

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 25TH DAY OF SEPTEMBER, 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
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahan	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC HEARINGS

Proposed Conveyance of Right-of-Way Easement to AEP

-Conveyance of right-of-way easement to American Electric Power to extend electrical facilities to serve the new sewer pump station for Montgomery County Public Service Authority located on Crozier Road in the Shawsville Magisterial District.

There being no speakers, the public hearing was closed.

Special Use Permit

Gary Lawson request for a Special Use Permit (Tax Parcel No. 109-A-76D) to allow an automotive repair shop in an Agriculture A-1 Use District. Property is located at 1325 Craigs Mountain Road in the Shawsville Magisterial District. The property lies in an area designated Conservation in the Comprehensive Plan.

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Gary Lawson addressed the Board on behalf of his request. Mr. Lawson stated that he wants to operate a vehicle frame straightening shop on 40 acres on Craigs Mountain Road. The business is located in a rural area and will not be intrusive to the area. The business will be only for frame straightening and not for any other purpose such as minor automobile repair. Mr. Lawson said he has worked with the Planning Department to work out proffered conditions. He is willing to limit the hours of operation and days open, and limit the hours of delivery.

Lynn Nystron spoke in opposition to the special use permit for an Automobile Repair Shop. Ms. Nystron commented that Craigs Mountain is zoned agriculture, not business, and expressed her concerns with spot zoning in the County. She also expressed concerns with an automobile shop leaking fluids and stormwater runoff into the creek, disturbing the water quality in the area.

Blase Wagenbrenner presented a petition with 35 signatures in opposition to the Automobile Shop on Craigs Mountain Road. Mr. Wagenbreener read the petition as follows:

“WHEREAS, The County Comprehensive Plan has identified the Craigs Mountain, Elliott Creek, and Sugar Grove community as a Conservation Designation area.

WHEREAS, The Elliott Creek Watershed Protection Council monitors the Elliott Creek and its branches as to the Issac Walton League protocol of the Save Our Streams Program and has documented the pristine quality of this watershed in Montgomery County.

WHEREAS, The thousands of acres in this area of Conservation Designation provides habitat for a diversity of wildlife, flora and fauna, fishes and amphibians.

WHEREAS, One hundred plus acres of private land is currently under the county’s Conservation Easement.

WHEREAS, Any commercial use of the above mentioned area is not compatible with a Conservation designated area.

WHEREAS, The location of the proposed Auto Repair is on a forested mountiantop bordered by three fast flowing fresh water springs that create two branches feeding into Elliott Creek with a four hundred foot drop in elevation.

WHEREAS, This area of concern is subject to extremely heavy rain and snowfall that can cause washouts and carry residue, byproducts, or other pollution from the site into Elliott Creek.

WHEREAS, There is a secondary, gravel road along a mountainside to the site and potential risks exists for school buses passing car carrier vehicles around the curves.

WE, the undersigned, are residents of Montgomery County and OPPOSE the proposed Special Use Permit requested by Mr. Gary Lawson for an Auto Repair Shop on Craigs Mountain Road. ”

Howard Leab spoke in opposition to the special use permit for an Automobile Repair Shop. Mr. Leab stated if the special use permit was granted it would only open up a pandoras box for other requests in the future. He asked if Mr. Lawson could find another location for this business.

Semih Olcmen spoke in opposition to the special use permit for an Automobile Repair Shop. Mr. Olcmen expressed several concerns in relation to the special use permit. He asked if there was another location or if Mr. Lawson could use his existing business. Mr. Olcmen questioned how the special use permit would be enforced if there are any violations. If the special use permit is granted he asked that the business be open on weekdayw and not the weekend.

Wayne Worrell spoke in support of the special use permit. He explained that the type of business Mr. Lawson wanted to operate was not hazardous to the environment. No fluids will be in the vehicles when they receive them to cause any harm to the watershed and environment.

David Taylor spoke in support of the special use permit. Mr. Taylor explained he was certified in frame straightening and stressed there will be no fluids in the vehicles at the time they receive them. He also stated that no other type of repair work will be done at this location.

Nancy Bower spoke in opposition to the special use permit for an Automobile Repair Shop. Ms. Bower expressed several concerns with the special use permit, such as how the equipment was powered and how violations would be enforced.

The Planning Director explained that special use permits were inspected every 2 to 3 years. Complaints are investigated as soon as possible. The County has the right to revoke a special use permit due to violations.

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

NOTE: The next five public hearings were combined into one public hearing:

Rezoning Request

Robinson Investment Co./Omega T. Long (Agent: Bill Ellenbogen) request to rezone 12.5 acres (Tax Parcel Nos. 67-A-50 & 87) from A-1 (Agricultural) to GB (General Business). Property is located on South side of Hightop Road, west of the Montgomery Regional Hospital in the Price's Fork Magisterial District. The property lies in an area designated as Urban Expansion/Residential Area in the Comprehensive Plan.

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Rezoning Request

Ellan S. Dodson (Agent: Bill Ellenbogen) request to rezone .49 acre (Tax Parcel No. 67-A-1-18) from A-1 (Agricultural) to GB (General Business). Property is located on the South side of Davis Street at Lot 18 Davis Subdivision in the Price's Fork Magisterial District. The property lies in an area designated as an Urban Expansion/Commercial Area in the Comprehensive Plan.

Rezoning Request

Teresa H. Olinger (Agent: Bill Ellenbogen) request to rezone .85 acre (Tax Parcel No. 67-A-1-10) from A-1 (Agricultural) to GB (General Business). Property is located at 789 Davis Street in the Price's Fork Magisterial District. The property lies in an area designated as an Urban Expansion/Commercial Area in the Comprehensive Plan.

Rezoning Request

John Jennelle, Teresa Olinger, Kenneth Richardson (Agent: Bill Ellenbogen) request to rezone .15 acre (Tax Parcel No. 67-A-1-A) from A-1 (Agricultural) to GB (General Business). Property is a 5' spine strip located along the western boundary of the S.C. Davis Subdivision. The property lies in an area designated Urban Expansion/Commercial Area in the Comprehensive Plan.

Comprehensive Plan Amendment

Comprehensive Plan Amendment to change the land use designation for Tax Parcel Nos. 67-A-87 (1 acre) and 67-A-50 (11.5 acres) from Urban Expansion/Residential to Urban Expansion/Commercial.

Bill Ellenbogen, agent, addressed the Board concerning his request for rezoning. Mr. Ellenbogen stated at the current time he has acquired property from Ellan Dodson, John Jennelle, Teresa Olinger and Kenneth Richardson. He is in the process of acquiring additional property. Mr. Ellenbogen stated that there is much need for additional commercial property near the Montgomery Regional Hospital. There is a lack of property for the hospital to expand and a need for additional parking. He hopes to develop property with the hospital but there are no definite plans at the moment.

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

PUBLIC ADDRESS SESSION

Stacy Snyder addressed the Board concerning the Virginia Gas Pipeline Company. Ms. Snyder stated since the Board adopted a resolution requesting the Company to use the same easement as Duke Energy/East Tennessee Natural Gas, Virginia Gas Pipeline Company and Duke Energy have been negotiating alternatives. She stated that the Virginia Gas Pipeline Company has been working diligently in the past weeks to survey property and talk to land owners. Ms. Snyder distributed a list of property

owners in Montgomery County that would be affected by the construction of the pipeline and a copy of the proposal from Duke Energy/East Tennessee Natural Gas and Virginia Gas Pipeline Company.

Larry Martin addressed the Board concerning three different issues. First, Mr. Martin thanked the Board for adopting a resolution requesting the Virginia Gas Pipeline Company to use the existing easement by Duke Energy. Second, he urged the Board to follow the recommendations of the Planning Commission and oppose the proposed telecommunications tower in the 177 corridor. Third, Mr. Martin expressed his concerns regarding the proposed Virginia Tech Regional Airport Authority. He said he would like to know how forming a airport authority would benefit the citizens of Montgomery County.

Robert Giles spoke in opposition of the formation of an airport authority. Mr. Giles also expressed his opposition to the expansion of the airport runway. This will result in a reduced quality of life for the people who live in the adjacent neighborhood, Airport Acres. The neighborhood is concerned with the high costs of expansion and the increased traffic and air pollution.

Larry Betchel turned in a petition with 125 signatures who are in opposition to the proposed Airport Authority. Mr. Betchel read the petition as follows:

“We the undersigned wish to strongly register our opposition to the proposed creation of an Airport Authority for the Virginia Tech Airport. We see the creation of this authority as the preamble to the expanding airport, lengthening the runway, and steadily increasing airport use, especially by jets. We believe these changes will result in greater air traffic noise, and pollution, and overall reduced quality of life for us and our families. We respectfully ask that you do not approve the formation of the proposed Authority.”

Mr. Betchel also expressed his concerns with the proposed Airport Authority, saying he is alarmed at the prospect of the runway being lengthened to accommodate bigger and faster planes and the increase in air traffic.

Ned Patterson spoke in opposition to the proposed Airport Authority. Mr. Patterson expressed his concerns with an Authority bailing Virginia Tech out of debt and how this would affect the citizens of the towns and county. He express concern with the expansion of the runway which would allow larger jets and more frequent flights into the airport. Mr. Patterson said the formation of an Authority was not favorable to the citizens.

James Hanners spoke in opposition to the proposed Airport Authority. Mr. Hanners also expressed opposition to the expansion of the runway. He believes the expansion will bring more air traffic and more air pollution. Mr. Hanners explained the emissions from the fuel is more prominent right at take off, polluting the air with high levels of toxic chemicals. He urged the Board to decline in joining the authority.

ADD TO THE AGENDA - ADDENDUM

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously, the following addendum dated September 25 was added to the agenda under Closed Meeting:

- Section 2.1-344(A) (7) Consultation with Legal Counsel and Briefings by 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 the Provision of Legal Advice by Such Counsel.
1. Appeal of Aubrey Dalton and Betty Eanes Dalton before the Adjustment and Appeals Board (Building Code).
 2. Virginia Natural Gas Pipeline

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated September 25, 2000 was approved. The vote was as follows:

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

Mary W. Biggs

Approval of Minutes

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the minutes dated August 28, 2000 were approved.

Assessment - Recovered Costs

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

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

152	Assessing	\$475
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$475
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Said resolution appropriates recovered costs for the Assessing Office.

Registrar - Recovered Costs

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

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

170	Registrar	\$75
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$75
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Said resolution appropriates recovered costs for the Registrar's Office.

Social Services - Recovered Costs

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

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

540	Social Services	\$3,294
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The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

419108	Recovered Costs	\$3,294
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Said resolution appropriates recovered costs for the Medicaid and Adult Care Residency pre-screening monies for other public assistance services.

Sheriff -Recovered Costs

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

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

310	Sheriff-State	\$4,302
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The source of the funds for the foregoing appropriation is as follows

Revenue Account

441101	Insurance Recoveries	\$ 4,160
419108	Recovered Costs- Sheriff	<u>\$ 142</u>
		\$4,302

Said resolution appropriates the recovered costs from insurance recoveries and from extraditions.

Fire and Rescue - Recovered Costs

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

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

330	Volunteer Fire and Rescue	\$1,076
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

441101	Insurance Recoveries	\$ 1,076
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Said resolution appropriates the recovered costs from insurance recoveries.

Escrow Requests -Amend Appropriation

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

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

100	Board of Supervisors	\$ 52,414
110	County Administrator	\$ 61,181
130	Financial and Management Services	\$ 13,100
152	Assessor	\$ 14,210
162	Treasurer-Collections	\$ 5,646
170	Registrar	\$ 16,112
180	Internal Services	\$ 38,485
200	Commonwealth's Attorney	\$ 416
210	Circuit Court	\$ 6,849
230	JD&R Court	\$ 1,574
250	Circuit Court Clerk	\$ 4,000

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320	Sheriff	\$ 77,109
400	General Services	\$116,655
520	RSVP	\$ 5,981
700	Parks and Recreation	\$ 25,000
710	Library	\$ 97,402
720	Floyd Library	\$ 6,656
800	Planning and Inspections	\$ 42,379
810	Economic Development	<u>\$ 9,600</u>
	Total	\$594,769

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

Revenue Account

451205	General Fund Balance	\$594,769
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BE IT FURTHER RESOLVED, That the Capital Projects Fund - County was granted an appropriation in addition to the annual appropriation for the FY ending June 30, 2001 for the function in the amount as follows:

12	Capital Projects Fund - County	
	Integrated Management Information System	\$236,437

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

Revenue Account

451205	Capital Projects Fund - County	\$236,737
	Fund Balance 1999C Bonds	

Said resolution appropriates amounts recommended to be escrowed for use in the current year to complete projects and to provide funding for liabilities over and above those encumbered by purchase orders.

Blacksburg's Application to Appalachian Regional Commission (ARC) - Resolution of Support

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

WHEREAS, The Town of Blacksburg intends to seek funding from the Appalachian Regional Commission (ARC) to extend sewer service within the Blacksburg Industrial Park; and

WHEREAS, This extension would provide physical infrastructure necessary for self-sustaining economic development in Montgomery County thereby improving the quality of life of county citizens; and

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WHEREAS, This extension would enhance the ability of the Montgomery County Public Service Authority to provide sewer service to the Jennelle Road and Yellow Sulfur Road Sewer Service Agreement Area including the Yellow Sulphur Springs Resort.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby support the Town of Blacksburg's application to the Appalachian Regional Commission (ARC).

Coal Mining Heritage Park Advisory Committee - Amend Resolution

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the resolution adopted on June 26, 2000 establishing a committee to assist in the development and long-term maintenance of the Coal Mining Heritage Park (CMHP) at Merrimac, Virginia is hereby amended to include the following:

Three members of the Coal Mining Heritage Association, chosen by the Association.

OLD BUSINESS

2232 Review - 199 Foot Telecommunications Tower at Exit 109 on Interstate 81 Proposed by the Virginia Department of Transportation (VDoT)

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

WHEREAS, In accordance with state law, the Board of Supervisors by Resolution of July 13, 1998, established a policy for Planning Commission review of any public building, structure, facility or area prior to its construction, establishment or authorization in accordance with Section 15.2-2232 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Planning Commission at its Regular Meeting of September 13, 2000, held a

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public hearing and found that the 199 foot Telecommunications Tower at Exit 109 on Interstate 81 proposed by the Virginia Department of Transportation (VDOT) is **not in conformance** with the Montgomery County Comprehensive Plan for the following six reasons:

1. The proposed tower is to be located within the County's Route 177 Corridor Overlay District. This district was developed based on the joint "Virginia 177/Tyler Avenue Corridor Study" by the City of Radford and Montgomery County. As the "front door" to Radford and Radford University, the corridor's future development is very important to many interested parties. The objectives of this district are, in part, to protect existing residential communities from conflicting land uses, minimize visual nuisances, and protect the natural environment.
2. The Comprehensive Plan does not designate this area for the placement of telecommunication facilities.
3. The Montgomery County Board of Supervisors passed a resolution on August 28, 2000 that "places VDoT and any other interested party on notice that no telecommunications towers shall be located within the unincorporated area of the County of Montgomery without first obtaining the necessary local approvals from the Planning Commission and Board of Supervisors."
4. Potential alternative sites for antenna placements exist in the immediate vicinity that likely would have less adverse impact on the Route 177 Corridor, Montgomery County, City of Radford and Radford University.
5. Site specific information typically received from telecommunication tower applicants such as service areas, alternative sites evaluated, alternative heights evaluated, visual impact simulations, etc. have not been provided to the County.
6. An access plan for use during tower construction and maintenance has not been provided to the County despite the proposed location off an interstate on ramp.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby acknowledges the findings of the Planning Commission.

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo Joe C. Stewart

Annette S. Perkins

James D. Politis

C.P. Shorter

Larry N. Rush

Mary W. Biggs

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Supervisor Rush noted for the record that the Virginia Department of Transportation should not be able to construct a telecommunications tower without approval from the County.

NEW BUSINESS

Sheriff's Office: Escrow of Surplus Funds for Weapon Replacement

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

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:

320	Sheriff-County	\$20,500
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	Fund Balance	\$20,500
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Said resolution appropriates amounts recommended to be escrowed from FY00 to FY01 to replace weapons for deputies in the jail.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins

James D. Politis

C.P. Shorter

Larry N. Rush

John A. Muffo

Mary W. Biggs

NAY

Joe C. Stewart

Montgomery County's Legislative Priorities for 2001

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

**Montgomery County's
Legislative Priorities for 2001**

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BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby adopts their 2001 legislative priorities as follows:

FINANCE

Unfunded mandates Montgomery County continues to oppose any unfunded mandates either by the state or federal government.

Judicial System Montgomery County supports legislation that provides state funding for support personnel and offices and equipment for any judicial positions it creates.

Interest on Erroneously Assessed Taxes Montgomery County supports amending 58.1-3916 of the Code of Virginia, 1950, as amended, to add language stating that a locality does not have to provide for interest on overpayments due to erroneously assessed taxes when an act or omission on the taxpayers part contributed to the erroneous assessment.

Local Revenue If the General Assembly removes or curtails a revenue source, Montgomery County insists that the General Assembly fully replace the lost local revenue with state funds in amounts to capture projected economic growth and local need. If the state chooses to curtail any local revenue sources, Montgomery County would support the state becoming fully responsible for services currently provided by local governments in a dollar amount no less than any lost local revenues plus any growth in costs of such services. Montgomery County opposes any effort to restrict or limit the growth of real estate revenue, real estate assessments or real estate tax rates.

Montgomery County supports legislation to provide local governments the authority to levy impact fees to pay for cost of capital facilities for new developments, including road construction and maintenance.

Portion of Income Taxes Returned to Localities Montgomery County supports legislation that would provide for a percentage of individual income tax revenues to be returned to localities, or the authority to levy a local income tax.

Local Option Sales and Use Tax Montgomery County supports a “hold harmless” provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

Merchants Capital and BPOL Tax Montgomery County supports a “hold harmless” provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

Impact on Local Tax Base of State-owned Land Montgomery County requests that the Joint Legislative Audit and Review Commission (JLARC) prepare a financial impact analysis of real estate taxes

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that would have been received from land and buildings owned by Virginia Polytechnic Institute and State University, the Virginia Tech Foundation, and Radford University Foundation to determine the cost to Montgomery County.

LAND USE

Land Use Montgomery County supports legislation that requires state agencies to comply with local land use ordinances.

State Corporation Commission-Public Service Corporations Montgomery County supports legislation that requires public utility service corporations when applying for a certificate of convenience and necessity to construct or enlarge any facility from the State Corporation Commission, to first provide written notice to persons residing or owning property within the affected area.

EDUCATION

School Funding Montgomery County supports enhanced funding for public education, including increasing the funds available for distribution to localities through the Literary Loan Fund or other innovative revenue sources. Montgomery County supports full funding of SOQ so that a redistribution of existing state aid among jurisdictions does not occur without an increase of state funds. Montgomery County supports state funding allocated for teacher pay raises based on actual positions, not just positions recognized in the SOQ.

School Construction Montgomery County supports legislation to provide authority for reimbursement of construction costs for school facilities which have been built by a developer, similar to those reimbursements which are now allowed by law, for construction of water and sewer lines by developer.

HEALTH AND HUMAN SERVICES

Comprehensive Services Act (CSA) Montgomery County supports full state funding for 100% of the costs of CSA.

ENVIRONMENT AND AGRICULTURE

Water and Sewer availability fees Montgomery County supports legislation that would grant counties authority to enact water and sewer availability fees and mandatory water and sewer connections powers.

BE IT FURTHER RESOLVED, That the Montgomery County Board of Supervisors supports the priorities and positions of Virginia Association of Counties' (VACo) 2001 Legislative Program.

The vote on the foregoing resolution was as follows:

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AYE

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

NAY

Joe C. Stewart

Resolution of Appreciation - Department of Social Services-Daniel L. Farris

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

WHEREAS, Daniel L. Farris has served as Director of the Department of Social Services since June, 1992; and

WHEREAS, Daniel L. Farris' competency and strong leadership has guided the Department of Social Services through sweeping changes that came about as a result of welfare reform; and

WHEREAS, The Management Assistance Program (MAP), which provides a comprehensive review of the efficiency and effectiveness of social service programs and the administrative structure that supports operations, ranked in Montgomery County as one of the top localities for compliance in the delivery of benefits and services to our citizens during **Daniel L. Farris'** leadership; and

WHEREAS, Montgomery County recognizes the excellent and dedicated service that ***Daniel L. Farris*** has rendered the citizens of this 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 ***Daniel L. Farris.***

FURTHER, That the original of this resolution be presented to ***Daniel L. Farris*** and a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

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

NAY

None

Mary W. Biggs

BOARD MEMBERS' REPORTS

Supervisor Politis directed Board Members to a newspaper article in their packet entitled "Save the family farm - and the farmer, too". Supervisor Politis explained that the Federal Bureau Federation is seeking at least \$20 million dollars from the General Assembly to help set up programs to buy development rights of farmland so they will not be in danger of commercial developers. There will be a presentation on conservation easements on Tuesday, October 26, 2000 at 7:00 p.m at the Riner Volunteer Fire Department. The meeting will be open to the public.

Supervisor Perkins stated she agrees with Supervisor Politis that conservation easements would be beneficial for the farmers in Montgomery County.

School Board Meeting Supervisor Perkins attended the School Board meeting where a forum was held with applicants for the vacant School Board seat.

CLEO Meeting At the last CLEO meeting the strategic plan was approved and forwarded to the Workforce Investment Act Group.

County/Town Liaison Meeting The proposed Virginia Tech Regional Airport Authority was discussed.

Montgomery Regional Economic Development Commission - Discussion included the pros and cons of an Airport Authority. It was also reported the ACT MicroDevices building is coming along nicely.

New River Community College Supervisor Perkins attended the inauguration of the new President for New River Community College.

Bishop Road Supervisor Perkins reported she contacted Dan Brugh, VDOT, about the repairs to Bishop Road. She requested that staff follow up with Mr. Brugh about this issue.

Supervisor Muffo attended a meeting in Abingdon, Virginia that was hosted by Congressman Rick Boucher concerning small business and the internet.

New River Valley Planning District Commission The 13th Annual Planning District Commission Dinner will be held October 26, 2000.

Community and the Internet Montgomery County has been identified along with three other communities in the country as having an active community information exchange using the internet. The other communities are Seattle, Pittsburgh, and Champaign-Urbana, Il. The U.S. Department of Commerce has funded a research project survey to examine the effects of having community information on the internet.

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Supervisor Shorter requested the status of speed studies for Mash Run Road, Merrimac Road and Harding Road.

Prices Fork Community Meeting will be held at the Prices Fork Elementary School on October 19, 2000.

Supervisor Rush attended the Virginia's First Regional Industrial Facilities Authority meeting and Pulaski County will be meeting to vote on the rezoning request for the Commerce Park.

Chair Biggs Rowe Furniture The open house for Rowe Furniture was held Saturday, September 23, 2000.

Virginia Business Review The Public Information Officer has an article featured in the Virginia Business Review.

Joint Meeting with School Board The joint meeting with the School Board is scheduled for Wednesday, September 27, 2000 at the Farm House. Topics of discussion will be maintenance and facilities, and money escrowed back to the schools.

Danbury Ltd. - AFD-3 Withdrawal - Blue Springs Road Danbury Ltd has requested that their request to withdraw their property on Blue Springs Road from AFD-3 be considered by the Board again. The proposed ordinance was listed on the agenda for consideration by the Board. The request was not acted upon due to lack of a motion. By consensus of the Board the request will be added to the October 10, 2000 agenda for consideration.

VDOT's Six Year Funding Plan Supervisor Biggs asked if it was the pleasure of the Board for Dan Brugh, VDOT, to attend a future meeting to explain the Six Year Funding Plan. The Board agreed.

Rural Additions (Road Viewers) Chair Biggs stated that the Board needs to schedule a Road Viewers meeting to inspect the roads that have been submitted to be included in the Rural Addition List. The Board asked that staff video the roads in question and they could watch it at a future Board meeting.

INTO WORK SESSION

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

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

- Virginia Tech Regional Airport

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The vote on the foregoing motion was as follows:

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

OUT OF WORK SESSION

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

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

The vote on the foregoing motion was as follows:

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

INTO CLOSED MEETING

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

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

Section 2.1-344(A) (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Agency on Aging
2. Industrial Development Authority
3. County Attorney Evaluation

(7) Consultation with Legal Counsel and Briefings by 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 the Provision of Legal Advice by Such Counsel.

1. Appeal of Aubrey Dalton and Betty Eanes Dalton before the Adjustment and Appeals Board (Building Code).
2. Virginia Natural Gas Pipeline

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

On a motion by John A. Muffo, 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:

AYE

Annette S. Perkins

John A. Muffo

Joe C. Stewart

James D. Politis

C.P. Shorter

Larry N. Rush

Mary W. Biggs

NAY

None

CERTIFICATION OF CLOSED MEETING

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

C.P. Shorter

James D. Politis

Joe C. Stewart

Annette S. Perkins

John A. Muffo

Mary W. Biggs

NAYS

September 25, 2000

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None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

Agency on Aging

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby reappoints **Suzanne Smith** to the Agency on Aging effective October 1, 2000 and expiring September 30, 2001.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush

John A. Muffo

C.P. Shorter

Annette S. Perkins

James D. Politis

Joe C. Stewart

Mary W. Biggs

NAY

None

Industrial Development Authority (IDA)

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints **Gerald W. Higgins** to the Industrial Development Authority effective September 26, 2000 and expiring January 24, 2004.

Said appointment fills the unexpired term of David O. Shanks, resigned.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush

NAY

None

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

OTHER BUSINESS

Motion for Special Meeting

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

BE IT RESOLVED, The Montgomery County Board of Supervisors schedules a special meeting on Monday, October 2, 2000 immediately following the PSA meeting for the following purpose:

- Section 2.3-44(A) (7) Consultation with Legal Counsel and Briefings by 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 the Provision of Legal Advice by Such Counsel.
1. Adjustment and Appeals Board re Mr. Aubrey Dalton/Betty Eanes Dalton

The vote on the foregoing motion was as follows:

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

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously, the Board adjourned to Wednesday, September 27, 2000 at 6:30 p.m.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

The meeting adjourned at 11:20 p.m.