

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 15TH DAY OF NOVEMBER, 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
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND THE PLEDGE OF ALLEGIANCE

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

DELEGATION

Public Relations Society of America -Presentation of an Award -Office of Public Information

Don Johnson, President of the Blue Ridge Chapter of the Public Relations Society of America, presented a 2000 Summit Award to the Board of Supervisors for the Supervisors' Summary, which was recognized as the best public relations effort for the lowest cost. The Summary, produced by the Office of Public Information, is a twice-monthly digest of the Board of Supervisors meetings.

PUBLIC HEARINGS

Joint Public Hearing with Virginia Department of Transportation

The Proposed Six Year Plan for Improvement of the State Secondary Highway System in Montgomery County for 2001-2007 and establishment of priorities for the 2001-2002 budget year, pursuant to Section 33.1-70 of the Code of Virginia of 1950, as amended.

Robin Beeken addressed the Board concerning maintenance issues along Sunflower Road. Ms. Beeken requested the unpaved section of this road be added to the Rural Addition List and the paved section needs maintenance work. She expressed concerns about safety on Sunflower Road when it rains. Ms. Beeken thanked the Board for their consideration.

Leon Alley addressed the Board concerning Fishers View Road (State Route 609). Mr. Alley stated that Fishers View Road is already on the Six Year Road Plan but requested it to be moved up on the priority list. Fishers View Road is a heavily traveled and the Montgomery County Planning Commission just recommended a radio cell tower be built on Fishers View Road to be used by emergency communication. Mr. Alley requested the Board consider placing Fishers View Road higher up on the Six Year Road Plan.

Lynwood Hawley addressed the Board concerning the speed limit on US 11/460 in Elliston. Mr. Hawley requested the speed limit be reduced to 45 mph due to the new Eastern Montgomery High School and the

opening of Rowe Furniture.

Charlie Bowles addressed the Board about cleaning out the ditches and grading on Camp Carys Brook Road. The road needs to be graded more than one time per year.

Supervisor Rush commented that Montgomery County only receives a small portion of funds each year to pave roads. There are numerous unpaved roads in Montgomery County and the cost to pave is more expensive than other localities due to heavy traffic. The citizens of Montgomery County need to contact their state delegates to request more funding for roads.

Request to Withdraw from Agricultural and Forestal District - 3 (Little River)

Mr. John J. Simon of Danbury LTD. has requested withdrawal of a 9.8520 acre parcel (tax parcel no. 135-A-23-D) from Agricultural & Forestal District-3 (Little River).

Rod Crowgey, agent for Danbury LTD., spoke on behalf of Mr. Simon's request to withdraw his land from the Agricultural & Forestal District. Mr. Crowgey stated that Mr. Simon purchased this property on Blue Spring Road with the intent to subdivide and was not aware the property was in the AFD.

John Simon applicant, explained that he had no knowledge of this property being in an AFD until he requested a rezoning permit from the Planning Department. Mr. Simon requested the Board to consider his request.

Charlie Bowles spoke in opposition to the withdrawal from the AFD. Mr. Bowles expressed his concerns with development in the Blue Springs area of Riner. He believes the land should be kept in the AFD to protect the viewshed. Mr. Bowles stated that the land was only in the AFD for another three years and at that time Mr. Simon can decide not to renew the AFD.

Chair Biggs reported County Administration received a phone call from Mr. Chester York, who stated he had no objections to Mr. Simon's request.

The County Attorney informed the Board that there is no legal requirements to show on the land use books property in an AFD because the land is not in land use but AFD. The County is in the process of reviewing this procedure.

PUBLIC ADDRESS SESSION

Stacy Snyder asked the Board to review an Order from the State Corporation Commission (SCC) denying a request to reconsider the permission granted to Virginia Gas Company to construct and operate a natural gas pipeline through Montgomery County. She also asked the Board to express any concerns they may have to the SCC.

Lawrence Mason asked the Board to consider sending letters to NUI Corporation and Virginia Gas Company expressing concerns about how County property owners are being treated by the companies.

Chair Mary Biggs received the following letter from Ann Hess requesting that the 114/460 Corridor Planning Advisory Council be reinstated and funded:

“Ann L. Hess
70 Crescent Drive, NW
Christiansburg, Virginia 24073

November 5, 2000

Montgomery County Board of Supervisors
Dear Chairperson Biggs and Board Members:

I am requesting that the 114/460 Corridor Planning Advisory Council agreed to by the court approved annexation agreement of 1987 be reinstated and funded.

You have before you continuation of demands for strip commercial development in an agriculture and residential community for public hearing on November 27. I have already voiced my objections to this change of use. The town of Christiansburg has a request for commercial rezoning for 89 acres which fronts on 114 across from the large residential area of Belmont Farms.

Major public tax dollars have been set aside to maintain the traffic artery that 114 affords to the New River Valley. Continued uncoordinated strip development along this road will reduce it to ineffectiveness as a connector road and create a demand for an alternative. At the same time the increased commercialization will compromise the quality of life and value for the large residential community along 114.

This community was allowed to be divided by the annexation of 1987, but provision was made to allow for continuity with the Corridor Planning Council. It is almost too late to preserve the residential character of 114. Immediate action of the Board of Supervisors could revive the council and initiate planning and land use controls for both the county and town to protect the value of residential properties and allow for controlled, focused development while protecting 114 as a major transportation link for the New River Valley.

I hope that you will immediately take action on this request. I am forwarding a copy of this letter to both Delegate Shuler and Senator Marye with the request for an Attorney General opinion regarding the failure to comply with the annexation agreement of 1987.

Sincerely,
Ann Hess (s)"

ADDENDUM

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the following addendum dated November 15, 2000 was added to the agenda:

-Employee Holidays

The vote on the foregoing resolution was as follows:

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

CONSENT AGENDA

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated November 15, 2000 was approved.

The vote on the foregoing motion was as follows:

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

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

Approval of Minutes

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously, the minutes dated October 10, 2000, Special Meeting October 10, 2000, and October 23, 2000 were approved.

Appropriation of Bond Proceeds

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Capital Projects 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:

School Capital Projects Fund	\$24,107,072
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424244	Bond Proceeds	\$24,107,072
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BE IT FURTHER RESOLVED, That the County Capital Projects 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:

County Government Center	\$11,437,318
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424244	Bond Proceeds	\$11,437,318
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Said resolution appropriates the bond proceeds from the 2000A and 2000B issuances for the construction of the Blacksburg Middle School, school roof repairs, and completion of the road at the Eastern Montgomery High School, and from the 2000C issuance for the County Government Center.

School Bonds - Repayment of Advance

On a motion by C.P. Shorter, 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:

19	School Capital Projects Fund	(\$1,800,000)
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TO:

09	School Operating Fund	\$1,800,000
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Said resolution restores the \$1,800,000 advance from the School Operating fund to the School

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Capital Projects Fund in advance of the proceeds from the lease revenue bond sale. Proceeds were received from the bond sale on October 24, 2000.

Sheriff, Jail Block Grant: Transfer of Funds

On a motion by C.P. Shorter, 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:

Fund 12	County Capital Projects	(\$54,709)
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TO:

Fund 02	General Fund	
	310 Sheriff Comp Board	\$54,709

Said resolution transfers unspent Jail Block Grant funds from the County Capital Projects Fund to the General Fund.

Sheriff - Grant Appropriation

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

321	Sheriff Grants	\$24,100
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The source of funds for the foregoing appropriation is as follows:

Revenue Account

424401	State Grants	\$24,100
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Said resolution appropriates monies from four Division of Motor Vehicles Grants.

Social Services - Appropriation

On a motion by C.P. Shorter, seconded by John A. Muffo 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	\$38,066
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The sources of funds for the foregoing appropriation is as follows:

Revenue Account

424102	Public Assistance	\$38,066
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Said resolution appropriates funding for the Energy Assistance Program and the Child Care and Development Fund Program.

Fire Program Fund Allocation

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

23311 Fire Program Fund Distribution \$34,405

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

Revenue Account

424401 Fire Program Fund Distribution \$34,405

Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

Intent to Abandon a Portion of County Drive (SR 811)

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

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia (the “Board of Supervisors”) desires to abandon and close a portion of County Drive (SR 811) at the point where the County Drive (SR 811) intersects with the end of Montgomery Regional Solid Waste Authority (“MRSWA”) parking lot and the Montgomery County ball fields; and

WHEREAS, The Board of Supervisors own all the property adjoining Country Drive beyond the point where the road is proposed to be closed and that no other property owners either abut or have access to County Drive (SR 811) beyond the point where the road is proposed to be closed; and

WHEREAS, The County wishes to have a portion of County Drive (SR 811) abandoned and closed in order to prevent people from continuing to illegally dump garbage and debris on the County’s property along the end of County Drive; and

WHEREAS, Before the Board of Supervisors may take action to abandon and close the Road, Section 33.1-151 of the 1950 Code of Virginia, as amended, requires the Board to publish a Notice of Intent to Abandon the Road in two (2) issues of a local newspaper; to post the Notice of Intent to Abandon at three (3) places along the road to be abandoned for at least thirty (30) days and to notify the Commonwealth Transportation Board of the Board of Supervisors’ intent; and

WHEREAS, The Notice of Intent to Abandon shall state that one or more abutting land owners or the Commonwealth Transportation Board may request the Board of Supervisors to conduct a Public Hearing if requested within thirty (30) days of the Notice of Intent being published; and

WHEREAS, The Board of Supervisors desires to publish and post its Intent to Abandon a portion of County Drive (SR 811) at the point where the road intersects with the end of MRSWA parking lot and the Montgomery County ball fields.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes the County Administrator to publish and post the Board of Supervisors’ Intent to Abandon a portion of County Drive (SR 811) at the point where the road intersects with the end of the MRSWA parking lot and the Montgomery County ball fields as required by the

provisions of Section 33.1-151 of the 1950 Code of Virginia, as amended.

Intent to Abandon a Portion of Poverty Creek Road (SR725)

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

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia (the “Board of Supervisors”) has received a request from James A. and Elaine V. Gaines (“the Gaines”) to abandon and close a portion of Poverty Creek Road (SR 725), at the point where the William C. Cranwell property (Tax Parcel 38-A-5) entrance intersects the road; and

WHEREAS, The Virginia Department of Transportation (“VDOT”) has verified that the Gaines own all the property adjoining Poverty Creek Road beyond the point where the road is proposed to be closed and that no other property owners either abut or have access to Poverty Creek Road (SR 725) beyond the point where the road is proposed to be closed; and

WHEREAS, The Gaines wish to have a portion of Poverty Creek Road (SR 725) abandon and closed in order to prevent people from continuing to illegally dump garbage and debris on the Gaines’ property along Poverty Creek Road; and

WHEREAS, Before the Board of Supervisors may take action to abandon and close the Road, Section 33.1-151 of the 1950 Code of Virginia, as amended, requires the Board to publish a Notice of Intent to Abandon the Road in two (2) issues of a local newspaper; to post the Notice of Intent to Abandon at three (3) places along the road to be abandoned for at least thirty (30) days and to notify the Commonwealth Transportation Board of the Board’s intent; and

WHEREAS, The Notice of Intent to Abandon shall state that one or more abutting land owners or the Commonwealth Transportation Board may request the Board of Supervisors to conduct a Public Hearing if requested within thirty (30) days of the Notice of Intent being published; and

WHEREAS, The Board of Supervisors desires to publish and post its Intent to Abandon a portion of Poverty Creek Road (SR 725) at the point where the Road intersects with the William C. Cranwell property (Tax Parcel 38-A-5) entrance.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes the County Administrator to publish and post the Board of Supervisors’ Intent to Abandon a portion of Poverty Creek Road (SR 725) at the point where the road intersects with the William C. Cranwell property (Tax Parcel 38-A-5) entrance as required by the provisions of Section 33.1-151 of the 1950 Code of Virginia, as amended.

Request for Speed Study - Ironto Road (State Route 647)

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

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to lower the speed limit on Ironto Road (State Route 647) to 25 mph to improve the safety in this area; and

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

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

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OLD BUSINESS

Special Use Permit Request - Bobby L. Wells

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 Bobby L. Wells request for a Special Use Permit (Tax Parcel No. 60-1-1B) to allow office use in an existing garage for Wells General Contractors and contractor's equipment storage yard in an Agriculture (A-1) District located at 9700 Roanoke Road in the Shawsville Magisterial District is hereby approved subject to the following seven conditions:

1. There shall be no noise from the contractor's storage yard in violation of the County's noise ordinance.
2. The property will contain no more than ten (10) vehicles or pieces of equipment related to the contracting business at any time. All vehicles and equipment will be maintained in good working condition.
3. Landscape screening will be installed in accordance with the Montgomery County Zoning Ordinance within 180 days of approval of Special Use Permit. Planting plan and materials must be approved by the Zoning Administrator prior to installation.
4. No repair work will occur between the hours of 8:00 p.m. and 7:00 a.m.
5. There will be no storage of fuel on site.
6. Any lighting installed on site will be dusk to dawn "full cut-off" type fixtures to avoid glare onto adjacent properties.
7. The bank of the filled area to the south of the site will be seeded with ground cover.

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

The vote on the foregoing resolution was as follows:

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

Agreement: Change in Boundary Lines Between Montgomery County and Roanoke County

On a motion by James D. Politis, 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 a Boundary Line Adjustment Agreement with Roanoke County.

BE IT FURTHER RESOLVED, That Mary W. Biggs, Chairperson for the Board of Supervisors, is authorized to execute the said Agreement with Roanoke County on behalf of the County of Montgomery, Virginia and the County Attorney is authorized to file the necessary documents with the Circuit Court to

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finalize the proposed Boundary Adjustment.

THIS AGREEMENT, made and entered into as of the 15TH day of November 2000, by and between **THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA** and **THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA**.

WITNESSETH:

WHEREAS, Each of the respective governing bodies desires to relocate and change portions of the boundary line between Roanoke County and Montgomery County as requested by certain property owners; and

WHEREAS, The governing bodies desire to petition the Court for approval pursuant to the provisions of Article 2, Chapter 31, Title 15.2 *Code of Virginia*, 1950, as amended.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants and agreements herein contained, the parties hereto do agree as follows:

1. That the boundary line between said Counties as it crosses the property of Arthur W. Heslep, Jr. and Annie L. Heslep from the southern right-of-way of Virginia Secondary Route 813 (Stones Keep Lane) to the northern right-of-way of the Norfolk Southern Railroad be changed so as to follow generally the southern line of Virginia Secondary Route 813 (Stones Keep Lane), the southern line of the Roanoke River, the westerly line of the branch and the northerly side of the Norfolk & Southern Railroad to the existing Montgomery County/Roanoke County boundary line; the new boundary line to be as set forth on the attached Exhibit A entitled "Survey for Arthur W. Heslep, Jr. & Annie L. Heslep Showing the Relocation of County Line Between the County of Montgomery, Virginia and the County of Roanoke, Virginia," prepared by T. P. Parker & Son under date of November 18, 1998.

2. That the boundary line between said Counties as it crosses the property of Thomas, Ltd. and Richard A. Heslep from the northerly right-of-way of the Norfolk Southern Corporation property to the point of intersection of the property of Harold J. Wimmer and Yvonne P. Wimmer, Gary Pahl and Sandra Pahl and Thomas, Ltd. be changed so as to follow the Thomas, Ltd. and Richard A. Heslep property lines, which action would provide for the inclusion in Roanoke County of two parcels of land, one containing 36.726 acres and one containing 0.882 acre, and the inclusion in Montgomery County of a parcel of land containing 1.960 acres; the new boundary line being as set forth on the attached Exhibit B entitled "Survey for Thomas, Ltd. Showing the Relocation of County Line Between the County of Montgomery, Virginia and the County of Roanoke, Virginia," prepared by T. P. Parker & Son under date of January 22, 1999.

3. That the respective governing bodies desire to petition the Circuit Court of Roanoke County to approve the said change; said petition and all related costs to be undertaken at the sole cost of the property owners involved and at no expense to the respective governing bodies.

WITNESS the following signatures and seals:

**THE BOARD OF SUPERVISORS OF
ROANOKE COUNTY, VIRGINIA**

BY _____

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

BY _____

The vote on the foregoing resolution was as follows:

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

NEW BUSINESS

Mutual License Agreement Between Montgomery County and Montgomery Regional Solid Waste Authority

On a motion by C.P. Shorter, seconded by John A. Muffo, 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 a Mutual License Agreement with the Montgomery Regional Solid Waste Authority.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Mary W. Biggs, Chairperson of the Board of Supervisors, to execute the Mutual License Agreement on behalf of the Board of Supervisors of the County of Montgomery , Virginia.

MUTUAL LICENSE AGREEMENT

This Mutual License Agreement (the " Agreement") is made and entered into this 15TH day of November 2000 by and between the Montgomery Regional Solid Waste Authority (the " Authority") and the Montgomery County Board of Supervisors (the "County").

IN CONSIDERATION of the mutual covenants and agreements hereinafter set forth, the County and the Authority agree as follows:

1. The Authority owns the Mid-County Landfill located in Montgomery County, Virginia, on County Drive, a portion of which is depicted on Exhibit A attached hereto. The County owns the " ATHLETIC FIELD", situated over a closed landfill, depicted on Exhibit A attached hereto.
2. The Authority hereby grants to the County a license to use the parking area on Authority property marked as "MRSWA PARKING LOT" on Exhibit A attached hereto (the "MRSWA Lot") for use by County citizens using the Athletic Field for recreational purposes.
3. The County hereby grants to the Authority a license to use the property marked as "MONTGOMERY COUNTY OWNED PARKING LOT" on Exhibit A attached hereto (the "County Lot") for the storage of used tires.
4. This Agreement shall be for a term of three (3) years from the date hereof, but may be "terminated prior to that time by either party upon 120 days written notice to the other. Not less than thirty (30) days prior to the termination date of this Agreement (whether through expiration of the three (3) year term or notice given from one party to the other) the Authority shall remove all tires from the County Lot and restore the County Lot to the condition it was in as of the date of this Agreement, except for permanent improvements made by the Authority to the County Lot.

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5. The Authority shall provide and maintain a six-foot chain link security fence, including one or more gates, around portions of the County Lot as shown on Exhibit A to prevent unauthorized dumping and persons from trespassing on the County Lot. The Authority shall also provide and maintain a six-foot chain link security fence across Route 811 in approximately the location marked on Exhibit A hereto, including both a gate for vehicles and a gate for pedestrians, such fence to connect with existing fencing on both sides of Route 811. The Authority shall keep all gates locked when Authority personnel are not present on the County lot, except that the pedestrian gate required in the previous sentence shall remain unlocked at all times, and the Authority shall provide the County with keys to allow the County to open the vehicle gate required in the previous sentence in order for the County to move vehicles through the gate to aid in the maintenance of County property by County employees and agents. The placement of new fencing shall be subject to all requirements of the Virginia Department of Transportation, and the County and the Authority shall each make best efforts to follow any procedures which may be required by the Department of Transportation for the placement of this fence, including seeking abandonment of portions of Route 811. The Authority may not store any used tires on the County Lot until such time that all fencing and gates described above are in place; however, notwithstanding the foregoing or any other provision of this Agreement, the Authority may utilize the County Lot for tire storage prior to the finalizing of any abandonment procedures regarding portions of Route 811 or to the final installation of the vehicle gate to the extent that such final installation requires such abandonment to be finalized or consent from the Virginia Department of Transportation.
6. The Authority shall not allow any waste designated as hazardous under federal law or Virginia state law, household refuse, building materials or items other than used tires to be stored or to accumulate on the County Lot and shall immediately remove and properly dispose of such materials. The Authority shall comply with all applicable federal and state laws and regulations governing the storage of used tires on the County Lot.
7. To the extent allowed by law, the Authority shall assume all liability for any injury or damage to person or property arising from the Authority's use of the County Lot and the County shall assume all liability for any injury or damage to person or property arising from the County's use of the MRSWA Lot. To the extent allowed by law, the Authority shall indemnify the County against all claims filed or made against the County by parties so injured or damaged and shall reimburse the County for any legal fees or costs incurred in defense of any such claim, and the County shall indemnify the Authority against all claims filed or made against the Authority by parties so injured or damaged and shall reimburse the Authority for any legal fees or costs incurred in defense of any such claim. To the extent allowed by law, the Authority shall indemnify the County from any environmental damage to the County Lot, including any actions taken by an agency or agencies of the Commonwealth of Virginia or the federal government, arising from violations of federal or state environmental laws governing the use of the County Lot, and the County shall indemnify the Authority from any environmental damage to the MRSWA Lot, including any actions taken by an agency or agencies of the Commonwealth of Virginia or the federal government, arising from violations of federal or state environmental laws governing the use of the MRSWA Lot.

IN WITNESS WHEREOF, the parties hereto have made and entered into this Mutual License Agreement as of the day and year first written above.

Montgomery Regional Solid Waste Authority

By: _____
Chairman

Board of Supervisors of Montgomery County, Virginia

By: _____
Chairman

The vote on the foregoing resolution was as follows:

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

Resolution of Appreciation: Zane M. Jones - Craig County Board of Supervisors

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

WHEREAS, Zane M. Jones faithfully served the citizens of Craig County as a member of the Board of Supervisors for nearly 40 years, serving as Chairman for over 36 years; and

WHEREAS, Zane M. Jones also served the citizens of Craig County on the Craig-New Castle Solid Waste Authority, the Craig-New Castle Public Service Authority, the Craig County Board of Social Services, the Fairview District Home Board of Directors, the Virginia Association of Counties, and the National Association of Counties; and

WHEREAS, Zane M. Jones provided excellent and superior guidance for policies at the local, state and federal levels; and

WHEREAS, Projects that ***Zane M. Jones*** worked diligently to help institute during his long service to Craig County included school construction, wastewater treatment facility construction, conversion of an old high school into a child care and elderly housing complex, and capping and closing the county land fill; and

WHEREAS, Zane M. Jones' death on October 12, 2000 has greatly saddened those who knew and worked with him.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia wishes to pay tribute to ***Zane M. Jones*** and expresses deepest sympathy to his family.

FURTHER, That the original resolution be provided to the family of ***Zane M. Jones*** with a copy becoming a part of the official Minutes of Montgomery County, Virginia.

The vote on the foregoing resolution was as follows:

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

Employee Holiday Schedule

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 declares the Thanksgiving Holiday to begin at 12:00 noon on Wednesday, November 22, 2000 and to include the regularly scheduled days of November 23 and November 24, 2000.

BE IT FURTHER RESOLVED, The Christmas Holiday will begin at 12:00 noon on Friday, December 22, 2000 and will include the regularly scheduled day of December 25, 2000 and an additional day of Tuesday, December 26, 2000.

BE IT FURTHER RESOLVED, The New Year's Holiday will include Tuesday, January 2, 2001.

The vote on the foregoing motion was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

County/Town Liaison Meeting Chair Biggs, Supervisor Perkins, Supervisor Muffo and the County Administrator attended the County/Town Liaison meeting held on November 15th. The County Administrator reported that the 114/460 Corridor Planning Advisory Council was discussed and whether the Council should be reinstated. It was agreed upon by all three localities that the Council should not be reinstated due to the fact that the County and the Towns of Blacksburg and Christiansburg all have Planning Commissions and they do communicate with each other.

BOARD MEMBERS' REPORTS

Supervisor Politis received a letter from Carilion New River Valley Medical Center seeking a letter of support for their application for a Certificate of Public Need for additional beds in their facility. Supervisor Politis requested that a resolution for a letter of support be on the Board of Supervisors November 27th agenda.

Virginia Land Conservation Foundation Supervisor Politis indicated he had received funds from the Virginia Outdoors Foundation (VOF) Open Space Lands Preservation Trust Fund to put his farm into a conservation easement. He asked for a letter of support from the Board of Supervisors for the application for a matching grant by VOF on his behalf, to the Virginia Land Conservation Foundation.

Letter of Support- Grant Application by Virginia Outdoors Foundation to the Virginia Land Conservation Foundation

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 hereby supports the application of the Virginia Outdoors Foundation (VOF) on behalf of James and Jan Politis, Brush Creek Farm, for matching grant funding from the Virginia Land Conservation Foundation (VLCF).

BE IT FURTHER RESOLVED, That a letter of support be sent to the Virginia Land Conservation Foundation.

The vote on the foregoing motion was as follows:

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

Supervisor Perkins at the last School Board meeting the School's Capital Improvement Program was discussed. Priorities will be decided at their next meeting.

County/Town Liaison The Virginia Tech Regional Airport Authority was discussed. All three localities which include Montgomery County, Town of Blacksburg, and the Town of Christiansburg have agreed to an Authority. The Virginia Tech Board of Visitors also agreed to an authority.

The Town of Blacksburg is working with the Blacksburg Historical District about tax incentives. The Town of Blacksburg is still discussing the water issues in the Prices Fork area. No decision has been made.

Supervisor Shorter requested a crossing guard be posted at the Prices Fork Elementary School during the afternoon. There is a safety issue due to the high traffic flow on Prices Fork Road in the afternoon. It was the consensus of the Board to send a letter to the Sheriff's Department requesting a crossing guard be posted at the school.

Toms Creek Sewer Supervisor Shorter asked what the status was with the sewer project at Toms Creek. The County Administrator reported it was on hold. In the annexation agreement between Montgomery County and the Town of Blacksburg, the Town of Blacksburg agreed to have utilities in this area.

Supervisor Muffo received a call from a citizen about the Toms Creek Basin Area. The Town of Blacksburg have been discussing whether it should be in a conservation easement.

Airport Acres Supervisor Muffo spoke with a concerned citizen who lives in Airport Acres about the neighborhood's concern with an airport authority.

Supervisor Rush attended a joint Parks & Recreation Commission meeting with Pulaski County and the Town of Blacksburg.

Elliston/Lafayette Park Supervisor Rush requested that Montgomery County's Grants Coordinator review possible grant funds available from the Department of Conservation for the Elliston/Lafayette Park.

Chair Biggs met with Dan Brugh, VDoT, and Supervisor Rush to discuss road and maintenance issues in Montgomery County. Chair Biggs reported that the state elected officials need to be made aware of problems that VDoT have which includes lack of funds and shortage of employees. Chair Biggs also reported that a standardized form needs to be drafted so Montgomery County can report any maintenance issues to VDoT.

Joint Meeting with School Board Chair Biggs reported that the joint meeting with the School Board is scheduled for December 6, 2000.

Virginia Association of Counties (VACo) Annual Conference Chair Biggs attended the VACo Annual Conference held November 12-14, 2000.

VACo/VML Legislative Day is scheduled for February 1, 2001 in Richmond. This is an opportune time to meet with the Legislators before the General Assembly goes into session.

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) (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. Fire & Rescue - Long Shop/McCoy
 2. School Purpose - Prices Fork Elementary

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	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, 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
Joe C. Stewart
Annette S. Perkins
John A. Muffo
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, November 27, 2000 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

The meeting adjourned at 10:45 p.m.

ATTEST:

CHAIR

COUNTY ADMINISTRATOR

November 15, 2000

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