

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY  
COUNTY, VIRGINIA HELD ON THE 10<sup>th</sup> DAY OF MAY, 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
	Ira D. Long	-Supervisors
	Annette S. Perkins	
	James D. Politis	
	Larry N. Rush	
	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
	Robert C. Parker	-Public Information Officer
	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.

**DELEGATIONS**

**Community Health Status in Montgomery County**

Dr. J. Henry Hershey, MD, MPH, Director of the New River Valley Health District, gave a report on the community health status in Montgomery County. Dr. Hershey said the community health report card is an evaluative document that focuses on the prevention of disease, promotion of good personal health practices, and protection of the environment. The report provides specific information and data on each locality and measures the progress, or the lack of, over time. The report card is based upon the Healthy People 2000 objectives.

Dr. Hershey stated that Montgomery County's report card overall was good. He identified three public health categories as priority areas needing improvement in Montgomery County: 1) Immunizations for two year olds; 2) Coronary Heart Disease; 3) Cerebrovascular Disease (Stroke). Dr. Hershey said to meet the Health People 2000 objectives, Montgomery County would need to see that more children are immunized by the age of two, reduce the number of heart attacks and reduce the number of strokes.

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## **PUBLIC ADDRESS SESSION**

Guy Rhodes spoke in favor of the School Board's resolution to build a new Blacksburg High School, renovation of the existing Blacksburg High School to a middle school, and renovation of the current Blacksburg Middle School.

Margaret Smith read the following letter into the record:

"Board of Supervisors Public Address May 10,1999

I want to take exception with a statement by one of our supervisors quoted in the May 6, 1999 section of the Current in which he stated that the county heeded citizens' objections to the Bethel STP in 1996.

I don't recall a specific hearing relative to building the Bethel treatment plant. I do recall a hearing to rezone Carilion's acreage and at which citizens objected not just to the treatment plant but the rezoning for the hospital across 1 81 away from the 177 Corridor's infrastructure and in the middle of farmland designated conservation and agriculture

If this board knew citizens were against the hospital's location, rezoning and the treatment plant, do you think citizens will change their minds in a few years? If you really listen to citizens wishes, why do you insist on putting it in the Comprehensive Plan? And why have officials recently approached landowners about the Bethel Site, intimidating them with threat to condemn their land if they refuse to sell, if you aren't planning to build?

I believe there are reasons other than mere citizens' objections that prompted the hospital's hook-up with Radford City. The following are some:

1. It's doubtful you could have gotten approval from DEQ in time.
2. As Mr. Gorman observed about that time, land in AFD would be affected by lines, and it's supposed to be protected by law from utilities' intrusions.
3. The "Study" wasn't in the Comprehensive Plan and not compatible with it. Is that why you never requested a planning commission review and hearing as required by law?
4. It would have been difficult to get loans. At that time connection fees were \$500 each, not \$2500. Even with those rates, I wonder how you could raise the money? If the newspaper was correct,

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you are going to have to forfeit nearly \$1 million in connection fees to Carilion, before you can start collecting fees.

### Regarding the Riner STP

1. You didn't listen when citizens objected to hundreds of acres of farmland next to AFD land being placed in "Rural Expansion" Even the paper reported a special planning commission hearing in Riner at which the large crowd in attendance strongly opposed it.
2. One supervisor has insisted that the Riner treatment plant expansion will be for 100,000 gpd only, but it is being designed for 200,000 capacity "in case developers need it". That's listening to citizens, when they have said "No" to even the 100,000 expansion capacity?

Citizens are tired of your slinging M.U.D. at them by your refusing to obey laws, skewing the facts, or making downright false statements. Are you listening?

Margaret Smith  
4425 Old Rough Rd  
Riner, Va 24149"

John Easterwood spoke on the issue of school facilities in the Blacksburg area. The overcrowding of students in the Blacksburg Middle School is a problem and remains a problem. The solution is to build a new facility. Mr. Easterwood asked the Board of Supervisors to find a plan that would meet the needs of the schools.

Larry Martin spoke in opposition to the Amendment to the Subdivision Ordinance. Mr. Martin expressed that there was nothing wrong with surface treated roads for public streets and is against amending the ordinance to require all public streets to be asphalt.

Charles Bowles spoke in opposition to Kathleen Stewart's rezoning request and special use permit on 5 acres of land across from the Radford Hospital for construction of professional medical offices. Mr. Bowles said the approval of this request would allow more commercial development in the area which the residents are opposed to.

Melissa Hulse spoke in support of the School Board's resolution for construction of a new Blacksburg High School and the school renovation project. She asked the Board of Supervisors to approve this plan.

Connie Hackett, Blacksburg Middle School PTA President, spoke in support of the School Board's resolution on construction of a new Blacksburg High School, the renovation of the current middle school and renovation of the existing high school for a middle school.

### **INTO WORK SESSION-SCHOOL CONSTRUCTION**

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

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

-Proposed plans for a new Blacksburg High School and renovation of the current Blacksburg High School and renovation of the existing Blacksburg Middle School.

The vote on the foregoing motion was as follows:

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

### **OUT OF WORK SESSION**

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

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

Session.

The vote on the foregoing motion was as follows:

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

### **ADD TO THE AGENDA-ADDENDUM**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the addendum dated May 10, 1999 was added to the agenda as follows:

#### **Appropriation of Interest Proceeds-VPSA 1997 I Refunding**

The vote on the foregoing motion was as follows:

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

### **CONSENT AGENDA**

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously, the Consent Agenda dated May 10, 1999 was approved. The vote was as follows:

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

**Schedule Public Hearing -VDOT-Conveyance of Drainage Easement**

On a motion by 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, June 28, 1999 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

VDOT - Conveyance of Drainage Easement

**Conveyance of drainage easement to the Virginia Department of Transportation** in order to provide stormwater drainage from Woods Vista Drive to an existing drainage easement. This property is a portion of the Plum Creek Park dedicated to Montgomery County in 1993 and is located in the Riner Magisterial District.

**School Funds: Supplemental Appropriation**

On a motion by 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, School Cafeteria Fund, School Textbook Fund and ECIA Federal Title I Fund were granted appropriations in addition to the annual appropriations for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

09	School Operating Fund	
	562000 Admin/Attendance & Health	\$ 33,198
651	Cafeteria Fund	\$ 100,000
611	Textbook Fund	\$ 67,500
621	ECIA Federal Title I Fund	<u>\$ 65,000</u>

Total \$265,698

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

Revenue Account:

424234	Other State Funds	\$ 33,198
433213	Federal National School Lunch Program	\$ 25,000
416124	Local Revenue	\$ 75,000
424214	State Textbook Funds	\$ 67,500
433202	Federal Title I Funds	<u>\$ 65,000</u>
	Total	\$265,698

Said resolution appropriates additional funds from the state Department of Environmental Quality which are partial reimbursement of expenses associated with the removal and/or replacement of underground storage tanks as required by state and federal regulations, funds in excess of budgeted amounts for the school cafeteria fund, school textbook fund and ECIA Federal Title I Funds.

**Sterling Manor Subdivision - Final Plat**

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

WHEREAS, The Sterling Manor, Phase I Subdivision consists of 10 lots located on a new publicly dedicated road (Stratford View Road) 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 Sterling Manor, Phase I Subdivision has agreed that said responsibility shall be assumed by the Sterling Manor 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 Sterling Manor, Phase I Subdivision (Draper Aden [Job #T-7137-A as amended on March 31, 1999]), Price's Fork 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 Sterling Manor Homeowner's Association.

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

### **Signature Authorization to County Documents**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby authorize Judy W. Kiser, Administrative Assistant, and Robert Isner, Economic Development Director, to affix their signature to County Warrants, Documents, etc., in the absence of the County Administrator and Assistant County Administrator.

### **OLD BUSINESS**

### **Approval of Bond Documents**

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**

WHEREAS, The Board of Supervisors of Montgomery County, Virginia (**the "Board of Supervisors"**) has determined that the County of Montgomery, Virginia (**the "County"**) has an immediate need to implement certain capital projects and has requested the Industrial Development Authority of Montgomery County, Virginia (**the "Authority"**) to assist it in the financing of such projects and in furtherance of such financing (a) to issue, offer and sell (i) its lease revenue notes in an amount not to

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exceed \$5,000,000 (**the "Series A Notes"**) to finance the acquisition, construction and equipping of certain improvements and renovations to the County's schools and related facilities including the Elliston site High School project, the Auburn Elementary School, the Auburn Middle School and various other improvements (**the "School Projects"**) on real property owned by the County and by the Montgomery County School Board (**the "School Real Estate"**), (ii) its lease revenue bonds in an amount not to exceed \$11,900,000 (**the "Series B Bonds"**) to finance that portion of the cost of the School Projects not covered by the Series A Notes; and, (iii) its lease revenue bonds in an amount not to exceed \$9,850,000 (**the "Series C Bonds"**) to finance the acquisition, construction and equipping, of certain capital projects, (**the "Capital Improvement Projects"**) a portion of which are on real property to be owned by the County (**the "County Real Estate"**) and (b) to lease the Capital Improvement Projects and the School Projects (**together, the "Projects"**) to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the "Act"**), and the Authority has agreed to do so; and

WHEREAS, There has been presented to the Board of Supervisors a plan for lease financing of the acquisition, construction and equipping of the Projects involving issuance of the Series A Notes, the Series B Bonds and the Series C Bonds by the Authority, which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, There have been presented to this meeting drafts of the following documents (**the "Documents"**), copies of which shall be filed with the records of the Board of Supervisors:

- a. A Ground Lease between the Authority, the County and the School Board conveying to the Authority a leasehold interest in the County Real Estate and the School Real Estate (**the "Ground Lease"**).
- b. A Financing Lease between the Authority and the County conveying to the County a leasehold interest in the Projects (**the "Financing Lease"**);
- c. An Indenture of Trust between the Authority and Crestar Bank, as the trustee (**the "Trustee"**), pursuant to which the Series A Notes, the Series B Bonds and the Series C Bonds are to be issued, including the form of the Series A Notes, the Series B Bonds and the Series C Bonds, which is to be acknowledged and consented to by the County (**the "Indenture"**);
- d. An Assignment of Rents and Leases between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Financing Lease, which is to be acknowledged and consented to by the County (**the "Assignment Agreement"**);

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- e. A Bond and Note Purchase Agreement among the Authority, the County and Davenport & Company, LLC, as Underwriter (**the "Underwriter"**) for the purchase of the Series A Notes, the Series B Bonds and the Series C Bonds (**the "Bond Purchase Agreement"**);
- f. A Continuing Disclosure Agreement among the County, the Authority and the Underwriter for the purpose of assuring compliance with continuing disclosure obligations under Rule 15c2-12 (**the "Continuing Disclosure Agreement"**); and
- g. A Preliminary Official Statement for the offering and sale of Series A Notes, the Series B Bonds and the Series C Bonds.

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

1. The following plan for financing the acquisition, construction and equipping of the Projects for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the Series A Notes in the maximum amount of \$5,000,000 and the Series B Bonds in the maximum amount of \$11,900,000 and to use the proceeds therefrom to finance the acquisition, construction and equipping of the School Projects and to issue the Series C Bonds in the maximum amount of \$9,850,000 and to use the proceeds therefrom to finance the acquisition, construction and equipping of the Capital Improvement Projects. The Authority will acquire, construct and equip a portion of the Projects on the County Real Estate and the School Real Estate, respectively, which will be leased to the Authority under the Ground Lease, and the Authority will lease the Projects to the County pursuant to the Financing Lease. The Authority will also enter into the Indenture with the Trustee, pursuant to which the Series A Notes, the Series B Bonds and the Series C Bonds will be issued, which Indenture is to be acknowledged and consented to by the County. The Authority will also enter into the Assignment Agreement whereby the Authority's rights under the Financing Lease will be assigned to the Trustee, which Assignment Agreement is to be acknowledged and consented to by the County. The Authority will be requested to lease the Capital Improvement Projects to the County for the term of the Series C Bonds and the School Projects to the County for the term of the Series A Notes and Series B Bonds, under a "triple net lease" at rents sufficient to pay interest and principal due on the Series A Notes, the Series B Bonds and the Series C Bonds, all pursuant to the Financing Lease. The obligation of the Authority to pay principal and interest on Series A Notes, the Series B Bonds and the Series C Bonds will be limited to rent payments received from the County. The obligation of the County to pay rent

will be subject to the Board of Supervisors making annual appropriations for such purpose. Series A Notes, the Series B Bonds and the Series C Bonds will be secured by an assignment of the Financing Lease to the Trustee for the benefit of the bondholders. If the County exercises its right not to appropriate money for rent payments, the Trustee or the holder of the Series A Notes, Series B Bonds and Series C Bonds may terminate the Financing Lease or otherwise take possession of the Projects, subject to the terms of the Financing Lease, the Assignment Agreement, the Ground Lease, and the Indenture. The issuance of the Series A Notes maturing on January 15, 2001 at a per annum interest rate not to exceed 4.25% and of the Series B Bonds and the Series C Bonds, maturing, whether in serial or term form, not later than January 15, 2022 at a per annum interest rate not to exceed 5.90% is hereby approved.

2. The Board had previously selected Sands, Anderson, Marks & Miller as Bond Counsel, and in connection therewith, the Underwriter for the purchase of the Series A Notes, the Series B Bonds and the Series C Bonds, and the Authority is hereby requested to designate the Underwriter as such.
3. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Ground Lease, the Financing Lease and the Continuing Disclosure Agreement.
4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Indenture, the Assignment Agreement, the Bond Purchase Agreement and any other instruments executed by the Authority in connection with an assignment of the Financing Lease for the purpose of securing the Series A Notes, the Series B Bonds and the Series C Bonds, including designating and confirming the final interest rate, maturities, redemption provisions and other terms of the Series A Notes, the Series B Bonds and the Series C Bonds.
5. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.
6. The Capital Improvement Projects and the School Projects are hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Projects will continue to be essential to the operation of the County during the term of the Financing Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Financing

Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Financing Lease.

7. The Chairman or Vice-Chairman of the Board, the County Administrator, the County Treasurer and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the County Attorney, Bond Counsel, and the Underwriter to perform all services and prepare all documentation necessary to bring the Series A Notes, the Series B Bonds and the Series C Bonds to market, including without limitation, final forms of the Documents.
8. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Series A Notes, the Series B Bonds and the Series C Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (**the "Code"**), or otherwise cause interest on Series A Notes, the Series B Bonds and the Series C Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Series A Notes, the Series B Bonds and the Series C Bonds.
9. The County covenants that it shall not permit the proceeds of the Series A Notes, the Series B Bonds or the Series C Bonds to be used in any manner that would result in (a) 10% or more of the proceeds of either the Series A Notes, the Series B Bonds or the Series C Bonds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the Projects, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than as governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Series A Notes, the Series B Bonds and the Series C Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.
10. The Board of Supervisors hereby consents to Sands, Anderson, Marks & Miller serving as bond counsel and Underwriter's Counsel and recommends that such firm be appointed by the Authority as such.

11. The Board of Supervisors hereby recommends to the Authority that Crestar Bank be appointed as Trustee under the Indenture.
12. All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of Series A Notes, the Series B Bonds and the Series C Bonds and the acquisition, construction, and equipping of the Projects are hereby approved and ratified.
13. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
14. The County hereby agrees to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Series A Notes, Series B Bonds or Series C Bonds or the acquisition, construction and equipping of the Projects.
15. Nothing in this Resolution, the Series A Notes, the Series B Bonds, the Series C Bonds or the Documents shall constitute a debt or a pledge of the faith and credit of the County, and neither the County nor the Authority shall be obligated to make any payments under the Series A Notes, the Series B Bonds, the Series C Bonds or the Documents except from payments made by or on behalf of the County under the Financing Lease pursuant to annual appropriation thereof in accordance with applicable law. The Underwriter shall acknowledge on behalf of the Bondholders that any purchase of Series A Notes, Series B Bonds or Series C Bonds pursuant to the Bond Purchase Agreement is made solely based on representations of the County and no representations of any kind as to the Projects or the ability to repay the Series A Notes, the Series B Bonds and the Series C Bonds has been made by the Authority.
16. The distribution of the Preliminary Official Statement and a final Official Statement is hereby authorized. The authorization and approval of the Preliminary Official Statement is deemed “final” for purposes of complying with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended, and the County is understood and agreed to be the sole “obligated person” under such Rule.
17. This resolution shall take effect immediately.

PASSED AND ADOPTED this 10th day of May, 1999.

(s) \_\_\_\_\_  
Joseph V. Gorman, Jr. Chairman

ATTEST:

(s) \_\_\_\_\_  
Jeffrey D. Johnson, County Administrator

The vote on the foregoing resolution was as follows:

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

**Special Use Permit-Nancy & Larry Puckett**

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

BE IT RESOLVED, That Nancy & Larry Puckett, ETAL (Agent: Trent & Betty Bell) request for a Special Use Permit to allow a Home Occupation; Tax Parcel No. 78A-1-12 located at 1704 Peppers Ferry Road (State Route 114) in the Shawsville Magisterial District is approved subject to the following conditions:

1. This permit authorizes the operation of a craft business. In accordance with the provisions of the zoning ordinance, this permit shall automatically expire if the business ceases to operate for a period of two years or more.
2. The craft business must be operated so as to comply with the requirements for home occupations, as defined in Section 10-1 of the zoning ordinance.

The vote on the foregoing motion was as follows:

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

**Rezoning Request - Kathleen Stewart**

**ORDINANCE: 1999-5  
An Ordinance Amending  
the Zoning Classification of Approximately 5  
Acres from A-1 (Agriculture) to R-3 (Residential)**

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

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 approximately 5 acres of land is hereby amended and rezoned from the zoning classification of A-1 (Agriculture) to R-3 (Residential).

This action was commenced upon the application of Kathleen Stewart (Agent: Anderson & Associates, Inc.)

These tracts or parcels of land are identified as being property shown as Tax Parcel Nos. 104-A-27A, 104-A-28, 104-4-46 (formerly 104-4-45 & 104-4-46) located at north East corner of Barn Road and Route 177 intersection.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

**Special Use Permit - Kathleen Stewart**

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

BE IT RESOLVED, That Kathleen Stewart (Agent: Anderson & Associates) request for a Special Use Permit to allow professional offices on approximately 5 acres, Tax Parcel Nos. 104-A-27A, 104-A-28, 104-4-46 (formerly 104-4-45 & 104-4-46) located north East corner of Barn Road and Route 177 intersection in the Riner Magisterial District is hereby approved subject to the following conditions:

1. This permit is for the construction of professional offices. In accordance with the provisions of Section 10-532 of the Zoning Ordinance, this permit shall become void if substantial construction does not take place within two years of the date of approval.
2. All construction shall be substantially in accordance with the Preliminary Site Plan dated 2/1/99 (Anderson & Associates, Document No. 14950).
3. Barn Road shall be improved to current Virginia Department of Transportation (VDOT) standards from the end of previous improvements northward to the southern entrance to the Stewart property prior to occupancy of either the southern new building (8,010 square feet) or the middle new building (8,550 square feet). Barn Road shall be improved to current VDOT standards from the southern entrance northward to the middle entrance to the Stewart property prior to occupancy of the northern new building (18,840 square feet).

The vote on the foregoing motion was as follows:

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

**Amend Subdivision Ordinance**

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

**ORDINANCE 1999 -6**  
**An Ordinance Amending Chapter 8,**  
**Article IV, Entitled Subdivisions, Section 8-152 (A) of the**  
**Code of the County of Montgomery, Virginia**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that Chapter 8, Article IV, Section 8-152 (a) of the Code of Montgomery County, Virginia be amended and reordained as follows:

1. Public streets New public streets are permitted in all Subdivisions. Public streets shall be designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete. Street construction plans must be approved by the Virginia Department of Transportation prior to approval of the final plat.

ADOPTED by the Board of Supervisors of the County of Montgomery, Virginia this 10<sup>th</sup> day of May, 1999.

The vote on the foregoing ordinance was as follows:

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

**Rescind Previous Resolution- Award Contract -Elevator Services**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the resolution dated April 26, 1999 agreeing to award a term contract with the option to renew for four one-year consecutive periods, for Elevator Full Service Maintenance to **Southern Elevator Company, Inc.** of Greensboro, North Carolina for the annual amount of \$8,760 and extra repairs outside the service contract at \$70.00 per hour plus materials is **hereby rescinded**

The vote on the foregoing motion was as follows:

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

**Award Contract- Elevator Services**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a term contract with the option to renew for four one-year consecutive periods, for Elevator Full Service Maintenance to **General Elevator Co.**, of Roanoke, Virginia, for the annual maintenance amount of \$9,120, estimated repairs outside the maintenance service contract at \$9,900 (100 mechanic hours at \$79/per hour and 50 helper hours at \$40/per hour), and parts and materials estimated at an additional \$3,750 per year, for a total contract amount of \$22,770.

Said purchase was competitively bid through Invitation For Bid # 99-35. Annual renewal increases are tied to the Consumer Price Index.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Joe C. Stewart	None
Annette S. Perkins	
Mary W. Biggs	
James D. Politis	

Ira D. Long  
Larry N. Rush  
Joseph V. Gorman, Jr.

**Commerce Park Agreement**

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

WHEREAS BY RESOLUTION, Dated February 23, 1998, the Board of Supervisors agreed with the concept of the proposed New River Valley Regional Commerce Park and is generally supportive of its development, and monetary contribution which may be made by the Board of Supervisors in behalf of Montgomery County toward the park's development shall be contingent upon satisfactory resolution and understanding of the overall cost involved, the budget for its development and operation, and the revenues and benefits which may accrue to Montgomery County; and

WHEREAS, The Virginia's First Regional Industrial Facilities Authority has developed a pro forma participation agreement for members of the Authority who elect to participate in the New River Valley Commerce Park, Initial Phase, Project.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board approves as to form only the pro forma participation agreement for the New River Valley Commerce Park, Initial Phase, Project.

FURTHER BE IT RESOLVED, That the Board will further consider the participation agreement once there is satisfactory and understanding of the overall costs involved, the budget for its development and operation and the revenues and benefits which may accrue in Montgomery County should the County participate in the project.

The vote on the foregoing motion was as follows:

**AYE**

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

**NAY**

Joe C. Stewart

**NEW BUSINESS**

**School Construction Fund - Advance to Bond Proceeds**

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 from the School Operating Fund to the General Fund for the fiscal year ending June 30, 1999 is hereby authorized as follows:

**FROM:**

09	School Operating Fund	(\$2,500,000)
561000	Instruction	

**TO:**

2940360	Elliston Site High School ( CIP)	\$2,500,000
	Advance	

Said resolutions transfers \$2,500,000 from the School Operating Fund to the General Fund in a CIP account in advance of the proceeds from the refinancing in May 1999. This resolution also allows for expenditures up to \$2,500,000 toward the Elliston Site High School and other school capital projects approved for funding through bond proceeds which are incurred in advance of the receipt of bonds proceeds.

The vote on the foregoing motion was as follows:

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

**Construction of New Blacksburg High School and Renovation of Current Blacksburg High School and Renovation of Blacksburg Middle School**

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

WHEREAS, The Board of Supervisors in September of 1996 endorsed keeping a middle school

on the current site in downtown Blacksburg; and

WHEREAS, The School Board's proposal of December 1997 to build a new middle school and renovate the old middle school in Blacksburg was rejected by the Board of Supervisors; and

WHEREAS, The greatest overcrowding exists at the Blacksburg Middle School; and

WHEREAS, Two middle schools in Blacksburg of approximately the same size would best accommodate the educational needs of students and future growth in the area.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia adopts the School Board resolution dated April 20, 1999 to construct a new high school in Blacksburg at the Price's Fork site to accommodate up to 1600 students, and that the existing Blacksburg High School and Blacksburg Middle School be renovated to accommodate a middle school population of 1200 students in like-new facilities, and that the planning and construction for those renovations occur concurrently with the planning and construction of the new Blacksburg strand high school, as much as possible.

The vote on the foregoing motion was as follows:

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

### **Amend 2232 Review Policy**

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby amends and re-establishes the County's 2232 Review Policy that was originally enacted by the Board of June 8, 1998, and later amended by the Board on July 13, 1998, by including the requirement that the Planning Commission hold a public hearing as part of their review process. The County's amended 2232 Review Policy shall be as follows:

1. Follow the execution of an option agreement for such buildings, structures, facilities or areas by the Board of Supervisors, the Board shall refer the matter to the Planning Commission.
2. For any proposed site, building, structures, facilities or areas owned by other public bodies, including, but not limited to, the Public Service Authority, the School Board, the Montgomery-Floyd Regional Library Board, Montgomery Regional Solid Waste Authority, the Blacksburg-Christiansburg, VPI Water Authority and the Commonwealth of Virginia and its agencies, the Board of Supervisors shall ensure that these projects likewise are referred to the Planning Commission for 2232 Review prior to being established or constructed in the County.
3. The Planning Commission shall review the property in open session and discuss the compliance or non-compliance of the proposed public use of the property with the County's adopted Comprehensive Plan. The Planning Commission ~~may, and at the direction of the Board of Supervisors~~ shall hold a public hearing, after notice as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, as part of their review process.
4. The Planning Commission shall then make a report to the Board of Supervisors on the compliance or non-compliance with the Comprehensive Plan.
5. If the proposed property use is not in compliance with the Comprehensive Plan, the Planning Commission may recommend that the Comprehensive Plan be amended.

The vote on the foregoing motion was as follows:

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

**Authorization to Fill Positions**

On a motion by James D. Politis, seconded by Ira D. Long and carried,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the creation of the following positions and authorizes these positions to be filled:

- County Engineer
- Secretary B

The vote on the foregoing motion was as follows:

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

**Appropriation of Interest Proceeds: VPSA 1997-I Refunding**

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

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

660	School Construction	\$1,486
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Revenue Account

415102	Interest on Investments	\$1,486
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Said resolution appropriates interest earned on the VPSA 1997-I refunding bond account.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
Larry N. Rush	
Joe C. Stewart	

Ira D. Long  
James D. Politis  
Joseph V. Gorman, Jr.

## **COUNTY ATTORNEY'S REPORT**

The County Attorney spoke on the issue of including the 1993 Water & Wastewater Study into the Comprehensive Plan. Apparently there are some misunderstandings about including these projects into the Comprehensive Plan. He explained that if the study was included into the Comprehensive Plan, each individual project would still need to be reviewed under the 2232 Review Policy and a public hearing would be held.

## **COUNTY ADMINISTRATOR'S REPORT**

Change of Address Request - Radford Hospital The County Administrator reported that the request by Radford Carilion Hospital to change their address from Christiansburg to Radford has been denied by the US Postal Service. The results from the survey were tallied, out of 20 surveys, 8 were in opposition of the change and 6 were in favor.

Groundbreaking-Rowe Furniture There will be a groundbreaking ceremony at the Elliston/Lafayette Industrial Site for Rowe Furniture on May 11, 1999 at 9:00 a.m. Rowe Furniture has purchased land in the Industrial Site and will be constructing a new plant.

Virginia's Sustainable Future Conference The Virginia's Sustainable Future Conference will be held June 16-18, 1999 in Richmond, Virginia. The County Administrator will provide registration forms for any Board Member who would like to attend.

Radford City Council and Radford Planning Commission Work Session The Radford City Council and the Radford Planning Commission held a joint work session on the I77 Corridor. The Chairman requested the County Administrator to follow up on this meeting and get information back to the Board.

## **BOARD MEMBERS' REPORTS**

Supervisor Stewart reported a guard rail had been installed at the Elliston Post Office and on US Route 460.

Supervisor Perkins reported that the New River Competitiveness Partnership meeting has been changed to May 24, 1999 at 4:00 p.m.

LEPC Meeting will be held May 11, 1999 to cover the Y2K Emergency Planning.

VACo Steering Committee Meeting- Supervisor Perkins, Supervisor Long and Chairman Gorman will be attending the VACo Steering Committee meetings on Friday, May 14, 1999 in Richmond.

Supervisor Biggs reported that the School Board discussed the School Budget for FY99/00 and they announced their appreciation to the Board of Supervisors for their efforts in trying to fund their entire budget request. The School Board also voted to change the last of school from June 14 to June 11, 1999.

Elliston Site High School Naming Committee Supervisor Biggs reported that there were 55 names submitted for naming the new school. A public meeting will be held to hear citizens comments on the names. The committee will narrow the names down to two and hold another public meeting to decide on the name. There will also be a tour of the Elliston Site High School on May 18, 1999 at 6:00 p.m. and the School Board meeting will be held afterward at the Elliston/Lafayette Elementary School.

Planning Commission Meeting will be held on May 12, 1999 and the main topic of discussion will be including the 1993 Water and Wastewater Study into the Comprehensive Plan. Chairman Gorman will be present to discuss the Study with the Planning Commission.

Supervisor Rush The Parks & Recreation Commission passed a resolution to be forwarded to the Board of Supervisors in reference to the Park in Elliston.

Chairman Gorman attended the RC&D annual meeting on April 18, 1999.

He also mentioned he will be attending the Planning Commission Meeting on May 12, 1999 to speak on the 1993 Water and Wastewater Study.

## **ADJOURNMENT**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously, the Board adjourned to May 24, 1999 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs

Ira D. Long

James D. Politis

Joe C. Stewart

Larry N. Rush

Annette S. Perkins

Joseph V. Gorman, Jr.

NAY

None

The meeting adjourned at 9:30 p.m.