

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 8<sup>th</sup> DAY OF MARCH, 1999 AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

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

ABSENT: Ira D. Long -Supervisor

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**PUBLIC HEARING**

**Proposed conveyance of right-of-way easement to American Electric Power**

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

There being no speakers, the public hearing was closed.

## DELEGATIONS

### Montgomery/Floyd Regional Library Amphitheater Project

Tina Vaughn, publicist and project manager for the Montgomery/Floyd Regional Library, described the Library's plans for construction of an amphitheater at the Christiansburg Library. The first phase of construction is a temporary stage to be open by May 15, 1999. The second phase of construction is for a permanent structure. The objective in building an amphitheater is to provide a total resource for use by the library and the community for the purpose of outdoor activities. The Library has received \$15,075.30 in donations not including donation of time and materials for the project. Ms. Vaughn also spoke on the "Community Amphitheater Design Contest" for the design of the permanent structure. The contest will run throughout the month of March, with the winner being announced at the May 15, 1999 dedication ceremony.

## PUBLIC ADDRESS SESSION

Vickie Miller, spoke in favor of the proposed name change on a portion of Mt. Zion Road to Longshop Road. Ms. Miller said she lives on McCoy Road not on Mt. Zion Road, but she has lived in the Longshop area all her life. Her maiden name is Long and changing a portion of Mt. Zion Road to Longshop Road would help preserve the history of this area. Ms. Miller also read the following letter to the Board from Connie Noonekester, who could not attend the meeting:

"4655 Mt. Zion Road  
Blacksburg, Va 24060  
March 7, 1999

To Whom It May Concern:

I would like to express my feelings about the name change of part of Mt. Zion Road to Long Shop Road.

I have lived in this area all of my life, part of it in the Price's Fork and part of it on North Main Street in the Town of Blacksburg. About four years ago I purchased a house on Mt. Zion Road, right next door to Mr. and Mrs. Emmett Long. Since I haven't lived my entire life in the Long Shop area, some people might think that I wouldn't have a say in the name change. My Grandmother and my Mother both grew up in the Long Shop area. My Aunt and Uncle have both lived in Long Shop for as long as I can remember. So, I cast my vote for the name change in honor of my family and their heritage and memories of Long Shop. I would love to see the name of the road change for them and also for myself, as I have only known the place that I live carrying one name....Long Shop.

Thank you for taking the time to consider this changing of the name of our road to Long Shop. I look forward to hearing a favorable vote and hope to have the privilege of changing my address to a name that carries the history and heritage of my family.

Sincerely,

March 8, 1999  
Page 2 of 21

(s) Connie L. Noonkester ”

Charlie Hurst spoke in favor of the proposed name change on a portion of Mt. Zion Road to Longshop Road. He read the following letter to the Board from Emmett Long, Sr.:

“4657 Mt. Zion Road  
Blacksburg, Va 24060  
March 7, 1999

To Whom It May Concern:

Thank you for looking at the facts and history of Montgomery County and Long Shop and listening to the concerns of the residents of the area.

The history of the Longs at Long Shop goes back to 1738. The old Blacksmith shop was built the year 1877. Floyd Long did the ironwork, charging 25 cents to shoe a horse. Joseph Long was the cabinetmaker and first kept the post office in his house. He also built coffins for people for miles around, charging \$2.00 for a child coffin. David Long learned the Blacksmith trade from his father, Floyd, after his death in 1914. David and the Blacksmith shop until his death in 1958. His brother Floyd T. Long built and operated it 37 years until his death in 1965.

I don't have any feelings either way towards the thoughts of how my friends and neighbors feel about changing the name of Mt. Zion Road. My concern is the history of Long Shop and our heritage. Long Shop is the oldest and most historic village in Montgomery County. McCoy Road, which runs from Price's Fork to McCoy, runs through Long Shop. We have Whitethorn Road, Whitaker Hollow Road, River Side Drive, Daisy Road and Mt. Zion Road. I feel that changing one mile of Mt. Zion Road to Long Shop Road would preserve the history of Long Shop and our County. From about where I live down toward Long Shop Service Center is know as part of Long Shop. Also from that area to about Lovers Leap was considered part of Long Shop. White Thorn Road and Whitaker Hollow Road and from Wake Forest Road to Long Shop all was known as part of Long Shop.

All of the residents above me were part of the Sunny Side area, not Long Shop. They are my friends and good neighbors, but some have only lived up there a few years. Mrs. Vivian Long lives above me, raised in Long Shop and went to Long Shop school. One family was raised in Sunny Side. I have lived in Long Shop more than 45 years. My oldest son went to Long Shop school for a year.

Thank you for listening and I hope you will take into account the facts and the history of Long Shop and Montgomery County.

Sincerely,

(s) Emmett J. Long, Sr.)”

Sherri Cook spoke in opposition of the proposed name change on a portion of Mt. Zion Road to Longshop Road. Ms. Cook presented a petition in opposition to the proposed name change. Thirty

(30) out of forty-five (45) households signed the petition, which is 67%. Twenty (20) of the households that signed the petition converted from the original petition requesting the name change. Ms. Cook asked the Board to consider leaving the name Mt. Zion.

**ADDENDUM**

On a motion by Mary W. Biggs, seconded by Joe C. Stewart and carried unanimously, the following addendum was added to the agenda under Executive Session:

BE IT RESOLVED, That the Montgomery County 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 Briefings by Staff Members, or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel

- 1. Shelor Automotive vs Montgomery County

The vote on the foregoing motion was as follows:

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

**Coal Miner’s Park-Purchase Agreement**

The above referenced item was pulled form the Consent Agenda at the request of Supervisor Stewart

**CONSENT AGENDA**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated March 8 1999 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	Ira D. Long
James D. Politis		
Joe C. Stewart		

Annette S. Perkins  
Mary W. Biggs  
Joseph V. Gorman, Jr.

**Approval of Minutes of February 8, 1999 and February 22, 1999**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, minutes of February 8, 1999 and February 22, 1999 were approved.

**Supplemental Appropriation: Dog And Cat Sterilization**

On a motion by James D. Politis, seconded by Mary W. Biggs 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, 1999, for the function and in the amount as follows:

510	Dog and Cat Sterilization	\$ 258
-----	---------------------------	--------

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

Revenue Account

240411	Dog and Cat Sterilization	\$ 258
--------	---------------------------	--------

Said resolution appropriates monies received as part of the Dog and Cat Sterilization Program, to be remitted to the Humane Society.

**Supplemental Appropriation: Library**

On a motion by James D. Politis, seconded by Mary W. Biggs 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, 1999, for the function and in the amount as follows:

420	Montgomery Library	\$14,659
-----	--------------------	----------

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

Revenue Account

1615-01	Montgomery Savings	\$12,440
1615-12	Library Support - Montgomery	\$ 757
1615-03	Other Library Fees and Revenue	<u>\$ 1,462</u>

Total

\$14,659

Said resolution appropriates additional funds for use by the Library.

**Montgomery/Floyd Regional Library: Transfer from Floyd to Montgomery**

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

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

**FROM:**

421 Floyd Library (\$35,730)

**TO:**

420 Montgomery Library \$35,730

Said resolution transfers funds from the Floyd Library to the Montgomery Library to cover Floyd's share of regional salaries.

**Purchase of Air Packs for Riner Volunteer Fire Department**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order for Air-Packs and cylinders to **Sure-Flo Inc.** of Blacksburg, Virginia, for \$29,016.

**Authorize Periodic Closure of Coal Hollow Road (State Route 705) During Construction of Belview Wastewater Improvements Project**

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

WHEREAS, The Belview Wastewater Improvements Project necessitates construction alongside Coal Hollow Road (State Route 705) from near its intersection with Peppers Ferry Road (State Route 114) to the railroad tunnel; and

WHEREAS, This construction activity will require the periodic closing of Coal Hollow Road to vehicular traffic during the time period March to July, 1999; and

WHEREAS, The Virginia Department of Transportation will not authorize the periodic closing of Coal Hollow Road to vehicular traffic without the Board of Supervisors consent.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby consents to the periodic closure of Coal Hollow Road by the Virginia Department of Transportation to allow construction of the Belview Wastewater Improvements Project provided all Virginia Department of Transportation (VDOT) safety requirements for road closure are met.

**Addition to the Secondary System of State Highways-Cedar Orchards IV-A**

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

WHEREAS, The street described below is shown on a plat recorded in the Clerk's Office of the Circuit Court and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia; and

WHEREAS, After examining the ownership of all property abutting the street, this Board finds that speculative interest does not exist.

NOW THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

**ADDITION:**

Name of Subdivision  
Cedar Orchards IV-A

<u>Name of Street:</u>	Length
Rich Circle	
From Eheart Street	0.07
To Cul-de-Sac	
Plat Recorded, April 3, 1997	
Deed Book 17: Page 40-41	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50' as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, This Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-229, Code of Virginia; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

**E-911 Street Naming-Izaak Walton Lane**

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

WHEREAS, There are five residents on a private road off Den Hill Road (State Route 641) and the property owners have petitioned the County to name this street Izaak Walton Lane; and

WHEREAS, Izaak Walton Lane complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that after duly considering said request, the Board hereby approves the use of the name Izaak Walton Lane.

**E-911 Street Naming-Yellow Finch Lane**

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

WHEREAS, There are six residents on a private road off Cove Hollow Road (State Route 603) and the property owners have petitioned the County to name this street Yellow Finch Lane; and

WHEREAS, Yellow Finch Lane complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that after duly considering said request, the Board hereby approves the use of the name Yellow Finch Lane.

**The Ridges Phase 3 - Approval of Final Plat**

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

WHEREAS, The Ridges Phase 3 consists of 10 lots located on a publicly dedicated extension of Ridge Road (State Route 1052) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code (Section 8-156) provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff

will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code (Section 8-157) provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners' association whereby the association assumes all liability for maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of The Ridges Phase 3 has agreed that said responsibility shall be assumed by The Ridges, Phase 3, Homeowner's Association.

NOW THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of The Ridges Phase 3 (John D. Abbott, PE, CLS [Job #98023C1 - October 10, 1998]), Mt Tabor Magisterial District, including the stormwater detention facilities, the responsibility of maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility of maintenance shall be assumed by The Ridges, Phase 3, Homeowner's Association.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

**New River/Mount Rogers Private Industry Council, Inc.**

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

WHEREAS, The New River/Mount Rogers Private Industry Council (PIC) has performed for many years as the State's designated Workforce Service Delivery Area under the former Federal and State workforce service programs; and

WHEREAS, The PIC has served the County of Montgomery and this Region effectively in the delivery of worker assistance and re-training under these federal initiatives; and

WHEREAS, The Private Industrial Council has requested all member jurisdictions endorse the New River/Mount Rogers Private Industry Council's request to be approved and designated by the Governor as the official Service Delivery Area (SDA) under the new Workforce Investment Act of 1998; and

WHEREAS, The Private Industrial Council has recommended the Board take appropriate action.

NOW THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery

County, Virginia hereby approves the New River/Mount Rogers Private Industrial Council designation as the Service Delivery Area, under the Workforce Investment Act of 1998.

**Coal Miner’s Park-Purchase Agreement**

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

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to enter into a Purchase Agreement to purchase 16.798 acres from B.G.B Equipment Rental for the purchase price of Two Thousand dollars ( \$2,000.00) per acre, for a total purchase price of Thirty Three Thousand Five Hundred Ninety Six Dollars (\$33,596.00).

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes Joseph V. Gorman, Jr., Chairman, to execute the Purchase Agreement between the County of Montgomery, Virginia and B.G. B. Equipment Rental on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	Joe C. Stewart	Ira D. Long
Larry N. Rush		
Mary W. Biggs		
James D. Politis		
Joseph V. Gorman, Jr.		

**OLD BUSINESS**

**Street Name Change: Portion of Mt. Zion Road to Longshop Road**

On a motion by Mary W. Biggs, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the proposed resolution changing that portion of Mt. Zion Road between the intersections with McCoy Road and Lick Run Road, to Longshop Road, is hereby **tabled to the Board’s March 22, 1999 meeting, pending additional information.**

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

ABSENT

Ira D. Long

**Planning Commission Recommendations/Arleta Marie Ingram Rezoning Request**

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

**ORDINANCE: 1999 - 1**

**An Ordinance Amending or Changing  
the Zoning Classification of 4.538 Acres  
From GB (General Business) to R-3  
(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 4.538 acres of land is hereby changed, amended and rezoned from the zoning classification of GB (General Business) to R-3 (Residential).

This action was commenced upon the application of Arleta Marie Ingram (Agent: Roy Bolen).

These tracts or parcels of land are identified as being property shown as Tax Parcel No. 090-A-29C located at 1528 Firetower Road.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

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

NAY

None

ABSENT

Ira D. Long

**Option Agreement for Procurement of Property**

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

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to enter into an Option Agreement to purchase 30.270 acres from R. Harkrader, Jr., for the purchase price of Ten Thousand Four Hundred Dollars (\$10,400.00) per acre.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes Joseph V. Gorman, Jr., Chairman, to execute the Option Agreement between the County of Montgomery, Virginia and R. Harkrader, Jr. on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing ordinance was as follows:

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

#### **Option Agreement for Procurement of Property**

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

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to enter into an Option Agreement to purchase 8.05 acres from Richard P. Gordon, for the purchase price of Seventy Thousand Dollars (\$70,000.00).

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes Joseph V. Gorman, Jr., Chairman, to execute the Option Agreement between the County of Montgomery, Virginia and Richard P. Gordon on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing ordinance was as follows:

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

## Resolution Declaring its Intention to Reimburse Itself from Bond Proceeds

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

### **Resolution of the Board of Supervisors of Montgomery County, Virginia Declaring its Intention to Reimburse Itself or the School Board, as Appropriate, from the Proceeds of One or More Tax Exempt Financing for Certain Expenditures Made and/or to Be Made in Connection with the Acquisition, Construction, Renovation and Equipping of Certain Capital Improvements for the County Known as the School Projects and the Courthouse and Administration Project**

WHEREAS, The County of Montgomery, Virginia (the “**Issuer**”) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, The Issuer has paid, beginning no earlier than January 7, 1999 (60 days prior to the date hereof) and will pay, on and after the date hereof, certain expenditures (the “**Expenditures**”) in connection with (i) the acquisition of land, site improvements, road and utility costs, construction, equipping and furnishing of a new County High School known as the Elliston Site High School, construction and installation of replacement roofing projects for various Schools in the County, and construction and equipping of a new cafeteria for the new Shawsville Middle School ( formerly Shawsville Middle and High School) (the “**School Projects**”) and (ii) acquisition, construction, equipping and furnishing of a new County Administration Building and construction, renovation, equipping and furnishing relating to the renovation of the County Courthouse (the “**Courthouse and County Administration Project**”); and

WHEREAS, The Board of Supervisors of the Issuer (the “**Board**”) has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issuers of tax-exempt bonds ( the “**Bonds**”).

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS AS FOLLOWS:

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the Issuers’s intent to reimburse the Issuer or the School Board, as appropriate, with the proceeds of the Bonds for the Expenditures with respect to the School Projects and Courthouse and County Administration Project (together, the “**Projects**”) made on and after December 24, 1998, which date is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the

March 8, 1999

Page 13 of 21

date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the School Projects is \$14,700,000 and for the Courthouse and Administration Project is \$13,300,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that the exceptions are available for certain "preliminary expenditure," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditures) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF MARCH, 1999.

The vote on the foregoing resolution is as follows:

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

### **Intention to Pursue a Capital Funding Savings Program**

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

### **Resolution of the Board of Supervisors of Montgomery County, Virginia Declaring its Intention to Pursue a Capital Savings Program**

WHEREAS, The County of Montgomery, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia (the "Commonwealth"); and

March 8, 1999  
Page 14 of 21

WHEREAS, The County has determined that it is advisable to pursue a Capital Funding Savings Program (the "Program"), as outlined by Davenport & Company, through the issuance of lease revenue bonds and notes issued by the Industrial Development Authority of the County (i) to refinance certain existing debt related to economic development projects including but not limited to the Blacksburg Shell Building, Enterprise Center and Falling Branch Industrial Park; (ii) to provide interim funds for the acquisition, construction and equipping of certain school capital projects in anticipation of Literary Fund Loans; (iii) to complete that portion of the Elliston Site High School Project and other school capital needs in excess of the maximum allowable Literary Loan amount; and (iv) to refund outstanding general obligation bonds (Series 1987 and Series 1994); and.

WHEREAS, The County has determined that it is advisable to utilize Davenport & Company, LLC as underwriter with respect to the Program and of Sands Anderson Marks & Miller as bond counsel with respect to the Program.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors as follows:

Section 1. The County Administrator and officials of the County are hereby authorized to pursue the Capital Funding Saving Program outlined above and to take such action as may be necessary to plan for and accomplish the goals of the Program.

Section 2. The firm of Davenport & Company, LLC shall be utilized as underwriter with respect to the Program and the firm of Sands Anderson Marks & Miller shall be utilized to provide bond counsel services with respect to the Program.

Section 3. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF MARCH, 1999.

The vote on the foregoing motion was as follows:

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

## NEW BUSINESS

### Livestock Claim

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Quentin Young's request for compensation for livestock damage is hereby **tabled to the Board's**

March 8, 1999  
Page 15 of 21

**March 22, 1999 meeting, pending additional information.**

The vote on the foregoing motion was as follows:

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

**Request for Variance from Subdivision Ordinance - James C. McIlwain**

On a motion by Joe C. Stewart, seconded by Annette S. Perkins and carried,

BE IT RESOLVED, By the Montgomery County Board of Supervisors of Montgomery County, Virginia that the request for variance from the subdivision ordinance from James C. McIlwain is hereby **tabled to the Board’s March 22, 1999 meeting, pending additional information.**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	Larry N. Rush	Ira D. Long
Annette S. Perkins		
James D. Politis		
Joe C. Stewart		
Joseph V. Gorman, Jr.		

**Christiansburg Volunteer Rescue Squad: Transfer from General Contingencies**

On a motion by Mary W. Biggs, seconded by Joe C. Stewart and carried unanimously,

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

<u>FROM:</u>		
550	General Contingencies	(\$6,945)
<u>TO:</u>		
440	Fire and Rescue	\$6,945

Said resolution transfers funds from General Contingencies for emergency repair of a

Christiansburg Volunteer Rescue Squad ambulance.

The vote on the foregoing motion was as follows:

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

### **COUNTY ATTORNEY'S REPORT**

Montgomery County/Roanoke County Boundary Line The County Attorney reported he received two different requests concerning the boundary line at Montgomery County and Roanoke County. There is on-going development in the Elliston area of Montgomery County and apparently the land being developed is located on the border of Montgomery County and Roanoke County. One developer has requested that the entire land be brought into Montgomery County, while another developer would like to see his land be in Roanoke County. The County Attorney said he was reviewing the procedures required to adjust the boundary lines.

AEP Substation-Donated Land The County is still waiting for AEP to complete all the steps necessary before the donated land can be deeded over to the County.

### **COUNTY ADMINISTRATOR'S REPORT**

Courts and Administrative Facilities Study The County Administrator reported he met with Judge Grubbs in reference to the Courts and Administrative Study. Judge Grubbs is pleased with the report and appreciates the Board of Supervisors and staff for their work on this study. Another meeting with the Judge is scheduled to go over the plan.

Budget Work Sessions After a brief discussion by the Board of Supervisors, the budget work sessions were scheduled as follows:

Wednesday, March 10, 1999, 7:00 p.m.

Monday, March 15, 1999, 7:15 p.m.

Wednesday, March 17, 1999 7:00 p.m.

Tuesday, March 23, 1999 7:00 p.m. ( if needed)

Public Hearing for Budget and Tax Rate Monday, March 29, 1999 7:15 p.m.

Road Issues Update Report A copy of the updated road issues are in the Board's agenda packet for review.

VDOT Drainage Easements The County Administrator reported he received a letter from Henry County requesting Montgomery County's support for a resolution adopted by the Henry County's Board of Supervisors requesting VDOT to reconsider its policy concerning the maintenance of drainage easements. The County Administrator said he would get more information regarding this issue before placing it on the agenda for the Board's consideration.

## **BOARD MEMBERS' REPORTS**

**Supervisor Perkins** Craigs Creek Road Supervisor Perkins received a complaint from a constituent regarding Craigs Creek Road. Supervisor Perkins asked staff to contact VDOT and see if temporary guardrails could be installed at the blind curves even though this road is scheduled to be repaired under the Six Year Plan.

Economic Development Commission Supervisor Perkins provided the agenda packet to the County Administrator to include in the Board of Supervisor's Friday Report.

New River Valley Planning District Commission Supervisor Perkins reported that the resolution adopted by the Board concerning road priorities was submitted to the PDC and they included this resolution with their priorities also.

**Supervisor Politis** Merchants Capital Tax Supervisor Politis reported he would like to have the Merchants Capital Tax abolished and would like to replace it with a type of business tax or some other means to replace the revenue lost.

Local Fuel Tax - Supervisor Politis said he would like to see the County levy a one cent fuel tax to increase revenue for road construction. Chairman Gorman reported that since Virginia is a Dillon Rule State there are restrictions on what they can tax. The County Attorney was asked to determine if Montgomery County qualifies to levy a fuel tax, and to provide an outline of the procedures required to levy such a tax.

**Supervisor Biggs** School Board Meeting Supervisor Biggs reported that the School Board passed their goals at the last meeting. The Blacksburg Middle School study is due to the School Board Members at the March 16, 1999 meeting.

Planning Commission Meeting Supervisor Biggs reported that the Katherine Stewart rezoning request

will be on the Planning Commission's, March 10, 1999 agenda. Also, the Water and Wastewater Study to be reviewed as requested by the Board.

Supervisor Biggs also requested that staff look into preparing the agenda packets earlier for the Board. She would like to have more time in reviewing the packet before the meeting. She also requested that procedures of the Board of Supervisors meetings be made available to the public. The Public Information Officer prepared a "Guideline for Speakers" for Montgomery County for the Board to review.

### **INTO EXECUTIVE 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 enters into Executive Session for the purpose of discussing the following:

- |                    |     |   |
|--------------------|-----|---|
| Section 2.1-344(A) | (1) | Discussion of Specific Personnel  |
|                    |     | 1. Evaluation of County Administrator   |
|                    | (7) | Consultation with Legal Counsel and Briefings by Staff Members, or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel |
|                    |     | 1. Shelor Automotive vs Montgomery County   |

The vote on the foregoing motion was as follows:

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

### **OUT OF EXECUTIVE SESSION**

On a motion by Mary W. Biggs, seconded by Larry N. Rush 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:

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

### **CERTIFICATION OF EXECUTIVE SESSION**

On a motion by Mary W. Biggs, seconded by Larry N. Rush 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**

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

NAYS

None

ABSENT DURING VOTE

Ira D. Long

ABSENT DURING MEETING

Ira D. Long

**ADJOURNMENT**

On a motion by Mary W. Biggs, seconded by Larry N. Rush and carried unanimously, the Board adjourned to Wednesday, March 10, 1999 at 7:00 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 10:15 p.m.