

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22ND DAY OF OCTOBER 2007, AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marris	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Meghan Dorsett	-Comprehensive Planner
	Angie Hill	-Financial & Management Services Director
	Marc Mcgruder	-Budget Manager
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

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

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Falling Branch Corporate Park
2. Prices Fork Elementary School Site

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Doug Marris	
Gary D. Creed	
Steve L. Spradlin	

OUT OF CLOSED MEETING

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, 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>
James D. Politis	None
Annette S. Perkins	
Mary W. Biggs	
Doug Marris	
Gary D. Creed	
John A. Muffo	
Steve L. Spradlin	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, 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 2.2-3711 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

Annette S. Perkins
Mary W. Biggs
Doug Marrs
Gary D. Creed
John A. Muffo
James D. Politis
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by Vice-Chair Biggs.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION

2006 Virginia Law Enforcement Challenge Award

Don Allen, Virginia Chiefs of Police Association, presented the 2006 Virginia Law Enforcement Challenge Award to the Montgomery County Sheriff's Office. The Sheriff's Office won first place in Virginia in the Sheriff's category of 76-125 deputies. The Law Enforcement Challenge award recognizes and rewards the best overall traffic safety programs in Virginia and the United States.

PUBLIC HEARINGS

Rezoning Request – Brush Mountain Estates, LLC –CONTINUED

A request by Brush Mountain Estates, LLC (Agent: Draper Aden Associates) to rezone approximately 132.51 acres from Agriculture (A-1) to Rural Residential (RR), with possible proffered conditions, to allow a 41 lot subdivision. The property is located on the

east end of Strider Road, approximately 2000 feet from its intersection with Laurel Drive (State Rte 809).

The Planning Commission tabled this request until their November meeting. Therefore this public hearing is continued to November 26, 2007.

The Chair announced that anyone who had attended the meeting to speak on this request was welcomed to address the Board of Supervisors at this time.

There being no speakers the public hearing was continued to November 26, 2007.

Rezoning Request/Special Use Permit – Children’s Academic Center, Inc.

A request by Children’s Academic Center, Inc. (Agent: Darlene Brammer McGuire) to rezone approximately .684 acre from Residential Multi-family (RM-1) to General Business (GB), with possible proffered conditions, and/or a special use permit to allow a daycare center. The property is located at 270 Alleghany Springs Road, identified as Tax Parcel No. 083-A-74C (Acct # 035999) in the Shawsville Magisterial District (District C) . The property currently lies in an area designated as Village Expansion in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary on the above request. The applicant wishes to expand the existing day care center in order to better serve the community. The applicant indicates there is a strong demand in the community for increased services. The property is located within an area designated mixed used by the Shawsville Village Plan. The property is near the Meadowbrook Library and Community Center and several other small businesses. The impacts on the neighbors included a slight increase in traffic during pick up and drop off times. VDOT has approved the area between the existing pavement and the bottom of Roanoke Road (Rt. 11/US 460) for the additional parking that will be needed for the day care center.

At their October 17, 2007 meeting, the Planning Commission recommended approval of the special use permit with three conditions. The Planning Commission felt that the expanded day care would enhance the public health and safety of the County residents and would enhance the commercial core of the Shawsville Village.

Darlene Brammer McGuire, applicant, asked the Board for their support in her plans to expand the existing day care center in Shawsville. There is a growing need for day care facilities and she would like to increase her space in order to accommodate more children.

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

Special Use Permit – Montgomery County (Agent: Malvin Wells, Elliston Volunteer Fire Department

A request by Montgomery County (Agent: Malvin Wells, Elliston Volunteer Fire Dept.) for a special use permit on 10.317 acres to allow an 80-foot telecommunications tower. The property is located at 5001 Enterprise Drive, identified as Tax Parcel No(s). 047-3-3A (Acct # 071154) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Zoning Administrator provided a brief summary on the proposed request. The Elliston Fire Department is requesting to construct a telecommunications tower at their location of the new fire station located in the Elliston/Lafayette Industrial Park. The tower will be located approximately 15 feet from the building. The tower will be used for the installation of an antenna to support their radio system.

At their October 10, 2007 meeting, the Planning Commission recommended approval of the request with four conditions. They believe the new tower will enhance the public health and safety of the County residents and will not have an adverse impact upon the surrounding neighborhood. It will be located in an industrial park, which is the most preferred location category out of twelve location categories in the Uniform Approach to Siting of New Towers of the Comprehensive Plan.

Chief Pug Wells, applicant, addressed the Board explaining their existing radio antenna equipment is installed on the roof of their current fire station. The location of the new station will not provide them with the height needed for adequate radio communications. The site sets lower than the existing facility. Chief Wells reported he has talked to most all the surrounding businesses in the Industrial Park and has received written or verbal support for the construction of the telecommunications tower.

Clyde Hodges, Elliston Volunteer Fire Department Assistant Chief, spoke in support of the request. Mr. Hodges is the President for the Communications Committee and offered to answer questions from the Board.

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

Comprehensive Plan Amendment – Chie-Mey Lo Shing

A request by Chie-Mey Lo Shing (Peppers Ferry Townhomes LLC) for approval of a change in the comprehensive plan designation for a parcel located immediately adjacent to the Village of Belview (ID #017076, Tax Map No(s): 65-A 15) from the current designation of Rural to the designation of Village Expansion; for a change to the Belview Village Plan boundaries to include the parcel; and for designation of the parcel as Medium Density Residential in order to accommodate townhomes; and a low to medium density single family dwelling development. The parcel is located at 2626 Peppers Ferry Road, on the north side of the road, and immediately adjacent to the Belview Village boundary.

Meghan Dorsett, Comprehensive Planner, provided a brief summary on the proposed request. The applicant is requesting the County to consider including 5 acres of her property located at 2626 Peppers Ferry Road in the medium density residential area of the Village of Belview in order to accommodate a small townhouse development.

Ms. Dorsett explained that during the planning of the Village of Belview that this property was overlooked. The property is compatible with the medium density definition as outlined in the Village of Belview plans.

At their October 10, 2007 meeting, the Planning Commission recommended approval of this request. They found the proposed change to the Belview Village Plan to be appropriate and this

will correct an oversight in the original plan. The change will accommodate medium density residential development and is compatible with the medium-density development patterns in the eastern portion of the Belview Village Plan.

There being no speakers, the public hearing was closed.

Comprehensive Plan Amendment- Plum Creek Village Plan – John Greear and Tabitha Greear

A request by John Darin Greear and Tabitha Dawn Greear for approval of a comprehensive plan amendment to the Plum Creek Village Plan to change the property's village designation to medium residential to match the designation on their third parcel and be more consistent with adjoining properties. The property is located on the west side of the 1600 block of Gantt Drive in the Village of Plum Creek and is identified as Tax Parcel No(s) 090-A-9 (ID.#008404) and 090-A-10 (ID. #008407). The property currently is identified as low density residential in the Plum Creek Village Plan and as Village Expansion in the Comprehensive Plan and is located in the Riner Magisterial District.

Meghan Dorsett, Comprehensive Planner, provided a brief summary on the proposed request. The request is similar to the Chie-Mey Lo Shing's request. The property was overlooked in the village planning. The applicant is requesting the property be changed from low density designation to medium residential to be consistent with the other two adjoining properties that he owns.

At their October 10, 2007 meeting, the Planning Commission recommended approval of this request. The Planning Commission found the proposed change to appropriate and this will correct an oversight in the original plan.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter 8, Article IV – Montgomery County Code

An ordinance amending Chapter 8, article IV, entitled planning and development, subdivisions, sections 8-111, 8-152 and 8-171 respectively of the Code of the County of Montgomery, Virginia by requiring all subdivisions that substantially affect transportation on state controlled highways as defined by the Virginia Department of Transportation traffic impact analysis regulations chapter 155 24 vac 30-155 et seq., to comply with the Virginia Department of Transportation impact analysis regulations including the requirement for subdividers to provide a traffic impact statement showing how a proposed development will relate to existing and future transportation facilities and to require that all ingress/egress improvements be constructed per Virginia Department of Transportation standards.

The Planning Director provided a brief summary on the proposed ordinance change. This change is necessary to be in compliance with the Virginia Department of Transportation's changes regarding any subdivisions that affect transportation to be reviewed by VDOT.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter 10 of the Montgomery County Code

An ordinance amending Chapter 10 entitled zoning sections 10-28, 10-29 and 10-61 respectively of the code of the County of Montgomery, Virginia by defining community center and adding community center as a use permitted by right in the general business and community business zoning district.

The Planning Director provided a brief summary on the proposed ordinance change. This change adds the definition of a community center and adds a community center that can be done by-right in General Business and Community Business zonings.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter of the Montgomery County Code

An ordinance amending Chapter 10 entitled zoning sections 10-21, 10-22, 10-23, 10-24, 10-25 and 10-26 respectively of the code of the County of Montgomery, Virginia by adding certain accessory structures to uses permissible by a special use permit issued by the Board of Supervisors in the A-1, C-1, R-R, R-1, R-2 and R-3 zoning districts.

The Planning Director provided a brief summary on the proposed ordinance change. This change will streamline the process for applications from citizens who have requested both a rezoning and request to build an accessory structure greater than 1,200 sq. ft. and/or 18 ft. in height. Currently, the Board of Zoning Appeals Board (BZA) reviews and approves or denies requests for accessory buildings. All rezoning requests go before the Board of Supervisors. This amendment will allow requests with both a rezoning and construction of an accessory building to go before the Board of Supervisors only, and will eliminate the need for the request to go before the BZA. Requests for just an accessory structure will still go before the BZA.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated October 22, 2007 was approved.

The vote on the foregoing motion was as follows:

AYE

Doug Marrs
Gary D. Creed
John A. Muffo
James D. Politis
Annette S. Perkins
Mary W. Biggs
Steve L. Spradlin

NAY

None

**A-FY-08-52
LEAGUE OF WOMEN VOTERS
2008 FACTS FOR VOTERS PUBLICATION
TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

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

FROM:

950 General Contingencies (\$200)

TO:

910 Other Agencies
League of Women Voters \$200

Said resolution transfers funds from General Contingencies to support the League of Women Voters publication of the 2008 Facts for Voters.

**A-FY-08-53
FIRE & RESCUE
APPROPRIATION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

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

FROM:

3300 Undesignated Fire and Rescue Projects (\$10,749)

TO:

3301 Blacksburg Fire Department \$ 4,447

3301 Riner Fire Department \$ 6,302

Total \$10,749

Said resolution transfers appropriated funds from Undesignated Fire and Rescue Projects to Blacksburg and Riner Fire Departments.

A-FY-08-54
TRANSIENT OCCUPANCY TAX
APPROPRIATION TO
MONTGOMERY COUNTY CHAMBER
OF COMMERCE FOR TOURISM

On a motion by Mary W. Biggs, seconded by Doug Marrs 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, 2008, for the function and in the amount as follows:

910	Montgomery County Chamber of Commerce	\$3,884
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02-412902	Transient Occupancy Tax	\$3,884
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Said resolution appropriates funds received from the increased 1% of transient occupancy tax to be remitted to the Montgomery County Chamber of Commerce for tourism activities.

R-FY-08-54
ADDITION TO THE SECONDARY SYSTEM OF STATE HIGHWAYS
WALNUT CREEK SUBDIVISION PHASES 1 & 2

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The streets described below are shown on a plat in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised the Montgomery County Board of Supervisors that the streets meet the requirement established by the Virginia Department of Transportation's Subdivision Street Requirements.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following streets to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer.

ADDITION:

Walnut Creek Subdivision Phases 1 & 2

<u>Name of Street:</u>	<u>Length</u>
Crosscreek Drive (SR 1450) From: Houchins Road (SR 758) To: Turnaround Recordation Reference: PB 26, Page 111-119 Right-of-Way width: 50 feet	0.26 miles
Green Ridge Road (SR 1451) From: Crosscreek Drive (SR 1450) To: cul-de-sac, Recordation Reference: PB 27, Page 202-205 Right -of- Way width : 50 feet	0.17 miles
Milton Ave (SR 1452) From: Route 1450 Crosscreek Drive To: cul-de-sac Recordation Reference: PB 26, Page 111-119 Right -of -Way width: 50 feet	0.11 miles
Falor Lane (SR 1453) From: Route 1450 Crosscreek Drive To: cul-de-sac, Recordation Reference: PB 26, Page 111-119 Right of Way width: 50 feet	0.08 miles

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

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

**R-FY-08-55
FINAL PLAT
HERITAGE PLACE SUBDIVISION
PHASE IV-B**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Heritage Place Subdivision Phase IV-B consists of 36 lots located off Mud Pike (SR 666) 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 the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of Heritage Place Subdivision Phase IV-B has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Heritage Place Subdivision Phase IV-B Creating Lots 88 Thru 124 (Balzer & Associates, Inc. Job No. B0600039.00 dated September 4, 2007), Riner Magisterial District, including the stormwater detention facilities, the responsibility for maintenance of which the Virginia Department of Transportation is relieved by the Board of Supervisors, but, by agreement, the responsibility for such maintenance shall be assumed by the homeowners' association.

FURTHER, The Subdivision Agent and County Engineer are hereby authorized to sign said plat for recordation.

R-FY-08-56
ALCOHOL SAFETY ACTION PROGRAM (ASAP)
APPOINTMENT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Brad Finch** to the **Alcohol Safety Action Program (New River Valley)** effective October 23, 2007 and expiring October 22, 2008.

R-FY-08-57
BOARD OF SUPERVISORS
CHANGE DECEMBER 2007 MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in **December on Monday, December 17, 2007 and cancels the second meeting in December due to the holidays.**

OLD BUSINESS

R-FY-08-58
HUCKLEBERRY TRAIL EXPANSION

**RESOLUTION OF AGREEMENT WITH
TOWN OF CHRISTIANSBURG**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Town of Christiansburg has asked Montgomery County to sponsor an application for federal TEA grant funds through VDOT's Transportation Enhancement Program for the expansion of the Huckleberry Trail; and

WHEREAS, The scope of the project consists of expanding the Huckleberry Trail from the New River Valley Mall to the Christiansburg Recreation Center for a total of 2 miles; and

WHEREAS, The County's sponsorship of the project will allow the program to proceed more rapidly; and

WHEREAS, The Town of Christiansburg will provide the required 20% local match of the total costs for planning, design, right of way, and construction of the project; and

WHEREAS, If the Christiansburg Town Council subsequently elects to cancel this project, the Town of Christiansburg will reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation; and

WHEREAS, Should the grant application be approved, the County and the Town will enter into an agreement outlining the steps for project implementation.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes the submittal of an application for a Transportation Enhancement Grant through the Virginia Department of Transportation for the expansion of the Huckleberry Trail.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	

**R-FY-08-59
RESOLUTION REQUESTING THE
COMMONWEALTH TRANSPORTATION BOARD**

**FOR ENHANCEMENT PROJECT FUNDS FOR THE
HUCKLEBERRY TRAIL/CHRISTIANSBURG EXTENSION PROJECT**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, In accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation considers an enhancement project in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia requests the Commonwealth Transportation Board to establish a project for the improvement of the Huckleberry Trail/Christiansburg Extension.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to pay a minimum 20 percent of the total costs for planning, design, right of way, and construction of the project, and that, if the Montgomery County Board of Supervisors subsequently elects to cancel this project the Board of Supervisors hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 22nd day of October, 2007

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	
Mary W. Biggs	
Gary D. Creed	
Doug Marrs	
Steve L. Spradlin	

NEW BUSINESS

**R-FY-08-60
MONTGOMERY COUNTY'S
LEGISLATIVE PRIORITIES FOR 2008**

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

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby adopts their 2008 legislative priorities as follows:

FINANCE

Unfunded mandates Montgomery County continues to oppose unfunded mandates from the state or federal government.

Compensation Board Montgomery County supports full state funding for positions and operational costs for constitutional offices.

Judicial System Montgomery County supports legislation to provide adequate state funding for support personnel, offices and equipment for any judicial position it creates.

Interest on Erroneously Assessed Taxes Montgomery County supports amending 58.1-3916 of the Code of Virginia, 1950, as amended, to add language stating that a locality does not have to provide for interest on overpayments due to erroneously assessed taxes when an act or omission on the taxpayers part contributed to the erroneous assessment.

Local Revenue Montgomery County opposes any effort by the General Assembly to restrict or limit any existing local revenue sources available to local governments. If the General Assembly does remove or curtail any existing local revenue source, Montgomery County requests that the General Assembly fully replace any lost local revenue with new undesignated state funds equal to or greater than the amount of revenue lost. If the General Assembly chooses to curtail or remove any local revenue sources and not replace those sources with new undesignated state funds, Montgomery County requests the General Assembly to require the Commonwealth of Virginia to become fully responsible for certain services currently being provided by local governments that equal the dollar amount lost to local governments.

Impact Fees Montgomery County supports legislation to provide local governments the authority to levy impact fees to pay for cost of capital facilities for new developments, including road construction and maintenance.

Portion of Income Taxes Returned to Localities Montgomery County supports legislation to distribute a percentage of individual income tax revenues to localities, or the authority to levy a local income tax.

Local Option Sales and use tax Montgomery County supports a hold harmless provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

Merchants Capital and BPOL Tax Montgomery County supports a "hold harmless" provision to ensure localities are not subject to a loss of revenue due to any state enabling reduction in this tax.

Impact on local tax base of state-owned land Montgomery County requests that the Joint Legislative Audit and Review Commission (JLARC) prepare a financial impact analysis of real estate taxes that would have been received from land and buildings owned by Virginia Polytechnic Institute and State University, the Virginia Tech Foundation, and Radford University Foundation to determine the loss in revenue to Montgomery County.

Situs for Taxation Montgomery County supports legislation amending Section 58.1-3511A of the Code of Virginia, 1950, as amended, requiring that situs for the assessment and taxation of tangible personal property, merchant's capital and machinery and tools (would not include motor vehicles, travel trailers, boats and airplanes which are already assessed based on where they are normally garaged, docked or parked) be the county, district, town or city in which the property is normally used, located or held out for sale, instead of where the property may be physically located on tax day. The purpose of the change is to prevent tax payers from being able to move their tangible personal property, merchants capital or machinery and tools out of the locality where the property is normally kept throughout the year on tax day in order to avoid being assessed for the tax by claiming that the property was not physically located in the locality on tax day.

Equal Taxing Authority Montgomery County supports legislation to eliminate the distinction in the taxing authority of Virginia's cities and counties.

Study on Restructuring Tax Law Montgomery County supports a timely conclusion to the study on restructuring tax laws by seeking out and incorporating local government input into the study recommendations, and expeditiously enacting legislation to implement these recommendations.

Assessments for Courthouse Construction, Renovation or Maintenance Montgomery County supports amending Section 17.1-281 of the Code of Virginia of 1950, as amended, allowing localities to increase the fees for each civil and criminal action filed in the district or circuit court from Two Dollars (\$2.00) to Fifteen Dollars (\$15.00) per case.

Authority to Exempt Real Property from Taxation Montgomery County requests the General Assembly to authorize localities to exempt from taxation up to \$50,000 in real property value for residential homeowners. With this authority, localities would have an option to design local programs offering tax relief to homeowners on assessed value up to \$50,000 for one primary residence. Included would be single family homes, individually owned town houses, mobile homes on individual lots, modular units and double wide mobile homes. Commercial, industrial and rental properties would be excluded. The intent is to provide localities the option of offering such a program but not mandate that localities offer such a relief program.

LAND USE

Land Use Montgomery County supports legislation that requires state agencies to comply with local land use ordinances.

Local Zoning Regulatory Standards Montgomery County opposes legislation which constrains local authority over land use issues; and therefore; opposes legislation that would mandate localities to treat certain manufactured homes the same as site-built homes for purposes of local zoning regulatory standards.

Updating Existing Floodplain Mapping Montgomery County supports legislation that would enhance and/or increase the use of federal funding for updating existing floodplain mapping, particularly in Montgomery County. Montgomery County supports state funding of the Department of Conservation and Recreation efforts to assist communities in this flood map

modernization effort.

Automobile Graveyard Screening Montgomery County supports legislation to amend Section 15.2-903 of the Code of Virginia of 1950, as amended, by adding Montgomery County to the current list of 8 counties that may adopt an ordinance requiring the screening of automobile graveyards and junkyards

Revenue Sharing Program Montgomery County supports restoration of the Revenue Sharing program to the structure that existed prior to the 2006 session with robust funding, elimination of the statutory cap, and matching up to \$1 million per locality without any restrictions on local funding approaches.

Eminent Domain Montgomery County is concerned about the recent Supreme Court ruling that local governments can seize private property through eminent domain for economic development purposes. The Montgomery County Board of Supervisors supports legislation to clarify that the power of eminent domain shall be available only for public use and that the term “public use” shall not be construed to include private economic development.

Purchase of Development Rights Montgomery County supports state funding of local purchase of development rights (PDR) programs based on the work of the Virginia Department of Agriculture and Consumer Affairs (VDACS) Farmland Preservation Task Force (2004). Local PDR programs represent an important strategy for the preservation of farm land and forest land across the Commonwealth. The County recommends an initial matching rate of \$2 in state funds for each \$1 contributed from local funds.

EDUCATION

Schools. Montgomery County supports full funding of SOQ so that a redistribution of existing state aid among jurisdictions does not occur without an increase of state funds. Montgomery County supports state funding allocated for teacher pay raises based on actual positions, not just positions recognized in the SOQ. Montgomery County supports “cost for competing Add-on” funding for all Virginia School Districts.

JLARC Recommendations Montgomery County recognizes the progress made in implementing the Joint Legislative Audit and Review Commission (JLARC) recommendations for state funding of public education K-12 and supports continued efforts to implement these recommendations.

School Construction Montgomery County supports adequate state funding for school construction and renovations.

School Technology Montgomery County supports state funding for annual technology upgrades and replacements.

HEALTH, HUMAN AND SOCIAL SERVICES

Comprehensive Services Act (CSA) Montgomery County supports full state funding for 100% of the administrative costs of CSA, state vendor contracts for residential services paid

through CSA and Joint Legislative Audit and Review Commission's two-year study of the administration of the Comprehensive Services Act.

Social Services Montgomery County supports additional state funding for Social Services administration in order to implement the Program Improvement Plan mandated by the federal government. State and local staff carefully created a conservative estimate of the cost of implementing the plan statewide and that cost was over \$26,500,000.

Health Department Montgomery County supports full state funding for 100% of the costs of the Health Department.

ENVIRONMENT AND AGRICULTURE

Water and Sewer availability fees Montgomery County supports legislation that would grant counties the authority to enact water and sewer availability fees, and mandatory water and sewer connection powers.

Solid Waste "Flow Control" Montgomery County supports amending §15.2931 of the Code of Virginia, 1950, as amended, to allow Virginia localities to enact "flow control" ordinances.

PUBLIC SAFETY

School Resource Officers Montgomery County supports full state funding for 100% of the costs of School Resource Officers.

ELECTION ISSUES

Voting Machines Montgomery County supports full state funding for 100% of the cost of providing optical scan voting machines as required by the General Assembly through HB 2707 and SB 840.

VERIS Update To assist the Virginia State Board of Elections in upgrading the new Virginia Election and Registration System (VERIS), it is requested that the funding required to upgrade this system be provided.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
Mary W. Biggs	
Gary D. Creed	
Doug Marrs	
John A. Muffo	

Steve L. Spradlin

R-FY-08-61
RESOLUTION OF CONDOLENCE
DALE F. ASHWORTH

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

WHEREAS, The recent death of *Dale F. Ashworth* has touched and saddened all those who knew and loved him; and

WHEREAS, *Dale F. Ashworth*, a lifelong resident of Christiansburg, had a genuine love for his community; and

WHEREAS, *Mr. Ashworth* was a veteran having served in the United States Air Force and also served in the Virginia Defense Force; and

WHEREAS, *Mr. Ashworth* loved US History and became a Revolutionary War re-enactor, and portrayed a Revolutionary War soldier in the movie “The Patriot” , and donned his Revolutionary War uniform to march in the Annual Veteran’s Day parade; and

WHEREAS, *Mr. Ashworth* was elected to the Christiansburg Town Council in 1998 and was re-elected in 2002; and

WHEREAS, *Mr. Ashworth* was instrumental in helping to bring the plans for a new Town Hall into reality as part of Christiansburg’s Downtown Revitalization project; and

WHEREAS, *Mr. Ashworth’s* integrity and commitment to public service has left a lasting impact on the citizens of Christiansburg and Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia offers its deepest condolences and most heartfelt sympathy to the loved ones and many friends of *Dale F. Ashworth*.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the family of *Dale F. Ashworth* and a copy be made a part of the official Minutes of Montgomery County, that his memory may be so honored and ever cherished.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Mary W. Biggs	
Gary D. Creed	
Doug Marrs	
John A. Muffo	
James D. Politis	
Steve L. Spradlin	

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

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

1. FY 07 Revenue Collection and General Fund Balance.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
John A. Muffo	
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Steve L. Spradlin	

OUT OF WORK SESSION

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

BE IT RESOLVED, 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>
Doug Marrs	None
John A. Muffo	
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Gary D. Creed	
Steve L. Spradlin	

FY 07 Revenue Collection and General Fund Balance

Marc Mcgruder, Budget Manager, provided an update on the County's revenue collection and general fund balance for FY 2006-2007. Mr. Mcgruder presented final numbers on revenues that were collected in FY 07, which were within 1% of total estimates. Total revenue collected was \$79,642,622 and the total estimated to be collected was \$79,137,314. Mr. Mcgruder reminded the Board that revenues are collected from different categories: undesignated revenue, which is 80% of the County's revenue, and designated revenue, which is 20% of the County's revenue. The undesignated revenue derives from real estate property taxes, personal property, sales and use tax. Designated revenue derives from agency revenues and grants.

The balance in undesignated fund balance is \$\$2,792,018. This total is the amount of funding in the County's general fund that is not designated for a specific use. Mr. Mcgruder also provided a

report on the county's cash flow reserve account. The County established an emergency reserve fund to pay for needs caused by unforeseen emergencies. Based upon the County's demonstrated cash need over the past several fiscal years, the County needs approximately \$11.2 million for cash flow. The cash low point for FY 07 was \$11.16 million. The balance in the cash flow reserve is \$9.88, which is not presently adequate to meet the County's cash flow need. Mr. Mrgruder recommended transferring \$1.3 million from the undesignated fund balance to increase the cash flow reserve.

COUNTY ADMINISTRATOR'S REPORT

Six-Year Road Plan for Interstate and Primary Roads – Public Hearing is scheduled for November 6, 2007 in Salem.

Planning Director Position - Steve Sandy has accepted the position of the Planning Director and will begin December 1. Joe Powers, current Planning Director, will be retiring after 30 years of service.

Parks & Recreation Director Position - Mitchell Haugh is the new County Parks & Recreation Director. He started in October.

Sheriff's Request to Amend the County Code – Exemption County Vehicle License Fee

The Sheriff has requested that the Board of Supervisors consider amending the County Vehicle License of the Montgomery County Code to include the exemption of deputy sheriffs, police officers, and State Police officers. The General Assembly amended the Virginia Code which authorizes a locality to provide one exemption.

The County Administrator explained this request was received today and recommended that staff review the request and the Virginia State Code. A work session on this matter will be included on the November 14, 2007 agenda.

BOARD MEMBERS' REPORTS

Supervisor Creed stated he would like for the request by the Elliston Fire Department for a telecommunications tower be expedited as quickly as possible. He asked the Board to consider taking action on this matter tonight since there was no opposition during the public hearing held earlier tonight.

**R-FY-08-62
SPECIAL USE PERMIT
ELLISTON VOLUNTEER FIRE DEPARTMENT
TELECOMMUNICATIONS TOWER**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County (Agent: Malvin Wells, Elliston Volunteer Fire Department) request for a special use permit to allow an eighty (80) foot tall telecommunications tower is hereby approved subject to the following conditions:

1. The tower shall not exceed a total overall height of 80 feet and shall not have lighting.
2. The tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
3. Engineering plans, signed and sealed by a licensed engineer in the Commonwealth of Virginia, shall be submitted and approved by the Building Official prior to issuance of a building permit.
4. The tower structure shall be for governmental agency use only. No platforms or dishes shall be permitted on the structure above the tree line.

The property is located at 5001 Enterprise Drive (SR 1070) and is identified as Tax Parcel No. 47-3-3A (Acct ID# 071154) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Village Expansion in the Comprehensive Plan.

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	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
Steve L. Spradlin	

Board Reports' Continued

Supervisor Muffo - Gypsy Moth Suppression Program during a recent trip to Washington D.C, Supervisor Muffo talked to Congressmen Boucher and Goodlatte regarding the gypsy moth suppression program. At this time they are not sure if there will be federal funding for this program. Supervisor Muffo expressed concern that if the National Forest is not going to spray and do their part in trying to suppress the gypsy moth, then the County will have issues.

The County Administrator learned in a discussion with Larry Nichols, State Gypsy Moth Coordinator, that there may not be any federal funding for this program. However, localities were notified last year that there was no funding available but funding came through. Giles County received funding to spray 16 acres last year.

Supervisor Biggs asked that staff contact Congressmen Boucher and Goodlatte request they contact the Jefferson National Forest to see what type of suppression program activities are planned for Montgomery County, and if any funding could be provided to address gypsy moth infestation on federal land.

Target Shooting – Private Land Supervisor Muffo received a complaint from a resident of Montgomery County near the Town of Blacksburg regarding people target shooting with semi-automatic weapons less than 50 feet from the main road. The lot is less than 1.5 acres in a residential area. The citizen cited safety concerns and asked what could be done.

The County Attorney responded that a local ordinance could be adopted to regulate discharging of firearms. The ordinance could include residential sections of Agricultural districts that are less than a certain acreage in the County and could be limited to certain areas of the County and not include the entire County.

Supervisor Muffo asked other Board members to let him know if there is any interest in pursuing this matter.

Supervisor Biggs submitted information provided at the October 16, 2007 School Board meeting to be distributed to the other Board members. The School Board discussed their Capital Improvement Program, Employee Bonus, Legislative Priorities, and the upcoming budget calendar. A joint meeting with the School Board and Board of Supervisors was tentatively scheduled for November 27, 2007.

Library Board Supervisor Biggs attended the October 17, 2007 Library Board meeting. Discussions included the annual audit. Paula Alston, Library Director, requested a full copy of the audit when available.

Mental Health Association Supervisor Biggs attended a reception held by the Mental Health Association.

Supervisor Spradlin received a thank you letter from Vicki Miller for the lights installed at the Whitethorne Boat Landing. Supervisor Spradlin read the letter into the record.

“I went before the Board of Supervisors months ago asking that you fund outdoor lights for the Whitethorne Boat Landing. A group of fishermen also spoke at the same time asking for the lights to be installed due to safety. We are very grateful to you, the Board of Supervisors for approving the budget for the lighting!

It took a few months for the paperwork to move thru the system, Steve Spradlin and Clay Goodman did a great job staying on top of this process. I know it was a long drawn out ordeal, but they handled it very graciously when they were getting e-mail after e-mail from me. Steve was also cornered a few times in restaurants by me alone concerning the lights.

I am sure there are also staff members in the office that worked on this project that I am not aware of. I hope that Clay will thank them on behalf of myself and all the fishermen that are enjoying the safety the new lights are providing. I have heard great feedback from the fishermen that are enjoying having the lighting at Whitethorne.

I would like to thank Sheriff Whitt for speaking on our behalf for the lighting also. I have talked with him and he knows of no incidents or problems since the lighting has been installed.

I would like to express my gratitude again to the Board for approving the budget for this project!

Vicki Miller
Longshop Resident”

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Wednesday, November 14, 2007 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
Steve L. Spradlin	

The meeting adjourned at 9:15 p.m.

APPROVED: _____ ATTESTED: _____
Steve L. Spradlin B. Clayton Goodman, III
Chair County Administrator