

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY
COUNTY, VIRGINIA HELD ON THE 16TH DAY OF AUGUST 2000, AT 7:15 P.M. IN THE
BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	John A. Muffo	-Supervisors
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahan	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Ron Bonnema	-County Engineer
	Robert C. Parker	-Public Information Officer
	Angie Hill	-Financial & Management Services Director
	Consuella Rapp	-Program Analyst
	Laura Walden	-Office on Youth Director
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

PUBLIC ADDRESS SESSION

Stacy Snyder addressed the Board concerning the Virginia Gas Pipeline Company constructing a pipeline through Montgomery County. Ms. Snyder stated that the pipeline would be going through her property. The new pipeline will be running parallel to an existing pipeline. This would create two easements on her property and she wanted to know why the two gas companies could not co-locate on the same easement. Ms. Snyder requested the Board consider adopting a resolution requesting Virginia Gas Pipeline Company and Duke Energy Corporation to agree to use the existing easement.

John Matherly spoke in opposition to an early tax reassessment. Mr. Matherly said that an early tax reassessment would mean a tax increase to the citizens of Montgomery County.

Charlie Costigan, Jr. spoke in opposition to an early tax reassessment in Montgomery County. Mr. Costigan stated it would be an undue burden to the taxpayers in Montgomery County.

Larry Martin addressed the Board concerning the increase of permit fees for manufactured housing. Mr. Martin stated that with this increase he hopes there will be an increase in the number of inspectors Montgomery County will have. Currently, there are two inspectors for the entire area of Montgomery County and there is a need for more. Mr. Martin also spoke in opposition to the proposed early tax reassessment.

Lawrence Mason addressed the Board concerning the construction of the new gas pipeline through Montgomery County by Virginia Gas Pipeline Company. Mr. Mason expressed his concerns with constructing a new gas pipeline in areas where there already is an existing pipeline.

INTO WORK SESSION

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

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

1. Virginia Department of Transportation - Intelligent Transportation System (ITS)
2. Reassessment

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	

Virginia Department of Transportation - Intelligent Transportation System (ITS)

Virginia Department of Transportation Resident Engineer Dan Brugh described VDoT's plan to construct telecommunications towers on VDoT-owned land. The towers would support VDoT's Intelligent Transportation System, which includes emergency message signs, other safety enhancements, and other local emergency services, and would be available for lease to other telecommunications providers. Under VDoT's current plan, these towers would be constructed without having to comply with local land-use

review or control.

Reassessment

Carol Edmonds, Assistant County Administrator, explained why the County needed to change the date of the next general real estate assessment from January 1, 2003 to January 1, 2002. This allows the County to begin to use the new Cole-Layer-Trumble (CLT) mass appraisal system, which is a much more efficient, comprehensive, and detailed system for collecting and managing information on real estate values. The County's former assessment system, known as Eagle, is not integrated with the County's new financial computer system, which includes tax billing and collections (functions which are based on assessed values). Thus, to continue to use the Eagle system requires double entry, and tedious and inefficient conversions in order to use the assessment data to calculate billings and collections. Both the new CLT system and a general reassessment require extensive field work. By scheduling the next reassessment one year earlier, the expense of that fieldwork is borne once rather than twice, saving hundreds of thousands of dollars. The new CLT system also provides much more complete and correct information to the Board, staff, and citizens, resulting in better decisions on tax rates and budgets, and any issues related to the County's tax base. The approval of the proposed resolution does not change the tax rate, does not raise taxes, and does not change the regular four-year interval between assessments.

OUT OF WORK SESSION

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

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

The vote on the foregoing motion was as follows:

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

ADD TO THE AGENDA - ADDENDUM

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously, the following addendum dated August 16, 2000 was added to the Consent Agenda:

Resolution Authorizing the Vacation of Interior Boundary Lines on Property Owned by the Board of Supervisors Located in the Town of Blacksburg Adjacent to Prices Fork Road

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried, the Consent Agenda dated August 16, 2000 was approved. The vote on the motion was as follows:

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

Approval of Minutes

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried, the minutes dated July 10, July 13, and July 24, 2000 were approved.

Schedule Public Hearing-Conveyance of Right-of-Way Easement to American Electric Power

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

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby schedules a public hearing on Monday, September 25, 2000 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens' comments on the following:

Proposed Conveyance of Right-of-Way Easement to AEP

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

Coal Mining Heritage Park

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 resolution adopted on June 26, 2000 establishing a committee to assist in the development and long-term maintenance of the Coal Mining Heritage Park (CMHP) at Merrimac, Virginia is hereby amended to include the following appointments:

One member appointed by the Board of Supervisors

One member, at-large, appointed by the Board of Supervisors

Speed Study - Daisy Road (State Route 779)

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia has received a petition from concerned citizens requesting a speed limit of 25 mph be established and posted on Daisy Road (State Route 779) ; and

WHEREAS, Pursuant to the Board's policy adopted November 12, 1996, this petition contains the signatures of at least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors hereby respectfully requests the Virginia Department of Transportation (VDOT) to conduct a speed study on said road to determine the feasibility of posting a speed limit to improve the safety of this area.

August 16, 2000

Page 5 of 24

Speed Study - Gardner Road (State Route 626)

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia has received a petition from concerned citizens requesting a speed limit of 35 mph be established and posted on Gardner Street (State Route 626) from the entrance at Gardner Street to Lafayette; and

WHEREAS, Pursuant to the Board’s policy adopted November 12, 1996, this petition contains the signatures of at least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors hereby respectfully requests the Virginia Department of Transportation (VDOT) to conduct a speed study on said road to determine the feasibility of posting a speed limit to improve the safety of this area.

Speed Study - Dark Run Road (State Route 633)

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

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to lower the speed limit on Dark Run Road (State Route 633) 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, That 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.

Recognition- Sargent Frank Duffy

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

WHEREAS, Sgt. Frank Duffy of the Virginia State Police has faithfully served as a member of the Montgomery County Transportation Safety Commission since January, 1993; and

WHEREAS, The County recognizes the excellent and dedicated service that **Sgt. Frank Duffy** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***Sgt. Frank Duffy***.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Sgt. Frank Duffy*** and that a copy be a part of the official Minutes of Montgomery County.

Appointments - MBC Development Corporation

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Mary W. Biggs** to the MBC Development Corporation effective August 21, 2000 and expiring August 20, 2003.

Appointment-Community Criminal Justice Board

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

WHEREAS, The Commonwealth has mandated that all cities and counties that establish a community based probation program shall belong to and be part of a Community Criminal Justice Board (CCJB); and

WHEREAS, The General Assembly amended Section 53.1-183 of the Code of Virginia, 1950 as amended, to re-establish the composition of the Board for which Pulaski County has agreed to act as administrator and fiscal agent; and

WHEREAS, The following list of members meets the composition requirements for the eight political jurisdictions to be represented:

Bland County, Floyd County, Giles County, Grayson County, Montgomery County, Pulaski County, Galax City, and Radford City; and a judge of the general district court; a circuit court judge; a juvenile and domestic relations district court judge; a chief magistrate; a chief of police or sheriff to represent law enforcement; an attorney for the Commonwealth; a public defender or an attorney who is experienced in the defense of criminal matters; the Regional Jail administrator; the Sheriff of the Montgomery County Jail; a local educator; and a community services board administrator; and

August 16, 2000

Page 7 of 24

WHEREAS, Representatives to be appointed by the political jurisdictions shall be either the chief elected official, another member of the governing body, the chief administrator, assistant administrator, or a deputy appointed for CCJB matters.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the structure of the foregoing organization and Pulaski County as fiscal agent and administrator.

BE IT FURTHER RESOLVED, That Jeffrey D, Johnson, County Administrator, or his deputy or assistant, is appointed to the CCJB to serve for a period of four years effective July 1, 2000 and expiring June 30, 2004.

Vacation of Interior Boundary Lines on Property Owned by the Board of Supervisors Located in the Town of Blacksburg Adjacent to Prices Fork Road

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

**RESOLUTION AUTHORIZING THE VACATION OF INTERIOR
BOUNDARY LINES ON PROPERTY OWNED
BY THE BOARD OF SUPERVISORS LOCATED IN THE TOWN OF BLACKSBURG
ADJACENT TO PRICES FORK ROAD**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the recordation of the Plat entitled "Plat of Survey of Boundary Line Adjustment of Tract 5, Tract 6 and Tract 7 for the Board of Supervisors of the County of Montgomery, Virginia, for the specific purpose of vacating interior boundary lines in order to create within the land records one 42.070 acre parcel as opposed to three separate parcels.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Mary W. Biggs, Chairperson, is hereby authorized to execute the Plat on behalf of the County.

OLD BUSINESS

Special Use Permit - The Tea Group/Crown Communications (Owner: Michael R. Patrick)

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the

August 16, 2000

Page 8 of 24

Michael R. Patrick (Agent: The TEA Group/Crown Communications) request for a Special Use Permit (Tax Parcel No. 70-A-47) to allow construction of a telecommunications tower located on SR 820 on the north side of Interstate-81 near milepost 122 in the Mount Tabor Magisterial District is hereby approved subject to the following three conditions:

1. This permit is to authorize construction of a monopole communications tower. In accordance with the provisions of the zoning ordinance, this permit shall automatically become void if substantial completion has not taken place within two years of the date this permit is approved.
2. The height of the new tower and attached antennas shall be no greater than one hundred ninety-nine (199) feet above finished ground elevation of 1,984'.
3. All additional standards specified for freestanding telecommunication towers in Section 10-48 (6) (formerly Section 4-806) of the zoning ordinance shall be met.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby acknowledges the findings of the Planning Commission that the telecommunications tower is substantially in accord with the Comprehensive Plan (2232 review).

The vote on the foregoing resolution was as follows:

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

Rezoning Request William R. and Lockie N. Greear (Agent: Rainey Engineering, Inc.)

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

ORDINANCE 2000 - 11
An Ordinance Amending the Zoning
Classification of 81.9 acres from
PUD-RES (Planned Unit Development-
Residential) to R-R (Rural Residential)

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 81.9 acres of land is hereby amended and

rezoned from the zoning classification of PUD-RES (Planned Unit Development-Residential) to R-R (Rural Residential).

This action was commenced upon the application of William R. & Lockie N. Greear (Agent: Rainey Engineering).

These tracts or parcels of land are identified as being shown on Tax Parcel No. 119-A-32,33 located north of Fairview Church Road and west of Riner Road, in the Riner Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

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

NAY

Rezoning Request William R. and Lockie N. Greear (Agent: Rainey Engineering, Inc.)

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

ORDINANCE 2000 - 12

**An Ordinance Amending the Approved
Master Plan under PUD-COM (Planned
Unit Development Commercial) and PUD-
RES (Planned Unit Development Residential)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds the proposed Major Change in the Approved Master Plan is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice.

Therefore Ordinance 1998-4 is amended to supercede the Preliminary Master Plan of Auburn Village (Sheet 1 of 2, Sheet 2 of 2 and Access and Circulation Concept Plan for the Proposed New Riner Post Office) with the Revised Master Plan of Auburn Village dated May 26, 2000.

This action was commenced upon the application of William R. & Lockie N. Greear (Agent:

August 16, 2000

Page 10 of 24

Rainey Engineering).

These tracts or parcels of land are identified as being shown on Tax Parcel No. 119-A-32,33 located north of Fairview Church Road and west of Riner Road, in the Riner 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
Joe C. Stewart	
Larry N. Rush	
C.P. Shorter	
John A. Muffo	
James D. Politis	
Mary W. Biggs	

NEW BUSINESS

Revised Permit Fee Schedule for Manufacturing Housing

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that, pursuant to the Montgomery County Code, Section 8-20, the resolution adopted on February 26, 1990 and amended on June 24, 1991 and February 26, 1996 establishing a schedule of fees for building, plumbing and electrical permits is hereby amended as follows:

MANUFACTURED HOUSING PERMITS

- \$90 1-unit manufactured home
- \$120 2-unit manufactured home of 1-story in height and no basement
- \$180 multi-unit manufactured home either greater than 1-story in height or with a basement
- \$240 multi-unit manufactured home both greater than 1-story in height and with a basement
- \$30 temporary pole associated with a manufactured housing permit

\$30 deck associated with a manufactured housing permit

The effective date for the above permit fees shall be September 1, 2000.

The vote on the foregoing resolution was as follows:

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

Sheriff's Department: Appropriate Grant Funds and Transfer from General Contingencies

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

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

321	National Highway Safety Administration	\$ 1,593
	School Resource Officer Grant Program	<u>\$43,088</u>
		\$44,681

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

<u>Revenue Account</u>		
434401	Federal Grants	\$ 1,593
424401	State Grants	\$43,088

BE IT FURTHER RESOLVED, That a transfer is hereby authorized as follows:

FROM:

550	General Contingencies	(\$26,544)
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TO:

321	School Resource Officer Grant Program	\$26,544
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Said resolution appropriates National Highway Safety Administration and School Resource Officer Grant funds and transfers the local match for the School Resource Officer Grant.

The vote on the foregoing resolution was as follows:

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

Social Services: Appropriation Adjustment

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors 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	\$420,670
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424102	Public Assistance Payments	\$420,670

FURTHER, BE IT RESOLVED, That a transfer is hereby authorized as follows:

<u>FROM:</u>		
960	Special Contingencies - Public Assistance	(\$ 19,946)

<u>TO:</u>		
540	Social Services	\$ 19,946

Said resolution adjusts the FY 01 appropriation to match local mandates within the state approved budget for the Department of Social Services and transfers funds from Special Contingencies established to provide matching funds for local public assistance mandates.

The vote on the foregoing resolution was as follows:

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

School Capital Projects Fund -Advance of Lease Revenue Bond Proceeds

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that a transfer from the School Operating Fund to the School Capital Projects Fund for the fiscal year ending June 30, 2001 is hereby authorized as follows:

FROM:

09	School Operating Fund	(\$1,800,000)
	Instruction	

TO:

19	School Capital Projects Fund	\$1,800,000
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Said resolution transfers \$1,800,000 from the School Operating Fund to the School Capital Projects Fund in advance of the proceeds from the Fall 2000 Lease Revenue Bond sale. This resolution also allows for expenditures up to \$1,800,000 toward the Blacksburg Middle School and Christiansburg Middle School and other school capital projects approved for funding through bond proceeds which are incurred in advance of the receipt of bond proceeds.

The vote on the foregoing resolution was as follows:

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

Reassessment

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

WHEREAS, The *Code of Virginia* requires counties to conduct a general reassessment of real estate, at a minimum, every four years; and

WHEREAS, There may be a general reassessment of real estate in any county in any year, if the governing body so directs by a majority of its members; and

WHEREAS, The Cole-Layer-Trumble (CLT) system, the County's new mass appraisal system, requires additional data be collected to complete the fields in the system and to provide a data set of the most accurate information on parcels in the County because data did not convert from the former system or had information in text notes rather than data fields; and

WHEREAS, A significant amount of data must be collected on-site for the commercial/industrial properties and the most cost-efficient method of collecting the required data would be to combine the data collection effort with a general reassessment of real estate; and

WHEREAS, The last general reassessment was effective January 1, 1999, and on a four year cycle, the next general reassessment would be effective January 1, 2003; and

WHEREAS, To combine the data collection effort with the general reassessment would mean that the effective date of the new values would move up one year to January 1, 2002; and

WHEREAS, In counties of rapid growth, values become outdated more quickly, and in 1998, the year prior to the 1999 general reassessment, the County median values were at @75% of the market; and

WHEREAS, An earlier reassessment will likely result in assessed values closer to 100% of the market value.

NOW THEREFORE BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby directs that a general reassessment of real estate be conducted with the new assessments to be effective as of January 1, 2002.

The vote on the foregoing resolution was as follows:

AYE

NAY

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

Conveyance of Public Utilities Throughout the Falling Branch Industrial Park

On a motion by Larry N. Rush, seconded by Annette S. Perkins and carried unanimously,

**RESOLUTION AUTHORIZING THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF
MONTGOMERY COUNTY TO CONVEY PUBLIC UTILITY
EASEMENTS NECESSARY TO PROVIDE UTILITY SERVICE
THROUGHOUT FALLING BRANCH INDUSTRIAL PARK**

WHEREAS, The Industrial Development Authority of Montgomery County (the “Authority”) has been entrusted by the Board of Supervisors of the County of Montgomery, Virginia, to manage the development of the Falling Branch Industrial Park; and

WHEREAS, The Industrial Park Property Transfer Agreement between the Board of Supervisors and the Authority, dated September 16, 1996 requires the Industrial Development Authority to acquire the Board of Supervisors’ review and approval of any sale, lease, transfer, conveyance or encumbrance of any property in the Falling Branch Industrial Park; and

WHEREAS, As the Falling Branch Industrial Park continues to develop, the Authority has requests from public utility providers to provide public utility easements; and

WHEREAS, The Authority desires to obtain a blanket approval from the Board of Supervisors to convey all public utility easements necessary to provide utility service throughout the Falling Branch Industrial Park.

THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the conveyance of all public utility easements by the Authority necessary to provide utility service throughout the Falling Branch Industrial Park.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Joe C. Stewart	

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

Agreement Between Montgomery County and the Industrial Development Authority

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby approves the agreement between Montgomery County and the Industrial Development Authority (IDA) for an advance of \$1,403,000 to the Industrial Development Authority to cover construction costs for the EchoStar facility until the Industrial Development Authority secures financing for construction.

BE IT FURTHER RESOLVED, The Chair of the Board of Supervisors is authorized to sign said agreement on behalf of the County.

BE IT FURTHER RESOLVED, 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:

810	Economic Development	\$1,403,000
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The source of funds for the foregoing appropriation is as follows:

Revenue Account:

451203	Undesignated Fund Balance	\$1,403.000
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Said resolution appropriates funds for advance to the Industrial Development Authority for construction costs of the EchoStar facility.

THIS AGREEMENT, made and entered into this 16th day of August, 2000, by and between the BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA, (the "Board") and the INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA, (the "Authority") shall provide as follows:

W I T N E S S E T H

August 16, 2000
Page 17 of 24

WHEREAS, The Authority is presently constructing a 100,000 square foot shell building in the Falling Branch Industrial park that will be leased to EchoStar Satellite Corporation for use as a call center (“the Project”); and

WHEREAS, The Authority is in the process of obtaining a construction loan to finance the Project however, prior to closing on the permanent construction financing, the Authority needs interim financing in the amount of \$1,403,000 to pay invoices that are now due; and

WHEREAS, The Board is willing to advance \$1,403,000 to the Authority if the Authority agrees to reimburse the Board with interest the advancement made by the Board once the Authority’s permanent construction financing is in place.

NOW, THEREFORE, In consideration of the general welfare of the County of Montgomery, the economic development of the County of Montgomery to be promoted by the financing of the Project and the mutual promises and undertakings specified below, the parties agree as follows:

1. The Board agrees to advance \$1,403,000 to the Authority as interim financing in order that the Authority may pay construction costs that become due prior to the Authority obtaining permanent construction financing.

2. The Authority agrees to obtain and close on permanent construction financing in order that the Authority may pay for the construction of the Project. The Authority further agrees that once the Authority receives its construction financing, the Authority shall reimburse the Board \$1,403,000 plus interest at the same rate that the Authority obtains under the permanent construction financing.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and delivered on their behalf by their duly authorized officers, on the date first set out above.

BOARD OF SUPERVISORS OF
COUNTY OF MONTGOMERY, VIRGINIA

By: _____
Mary W. Biggs, Chairperson

INDUSTRIAL DEVELOPMENT AUTHORITY
OF MONTGOMERY COUNTY, VIRGINIA

By: _____
Larry J. Linkous, Chairman

August 16, 2000
Page 18 of 24

The vote on the foregoing resolution was as follows:

AYE

Larry N. Rush

C.P. Shorter

John A. Muffo

James D. Politis

Annette S. Perkins

Joe C. Stewart

Mary W. Biggs

NAY

None

COUNTY ATTORNEY'S REPORT

Consumers Utility Tax The County Attorney reported that as a result of the deregulation of the gas and electric industries, the General Assembly passed legislation which affected the ability of localities to impose local taxes on gas and electric utilities. Therefore, localities must modify their consumer utility tax by October 31, 2000. The County Attorney is in the process of modifying the two ordinances that would be affected.

COUNTY ADMINISTRATOR'S REPORT

Office on Youth Director The County Administrator introduced Laura Walden, the new Office on Youth Director, to the Board of Supervisors.

County Administration Facilities Ron Bonnema, County Engineer, reported on the status of the new County Administration Facilities. The project is currently in the construction document phase and should advertise and request bids by November, 2000 and award the contract by December, 2000. The actual construction phase should begin in January, 2001 and continue through December, 2001. The projected completion date is January, 2001 with the County moving into their new facilities by February, 2002.

Local Government Official's Conference The County Administrator reported that Chair Mary Biggs, Supervisor Annette Perkins, Assistant County Administrator and County Administrator attended the Local Government Official's Conference August 13-15, 2000 in Charlottesville. The conference was very informative. One major topic discussed during the conference was the elimination to the car tax and how it is effecting the state and the localities.

BOARD MEMBERS' REPORTS

Supervisor Muffo

AEP Donated Property adjacent to Nellies Cave Park Supervisor Muffo reported that his class at Virginia Tech is looking into several options on the use of the property donated by AEP. They are in the process of sending out surveys to see what type of recreation services the citizens would like to have. Once the project is complete a recommendation report will be presented to the Board of Supervisors.

Supervisor Shorter addressed the Board concerning Poverty Creek Road being used as a trash site. He asked if this site could be cleaned up. Also, Supervisor Shorter requested the status of maintenance construction for Old Creek Road and maintenance work on Long Shop Road. He suggested that a meeting be held in the Prices Fork area to discuss water concerns, and to let the citizens know what to expect in the future.

Supervisor Rush attended the Parks and Recreation Commission meeting and reported that the Montgomery County Frog Pond received less revenue this year due to bad weather this summer.

Commerce Park Supervisor Rush attended the Commerce Park Committee meeting and reported the authority is still in the process of reviewing the rezoning process to be compatible with Pulaski County's zoning ordinance.

Supervisor Stewart reported that Fairview District Home has received funds from the participating jurisdictions to bring finances up to date.

Virginia Gas Pipeline

Supervisor Stewart requested the County take some type of action to request the Virginia Gas Pipeline Company to use existing easements on property in Montgomery County.

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

BE IT RESOLVED, That the Board of Supervisors requests a resolution be placed on the August 28, 2000 agenda requesting the Virginia Gas Pipeline Company to use existing easements when constructing the new gas pipeline through Montgomery County.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
Joe C. Stewart
C.P. Shorter

NAY

None

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

Supervisor Perkins attended the Workforce Investment Act (WIA) meeting and reported that they are working on the local strategic plan to be submitted to the State. Supervisor Perkins also stated that the State required that the Workforce Investment Act Training Providers keep data on all applicants which included non - WIA participants. The WIA Committee believes this requirement would be harmful to the WIA in providing trainers in the program. The Committee adopted a resolution in opposition to the requirement and has sent it to the Workforce Council Chairman and State Officials.

Chair Biggs attended the Regional Airport Meeting and reported that local officials will be voting on whether there should be a regional airport.

Blacksburg Middle School Groundbreaking Chair Biggs reported the groundbreaking ceremony for the Blacksburg Middle School was held Tuesday, August 8, 2000.

EchoStar Chair Biggs reported while on vacation in Colorado, she visited EchoStar Headquarters and found it very impressive.

Local Government Official Conference (LGOC) Chair Biggs attended the LGOC in Charlottesville. She attended the Education Steering Committee meeting and presented the JLAR resolution, adopted by Montgomery County and the Montgomery County School Board, to the Committee.

County/Town Liaison Chair Biggs reported that issues discussed at the County/Town Liaison meeting included Interstate 73, funds for State Route 114, and land use issues regarding Alternate 3-A.

INTO CLOSED MEETING

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

BE IT RESOLVED, That the Board of Supervisors 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. MUNIS

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

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

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

The vote on the foregoing motion was as follows:

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

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Monday, August 28, 2000 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush

Joe C. Stewart

C.P. Shorter

James D. Politis

Annette S. Perkins

John A. Muffo

Mary W. Biggs

NAY

None

The meeting adjourned at 11:45 p.m.