

AT ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 26th DAY OF OCTOBER, 1998 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Larry N. Rush	-Vice Chairman
	Ira D. Long	-Supervisors
	Mary W. Biggs	
	Annette S. Perkins	
	James D. Politis (Arrived 7:10 p.m.)	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER

Chairman Gorman called the public hearings to order in the Board Chambers, the Public Hearing location having been moved across the hall from Courtroom B, the public present being so notified. The purpose of the public hearing was to receive comments on:

Rezoning Request

Quorum Holding Corp. (Agent: Trula C. Tuck) request to rezone 4 acres; Tax Parcel No. 67-4-6 from A-1 (Agriculture) to GB (General Business). Property is located on the back portion of 3956 S. Main Street.

Trula C. Tuck, agent for the applicant, spoke in favor of the rezoning request. Ms. Tuck stated that 4 acres being requested for rezoning to General Business is entirely surrounded by lands zoned General Business and the request is in conformance with the Comprehensive Plan.

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

Amendment to Chapter 2, Division 7

-An Ordinance Amending Chapter 2, Division 7 Entitled Agricultural and Forestal District Administrative Procedures Sections 2-142, 2-143, 2-144, 2-145, 2-146, 2-148, 2-149, 2-150 and 2-152 Respectfully of the Code of the County of Montgomery, Virginia in Order to Comply with State Law Changes.

There being no speakers either for or against, the public hearing was closed.

Amendment to Chapter 9.1

-An Ordinance Amending Chapter 9.1 Entitled Solid Waste, Sections 9.1-2, 9.1-10, 9.1-18, 9.1-21, 9.1-22, 9.1-30, 9.1-31, 9.1-31, 9.1-32, 9.1-33, 9.1-34, 9.1-35, 9.1-36, 9.1-40, 9.1-42, 9.1-44, 9.1-45, 9.1-55, 9.1-69, 9.1-70 and 9.1-71 Respectfully of the Code of the County of Montgomery, Virginia in Order to Reflect that the County No Longer Owns and Operates an Open Landfill in the County.

There being no speakers, the public hearing was closed.

Request for Tax Exempt Status

-SEEDS (Seek Education, Explore, DiScover) proposal to request exemption from taxation from the General Assembly of all personal property owned by SEEDS, assessed at a value of \$14,050 with personal property tax liability in the amount of \$344.23, 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 that such exemption should be categorized as charitable and benevolent.

There being no speakers, the public hearing was closed.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC ADDRESS SESSION

Mike Rosenzweig, resident of Blacksburg, spoke in favor of the tax exempt status request for SEEDS (Seek Education, Explore, DiScover). Mr. Rosenzweig explained that SEEDS is a non-profit educational organization and provides a number of augmented curriculums. SEEDS works with the public school systems and the community on different types of activities in Montgomery County.

Ellen Ryan, resident of Shawsville, spoke in favor of the construction plans at the Elliston Site High School. Ms. Ryan thanked the Board for their support for a new high school in the Elliston/Shawsville area and asked the Board to approve the request by the School Board for funds for the construction on the Elliston Site High School.

CONSENT AGENDA

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously, the Consent Agenda dated October 26, 1998 was approved. The vote was as follows:

AYE

Mary W. Biggs
Larry N. Rush
James D. Politis
Ira D. Long
Joe C. Stewart
Annette S. Perkins
Joseph V. Gorman, Jr.

NAY

None

Approval of Minutes

On a motion Ira D. Long, seconded by Joe C. Stewart and carried unanimously, the minutes of August 24, 1998 and September 14, 1998 were approved as corrected.

Schedule Public Hearings

Right of Way Easement-New Elliston Site High School

On a motion Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, pursuant to Section 15.2-1800 of the Code of Virginia, 1950, as amended, schedules a public hearing for Monday, November 23, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia for the purpose of receiving citizens' comments on the following:

Right of Way Easement to American Electric Power

-Proposed conveyance of a right of way easement to American Electric Power in order to provide electrical services to the new high school in Elliston, Va. The property is a portion of the new high school site adjacent to Rt. 11/460 in the Shawsville Magisterial District of Montgomery County, Virginia.

Board of Supervisors

On a motion Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby schedules a public hearing on Monday, November 23, 1998 at 7:00 p.m. in Courtroom B, County

October 26, 1998

Page 3 of 21

Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

Special Use Permit

Tim McCoy request for a Special Use Permit on Tax Parcel No. 49-2-7A to allow an auto repair shop. Property is located on McCoy Road, 1/2 mile past Longshop/McCoy Fire Department in the Prices Fork Magisterial District.

Rezoning Request

Richard Duffner (Agent: Thompson Chrysler Plymouth, Inc.) request to rezone .34 acres; Tax Parcel 090-5-6 and 90-5-40A from A-1 (Agriculture) to GB (General Business). Property is located at 1523 Testerman Drive in the Riner Magisterial District.

Comprehensive Plan Map Amendment

Expand the Belview Urban Expansion Area around the Prices Fork Road/Peppers Ferry Road intersection to include an additional 170 acres. The Urban Expansion Area boundaries would be extended to 2713 Peppers Ferry Road to the west, 3653 Peppers Ferry Road to the east, and 231 Walton Road to the south.

Joint Public Hearing with Virginia Department of Transportation

On a motion Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules a joint public hearing with the Department of Transportation on Monday, November 23, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens' comments on the proposed update of the **Six Year Plan for Improvement of the Secondary System for Montgomery County** and establishment of priorities for the 1999-2000 budget year.

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

Appropriations & Transfers

School Operating Fund Supplemental Appropriation

On a motion Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

991 School Operating Fund

61000 Instruction	\$125,568
64000 Operations and Maintenance	<u>6,674</u>
Total	\$132,242

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

Revenue Account:

2402-34	Benefits - Other State Agencies	\$ 51,560
3302-05	Federal Funds	\$ 63,008
1803-01	Rebates/Refunds	\$ 6,674
1901-01	Other City/County Funds	<u>\$ 11,000</u>
	Total	\$132,242

Said resolution appropriates additional funds from Virginia Tech related to the PC's for Families Grant, from the federal government for the Goals 2000: Educate America Act, from the City of Salem for reading teacher training, and from the Auburn Elementary School building contractor for reimbursement of utility bills.

Authorization to Fill Position - Public Facilities

On a motion Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby authorizes the County Administrator to fill the following position:

Custodian- Building & Grounds, Public Facilities

Appointments

Office on Youth Advisory Board

On a motion Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints **Oma McReynolds** to the Office on Youth Advisory Board, effective October 27, 1998 and expiring October 26, 2001.

Board of Zoning Appeals

On a motion Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia

hereby recommends to the Circuit Court Judge the appointment of **Michael V. Reilly** to the **Board of Zoning Appeals** effective November 2, 1998 and expiring October 31, 2003.

OLD BUSINESS

Turman Lumber Company- Remove from Table

On a motion Ira D. Long, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the Turman Lumber Company request to rezone 19.659 acres, Tax Parcel No. 104-A-68, from A-1 (Agriculture) to M-1 (Industrial), located on Fire Tower Road, immediately north of the existing Turman sawmill, in the Riner Magisterial District, is hereby **removed from the table**.

The vote on the following motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Annette S. Perkins	None	James D. Politis
Mary W. Biggs		
Larry N. Rush		
Ira D. Long		
Joe C. Stewart		
Joseph V. Gorman, Jr.		

Schedule Public Hearing - Turman Lumber Company Rezoning Request

On a motion by Mary W. Biggs, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby schedules a public hearing on Monday, November 23, 1998 at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens' comments on the following:

Comprehensive Plan Map Amendment

- **Expand the VA 177/Tyler Avenue Urban Expansion Area** designation to include 60 acres on the east side of Fire Tower Road (Tax Parcels No. 104-A-68, 68A, 68C, 68D, 68E and 90).

Rezoning Request

-**Turman Lumber Company** request to rezone 19.659 acres, Tax Parcel No. 104-A-68, from A-1 (Agriculture) to M-1 (Industrial). Property is located on Fire Tower Road, immediately north of the existing Turman sawmill in the Riner Magisterial District.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Joe C. Stewart	None	James D. Politis
Annette S. Perkins		
Mary W. Biggs		
Larry N. Rush		
Ira D. Long		
Joseph V. Gorman, Jr.		

Board of Equalization Appointments

Supervisor Long made a motion, seconded by Supervisor Politis, to approve the proposed resolution recommending appointments to the Board of Equalization. Following discussion by the Board, Supervisor Long amended his motion, eliminating Robert Poff and adding Robert M. Roberts. On the original motion by Ira D. Long, seconded by James D. Politis and carried unanimously the vote on the amendment was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Ira D. Long	
Joe C. Stewart	
Annette S. Perkins	
Mary W. Biggs	
Larry N. Rush	
Joseph V. Gorman, Jr.	

On the original motion by Ira D. Long, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia pursuant to Section 58.1-3370 of the 1950 Code of Virginia, as amended, adopted a resolution on October 13, 1998 requesting the Honorable Ray W. Grubbs, Judge of the Circuit Court of Montgomery County, Virginia to create for Montgomery County a Board of Equalization of real estate assessments consisting of 5 Landowners of the County.

NOW, THEREFORE, BE IT RESOLVED, By the Montgomery County Board of Supervisors, the following individuals are recommended to the Honorable Ray W. Grubbs, Judge of the Circuit Court of Montgomery County for consideration and appointment to the Board of Equalization.

Dr. Robert F. Kelly
Robert A. Phillips
Sarah Wall
Jack Via
Robert M. Roberts

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Ira D. Long	None
Joe C. Stewart	
Annette S. Perkins	
Mary W. Biggs	
Larry N. Rush	
James D. Politis	
Joseph V. Gorman, Jr.	

Blacksburg Middle School

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried,

WHEREAS, By resolution dated September 9, 1996 the Board of Supervisors of Montgomery County, Virginia determined that the current Blacksburg Middle School Site on South Main Street in Blacksburg was of adequate size to meet the needs of future students through 2006 and should appropriately remain the site of an expanded or new middle school facility; and

WHEREAS, The Earthman Report dated November 1, 1997 estimated the Blacksburg Middle School population should grow to a number of 1,196 and new facilities should be sized at 1200 to 1300 students; and

WHEREAS, The School Board has requested a new middle school on a new site and to renovate the middle school on the existing site for the Blacksburg area.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby **tables** the two-middle school concept for the Blacksburg area, renovating the existing middle school and building another middle school at the Price's Fork Road site pending further information.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	Mary W. Biggs
James D. Politis	Annette S. Perkins
Ira D. Long	

Joe C. Stewart
Joseph V. Gorman, Jr.

Supervisor Biggs and Supervisor Perkins stated for the record their no vote was due to no specific time frame being given to bring the Blacksburg Middle School resolution back to the Board. Chairman Gorman stated that no time frame was mentioned due to the fact that Blacksburg Middle School issue was to be added to the County/School Liaison Agenda and information to be requested from the School Board and no specific time could be stated at that time.

NEW BUSINESS

VPSA 1997-I Bond - Continuing Disclosure Agreement

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

Resolution Authorizing the Execution and Delivery of a Continuing Disclosure Agreement, Use of Proceeds Certificate and Any Other Necessary or Useful Tax Law Documents in Connection with the Distribution by the Virginia Public School Authority of the Net Savings Realized by the Virginia Public School Authority Through the Issuance by the Virginia Public School Authority of its School Financing and Refunding Bonds (1997 Resolution) Series 1997-1, Certain of the Proceeds of Which Refunded Montgomery County, General Obligation School Bonds, Series 1991; and Authorizing Any Other Actions Necessary to Achieve the Objectives Contemplated Hereby

WHEREAS, the Virginia Public School Authority (the "Authority") pursuant a resolution duly adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution") issued, amongst other series, two certain series of bonds designated as "Virginia Public School Authority School Financing Bonds (1987 Resolution) 1991 Series A" and "Virginia Public School Authority School Financing Bonds (1987 Resolution) 1992 Series A" (the "1987 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia; and

WHEREAS, the Authority used a portion of the proceeds of the 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Montgomery, Virginia designated Montgomery County, General Obligation School Bonds, Series 1991 ("Local School Bonds"); and

WHEREAS, the Authority refunded certain of the 1987 Resolution Bonds (the "Refunded Bonds") from a portion of the proceeds of its Virginia Public School Authority School Financing and Refunding Bonds (1997 Resolution) Series 1997-1 (the "Refunding Bonds") issued pursuant to a resolution duly adopted by the Authority on October 23, 1997 (the 1997 Resolution"); and

WHEREAS, the Authority anticipates delivering to the County of Montgomery, its allocable share of the savings realized from the refunding of the Refunded Bonds; and

WHEREAS, the Authority in effecting the refunding has pledged the Local School Bonds for the benefit of the holders of Bonds issued under its 1997 Resolution; and

WHEREAS, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission Rule 15c2-12 (the "Rule"); and

WHEREAS, the Authority has requested the County of Montgomery, Virginia to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule; and

WHEREAS, the Authority has requested the County of Montgomery, Virginia to execute a Use of Proceeds Certificate and any other instruments necessary or useful to evidence compliance with the requirements for maintaining the tax-exempt status of the Virginia Public School Authority's bonds; and

WHEREAS, the Board of Supervisors of the County of Montgomery, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement, Use of Proceeds Certificate and other instruments necessary or useful to comply with requirements for maintaining said tax exempt status.

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

1. Continuing Disclosure Agreement.

The County Administrator and such officer or officers as he may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form presented at this meeting as Exhibit A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule.

2. Documentation Required for Tax Law Purposes.

The officers of the County of Montgomery, Virginia are hereby authorized and directed to execute a Use of Proceeds Certificate and any other instruments, including an 8038-G form, (collectively, the "Tax Documents") necessary or useful for evidencing compliance with the requirements for maintaining the tax-exempt status of the Virginia Public School Authority's bonds.

3. Further Actions

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or I any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Tax Documents and any such action previously taken is hereby ratified and confirmed.

4. Effective Date

This resolution shall take effect immediately.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Larry N. Rush	
James D. Politis	
Ira D. Long	
Joe C. Stewart	
Mary W. Biggs	
Joseph V. Gorman, Jr.	

Appoint Members to the Board of Directors of Virginia's First Regional Industrial Facility Authority

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried,

WHEREAS, Pursuant to the Virginia Regional Industrial Facilities Act, Chapter 64 of Title 15.2 of the Code of Virginia, 1950, as amended, the Board of Supervisors of the County of Montgomery, Virginia, by ordinance elected to create and become a member locality of Virginia's First Regional Industrial Facility Authority; and

WHEREAS, The Secretary of the Commonwealth of Virginia has issued a certificate certifying that the Counties of Bland, Giles, Pulaski, Wythe, Craig, Montgomery and Roanoke, the Cities of Roanoke, Radford, and Salem and the Towns of Christiansburg, Narrows, Pulaski, Dublin and Pearisburg, Virginia pursuant to Section 15.2-6402 of the Code of Virginia, 1950, as amended, have created Virginia's First Regional Industrial Facility Authority; and

WHEREAS, Pursuant to Section 15.2-6403 of the Code of Virginia, 1950, as amended, as a member locality of the Authority, the Board of Supervisors of the County of Montgomery shall appoint two members, who shall be residents of the County of Montgomery, to the Board of Directors of Virginia's First Regional Industrial Facility Authority to serve for a term of four years.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that **Joseph V. Gorman, Jr.** and **Larry N. Rush** are hereby appointed to serve as members of the Board of Directors of Virginia's First Regional Industrial Facility Authority for a term of four year terms from October 1, 1998 to September 30, 2002.

BE IT FURTHER RESOLVED, That **Jeffrey D. Johnson** is hereby appointed to serve as alternate for Joseph V. Gorman, Jr and **Robert Isner** is hereby appointed to serve as alternate for Larry N. Rush.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the certificate from the Secretary of the Commonwealth of Virginia certifying the creation of Virginia's First Regional Industrial Facility Authority be hereby entered into the official minutes of the October 26, 1998 Adjourned Meeting of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs
Annette S. Perkins
Larry N. Rush
James D. Politis
Ira D. Long
Joseph V. Gorman, Jr.

NAY

Joe C. Stewart

The certificate from the Secretary of the Commonwealth of Virginia certifying the creation of Virginia's First Regional Industrial Facility Authority is hereby entered into the official minutes as follows:

“Commonwealth of Virginia
Office of the Governor

I, Anne P. Petra, Secretary of the Commonwealth of Virginia, and as such, keeper of the Great and Lesser Seals, do hereby certify that the Ordinance adopted by the counties of Bland, Giles, Pulaski, Wythe, Craig, Montgomery and Roanoke, the Cities of Roanoke, Radford and Salem, and the Towns of Christiansburg, Narrows, Pulaski, Dublin and Pearisburg, Virginia pursuant to § 15.2-6402 of the Code of Virginia, 1950, as amended, creating Virginia's First Regional Industrial Facility Authority was duly filed in this office on September 24, 1998, and do certify further that upon the basis of the facts set forth therein, the said Ordinance satisfies the requirements of the aforesaid Act.

Given under my hand and under the Lesser Seal of the Commonwealth, at Richmond, this seventh day of October, in the year of our Lord one thousand nine hundred and ninety-eight and in the 223rd year of the Commonwealth.

Anne P. Petera (s)
Secretary of the Commonwealth”

Board of Supervisors: Transfer from Contingencies

On a motion by Larry N. Rush, seconded by Ira D. Long and carried,

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

FROM:

550 General Contingencies (\$5,000)

TO:

100 Board of Supervisors \$5,000

Said resolution transfers funds from General Contingencies for the Virginia’s First Regional Industrial Authority’s membership fees.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs
Annette S. Perkins
Larry N. Rush
James D. Politis
Ira D. Long
Joseph V. Gorman, Jr.

NAY

Joe C. Stewart

Animal Control Officer: Transfer from General Contingencies

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

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

FROM:

550 General Contingencies (\$2,160)

TO:

152 Animal Control \$2,160

Said resolution transfers funds from General Contingencies to cover medical expenses in the Animal Control Department.

The vote on the foregoing motion was as follows:

AYE

Ira D. Long
Joe C. Stewart
Mary W. Biggs
Annette S. Perkins
Larry N. Rush
James D. Politis
Joseph V. Gorman, Jr.

NAY

None

Capital Improvement Program

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Capital Improvement Program Committee has developed a 5-Year Capital Improvement Program (CIP) with recommendations for project funding for FY 98-99 through FY 2000-2001 as directed by the Board of Supervisors of Montgomery County; and

WHEREAS, This 5-Year CIP has been reviewed and approved by the Planning Commission as in compliance with the Comprehensive Plan; and

WHEREAS, The CIP Committee has made recommendation for projects to be funded in the fiscal year FY 1999-2000.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves the FY 2000 project list recommended by the CIP Committee.

FURTHER, The FY 99-2000 Operating Budget shall include projects that are less than \$30,000, have a life of more than 5 years, are fleet vehicles or considered maintenance projects.

The vote on the foregoing motion was as follows:

AYE

James D. Politis
Ira D. Long
Joe C. Stewart
Mary W. Biggs
Annette S. Perkins
Larry N. Rush
Joseph V. Gorman, Jr.

NAY

None

Elliston Site High School Construction

On a motion by Joe C. Stewart, seconded by Ira D. Long and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia authorized the Montgomery County School Board to advertise for construction bids for the Elliston Site High School; and

WHEREAS, The Montgomery County School Board has approved the acceptance of a bid by J. E. Jamerson & Sons, Inc., in the amount of \$11,611,000 for the building contract which includes a cost of \$450,000 for an auxiliary gym, pending funding approval by the Board of Supervisors; and

WHEREAS, The School Board requests additional funds in the amount of \$1,399,686 to complete the project which includes furnishings, equipment, start-up costs, and additional engineering services.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes participation in Virginia Public School Authority (VPSA) bond sales to obtain \$13,510,686 in funds to complete the Elliston Site High School which includes an additional \$500,000 for a new cafeteria in the former Shawsville High School Building.

Said resolution authorizes participation in VPSA bond sales to obtain \$13,510,686 to complete the Elliston Site High School.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
James D. Politis	
Ira D. Long	
Mary W. Biggs	
Annette S. Perkins	
Joe C. Stewart	
Joseph V. Gorman, Jr.	

Agreement with Radford and the New River Valley Planning District Commission to Prepare a Route 177 Land Use Plan Update

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, Significant changes have occurred in the Route 177 Corridor since Montgomery County and Radford entered into the Route 177 Corridor Agreement in 1993 to support their mutual interest in the economic growth and orderly development of the corridor area; and

WHEREAS, The Montgomery County and Radford Planning Commissions have agreed to

jointly study an amendment to the joint Comprehensive Plan for the 177 Corridor Area; and

WHEREAS, The New River Valley Planning District Commission has agreed to provide staff assistance to the two Planning Commissions.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby approves entering into an Agreement with the City of Radford and the New River Valley Planning District Commission for preparation of a Route 177 Land Use Plan Update.

FURTHER, The County Administrator is authorized to sign said Agreement on behalf of the county.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Larry N. Rush	None	Joe C. Stewart
Mary W. Biggs		
Ira D. Long		
Annette S. Perkins		
James D. Politis		
Joseph V. Gorman, Jr.		

COUNTY ATTORNEY'S REPORT

Review of Constitutional Amendments, The County Attorney reported that a copy of the proposed Constitutional Amendments that will be on the November Ballot was in the Board's packet for their review. The County Attorney gave a brief overview of the amendments. The proposed Constitutional Amendment Number Three states:

Shall the Constitution of Virginia be amended to authorized agreements among localities for sharing the revenues and costs of a specified land area and establishing a special governing body for the area, and to provide that fiscal commitments related to the land area will not be deemed local debt?

If this Amendment is approved, the General Assembly will possess the power to enact future legislation allowing counties, cities and towns to enter into agreement to share the revenues and costs associated with the development and management of a particular land area.

The proposed Constitutional Amendment Number Four states:

Shall the Constitution of Virginia be amended to allow a combination of localities to contract debt as part of an agreement to share the revenues, tax base, or the benefits of economic growth and exempt this class of debt from the ceiling of local debt for

cities and towns and from requirement for a local referendum for counties?

Presently, debt cannot be contracted by or on behalf of any county without prior approval by a majority vote of the qualified voters voting in an election on the question of contracting such a debt. If this Amendment is approved, counties would be able to enter into agreements to share revenues, tax base or other financial arrangements which would be debt without first conducting a referendum on the debt issue.

Petition for Incorporation of Price's Fork Community, The County Attorney reported that a letter sent to the County and Mr. James Noonkester about the Petition for Incorporation of Price's Fork from Judge Donald McGlothlin, Jr., was in their packet for review. The three judge panel assigned to the Petition for Incorporation of the Price's Fork Community had reviewed the petition and requested the General Registrar to determine whether the required 100 voters have endorsed the petition. Also the Court should request the Commission of Local Government to conduct a hearing to determine whether several criteria have been met which will provide citizens of the affected area the opportunity to have input into these matters. The County Attorney was directed to prepare an appropriate Order for Endorsement by Mr. Noonkester and entry by the Court. The County Attorney reported that Mr. Noonkester has not signed the Order for Endorsement and the Order was sent to the Court for entry. Copies of the Order will be sent to the Board once it is made available by the Court.

COUNTY ADMINISTRATOR'S REPORT

Update-Road Issues Report - Included in the Board's packet for review.

Roads Committee -The County Administrator reported that the Roads Committee, which consists of Supervisor Joe Stewart and Supervisor Jim Politis, will meet with Dan Brugh, VDOT, on November 2, 1998 to go over the secondary system priority list.

Public Information Officer - The County Administrator introduced, Robert Parker, the new Public Information Officer, and explained the position of the Public Information Officer. This position will coordinate all the public information from the various agencies, particularly the Board of Supervisors to the citizens of Montgomery County through different types of media.

BOARD MEMBERS' REPORTS

Supervisor Biggs The next Planning Commission meeting is scheduled for October 28, 1998. The Draft Zoning Ordinance will be discussed.

School Board Meeting - The reduction in school class has been rescheduled for the next meeting. The State Board of Education has issued cut off dates on the Standard of Learning (SOL). The Superintendent distributed a handout on Area to Understand in Analyzing SOL Data, which Supervisor Biggs distributed to the Board of Supervisors.

October 26, 1998

Page 17 of 21

Elliston/Lafayette Elementary School - Supervisor Biggs reported a petition was received concerning the construction at the new school site. The petition requests guardrails to be installed by VDOT. The County Administrator reported that the PTA has requested an electronic sign at the Elliston/Lafayette Elementary School to alert motorists of the school intersection.

Stray Cats - Supervisor Biggs received a call from a citizen about a problem with stray cats and asked if the County had a policy on stray cats. The Chairman stated the County does not have an ordinance on cats. Supervisor Biggs asked the County Administration to survey other localities on their policy on stray cats.

Supervisor Politis stated he received a call from a Rachael White, who lives in Indian Valley, about guardrails to be installed on Indian Valley Road. Supervisor Politis reported that funds were approved from VDOT to install guardrails but the funds were not available. The County Administrator was asked to contact VDOT about this issue.

Volunteer Fire and Rescue Vehicle Tags - Supervisor Politis reported he received a request from a Fire Chief for the County to issue two volunteer vehicle tags instead of one. The County Administrator was asked to review the policy on this matter.

Supervisor Stewart, requested information about the speed study request on US 460/11 in Elliston. The County Administrator advised Supervisor Stewart he would get the information for him.

Elliston Volunteer Fire Department - Supervisor Stewart asked if the County has investigated any further about a new fire house in Elliston and asked the County Administrator to look at the property beside the current site to see if it was suitable.

Supervisor Perkins, attended the Economic Development Commission meeting and the New River Valley Planning District Commission meeting. Supervisor Perkins distributed handouts from these meetings to the Board. Supervisor Perkins mentioned that Montgomery County has several major construction projects underway: the Smart Road, Alternate 3-A, and the I-81 widening, which is still under study by VDOT.

Chairman Gorman distributed a revised map of the tax parcel for Tim McCoy's Special Use Permit request that was on the Board's Agenda for scheduling a public hearing. The revised map shows the exact parcel of land being requested for a Special Use Permit.

Town/County Liaison Meeting, The Chairman reported that during the Town/County Liaison meeting the joint use of properties the county owns, or may own, were discussed. There were no recommendations to report at this time.

INTO EXECUTIVE SESSION

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

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

- Section 2.1-344 (A)
- (7) Consultation with Legal Counsel and Briefing by Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provisions of Legal Advice by Counsel
 - 1. Martha J. Boone vs Montgomery County School Board and Montgomery County
 - (3) Discussion or Consideration of the Condition, Acquisition or Use of Real Property for Public Purpose
 - 1. Land for School Purposes
 - (5) Discussion Concerning a Prospective Business or Industry or Expansion of an Existing Business or Industry Where no Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community
 - (1) Discussion of Specific Personnel
 - 1. County Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Ira D. Long	
Joe C. Stewart	
Mary W. Biggs	
Annette S. Perkins	
Larry N. Rush	
Joseph V. Gorman, Jr.	

OUT OF EXECUTIVE SESSION

On a motion by Joe C. Stewart, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors ends their Executive Session to return

to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
James D. Politis
Ira D. Long
Joe C. Stewart
Mary W. Biggs
Annette S. Perkins
Joseph V. Gorman, Jr.

NAY

None

CERTIFICATION OF EXECUTIVE SESSION

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened an executive 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 executive 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the executive meeting were heard, discussed or considered by the Board.

VOTE

AYES

Annette S. Perkins
Larry N. Rush
James D. Politis
Mary W. Biggs
Ira D. Long
Joe C. Stewart
Joseph V. Gorman, Jr.

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously, the Board adjourned to November, 12, 1998 at 7:00 p.m.

The vote on the foregoing motion was as following:

AYE

Joe C. Stewart

Annette S. Perkins

Larry N. Rush

Mary W. Biggs

Ira D. Long

James D. Politis

Joseph V. Gorman, Jr.

NAY

None

The meeting adjourned at 10:00 p.m.