

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 10th DAY OF OCTOBER, 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. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary
	H. Odell Minnix	-Roanoke County Board of Supervisors
	Harry C. Nikens	
	Joseph Church	
	Bob L. Johnson	
	Elmer C. Hodge	-Roanoke County Administrator
	Paul M. Mahoney	-Roanoke County Attorney

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

INTO WORK SESSION

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

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

Discussion with Roanoke County Board of Supervisors concerning the proposed Virginia Gas Pipeline.

The vote on the foregoing motion was as follows:

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

NAY

OUT OF WORK SESSION

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

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

NAY
None

INTO CLOSED MEETING

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

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

Section 2.1-344(A) (7) Consultation with Legal Counsel and Briefings from Staff Members or

Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Virginia Gas Pipeline

The vote on the foregoing motion was as follows:

AYE

NAY

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

OUT OF 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 ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

NAY

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

CERTIFICATION OF CLOSED MEETING

On a motion by C.P. Shorter, 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
C.P. Shorter
James D. Politis
Annette S. Perkins
John A. Muffo
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

Joe C. Stewart

ABSENT DURING MEETING

None

Add to The Agenda - Virginia Gas Pipeline Company

On a motion by Larry N. Rush, seconded by James D. Politis and carried, the above referenced matter was added to the agenda.

The vote on the foregoing motion was as follows:

October 10, 2000

Page 4 of 33

AYE

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

NAY

Joe C. Stewart

Virginia Gas Pipeline Request to State Corporation Commission to Reconsider and Replace Certification Process

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

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes the County Attorney to file a Motion with the State Corporation Commission supporting and urging the State Corporation Commission to grant the Motion requesting the State Corporation Commission to reconsider and reopen the certification process for the Virginia Gas Pipeline (Case No. PUE 990167) proposed to go through Montgomery and Roanoke Counties that was filed by certain citizens residing in the Counties of Montgomery and Roanoke for the following reasons:

1. The Virginia Gas Pipeline Company failed to comply with the statutory notice provisions of the Code of Virginia, which resulted in a lack of notice to the citizens of Montgomery and Roanoke County affected by the pipeline.
2. Misrepresentation on the part of the Virginia Gas Pipeline Company concerning the scope and extent of the proposed gas pipeline easement that has been offered to citizens of Montgomery and Roanoke County affected by the pipeline.
3. The State Corporation Commission should reconsider and reopen the certification process in order to address the environmental impacts that were previously identified by the Department of Environmental Quality.
4. The State Corporation Commission should reconsider and reopen the process in order to address the possibility of Virginia Gas Pipeline co-locating within the existing gas

October 10, 2000

Page 5 of 33

easements of Duke Energy where appropriate.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter

James D. Politis

Annette S. Perkins

John A Muffo

Larry N. Rush

Mary W. Biggs

NAY

Joe C. Stewart

PUBLIC HEARING

Proposed Ordinance Amending Chapter 2, Article II, Division 4, Entitled Consumer Utility Tax

Proposed Ordinance Amending Chapter 2, Article II, Division 4, Entitled Consumer Utility Tax, Section 2-88 of the Code of the County of Montgomery, Virginia, in order to change how the tax is computed for consumers of electricity and natural gas.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Stacy Snyder addressed the Board about the proposed Virginia Gas Pipeline. Ms Snyder stated a motion/complaint petition with 120 signatures was filed with the Virginia State Corporation Commission. Ms. Snyder also expressed her appreciation to the Montgomery County and Roanoke County Board of Supervisors for their support and adopting a joint resolution to file a motion with the State Corporation Commission (SCC).

Lawrence Mason expressed his appreciation to the Montgomery County and Roanoke County Board of Supervisors for their consideration and support to the citizens concerning the proposed Virginia Gas Pipeline.

Semih Olemen addressed the Board concerning the Special Use Permit request by Gary Lawson. Mr. Olemen read the following letter for the record:

“I had the chance to talk to Mr .Gary Lawson on Monday, October the 9th. I asked him the following questions and received the following answers:

1) How many cars do you think that you are going to work on in a week?

October 10, 2000

Page 6 of 33

He said that he will most probably work on 3 cars in a week. He also said that he would have, at most, 6 cars at a given time in his garage.

2) *Would you allow us to drive to the garage to see how many cars are out there?*

He replied to this question before I asked the question. He has no objections for visits to the site. He even offered to work with me to find a solution in case a problem arises.

3) *Do you promise that you will not progress this operation to an operation more than a body straightening shop?*

He replied that he has no intentions of growing this business to a business other than a body straightening shop.

4) *Are you going to take care of the road?*

He replied to this question also before I asked the question. He said that he will take care of the single lane dirt road as he has done for the last 11 years.

5) *Do you want to hire several people to work at this shop?*

He replied that he has no intentions of hiring anybody.

6) *Why could you not use the downtown shop also as a body straightening shop?*

He said that he could make more profit by using the downtown shop space for automobile repair work. He also added that body straightening job is a specialty work and a single car might require more than 20 hours of work.

I would like these questions and answers to be a part of the Board of Supervisors meeting minutes.

Semih Olcmen (s)

1321 Craigs Mountain Road Christiansburg, VA 24073 Tel:382-6119 ”

Howard Leeb addressed the Board concerning the Special Use Permit request by Gary Lawson. Mr. Leeb stated he met with Mr. Lawson at the proposed site and was satisfied with Mr. Lawson's intentions.

John Simon urged the Board to reconsider his request for withdrawal of from Agricultural and Forestal District - 3. Mr. Simon said he purchased this property with the intent to subdivide, and was not aware the land was in an AFD.

October 10, 2000

Page 7 of 33

Gary Lawson addressed the Board concerning his request for a Special Use Permit. He requested the Board to consider approving his request.

Phillip Clauer expressed his appreciation to Montgomery County and Roanoke County Board of Supervisors on their support and consideration toward the citizens concerns on the proposed Virginia Gas Pipeline.

Margaret Smith addressed the Board concerning the Public Service Authority. Ms. Smith urged the Board to consider placing citizens on the Public Service Authority Board, which currently consists with the Board of Supervisors. She also expressed several concerns if the PSA was converted into a County department.

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated October 10, 2000 was approved.

The vote on the foregoing motion was as follows:

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

Approval of Minutes

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the minutes dated September 11, 2000 were approved.

Board of Supervisors Meeting-Change of Meeting Date

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in November on **Wednesday, November 15, 2000 at 7:15 p.m.**

Schedule Public Hearings

Montgomery County Christmas Store - Request for Exemption from Personal Property

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules a public hearing for Monday, November 27, 2000 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

Request for Tax Exempt Status

Montgomery County Christmas Store proposal to request exemption from taxation from the General Assembly of all personal property owned by the Montgomery County Christmas Store, assessed at a value of \$7,700.00 with personal liability in the amount of \$188.65, pursuant to Article X, Section 6(a) (6) of the Constitution of Virginia and the provisions of Chapter 36 of Title 58.1 of the Code of Virginia, 1950, as amended, and such exemption should be categorized as charitable and benevolent.

Joint Public Hearing - Board of Supervisors and Department of Transportation (VDOT)

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules a joint public hearing with the Virginia Department of Transportation (VDOT) on Wednesday, November 15, 2000 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens' comments on the proposed **Six Year Plan for Improvement of the Secondary System of Highways for Montgomery County** and establishment of priorities for the 2001-2002 budget year.

BE IT FURTHER RESOLVED, That the Virginia Department of Transportation will assure proper advertising of said public hearing.

OLD BUSINESS

Conveyance of Right-of-Way Easement to American Electric Power

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby authorizes the conveyance of right-of- way easement to American Electric Power on property located on Crozier Road (SR 833) tax parcel 3780-343-A in order to provide electrical facilities to serve the new sewer pump station for Montgomery County Public Service Authority.

BE IT FURTHER RESOLVED, That the Chairman of the Board of Supervisors is hereby

October 10, 2000

Page 9 of 33

authorized to execute the above referenced right-of way easement to American Electric Power on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

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

Special Use Permit - Gary Lawson

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Gary Lawson request for a Special Use Permit (Tax Parcel No. 109-A-76D) to allow an automotive repair shop for frame straightening in an Agriculture A-1 Use District located at 1325 Craigs Mountain Road in the Shawsville Magisterial District is hereby approved subject to the following seven conditions:

1. The existing garage building shall not be used for any commercial purposes other than the use of a hydraulic machine to straighten the structural frames of cars and light trucks. Moreover, the frame straightening operation shall occupy no more than 1,200 square feet of the existing garage building.
2. There will be no more than six (6) damaged or inoperable vehicles on the site at any one time. All tools, equipment and materials will be located inside the building. All repair work will be conducted inside the existing garage.
3. Car carriers involved with the frame straightening operation shall not operate during hours when school buses are traveling on Craigs Mountain Road.
4. There will be no business sign on the property.
5. There shall be no detectable noise from the automotive repair shop at property lines with adjoining property owners.
6. No repair work shall occur between the hours of 7:00 p.m. and 7:00 a.m. Monday through

Friday. No repair work shall occur on Saturdays or Sundays.

7. Failure to comply with all conditions of this Special Use Permit after due notice from Zoning Administrator will result in revocation of permit from Board of Supervisors.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby acknowledges that the request is in conformance with the Comprehensive Plan.

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

Comprehensive Plan Amendment

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 the Montgomery County Comprehensive Plan is hereby amended as follows:

- 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.

The vote on the foregoing resolution was as follows:

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

Robinson Investment Co./Omega T. Long (Agent: Bill Ellenbogen) - Rezoning Request

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

ORDINANCE 2000 - 14

**An Ordinance Amending the Zoning
Classification of 12.5 acres from
A-1 (Agricultural) to GB (General Business)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 12.5 acres of land is hereby amended and rezoned from the zoning classification of A-1 (Agricultural) to GB (General Business) subject to the following proffered conditions:

1. Rezoning of Tax Parcel No. 67-A-50 and 87 from Agricultural District (A-1) to General Business District (GB) to the exclusion of the following permitted uses:
 - a. auto body shop
 - b. automobile, light truck, sales, service, rental and repair, excluding motor fuel sales
 - c. building material sales
 - d. equipment sales and service
2. All exterior lighting will be full cut-off fixtures and not exceed a height of twenty-five (25) feet from grade.
3. The project will be served by public water and sewer.
4. At least two entrances will be provided to the proposed development, one of which will extend to Hightop Road.
5. An additional twenty (20) feet of right of way will be dedicated in fee simple to Montgomery County along the entire property boundary with Hightop Road.
6. A fifteen (15) foot undisturbed vegetative buffer will be maintained along the entire western and southern property boundary of Tax Parcel # 67-A-50 & 87.
7. If a right of way is obtained to use South Hospital Drive on the Montgomery Regional Hospital property as an entrance, no additional land dedications will be made. If a right of way to use South Hospital Drive is not obtained, a forty (40) foot right of way will be dedicated to Montgomery County for a future connection to properties lying to the west of the rezoned property.

This action was commenced upon the application of Robinson Investment Co./Omega T. Long (Agent: Bill Ellenbogen).

These tracts or parcels of land are identified as being shown on Tax Parcel Nos. 67-A-50 and 87 located on the South side of Hightop Road, west of the Montgomery Regional Hospital in the Price's Fork Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

Ellan S. Dodson (Agent: Bill Ellenbogen) - Rezoning Request

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

ORDINANCE 2000 - 15
An Ordinance Amending the Zoning
Classification of 0.49 acre from
A-1 (Agricultural) to GB (General Business)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.49 acre of land is hereby amended and rezoned from the zoning classification of A-1 (Agricultural) to GB (General Business) subject to the following proffered conditions:

1. Rezoning of Tax Parcel No. 67-A-1-18 from Agricultural District (A-1) to General Business District (GB) to the exclusion of the following permitted uses:
 - a. auto body shop
 - b. automobile, light truck, sales, service, rental and repair, excluding motor fuel sales

- c. building material sales
 - d. equipment sales and service
2. All exterior lighting will be full cut-off fixtures and not exceed a height of twenty-five (25) feet from grade.
 3. The project will be served by public water and sewer.
 4. At least two entrances will be provided to the proposed development, one of which will extend to Hightop Road.
 5. An additional twenty (20) feet of right of way will be dedicated in fee simple to Montgomery County along the entire property boundary with Hightop Road.
 6. A fifteen (15) foot undisturbed vegetative buffer will be maintained along the entire western and southern property boundary of Tax Parcel # 67-A-50 & 87.
 7. If a right of way is obtained to use South Hospital Drive on the Montgomery Regional Hospital property as an entrance, no additional land dedications will be made. If a right of way to use South Hospital Drive is not obtained, a forty (40) foot right of way will be dedicated to Montgomery County for a future connection to properties lying to the west of the rezoned property.

This action was commenced upon the application of Ellan S. Dodson (Agent: Bill Ellenbogen).

This tract or parcel of land is identified as being shown on Tax Parcel Nos. 67-A-1-18 located on South side of Davis Street at Lot 18 Davis Subdivision in the Price's Fork Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

Teresa H. Olinger (Agent: Bill Ellenbogen) - Rezoning Request

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

**ORDINANCE 2000 - 16
An Ordinance Amending the Zoning
Classification of 0.85 acre from
A-1 (Agricultural) to GB (General Business)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.85 acre of land is hereby amended and rezoned from the zoning classification of A-1 (Agricultural) to GB (General Business) subject to the following seven proffered conditions:

1. Rezoning of Tax Parcel No. 67-A-1-10 from Agricultural District (A-1) to General Business District (GB) to the exclusion of the following permitted uses:
 - a. auto body shop
 - b. automobile, light truck, sales, service, rental and repair, excluding motor fuel sales
 - c. building material sales
 - d. equipment sales and service
2. All exterior lighting will be full cut-off fixtures and not exceed a height of twenty-five (25) feet from grade.
3. The project will be served by public water and sewer.
4. At least two entrances will be provided to the proposed development, one of which will extend to Hightop Road.
5. An additional twenty (20) feet of right of way will be dedicated in fee simple to Montgomery County along the entire property boundary with Hightop Road.
6. A fifteen (15) foot undisturbed vegetative buffer will be maintained along the entire western and southern property boundary of Tax Parcel # 67-A-50 & 87.
7. If a right of way is obtained to use South Hospital Drive on the Montgomery Regional Hospital property as an entrance, no additional land dedications will be made. If a right of

way to use South Hospital Drive is not obtained, a forty (40) foot right of way will be dedicated to Montgomery County for a future connection to properties lying to the west of the rezoned property.

This action was commenced upon the application of Teresa H. Olinger (Agent: Bill Ellenbogen).

This tract or parcel of land is identified as being shown on Tax Parcel No. 67-A-1-10 located at 789 Davis Street in the Price's Fork Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

NAY

Joe C. Stewart None

Annette S. Perkins

John A. Muffo

James D. Politis

Larry N. Rush

C.P. Shorter

Mary W. Biggs

John Jennelle, Teresa Olinger, Kenneth Richardson (Agent: Bill Ellenbogen)- Rezoning Request

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

**ORDINANCE 2000 -17
An Ordinance Amending the Zoning
Classification of 0.15 acre from
A-1 (Agricultural) to GB (General Business)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.15 acre of land is hereby amended and rezoned from the zoning classification of A-1 (Agricultural) to GB (General Business) subject to the following seven proffered conditions:

1. Rezoning of a portion of Tax Parcel No. 67-A-1-A (approximately 0.15 acre) from Agricultural District (A-1) to General Business District (GB) to the exclusion of the

October 10, 2000

Page 16 of 33

following permitted uses:

- a. auto body shop
 - b. automobile, light truck, sales, service, rental and repair, excluding motor fuel sales
 - c. building material sales
 - d. equipment sales and service
2. All exterior lighting will be full cut-off fixtures and not exceed a height of twenty-five (25) feet from grade.
 3. The project will be served by public water and sewer.
 4. At least two entrances will be provided to the proposed development, one of which will extend to Hightop Road.
 5. An additional twenty (20) feet of right of way will be dedicated in fee simple to Montgomery County along the entire property boundary with Hightop Road.
 6. A fifteen (15) foot undisturbed vegetative buffer will be maintained along the entire western and southern property boundary of Tax Parcel # 67-A-50 & 87.
 7. If a right of way is obtained to use South Hospital Drive on the Montgomery Regional Hospital property as an entrance, no additional land dedications will be made. If a right of way to use South Hospital Drive is not obtained, a forty (40) foot right of way will be dedicated to Montgomery County for a future connection to properties lying to the west of the rezoned property.

This action was commenced upon the application of John Jennelle, Teresa Olinger, Kenneth Richardson (Agent: Bill Ellenbogen).

This tract or parcel of land is identified as being the northern 600 feet of Tax Parcel No. 67-A-1-A located along the western boundary of the S.C. Davis Subdivision adjacent to lots 10 and 18 in the Price's Fork Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

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

Suspend Rules And Schedule Public Hearing - Request to Withdraw 9.852 Acres from AFD-3 (Little River)

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

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, by vote of at least two-thirds of the members present, hereby agrees to temporarily suspend Rule 8 of the Board's Rules of Order, in order for the Board to reconsider an Ordinance withdrawing 9.852 acres from the Agricultural and Forestal District - 3 (Little River) at the November 15, 2000 Board of Supervisors regular meeting.

BE IT FURTHER RESOLVED, That the Board hereby further agrees to schedule a public hearing for the November 15, 2000 Board of Supervisors regular meeting which is required before the Board may reconsider adopting the Ordinance withdrawing the 9.852 acres from the Agricultural and Forestal District - 3.

The vote on the foregoing motion was as follows:

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

NEW BUSINESS

Budget Calendar - Fiscal Year 2001-2002

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 proposed FY 2001-2002 Budget Calendar is hereby approved. It is the intent of the Board of Supervisors that departments, offices and agencies requesting funds through the budget process adhere to the deadlines prescribed within the calendar. The names of the departments, offices and agencies failing to comply with this directive shall be reported to the Board of Supervisors at their first meeting following December 22, 2000.

COUNTY OF MONTGOMERY
BUDGET CALENDAR FOR 2001-2002

The Budget Calendar is a schedule for the development of the County budget. It is very important that everyone adhere to the Budget Calendar and fulfill his/her responsibility in the budgeting process.

DATE

October 31, 2000	January 8, 2001	services, and to provide larger program context for changes in County budget.
	January 17, 2001	Budget Training Worksessions for Divisions and Agencies.
	January 22, 2001	Base Budget Request for all divisions, agencies and organizations (except for Schools) returned to Co. Administrator. Budget Addenda request for all divisions, agencies and organizations (except for School) returned to Co. Administrator.
December 1 - 11, 2000		
December 22, 2000		

FUNCTION

January 2001	Budget working documents delivered to divisions and agencies along with special instructions and guidelines, including initial budget session with division heads to set over-all direction for County to identify major needs, gaps in	Administrative review of budget requests. Public Hearing for citizen input Joint Review of Human
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Service Agencies by County
and surrounding localities

Board of Supervisors

Work Session: FY 2001-
2002 budget requests by the
County and School Board

County Administrator

County Administrator

RESPONSIBILITY

County Administration and
Financial & Management
Services

Financial & Management
Services

Directors, Division and
Agency Heads

County Administrator

January 22 - March 5, 2001	Budget study sessions by the Board.	Board of Supervisors
February 9, 2001	School Budget delivered to County Administrator.	School Board
February 12-16, 2001	Distribute budget recommendations to County Divisions and Offices.	County Administrator
February 28, 2001	Budget document delivered to Board of Supervisors and placed in Libraries.	County Administrator
March 12, 2001	Establish proposed tax rate and prepare budget synopsis notices of public hearing in paper.	Board of Supervisors
March 14, 2001	Publishment date for public hearings on proposed tax rate and budget synopsis.	County Administrator
March 21, 2001	Public Hearing on proposed tax rate and budget.	Board of Supervisors
March 22 - April 9, 2001	Adopt budget (including Schools) and establish tax rate.	Board of Supervisors
By June 30, 2001	Make final budget appropriation.	Board of Supervisors
After July 1, 2001	Divisions and Agencies notified of final appropriation.	County Administrator

1. **PUBLIC HEARING:** A public hearing on the budget is required. If a tax rate increase is needed, notice must be published at least 7 days before the public hearing and at least 14 days before final action.
2. **TAX RATE AND BUDGET:** The tax rate and budget must be established at the same time. This must be done early to process the first installment of real estate taxes.

3. LEGAL NOTICES AND PUBLIC HEARINGS: Legal notices and public hearings on the School Budget may be considered separately from the Non-School Budget. The School Budget must be approved by May 1, 2001 or within 30 days after receipt of State revenue estimates, whichever is later.
4. The planned schedule for processing first installment of Real Estate Taxes due June 5, 2001 is as follows:

<u>DATE</u>	<u>FUNCTION</u>
March 22 - April 9, 2001	Board of Supervisors adopts FY 2001-2002 Budget.
April 16, 2001	Estimated Date for completion of Land Book.
April 16-20, 2001	Estimated Date for printing of Tax Tickets.
May 4, 2001	Estimated Date for Tax Tickets to be mailed.
June 5, 2001	First installment of Real Estate Taxes is due.

The vote on the foregoing motion was as follows:

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

League of Women Voters-Transfer of Funds from General Contingencies

On a motion by Annette S. Perkins, seconded by John A. Muffo 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 (\$200)

TO:

910 Other Agencies \$200
 League of Women Voters

Said resolution transfers funds from General Contingencies to support the League of Women Voters publication of the 2001 Facts for Voters.

The vote on the foregoing motion was as follows:

AYE

C.P. Shorter

John A. Muffo

Joe C. Stewart

James D. Politis

Larry N. Rush

Annette S. Perkins

Mary W. Biggs

NAY

None

Reassessment - Appropriation

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

153 Reassessment/Equalization \$740,250

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

Revenue Account

451203 Undesignated General Fund Balance \$740,250

Said resolution appropriates funds to cover estimated costs of the 2002 General Reassessment.

The vote on the foregoing motion was as follows:

AYE

NAY

October 10, 2000

Page 23 of 33

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

Agreement with American Electric Power (AEP) for Purchase of Electricity

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to enter into the Virginia Public Authorities Agreement for the Purchase of Electricity from Appalachian Power Company (dba - American Electric Power).

BE IT FURTHER RESOLVED, That Mary W. Biggs, Chairperson for the Board of Supervisors is hereby authorized to execute the said Agreement with Appalachian Power Company on behalf of the County of Montgomery, Virginia.

The vote on the foregoing motion was as follows:

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

Pricing Resolution for Bonds Sold for Capital Projects

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

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia (**the “Board of Supervisors”**) adopted a resolution on July 24, 2000 (**the “Approving Resolution”**) relating to the issuance by the Industrial Development Authority of Montgomery County, Virginia (**the “Authority”**) of (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 of Montgomery, Virginia’s (**the “County”**) schools and related facilities including the Blacksburg Middle School and various other capital projects (**collectively, the “School Projects”**) on real property (**the “School Real Estate”**) owned by the County and the Montgomery County School Board (**the “School Board”**), as applicable, (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, (**the “Capital Improvement Projects”**) a portion of which are on real property 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, Davenport & Company LLC (**the “Underwriter”**) has offered and sold the Series A Notes, the Series B Bonds and the Series C Bonds pursuant to a Preliminary Official Statement, dated September 28, 2000, and has sold the Series A Notes, the Series B Bonds and the Series C Bonds and has requested authorization and direction to complete the financings based on such expectations;

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

1. The issuance of the Series A Notes with a final maturity of July 15, 2002, and in the amount of \$7,500,000 at the rate and yield set forth on the attached Exhibit A, is hereby approved.
2. The issuance of the Series B Bonds, in serial and term forms with a final maturity of January 15, 2022, and in the amounts and bearing interest at the rates and yields set forth on the attached Exhibit A, is hereby approved.
3. The issuance of the Series C Bonds, in serial and term forms with a final maturity of January 15, 2022, and in the amounts and bearing interest at the rates and yields set forth on the attached Exhibit A, is hereby approved.
4. The Chairman or Vice Chairman of the Board of Supervisors, the County Administrator, the County Treasurer and all other County officers are hereby authorized and directed to execute and deliver all documents and instruments related to or appropriate in connection

with the issuance of the Series A Notes, the Series B Bonds, and the Series C Bonds, including, but not limited to the Bond Insurance Policy with AMBAC, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his or her execution to constitute conclusive evidence of his or her approval of any such completions, omissions, insertions and changes.

5. All other acts of the Chairman or Vice Chairman of the Board of Supervisors 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 the 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.
6. This resolution shall take effect immediately.

ADOPTED: This 10th day of October, 2000.

The vote on the foregoing resolution was as follows:

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

The \$7,500,000 Series A Notes mature on July 15 in each of the years, and bear interest at the rates, set fourth below:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2002	\$7,500,000	4.65%

The \$16,805,000 Series B Bonds mature on January 15 in each of the years, and bear interest at the rates, set fourth below:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Price</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Price</u>
2003	\$505,000	4.500%	99.889%	2008	\$630,000	4.750%	99.389%

2004	525,000	4.500	99.697	2009	665,000	4.800	99.322
2005	555,000	4.600	99.689	2010	695,000	4.875	99.296
2006	580,000	4.625	99.557	2011	730,000	5.000	99.439
2007	605,000	4.700	99.566	2012	765,000	5.100	99.401

\$4,540,000 6.00% Term Bonds due January 15, 2017 @ 104.126%

\$6,010,000 5.50% Term Bonds due January 15, 2022 @ 97.907%

The \$11,550,000 Series C Bonds mature on January 15 in each of the years, and bear interest at the rates, set fourth below:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Price</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Price</u>
2003	\$350,000	4.500%	99.889%	2008	\$435,000	4.750%	99.389%
2004	365,000	4.500	99.697	2009	455,000	4.800	99.322
2005	380,000	4.600	99.689	2010	480,000	4.875	99.296
2006	395,000	4.625	99.557	2011	500,000	5.000	99.439
2007	415,000	4.700	99.566	2012	525,000	5.100	99.401

\$3,120,000 6.00% Term Bonds due January 15, 2017 @ 104.126%

\$4,130,000 5.50% Term Bonds due January 15, 2022 @ 97.907%

Blacksburg Volunteer Rescue Squad- Resolution of Appreciation

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

WHEREAS, *The Blacksburg Volunteer Rescue Squad* provides a vital public service to our community; and

WHEREAS, Through hard work, dedication and commitment, the *Blacksburg Volunteer Rescue Squad* provides pre-hospital emergency care to the Town of Blacksburg and surrounding areas of Montgomery County 24 hours a day, seven days a week; and

WHEREAS, Access to quality emergency care dramatically improves the survival rate of those who experience sudden illness or injury; and

WHEREAS, The citizens of the Town of Blacksburg and Montgomery County who have benefitted daily from the services provided by these highly trained individuals want to recognize the value and accomplishments of this organization.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to the members of the ***Blacksburg Volunteer Rescue Squad***, past and present, on their ***50th anniversary to be celebrated in October, 2000***.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the ***Blacksburg Volunteer Rescue Squad*** 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>
Larry N. Rush	None
Annette S. Perkins	
C.P. Shorter	
Joe C. Stewart	
James D. Politis	
John A. Muffo	
Mary W. Biggs	

Supervisor Rush left the meeting at 9:15 p.m.

INTO WORK SESSION

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

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

Public Service Authority

The vote on the foregoing motion was as follows:

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

C.P. Shorter
James D. Politis
Mary W. Biggs

Supervisor Stewart left the meeting at 9:30 p.m.

OUT OF WORK SESSION

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

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

The vote on the foregoing motion was as follows:

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

COUNTY ATTORNEY'S REPORT

Appeal of Aubrey Dalton and Betty Eanes Dalton before the Adjustment and Appeals Board (Building Code) The County Attorney reported that the appeal has been filed to the State and a stop work permit has been issued to Mr. Dalton.

COUNTY ADMINISTRATOR'S REPORT

Elliston/Lafayette Recreation Park The County Administrator reported that the construction bids were received for the Park and they were all over budget. All the bids were \$300,000 or more. The Parks & Recreation Commission and the County Engineer will be discussing possible solutions and alternatives.

Conservation Easements The County Administrator reported he and Supervisor Politis attended a Virginia Land Trust meeting. Supervisor Politis requested a work session be held in the near future concerning conservation easements.

BOARD MEMBERS' REPORTS

Supervisor Muffo reported he read an article in a Scottish Newspaper about the Blacksburg Electronic Village and the computer technology in Montgomery County.

Supervisor Shorter reported VDoT painted yellow lines on Long Shop Road.

Open Recreational Space at Mobile Home Parks Supervisor Shorter requested information concerning open recreational spaces at trailer parks.

Chair Biggs reported she received the construction school project report and will distribute it to the Board.

INTO CLOSED MEETING

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

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

- Section 2.1-344(A) (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. Carilion Health System

The vote on the foregoing motion was as follows:

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

OUT OF 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 ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

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

CERTIFICATION OF CLOSED MEETING

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

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

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

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

VOTE

AYES

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

NAYS

None

ABSENT DURING VOTE

Larry N. Rush
Joe C. Stewart

ABSENT DURING MEETING

Larry N. Rush
Joe C. Stewart

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Monday, October 23, 2000 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

NAY

ABSENT

John A. Muffo None

Larry N. Rush

Annette S. Perkins

Joe C. Stewart

James D. Politis

C.P. Shorter

Mary W. Biggs

The meeting adjourned at 10:30 p.m.

ATTEST: _____
Jeffrey D. Johnson, County Administrator