicable law. The Underwriter shall acknowledge on behalf of the Bondholders that any purchase of Series A Notes, Series B Bonds or Series C Bonds pursuant to the Bond Purchase Agreement is made solely based on representations of the County and no representations of any kind as to the Projects or the ability to repay the Series A Notes, the Series B Bonds and the Series C Bonds has been made by the Authority.
15. The distribution of the Preliminary Official Statement and a final Official Statement is hereby authorized. The authorization and approval of the Preliminary Official Statement

is deemed "final" for purposes of complying with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended, and the County is understood and agreed to be the sole "obligated person" under such Rule.

16. This resolution shall take effect immediately.

PASSED AND ADOPTED this 24<sup>th</sup> day of July, 2000.

The vote on the foregoing resolution was as follows:

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

Supervisor Rush noted for the record that he supports this resolution because it is the best method of financing at the present time. Supervisor Rush also stated that the Board needs to oversee each project individually and be kept abreast of all costs. It is the Board's responsibility to make sure that the use of taxpayers money is spent wisely.

**Economic Development Projects - ACT MicroDevices and EchoStar Communications Corporation**

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

**WHEREAS**, ACT MicroDevices, Inc. whose current principal place of business is 7856 Old Peppers Ferry Loop Radford, Virginia 24141 and EchoStar Communications Corporation whose principal place of business is 5701 South Santa Fe Drive, Littleton, Colorado 80120 have made requests to the County to assist in the development of business in the County. The projects to be developed by ACT MicroDevices, Inc. (**the "ACT MicroDevices Project"**) and EchoStar Communications Corporation (**the EchoStar Project"**)(**together the"Economic Development Projects"**) will provide jobs, tax revenues and other substantial benefits to the County; and

**WHEREAS**, The Board desires to provide assistance to the Economic Development Projects by agreeing to consider certain appropriations for the payment of a portion of the debt service on bonds to be issued for the benefit of the Economic Development Projects; and

**WHEREAS,** The Board anticipates that the Economic Development Projects will ultimately provide revenues sufficient to reimburse the County for any appropriations made for the payment of a portion of the debt service on bonds to be issued for the benefit of the Economic Development Projects; and

**WHEREAS,** The total amount of the bonds to be issued shall not exceed \$5,800,000 for the benefit of the ACT MicroDevices Project and \$9,350,000 for the benefit of the EchoStar Economic Development Project.

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

- 1 It is determined to be in the best interests of the County and its citizens for the Board to provide support for the Economic Development Projects.
- 2 Nothing in this Resolution shall be deemed to be a debt or a pledge of the faith and credit or the taxing power of the County with respect to any sums which are or may become payable pursuant to any bonds issued to assist in the development of the Economic Development Projects. The Board shall have no legally binding obligation under this Resolution to make any appropriation or payment provided for herein.
- 3 The total amount of bonds issued for the benefit of the ACT MicroDevices Project shall not exceed \$5,800,000 and the interest rate for such bonds shall not exceed 7.00%.
- 4 The total amount of bonds issued for the benefit of EchoStar Project shall not exceed \$9,350,000 and the interest rate for such bonds shall not exceed 10.00%.

This resolution shall take effect immediately.

PASSED AND ADOPTED this 24<sup>th</sup> day of July, 2000.

The vote on the foregoing resolution was as follows:

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

**Telecommunications Towers to Zoning Ordinance**

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

WHEREAS, Montgomery County has received 6 requests within the last year for the placement of telecommunications towers within the unincorporated areas of the County, and similar requests have been made for the placement of telecommunications towers within the corporation limits of the Towns of Blacksburg and Christiansburg; and

WHEREAS, Montgomery County and the Towns of Blacksburg and Christiansburg share in a goal of siting telecommunications towers in areas compatible with the adjoining land use; and

WHEREAS, Due to the height of telecommunications towers, placement in the County may impact the views of residents of the two towns and vice versa; and

WHEREAS, Telecommunications tower visibility may be affected by terrain and vegetation which may or may not serve to buffer the visibility from surrounding neighborhoods; and

WHEREAS, Alternatives to the construction of free standing telecommunications towers exist such as power transmission lines, water tanks and other tall buildings and structures; and

WHEREAS, Montgomery County's Zoning Ordinance currently requires a special use permit for free standing telecommunications towers in the unincorporated areas of the County; and

WHEREAS, Montgomery County desires to pursue a consistent approach with the Towns of Blacksburg and Christiansburg towards analyzing and processing telecommunication tower siting requests from a land use perspective.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Planning Department, in conjunction with the Planning Commission, should cooperatively pursue with the Towns of Blacksburg and Christiansburg a consistent approach towards analyzing and processing telecommunication tower siting requests from a land use perspective, including:

- 1 An evaluation of the strengths and weaknesses of the current requirements in the Towns and the County for the siting of telecommunications towers;
- 2 An evaluation of the public notification requirements in the Towns and the County when processing telecommunications tower requests;

- 3 Identify a consistent approach for processing the siting of telecommunications towers that is applicable to the Towns and the County; and
- 4 Make recommendations to the Board of Supervisors on ways to use the existing planning tools such as the Zoning Ordinance and the Comprehensive Plan to implement this approach in the County.

The vote on the foregoing resolution was as follows:

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

**1999C Bond Proceeds: Transfer to Capital Projects Fund-County**

On a motion by Annette S. Perkins, 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:

940	General Fund - Capital Improvements Program	(\$6,519,834)
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TO:

12	Capital Projects Fund - County	\$6,519,834
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Said resolution transfers the remaining 1999C bond proceeds, including any interest accrued as of July 1, 2000, from the General Fund to the Capital Projects Fund - County. The resolution does not appropriate funds for expenditure in the Capital Projects Fund - County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Joe C. Stewart		
C.P. Shorter		

Larry N. Rush  
Annette S. Perkins  
Mary W. Biggs

**Board of Supervisors: Transfer from General Contingencies**

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

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

FROM:

950 General Contingencies (\$9,500)

TO:

100 Board of Supervisors \$9,500

Said resolution transfers funds from General Contingencies to the Board of Supervisors for postage.

The vote on the foregoing resolution was as follows:

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

**Circuit Court: Transfer from General Contingencies**

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

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

FROM:

950 General Contingencies (\$40,000)

TO:

Said resolution transfers funds from General Contingencies to the Circuit Court to cover costs associated with the new Circuit Court Judge’s office.

The vote on the foregoing resolution was as follows:

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

**NRV Disability Services Board: Transfer from General Contingencies**

On a motion by Annette S. Perkins, 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:  
950 General Contingencies (\$539)

TO:  
910 New River Valley Disability Services Board \$539

Said resolution transfers funds from General Contingencies to the New River Valley Disability Services Board to fully fund their FY 01 request.

The vote on the foregoing motion was as follows:

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

**New River - Highlands Resource Conservation and Development Area: Transfer from General Contingencies**

On a motion by Annette S. Perkins, 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:**

950 General Contingencies (\$350)

**TO:**

910 New River-Highlands Resource \$350  
Conservation and Development Area

Said resolution transfers funds from General Contingencies to the New River-Highlands Resource Conservation and Development Area to fully fund their FY 01 request.

The vote on the foregoing resolution was as follows:

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

**School Resource Officer Grant**

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

WHEREAS, The Board of Supervisors approved acceptance of the Community Oriented Policing Services Grant (COPS) December 14, 1998 for a three year period with a local match of \$25,068 in Year 2 and \$54,285 in Year 3; and

WHEREAS, Due to the late start of the COPS grant only one year of grant funds were expended requiring no local match and the COPS grant expires in November 2000; and

WHEREAS, The COPS grant provided for School Resource Officers: One at Auburn High School and one at Shawsville High School; and

WHEREAS, Without the COPS grant funding there would be no available funds to continue the School Resource Officers in these schools.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of Montgomery County, Virginia authorizes the acceptance of the grant for the School Resource Officer Grant for a one year period.

FURTHER, BE IT RESOLVED, That the Board of Supervisors authorizes a local match in the amount of \$26,544.

FURTHER, BE IT RESOLVED, That the Board of Supervisors can not obligate any future Board of Supervisors to appropriate money, therefore, notwithstanding any provisions in this grant to the contrary, if any future Board of Supervisors fails to appropriate funds for the continuance of this grant, the grant and all obligations hereinto shall automatically terminate upon depletion of the currently appropriated or allocated funds.

Said resolution accepts the School Resource Officer Grant and authorizes the local matching share.

The vote on the foregoing resolution was as follows:

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

### **Compensation for Public Service Authority Board of Directors (PSA)**

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

WHEREAS, The Virginia Water and Waste Authorities Act, §15.2-5100 et.seq., of the Code of Virginia of 1950, as amended, allows the local governing body to create a Public Service Authority; and

WHEREAS, §15.2-5113 of the Code of Virginia of 1950, as amended, provides for compensation of the Public Service Authority Board of Directors, as fixed by resolution of the Board of Supervisors of

the governing body.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Public Service Authority (PSA) Board of Directors compensation *shall not* be increased for Fiscal Year 2000-2001, or thereafter, unless by passage of a resolution by the Board of Supervisors in future years authorizes such increase in compensation.

The vote on the foregoing resolution was as follows:

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

### **Joint Legislative and Audit Review ( JLAR)**

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

WHEREAS, The Joint Legislative and Audit Review Commission is undertaking a two year study of education funding; and

WHEREAS, The study scope will include the adequacy and appropriateness of the standards of quality (SOQ), local operating expenditures that exceed SOQ, and capital costs; and

WHEREAS, Montgomery County has increased local funding for the Montgomery County Public Schools over 45% or in excess of \$9 million over the past four years; and

WHEREAS, Montgomery County has also constructed two new schools in the past four years and has plans to construct two additional schools in the upcoming two to four years; and

WHEREAS, The funding formula for the Standards of Quality provides a minimum only and does not provide for the implementation of quality standards; and

WHEREAS, The Local Composite Index (LCI) formula appears unbalanced because factors such as property values are weighted disproportionately to other factors that best determine a locality's ability to pay, and the formula does not recognize the unique differences among localities; and

WHEREAS, In FY 2000, Montgomery County provided 126 locally funded teachers above those funded through SOQ or other sources at a local cost of \$5,266,800; and

WHEREAS, For the past five years the locality has funded salary increases over and above the amount funded by the state as follows:

	<u>Locality</u>		<u>State</u>	<u>(mid year)</u>	<u>Local Salary Cost</u>
2001	5%	July 1	2.4%		\$894,000
2000	5.5%	July 1	2.25%		\$887,000
1999	3%	July 1	2.25%		\$210,000
1998	3%	July 1	4%		0
1997	4%	July 1	2%		\$440,000

WHEREAS, Virginia Retirement System costs for non-SOQ cost Montgomery County \$769,000 in FY 2000; and

WHEREAS, The fiscal impact to Montgomery County of the state funding salary increases for teachers on December 1 rather than earlier, has cost Montgomery County significant amounts of local dollars for salary costs alone over the past five years as follows:

2001	\$885,000
2000	\$814,000
1999	\$360,000
1998	\$240,000
1997	\$220,000

WHEREAS, Inadequate space, condition of the facilities, and change in class sizes has created a demand for additional space within the Montgomery County public schools; and

WHEREAS, Within the last 10 years, the County has built four new schools at a cost of \$35,618,000 and has plans to construct two additional middle schools at an estimated cost of \$44 million; and

WHEREAS, Interim measures to address inadequate space needs have include the addition of 50 mobile units at a cost in excess of \$1,100,000; and

WHEREAS, Montgomery County Public Schools is currently conducting a study of facility needs that will identify the major renovation projects that need to occur within the next 10 years; and

WHEREAS, Debt service costs for schools as a proportion of the School Budget has increased in the last 10 years from \$1.2 million to over \$4 million or from 3% of the operating budget to 6%; and

WHEREAS, Montgomery County Public Schools has spent in excess of \$250,000 annually for the past several years to upgrade technology with local telecommunications costs now exceeding \$200,000 annually and personnel costs associated with technology consisting of 15 direct staff at a cost of *salaries only* of \$700,000 per year; and

WHEREAS, Special Education costs have increased 26% over the past four years while the number of special education students have increased only 8%, and local dollars provide more than \$2.8 million of the total cost; and

WHEREAS, Key educational components are not included in the SOQ such as music, art, and physical education teachers which cost Montgomery County \$1,425,000 to provide 34 of these positions, and guidance counselors, which costs Montgomery County \$460,000 to provide 12 of these positions; and

WHEREAS, Factors specific to Montgomery County such as land area, including 400 square miles and topography make transportation and site development more costly than in other areas; and

WHEREAS, Montgomery County has maintained the concept of “neighborhood schools” when serving the County’s large land area which has required additional school facilities and personnel; and

WHEREAS, Montgomery County is bearing a disproportionate share of the costs of education because the state has continually underfunded the Standards of Quality.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia the Joint Legislative Audit and Review Commission is requested to carefully study the need for additional state funding for Virginia’s public schools and recommend changes in the funding formula that provide increased state funds to fully fund the Standards of Quality, to best equalize the local composite index matching formula, and to recognize the need for increased state funding to support school construction costs.

The vote on the foregoing resolution was as follows:

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

## **COUNTY ATTORNEY'S REPORT**

Heslep Trailer Park/Boundary Line The County Attorney reported there was no new data concerning the boundary line problems with Heslep Trailer Park. He explained that the trailer park is located in both Montgomery County and Roanoke County. The boundary cuts through the park with fourteen (14) trailer spaces in Montgomery County and thirty (30) spaces in Roanoke County. The entire property is being taxed in Montgomery County and all public services are being provided by Montgomery County. One major issue that Ms. Heslep has is that Montgomery County cannot issue permits for replacement trailers in the trailer park that are located in Roanoke County. Ms. Heslep has requested that the boundary line be adjusted to include her entire parcel in Montgomery County. The County Attorney explained that there were three alternatives available: 1) The Board can enter into a boundary agreement with Roanoke County to change the boundary of Heslep's Trailer Park; 2) The Board can enter into a boundary agreement with Roanoke County that not only addresses the Heslep Trailer Park but the entire Montgomery County boundary; 3) The Board can elect not to address the entire boundary line or change any boundary line, but have the two Commissioners of Revenue administratively correct the land books so that all landowners with parcels on the boundary line be assessed by the jurisdiction where the land is located.

The Board requested the County Attorney to meet with Roanoke County and discuss the possibility of entering into a boundary agreement to adjust the Hesleps property and the Campbell Hills Subdivision property.

## **COUNTY ADMINISTRATOR'S REPORT**

Zoning Administrator The County Administrator introduced the new Zoning Administrator, Steve Sandy, to the Board.

Intersection at Garlic Road and North Fork Road The County Administrator explained that the intersection at Garlic Road and North Fork Road in Elliston is an extremely dangerous intersection and that some corrective action needs to be taken. The road is beside an embankment which blocks the view of oncoming vehicles. The Board directed the County Administrator and the County Attorney to meet with VDOT and the Pastor of Mid-Way Baptist Church to find alternatives to the problem.

## **BOARD MEMBERS' REPORTS**

Supervisor Shorter requested staff to look into a problem with the Linkous Garage on Prices Fork Road. Mr. Linkous was issued a special use permit to open a garage on his property, with special conditions on the number of vehicles parked on the property. Supervisor Shorter believes the number of vehicles parked on the property is more than allowed under the special use permit.

Supervisor Rush requested staff to look into a possible waterline break on Rt 114. A citizen requested

his help in solving this problem. He said the citizen lives in the County but has town water. A portion of his yard stays wet and soggy, indicating a possible water leak. The Town of Christiansburg has been contacted, but to date, nothing has been done.

Supervisor Politis attended a Utilities Committee meeting where they discussed the issue of growth in the future and the amount of sewer capacity the County will need in the future at the Peppers Ferry Waste Water Treatment Authority.

Supervisor Stewart received a complaint about bicycles on SR 615. He also wanted to know if SR 603 had plans for upgrading in the future.

Chair Biggs Blacksburg Regional Chamber of Commerce Chair Biggs reported that at the County/Town Liaison meeting membership roles for the Chamber of Commerce Board was discussed. The Town of Blacksburg and the Town of Christiansburg both have members serving on their respective Chamber Board. Montgomery County decided at this time that a seat on the Blacksburg Chamber Board would not be beneficial.

Interstate 73 Chair Biggs reported that the issue of Interstate 73 was discussed at the County/Town Liaison meeting. Both Towns and the County feel that a joint effort would be beneficial on deciding where Interstate 73 should be routed.

### **EXTENSION OF MEETING**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously, the Board continue the meeting beyond 11:30 p.m.

The vote on the foregoing resolution was as follows:

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

### **INTO CLOSED MEETING**

On a motion by James D. Politis, 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) (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. Longshop McCoy Fire & Rescue Station and Recycling Center
- (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. County Attorney's Evaluation
- (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. Montgomery Regional Hospital vs. Montgomery County
  2. Public Financing

The vote on the foregoing motion was as follows:

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

**OUT OF CLOSED MEETING**

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

### **CERTIFICATION OF CLOSED MEETING**

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

Larry N. Rush  
Joe C. Stewart  
Annette S. Perkins  
James D. Politis  
C.P. Shorter

Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

**ADJOURNMENT**

On a motion by Larry N. Rush, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Wednesday, August 16, 2000 at 7:15 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 11:50 p.m.