

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 28th DAY OF AUGUST, 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
	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: Annette S. Perkins -Supervisor

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**PUBLIC HEARINGS**

Request for Tax Exempt Status

**New River Community Action, Inc.** proposal to request exemption from taxation from the General Assembly of 0.2864 acre of real property at 110 Roanoke Street, Christiansburg in the Shawsville Magisterial District of the County of Montgomery, Virginia, where New River Community Action, Inc. presently has their office space.

Terry Smusz, Executive Director, New River Community Action, Inc., spoke in support of tax exempt status from property tax for the NRCA. NRCA purchased property at 110 Roanoke Street in Christiansburg for their Montgomery Area Office. They are a non-profit agency and tax exemption from property tax would keep funding for use to help the needy in Montgomery County.

Ann Groves, Director, New River Community Action, Inc., spoke in support of tax exempt status from property tax for the NRCA. Ms. Groves stated that due to high rental property the option to purchase property was in the best interest of the NRCA. NRCA helps with needy and homeless and poverty stricken people in Montgomery County. They rely on Federal, State and Local government funds and from private contributions.

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

#### Rezoning Request

**Michael C. and Helen R. Hughes** request to rezone approximately 5 acres, Tax Parcel No. 91-A-22, from A-1 (Agriculture) to GB (General Business) for a Gun Shop. Property is located at 2731 Radford Road, Christiansburg in the Riner Magisterial District.

There being no speakers, the public hearing was closed.

### **PUBLIC ADDRESS SESSION**

Stacy Snyder spoke in support of the proposed resolution requesting Virginia Gas Pipeline Co. to locate within Duke Powers existing gas pipeline easement. Ms. Snyder expressed her concerns with the impact it would have on the environment. This matter is listed under Old Business for consideration by the Board.

Lawrence Mason spoke in support of the proposed resolution concerning the Virginia Gas Pipeline Company. Mr. Mason presented projected images of the impact another 50 foot clearing would have on the environment and property owners.

Milko V. Maykowskyj spoke in support of the proposed resolution concerning the Virginia Gas Pipeline Company. Mr. Maykowskyj stated he was an avid photographer and there are numerous rare plant species and rare birds in the area where the proposed pipeline will go through. Mr. Maykowskyj urged Virginia Gas Pipeline Company to use the existing easement.

Brent Riley addressed the Board concerning the construction of the gas pipeline by Virginia Gas Pipeline Company. Mr. Riley stated he lives in Roanoke County and the pipeline will affect numerous localities, not only Roanoke and Montgomery County. Mr. Riley believes the pipeline will be clearly seen along Interstate 81 and will have a negative impact on the environment and the viewshed.

Michael Edwards, President of Virginia Gas Pipeline Company, addressed the Board concerning several

issues regarding the construction of the gas pipeline through Montgomery County. Mr. Edwards stated Virginia Gas Pipeline Company is doing everything in their power to minimize the environmental impact on property owners and trying to maximize the use of existing facilities.

Jim VanHoozier spoke in support of the Virginia Gas Pipeline Company using the existing easement, but also they should try to avoid going through residential areas whenever possible.

Georgia Ann Snyder-Falkinham spoke in support of the Virginia Gas Pipeline Company using existing easements when constructing the gas pipeline. She also expressed her concerns with the article in the Roanoke Times where Duke Energy Corporation stated that they were never contacted by the Virginia Gas Pipeline Company requesting co-location.

Mike Snyder speaking as a general contractor said a 50 foot easement is not necessary to construct an 8" gas pipeline. A wide easement is not needed.

Mike Richardson spoke in support of the Virginia Gas Pipeline Company using the existing easement. Mr. Snyder stated there are very few natural resources left and they should be preserved. The gas pipeline can be constructed without having to have a 50' easement.

Jean Alfano addressed the Board concerning the construction of the gas pipeline by Virginia Gas Pipeline. She stated that it is ironic that the pipeline will be going through their land and yet the gas is not available to them.

Kenneth Day addressed the Board concerning the construction of the gas pipeline by Virginia Gas Pipeline. He stated that the proposed gas line will be constructed right through his front yard. He does support Virginia Gas Pipeline using the existing easements but is concerned about the pipeline going through residential areas. He requested that Virginia Gas Pipeline considered alternate routes to avoid going through residential areas.

A series of questions were directed to Mr. Mike Edwards, President of Virginia Gas Pipeline. Chair Biggs suggested that Mr. Edwards may want to set up a meeting with citizens to insure all their questions are answered.

The following letter from J. Christopher Ludwig, Chief Biologist, Commonwealth of Virginia, Department of Conservation and Recreation, was entered into the record:

“August 25, 2000

Ms. Mary Biggs, Chair  
Montgomery County Board of Supervisors

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1 East Main Street  
P.O. Box 6126  
Christiansburg, Va 24068-6126

Dear Ms. Biggs:

It has come to my attention that the Virginia Gas Pipeline Company is planning to construct a gas pipeline through the Pedlar Hills, southeast of Ellett Valley. We understand that the pipeline's easement will closely parallel the existing easement held by East Tennessee Natural Gas, a subsidiary of Duke Energy. Due to the geology and topography in this area, a very high number of rare plant species population occurs near the existing easement. These plants include the federal Endangered Species, smooth coneflower (*Echinacea laevigata*), the globally-rare Cooper's milkvetch (*Astragalus neglectus*) and Addison's leatherflower (*Clematis addisonii*), as well as at least ten state rare plant species.

Due to the existence of these populations, we strongly recommend that the pipeline planned by the Virginia Gas Pipeline Company is placed within the existing easement held by the East Tennessee Natural Gas. We also strongly recommend that a survey be conducted to determine the location of all rare plant populations in relation to the utility corridor in this region. We have botanists on staff available to conduct this survey. If you have any questions, please feel free to contact me at (804) 371-6206.

Sincerely,

J. Christopher Ludwig, Chief Biologist (s)  
Division of Natural Heritage

cc: Stacy Snyder"

There being no further speakers, the Public Address Session was closed.

### **CONSENT AGENDA**

On a motion by Joe C. Stewart, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated August 28, 2000 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Joe C. Stewart	

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John A. Muffo  
Mary W. Biggs

**Economic Development: Governor's Opportunity Fund**

On a motion by Joe C. Stewart, 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:

810	Economic Development	\$95,329
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	Designated Fund Balance	\$95,329
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Said resolution appropriates for use in FY 01, the local match for the Governor's Opportunity Fund appropriated but not expended in FY 00.

**Brush Creek Plantation Lots 17A and 17B - Final Plat**

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

WHEREAS, Brush Creek Plantation Lots 17A and 17B consist of 2 lots located east of Brush Creek Road (State Route 617) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Sections 8-151(b)(4) and 10-21(5)(d) provide for the subdivision of new lots with access over a private access easement at least forty (40) feet in width.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Brush Creek Plantation Lots 17A and 17B (Jennings L. Bolt Job #1440 dated 07/05/00), Riner Magisterial District.

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

**Vacation of Utility Easement**

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

WHEREAS, The Lot Line Revision for Tax Parcels 104-A-13 and 13C requests the vacation of a 15' public utility and drainage easement on behalf of the landowners, Southgate Properties and First National Bank; 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 Lot Line Revision for Tax Parcels 104-A-13 and 13C (Gay and Keesee, Incorporated Job No. 938 dated 07/20/00 in the Riner Magisterial District).

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

### **Community Signs**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the resolution adopted on May 8, 2000 requesting the Virginia Department of Transportation to install community signs is hereby amended to include the following communities:

- Bethel
- Wake Forest

### **Appointments - Coal Mining Heritage Park Advisory Committee**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints the following individuals to the Coal Mining Heritage Park Advisory Committee:

1. Dolly Cottrill - Principal, Prices Fork Elementary
2. Stacie Spradlin Haynes - Merrimac Community
3. Mary La Lone - Radford University
4. John Robinson - Warm Hearth Community
5. Ira D. Long - At-large
6. Reverend Jerry Sloss - Merrimac Community

## **OLD BUSINESS**

### **Virginia Gas Pipeline**

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

WHEREAS, Virginia Gas Pipeline Company has been granted approval by the State Corporation Commission to obtain easements for the construction of a natural gas pipeline within a 1,000 foot corridor that traverses through portions of Montgomery County; and

WHEREAS, Within a portion of the 1,000 foot corridor approved by the State Corporation Commission is an existing fifty (50) foot easement containing an existing natural gas pipeline owned by Duke Energy Corporation, the parent company of the East Tennessee Natural Gas Company; and

WHEREAS, The Montgomery County Board of Supervisors and the citizens of Montgomery County strongly urge the Virginia Gas Pipeline Company to cease any further surveying and clearing of land and to initiate and participate expeditiously in a dialog with Duke Energy Corporation with the intent to establish an agreement to co-locate the Virginia Gas Pipeline Company easement within the existing fifty (50) foot easement owned by Duke Energy Corporation; and

WHEREAS, The Duke Energy Corporation has established a public policy whereby Duke Energy Corporation is committed to stewardship of our communities and environment, and has a long history of advocating and building for the environment and cares deeply about how its business operations enhance the quality of life in the community and the impact of its operations on the environment; and

WHEREAS, Duke Energy Corporation is a corporate leader in the utilities and energy industry and has the wherewithal through its ownership of a certain easement and established corridor for the purpose of transporting natural gas, to make available to Virginia Gas Pipeline Corporation the space necessary for the construction of a natural gas pipeline to coexist on a corridor already in existence through Montgomery County; and

WHEREAS, The citizens of Virginia and particularly Montgomery County wish to preserve for perpetuity its natural wildlife and mountain ridges and peaks in a natural state and protect the views of the peaks and ridges of this beautiful country; and

WHEREAS, The Montgomery County Board of Supervisors adopted a resolution on May 11, 1998 in support of the Virginia Gas Pipeline; and

WHEREAS, The Montgomery County Board of Supervisors continues to support the pipeline subject to Virginia Gas Pipeline Company continuing to cooperate with Montgomery County citizens in order to choose the route that best minimizes and mitigates the impacts on the environment, neighborhoods and viewsheds in Montgomery County; and

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WHEREAS, It is incumbent upon utility corporations to seek and resolve issues to coexist through established corridors previously approved by the Virginia State Corporation Commission in order to best minimize and mitigate any further impacts on the environment, neighborhoods and the viewsheds in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia respectfully urges and requests the immediate cooperation between the Virginia Gas Pipeline Company and Duke Energy Corporation, the parent company of the East Tennessee Natural Gas Company, for the establishment of an agreement allowing for the co-location of the Virginia Gas Pipeline easement within the existing fifty (50) foot easement of Duke Energy Corporation, except in circumstance where neighborhoods or other residential areas would be negatively affected, in order to choose the route that best minimizes and mitigates any impacts on the environment, neighborhoods and viewsheds in Montgomery County.

BE IT FURTHER RESOLVED, That suitable copies of this Resolution, duly authenticated by the Montgomery County Board of Supervisors, be transmitted to the Virginia Gas Pipeline Company, the East Tennessee Natural Gas Company, the Duke Energy Corporation, the Virginia State Corporation Commission, and the Virginia General Assembly delegates and senators representing Montgomery County, Virginia.

The vote on the foregoing resolution was as follows:

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

## **NEW BUSINESS**

### **Compensation for the Public Service Authority Second Vice-Chairman's Position- TABLED**

On a motion by Joe C. Stewart, seconded by James D. Politis and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia the request by the PSA Board of Directors that the Second Vice-Chairman of the Public Service Authority (PSA) Board of Directors compensation be set at \$75 per month, making the salary equal to the Vice - Chairman

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and the Secretary/Treasurer is hereby TABLED pending additional information.

The vote on the foregoing motion was as follows:

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

**Virginia Tech Foundation Request for Revenue Bond Issuance through the City of Harrisonburg Industrial Development Authority**

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

WHEREAS, The Industrial Development Authority of Montgomery County, Virginia ( the “Authority”), has been asked by The Virginia Tech Foundation, Inc. (the “Foundation”) to approve the plan financing and issuance of revenue bonds by the Industrial Development Authority of the City of Harrisonburg, Virginia (the “Harrisonburg Authority”), in one or more series, at one time or from time to time, in an amount not to exceed \$6,500,000 ( the “Bonds”), to assist in the financing of the acquisition, construction, and equipping of an approximately 50,000 square foot bioinformatics center to be located on Pratt Drive in the Virginia Tech Corporate Research Center in Blacksburg, Virginia (the “Project”), and has held a public hearing on August 15, 2000; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia (the “Board”) has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the industrial development authority created by the second locality; and

WHEREAS, The Authority has recommended that the Board approve the plan of financing and the issuance of the Bonds by Harrisonburg Authority; and

WHEREAS, A copy of the Authority’s resolution approving the issuance of Bonds by the Harrisonburg Authority pursuant to the plan Foundations’s financing, subject to the terms agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board concurs with the resolution adopted by the Harrisonburg Authority on August 9, 2000 and approves the plan of financing and the issuance of the Bonds by the Harrisonburg Authority for the benefit of the Foundation, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act.
2. The approval of the plan of financing and the issuance of the Bonds by the Harrisonburg Authority do not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the plan of financing or the Foundation.
3. This resolution shall take effect immediately upon its adoption.

The vote on the foregoing resolution was as follows:

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

**Resolution Opposing the Location of Telecommunication Towers in VDoT Right- of- Way Without Local Government Approval**

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

WHEREAS, Virginia Department of Transportation (“VDoT”) has developed and adopted guidelines for the review and approval of siting wireless telecommunication towers on VDoT’s right- of- way within the Commonwealth of Virginia, (“VDoT Guidelines”); and

WHEREAS, The VDoT Guidelines allow wireless communication companies to request and locate telecommunication towers on VDoT’s right- of- way without obtaining local land use approval; and

WHEREAS, The Virginia Supreme Court in Board of Supervisors of Fairfax County v Washington, D.C. SMSA, 258 Va. 558 (1999) ruled that telecommunications facilities constructed or to

be constructed on land within the right of way of VDoT are not exempt from local land use control; and

WHEREAS, The VDoT Guidelines run afoul with the Virginia Supreme Court's holding that the General Assembly has mandated that telecommunications structures, even if located in the VDoT right-of-way, require local approval; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, desires to place VDoT and any other company or interested party on notice that no telecommunications towers shall be located within the unincorporated areas of the County of Montgomery without first obtaining local approval from the Planning Commission and the Board of Supervisors; and

WHEREAS, The Board of Supervisors shall take whatever legal action is necessary to oppose any attempt by VDoT or any other company to locate and construct a telecommunications tower without first obtaining County approval.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby places VDoT and any other interested party on notice that no telecommunications tower shall be located within the unincorporated area of the County of Montgomery without first obtaining the necessary local approvals from the Planning Commission and the Board of Supervisors.

BE IT FURTHER RESOLVED, That the Board of Supervisors shall take whatever legal action is necessary to oppose any attempt by VDoT or any other company to construct and locate a telecommunications tower without first obtaining local approval from the County.

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

**Motor Pool - Carry Forward Funds from FY 2000**

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

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

180 Internal Services \$71,000

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

Revenue Account

451205 General Fund Balance \$71,000

Said resolution appropriates monies remaining from FY 2000 for use in the current year to purchase vehicles for the County motor pool.

The vote on the foregoing resolution was as follows:

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

**Comprehensive Services Act- Carry Forward Funds from FY 2000**

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:

510                      Comprehensive Services Act                      \$257,069

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

Revenue Account

02510-424445	Comprehensive Services Act	\$183,984
02-451205	Designated Fund Balance	<u>\$ 73,085</u>
	Total	\$257,069

Said resolution reappropriates the State Comprehensive Services Act allocation and the corresponding local match remaining at June 30, 2000 for use in FY 01 for goods and services received in FY 00.

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

**Resolution of Appreciation Montgomery-Floyd Regional Library Board - David McCrumb**

On a motion by James D. Politis, seconded by Joe C. Stewart and carried unanimously,

***WHEREAS, David McCrumb*** has faithfully served as a member of the Montgomery-Floyd Regional Library Board since June 26, 1995; and

***WHEREAS,*** The County recognizes the excellent and dedicated service that ***David McCrumb*** has rendered the citizens of Montgomery County.

***NOW, THEREFORE, BE IT RESOLVED,*** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***David McCrumb***.

***FURTHER,*** That the original of this resolution be presented to ***David McCrumb*** and that a copy be made a part of the official Minutes of Montgomery County.

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

**Resolution of Appreciation Industrial Development Authority - David O. Shanks**

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

***WHEREAS, David O. Shanks*** has faithfully served as a member of the Industrial Development Authority since November 21, 1994; and

***WHEREAS,*** The County recognizes the excellent and dedicated service that ***David O. Shanks*** has rendered the citizens of Montgomery County.

***NOW, THEREFORE, BE IT RESOLVED,*** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***David O. Shanks.***

***FURTHER,*** That the original of this resolution be presented to ***David O. Shanks*** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

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

## **COUNTY ATTORNEY'S REPORT**

The County Attorney reported the lawsuit against Montgomery County by Larry Martin concerning the telecommunication tower on Mr. Graham's property has been dismissed.

## **COUNTY ADMINISTRATOR'S REPORT**

Virginia Tech Regional Airport The County Administrator recommended that a work session be scheduled in the near future to discuss the Virginia Tech Regional Airport. The Board concurred with the County Administrator's recommendation and a work session was set for September 11, 2000.

Carilion Health Care The County Administrator reported that the County's Bond Counsel sent a letter analyzing Carilion's request to reduce their bond fee.

## **BOARD MEMBERS' REPORTS**

Supervisor Shorter requested an update on the status of Poverty Creek Road being used as a trash site. The County Administrator reported that the Sheriff's Office investigated the situation and the property owners were given notice to clean up the site. Supervisor Shorter expressed his concern about the cost of cleanup for the property owners when they were not the cause of the trash on the site.

Sanitation District Supervisor Shorter asked for the definition of Sanitation District. The County Attorney stated he would send information to the Board about Sanitation Districts.

Supervisor Politis requested the status of the new consolidated collection site on Route 11 in Plum Creek. The County Administrator reported that the material has been ordered construction and the site will begin shortly.

Supervisor Stewart received a call from Mr. Howard Walters concerning Elliott Creek Road. Supervisor Stewart stated that the road is not paved and is in need of maintenance. He requested that VDOT be contacted about repair to this road.

Supervisor Muffo reported a meeting has been scheduled with his students for a tour of the AEP property that was donated to the County. The students are in the process of surveying area residents, with the Town of Blacksburg and Montgomery County Recreation Departments, on the needs of recreation facilities in the area and what they would like to see built on this property.

Chair Biggs reported that staff is working on the time frame for the followup meeting on the Board Retreat issues. A meeting is tentatively scheduled for December, 2000.

County/School Liaison Meeting Several issues were discussed at the meeting including the open enrollment

policy in Montgomery County. She stated that open enrollment is available for all schools as long as room is available.

A joint letter from the Montgomery County Board of Supervisors and the School Board has been sent to the Joint Legislative and Audit Review Committee ( JLARC) requesting them to carefully study the need for additional state funding for Virginia's public schools.

The Virginia Department of Transportation will be installing flashing lights at the Shawsville Elementary School in the next few weeks.

The School Board will have the enrollment figures for all schools in the next few weeks.

The next joint meeting with the School Board is scheduled for September 27, 2000 at 6:30 p.m at the Farm House Restaurant.

League of Women Voters Chair Biggs received a letter from the League of Women Voters concerning the annual breakfast meeting with the Board. They wanted to know if February was still a good month for the Board and if a breakfast meeting was still suitable. If not, a lunch meeting could be held. The Board concurred that a breakfast meeting in February was still suitable.

**Supervisor Politis left the meeting at 9:00 p.m.**

### **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. Human Services Commission

(7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed

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or Retained by a Public Body Regarding Specific Legal Matters  
Requiring Provision of Legal Advice by Such Counsel

1. Financing Negotiations for ACT Devices and EchoStar  
Projects

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		

**OUT OF 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 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>
Larry N. Rush	None	Annette S. Perkins
C.P. Shorter		James D. Politis
Joe C. Stewart		
John A. Muffo		
Mary W. Biggs		

**CERTIFICATION OF CLOSED MEETING**

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

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

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

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins  
James D. Politis

ABSENT DURING MEETING

Annette S. Perkins  
James D. Politis

APPOINTMENTS-HUMAN SERVICES COMMISSION

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 **Kevin D. Everett** to the Human Services Commission Board of Directors effective August 29, 2000 and expiring August 28, 2003.

The vote on the foregoing resolution was as follows:

AYE

NAY

ABSENT

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

**ADJOURNMENT**

On a motion by Joe C. Stewart, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, September 11, 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	Annette S. Perkins
Joe C. Stewart		James D. Politis
John A. Muffo		
Larry N. Rush		
Mary W. Biggs		

The meeting adjourned at 9:30 p.m.

ATTEST: \_\_\_\_\_  
Jeffrey D. Johnson, County Administrator