

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9th DAY OF JUNE 2008, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial Management & Services Director
	Ruth L. Richey	-Public Information Officer
	Marc Mcgruder	-Budget Manager
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	L. Carol Edmonds	-Assistant County Administrator

CALL TO ORDER

The Chair called the meeting to order.

INVOCATION

A Moment of Silence was lead by Chair Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATION

Virginia Department of Transportation

David Clarke, VDOT's Residency Administrator, provided the following information:

- June 17, 2008 – Public Hearing at the Falling Branch Elementary School to receive public comment on the proposed truck climbing lanes on Interstate 81, southbound lanes mile marker 128 to 119 in Montgomery County.
- July 9, 2008 - Public Hearing in Blacksburg on the urban project on North Main Street, College Street, and Prices Fork Road. This project is to provide center turn lanes, round-a-bout, and wider sidewalks. This project is a Town of Blacksburg project not VDOT's.
- Paving: The following paving projects are scheduled in Montgomery County this summer:
 - o Merrimac – Hightop Road
 - o Catawaba (SR 785)
 - o Rt. 8 – Riner Road, from the Postoffice to the Floyd County Line.
- Craigs Creek Road – work still under progress for spot widening.
- Mt. Pleasant Road – VDOT working with Supervisor Creed to obtain necessary right-of-way in order to improve road. A starting date cannot be given until the r-o-w issues are resolved.

Supervisors' concerns were as follows:

Supervisor Marrs expressed concern with the delay in cutting grass/weeds along the secondary roads in Montgomery County as part of the Inmate Clean-up Crew. The Sheriff has reported the Inmate Crew cannot pick up trash along the roads due to the high grass and weeds.

Mr. Clarke responded that VDOT had contracted out the mowing in the County to a private contractor. VDOT does not have the manpower to mow the secondary roads, only mowing major roads. Mr. Clarke asked that the Sheriff's office provide him with a list of roads they plan to clean up, along with the date, and he will try to have it mowed.

Supervisor Creed agreed with the remarks by Supervisor Marrs on mowing problems on secondary roads. He also asked if farmers were allowed to mow along the road side for hay. Mr. Clarke indicated this could be a possibility. VDOT already has several unofficial mowers in eastern Montgomery County.

Supervisor Brown also expressed concerns with mowing of the secondary roads. He reported the intersection at McCoy Road and Prices Fork Road is overgrown with brush and visibility is a problem. Supervisor Brown asked if VDOT could mow this area before the mowing contractors get to Montgomery County. Mr. Clarke replied he will get a crew out to check all problem areas.

Supervisor Politis expressed concerns with the same issue on mowing. He also complimented VDOT on the grading/repair on Brush Creek Road. He believes a different stone was used and the road is holding up better.

Town of Blacksburg – Harding Avenue Property Boundry Line Adjustment

Steve Ross, Assistant Town of Blacksburg Manager, made opening remarks on the Town of Blacksburg's request for the Board of Supervisors to consider a boundary line adjustment on the Poff property off Harding Avenue. The Poff property is being considered as the site for the development of Workforce Housing. The presentation will include the following topics: boundary adjustment process; review of comprehensive plan; and proposed elements of the Harding Avenue project.

Ann McClung, Planning & Building Director, provided information on the boundary adjustment process. Both the Blacksburg Town Council and Montgomery County Board of Supervisors will hold a public hearing, which is required by state code, on the proposed boundary line adjustment; approve an agreement between the Town and County; and request approval by the Circuit Court. Ms. McClung stated per the County's Comprehensive Plan, the property is located within the County's Urban Expansion Area, which is intended for a broad range and mix uses. Adjacent properties in the Town limits are zoned R-4 and RM-48. Any development adjacent to the Town should be compatible with adjacent land uses and provide a seamless boundary between the County and Town.

Matt Hanratty, Housing and Neighborhood Services Manager, provided information on the proposed workforce housing development. Community Housing Partners (CHP), a nonprofit, public benefit corporation, is working with the Town of Blacksburg's Housing and Neighborhood Services Office to create housing opportunities for Montgomery County's workforce. The development is not public housing (Section 8 housing) but for working people earning modest incomes. It is high quality, attractive housing where federal subsidy funds are provided to lower the cost to the people living in the houses. Households with incomes ranging from \$21,550 for a single person to \$73,920 for a family of four would qualify for the housing. This type of housing will benefit people making 60% AMI (area median income) up to 120% AMI. This income range includes professions such as school teachers, sheriff's deputies, secretaries, maintenance workers and many others. A possible preference for housing could include people living or working in Montgomery County and owner occupied only. Mr. Hanratty stated that the development could include 5-7 units per acre (132-185 units) and approximately 39% of site in open space.

The Harding Avenue workforce housing is in partnership with Community Housing Partners who is proposing to develop the housing using EarthCraft™ Community certification standards. The Harding Avenue workforce housing would be the first EarthCraft™ certified community in the State of Virginia. A public/private partnership between CHP and the Town of Blacksburg will be established. Funding for the development will be provided by The NRV HOME Consortium approximately \$1.5 million, Town Community Development Block Grant (CDBG) funds of approximately \$4 million, which combined can be used to leverage other state, federal and private funds.

Mr. Hanratty stated that several neighborhood meetings will be scheduled as follows:

June 5, 2008 Neighborhood meeting at Harding Avenue Elementary School
June 19, 2008 1st Design Workshop
July 31, 2008 2nd Design Workshop

Additional meetings for design and rezoning will be scheduled in the future. The major concern addressed at the first neighborhood meeting held on June 5, 2008 was traffic. A preliminary traffic impact study was completed on Harding Avenue. The current level of Harding Avenue is rated in the B range (levels range from A-F), which level B can handle up to 750-1175 units. BT Transit can provide bus service to the site. Also Harding Avenue Elementary School has capacity for additional children.

Steve Ross provided closing remarks. The development for workforce housing will benefit the entire County, not just the Town of Blacksburg. This development would be a model for future development nationwide. This site is a beautiful piece of property and view sheds will be protected. CHP does have a purchase option on the land with the property owner contractually obligated to close on property by December 2008 if boundary adjustment and R-5 zoning is approved by November 1. Therefore, the Town of Blacksburg is requesting the Board of Supervisors to consider this request by August 2008. If approved, the Town would request the rezoning of the property, which typically is a four month process. This would allow CHP to meet their obligation on the option to purchase the property.

Mr. Ross thanked the Board for their time and consideration of the Town of Blacksburg's request for a boundary line adjustment.

Chair Perkins thanked Mr. Ross, Mr. Hanratty, and Ms. McClung for their presentation on the Harding Avenue Property Boundary Line Adjustment.

Supervisor Biggs also expressed appreciation for the presentation. She expressed several concerns related to the project, such as school capacity and traffic. Supervisor Biggs noted that Harding Ave. Elementary School's (HAES) full built out is 300 students; however this figure does not include all the other curriculums. She also is concerned about the impact to Blacksburg High School. She disagrees that HAES has capacity for additional children. Supervisor Biggs asked if the traffic study was conducted after the Virginia Tech students left for the summer, if that was the case then it would not indicate a true number, as Harding Avenue is a heavily used when students are in Town.

Supervisor Brown asked if the units are to be owner occupied what kind of process will be in place to keep parents of students from purchasing a home for their child. Mr. Hanratty replied that all potential buyers have to meet income levels and meet all qualifications. Normally this type of housing is for first time homebuyers. This development is not designed for students but professional work force people.

Supervisor Creed questioned the number of students estimated to attend the area schools at full build out of the development. Mr. Hanratty replied according to the Montgomery County Schools each unit will provide .6 children. After final design and a full 185 units are built, then an additional 111 children will attend the schools. This will add 6-9 children per grade (K-12).

Supervisor Muffo asked for more information regarding the process and timelines. Where does Montgomery County stand in the process? How will this boundary adjustment effect adjacent county property? Would this open up more development in the area of the County? The County Administrator explained that the Board of Supervisors would have to agree to a boundary line adjustment. Each respective governing body will hold public hearings on the request and the Board of Supervisors would consider adopting an ordinance on the adjustment. The Town of Blacksburg would rezone the property after final approval from the Circuit Court. The main decision that the Board of Supervisors would have to consider is the boundary line adjustment. Is the Board willing to adjust the county boundary lines in order for the Poff property to be placed in the Town limits? If not, then the project would be dropped. The property would have to be in the Town in order to receive the CDBG funding. The Town would also provide public water and sewer to the property. If left in the County, private wells and septic would have to be utilized as it is the Town's policy not to extend utilities outside of town limits.

Board members asked why the Poff property was chosen and if other property in the Town limits were looked at, such as Givens Lane. The Board also discussed the Community Housing Partners program and how it works.

The County Administrator stated he would get all questions the Board has on this request to the Town of Blacksburg and a report will be forward to the Board when completed.

PUBLIC ADDRESS

Shireen Parsons addressed the Board on the proposed Norfolk Southern Intermodal Facility to be located in Elliston. Ms. Parsons thanked the Board for their support and standing up to state officials. She believes the Board of Supervisors and the Elliston Community were disrespected at Governor Kaine's town meeting held at Radford University. In a turn of events where all but one adjoining landowner is now in support of the intermodal facility, Ms. Parsons stated that a new ordinance was drafted due to the fact the original ordinance was centered around eminent domain. Ms. Parsons submitted the new ordinance dated June 9, 2008 and asked the Board to considering adopting in order to fight Norfolk Southern in building an intermodal facility in Elliston.

Dr. Hara Misra spoke in opposition to the Harding Avenue Work Force Housing Project. Dr. Misra expressed concerns related to traffic, school capacity, and location of the development. He stated that Harding Avenue can not handle any additional traffic and believes there are no plans to upgrade this road. He also questioned the location of the site stating there may be more viable sites located in the Town limits.

Susan Mungrass expressed concerns regarding the Harding Avenue Work Force Housing Project. She appreciated the Town of Blacksburg and developer for holding a community meeting on June 5, 2008 in order to review the project. Ms. Mungrass favors the concept of workforce housing; however, she believes the Harding Avenue site is not the location for it. She expressed concerns with traffic and school capacity.

Dr. Bhaba Misra expressed concerns regarding the Harding Avenue Work Force Housing Project. Dr. Misra questioned the data presented on school capacity, traffic study, and sewer capacity. He questioned the traffic study being done at the end of May which did not include any Virginia Tech students. He addressed the number of accidents on Harding Avenue and increased traffic.

Bijaya Misra spoke in opposition to the Harding Avenue Work Force Housing Project. Ms. Misra is concerned about school capacity and increase in traffic. She understands the need for more affordable housing but questioned the location. She believes more research is needed to find the best location for the project. Ms. Misra submitted a petition with 63 signatures who are opposed to this project on Harding Avenue.

Janka Casper, President of Community Housing Partners, addressed the Board regarding the proposed Harding Avenue Work Force Housing Project. Mr. Casper urged the Board to proceed with a public hearing to consider the boundary line adjustment of the Poff property. He explained that a preliminary study must be completed and submitted to the government officials for funding. If approved, a more comprehensive study and site plan will be completed. Mr. Casper stated he would forward information to the Board regarding CHP's procedures in order to help answer some of the Board's questions regarding home purchases, reselling of homes, sliding scales to recapture equity, etc.

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

ADDENDUM

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the following addendum dated June 9, 2008 was added to the agenda:

ADD TO NEW BUSINESS:

A RESOLUTION APPROVING THE PURCHASE AGREEMENT BETWEEN ROGER W. WOODY, ROGER W. WOODY, T/A SHOWCASE HOME BUILDERS AND MONTGOMERY COUNTY, VIRGINIA

ADD A CLOSED MEETING

Section 2.2-3711 (7)

Consultation with Legal Counsel and Briefings

from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Montgomery County Technology Manufacturing Building

(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. Montgomery County Government Center

1. OUT OF CLOSED MEETING

2. CERTIFICATION OF CLOSED MEETING

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
James D. Politis
Mary W. Biggs
Doug Marrs
William H. Brown
Gary D. Creed
Annette S. Perkins

NAY

None

CONSENT AGENDA

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated June 9, 2008 was approved as follows:

The vote on the foregoing motion was as follows:

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

**R-FY-08-179
SCHEDULE PUBLIC HEARING
AN ORDINANCE VACATING A PORTION OF PEBBLE BEACH DRIVE
LOCATED IN SECTION II OF THE
BLACKSBURG COUNTRY CLUB ESTATES
SUBDIVISION RECORDED IN PLAT BOOK 16, PAGE 1
IN THE MONTGOMERY COUNTY
CIRCUIT COURT CLERK'S OFFICE**

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing on July 14, 2008 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the following ordinance:

An Ordinance vacating a portion of Pebble Beach Drive located in Section II of the Blacksburg Country Club Estates Subdivision, recorded in Plat Book 16, Page 1 in the Montgomery County Clerk's Office.

A-FY-08-108
FIRE AND RESCUE
TRANSFER FROM FIRE AND RESCUE CAPITAL RESERVE
TO ELLISTON VOLUNTEER FIRE DEPARTMENT
ADVANCE FOR THE RADIO TOWER PROJECT

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

WHEREAS, The Montgomery County Board of Supervisors has appropriated funding as a reserve for fire and rescue capital equipment needs, which has a balance of \$592,348; and

WHEREAS, The Elliston Volunteer Fire Department has requested \$33,000 from this reserve as an advance to be transferred to the Elliston Volunteer Fire Department Radio Tower project to assist with the cost of the radio tower at the station.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby agree to advance \$ 33,000 for this project and a transfer is hereby authorized as follows:

FROM:

12 123301 Volunteer Fire Department's Reserve (\$ 33,000)

TO:

12 123301EL Elliston Fire Department \$33,000
Radio Tower Advance

Said resolution transfers funding from the Fire and Rescue Reserve to the Elliston Volunteer Fire Department to advance monies to cover the cost of the installation of a radio tower at the current facility.

A-FY-08-109
FIRE AND RESCUE
TRANSFER FROM FIRE AND RESCUE RESERVE
TO ELLISTON VOLUNTEER FIRE DEPARTMENT
ADDITIONAL COST OF NEW FIRE TRUCK

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

WHEREAS, The Montgomery County Board of Supervisors has approved and appropriated \$592,348 in funding as a reserve for fire and rescue capital equipment needs; and

WHEREAS, The Fire and Rescue Commission has requested that \$1,960 of this reserve be transferred to the Elliston Fire Department Capital Equipment Project for the purchase of a new fire truck.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby change the scope of the Elliston Fire Department's Capital Equipment Project by transferring \$1,960 from the Fire and Rescue Reserve fund to the Elliston Fire Department's Capital Equipment Project to assist the department in purchasing a new fire truck, and that a transfer of appropriation is hereby authorized, as follows:

FROM:

12 123301 Volunteer Fire Department's Reserve (\$1,960)

TO:

12 123301EL Elliston Fire Department \$1,960

Said resolution transfers funding from the Fire and Rescue Reserve to the Elliston Fire Department to cover the cost of a new fire truck.

**A-FY-08-110
CLERK OF CIRCUIT COURT
RECORD PRESERVATION GRANT**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

250 Clerk of Circuit Court \$4,970

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

Revenue Account

22511-451205 Designated Fund Balance \$4,970

Said resolution appropriates grant funds received but not appropriated in FY 07 by the Clerk's office. The funds will be used to restore deed books.

A-FY-08-111
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

220 Commonwealth's Attorney	\$646
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104 Confiscations	\$646

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-08-112
COMMONWEALTH'S ATTORNEY
VICTIM WITNESS GRANT

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

220 Commonwealth's Attorney	\$5,200
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
416012 General District Fees	\$5,200

Said resolution appropriates fees collected by the Commonwealth's Attorney's office to offset a portion of the costs associated with the Victim Witness Grant. This portion of the cost is not covered by the grant.

A-FY-08-113
SHERIFF
RECOVERED COSTS

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

310	Sheriff – Comp Board	\$700
320	Sheriff – County	\$3,514
321	Sheriff – Grants	<u>\$3,456</u>
	Total	\$7,670

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

<u>Revenue Account</u>		
419108	Recovered Costs	\$4,215
419117	DARE Recovered Costs	400
419104	Confiscation	2,555
424401	Project Lifesaver	<u>500</u>
	Total	\$7,670

Said resolution appropriates recovered costs, confiscations, DARE and Project Lifesaver funds for use by the Sheriff’s department.

R-FY-08-180
FY09 HEALTH AND DENTAL INSURANCE RATES

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, hereby adopts the following Health and Dental Insurance rate structure for FY08-09 through the New River Valley Benefits Consortium and with Southern Health and Delta Dental as insurance carriers:

<u>Modified POS</u>	<u>Rate</u>	<u>County</u>	<u>Employee</u>
Single	\$526	\$511.22	\$14.78
Children	\$735	\$553.02	\$181.98
Spouse	\$1,084	\$622.82	\$461.18
Family	\$1,279	\$661.82	\$617.18

PPO1250

Single	\$424	\$424.00	-0-
Children	\$591	\$524.22	\$ 66.78
Spouse	\$873	\$580.62	\$292.38
Family	\$1,030	\$612.02	\$417.98

QHD1250

Single	\$348	\$348.00	-0-
Children	\$485	\$485.00	-0-
Spouse	\$716	\$549.22	\$166.78
Family	\$844	\$574.82	\$269.18

Dental – Low

Single	\$23	\$23.00	-0-
Children	\$37	\$32.20	\$4.80
Spouse	\$37	\$32.20	\$4.80
Family	\$66	\$38.00	\$28.00

Dental – High

Single	\$31	\$31.00	0-
Children	\$59	\$36.60	\$22.40
Spouse	\$55	\$35.80	\$19.20
Family	\$99	\$44.60	\$54.40

This rate structure represents an average 8.9% increase (health) and no increase (dental) over the FY07-08 rates.

**R-FY-08-181
NEW RIVER COMMUNITY COLLEGE BOARD
APPOINTMENT**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **F. Brad Denardo** to the **New River Community College Board** effective July 1, 2008 and expiring June 30, 2012.

R-FY-08-182
MONTGOMERY-FLOYD REGIONAL
LIBRARY BOARD
APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Andrew J. Morikawa** to the **Montgomery-Floyd Regional Library Board** effective July 1, 2008 and expiring June 30, 2012.

R-FY-07-184
REVISED PEDESTRIAN ACCESS EASEMENT
CLOVERLEA SUBDIVISION

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

WHEREAS, The Plat Showing Revised Pedestrian Access Easements over Various Lots at Cloverlea, Phase I requests the vacation and dedication of pedestrian access easements on behalf of the landowners, Fralin & Waldron, Inc.; and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate public easements upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat Showing Revised Pedestrian Access Easements Over Various Lots at Cloverlea, Phase I prepared by Gay & Neel, Inc. (Job No. 1162.4 dated May 14, 2008), involving Tax Parcels No. 119-9-73 (Acct ID# 110767); 119-9-B (Acct ID# 110769); 119-9-C (Acct ID# 110770); 119-9-65 (Acct ID# 110759); 119-9-64 (Acct ID# 110758) in the Riner Magisterial District.

FURTHER, The Subdivision Agent is hereby authorized to sign said plat and related deed of vacation for recordation.

RECESS

The Board took a 15 minute recess at 9:00 p.m.

NEW BUSINESS

**R-FY-08-185
RESOLUTION REQUESTING THE GOVERNOR
AND THE GENERAL ASSEMBLY
TO ENACT A TRANSPORTATION FUNDING PACKAGE
DURING THE UPCOMING SPECIAL SESSION
ON TRANSPORTATION**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, An efficient transportation network is crucial to sustainable economic growth in the Commonwealth, a cleaner environment and enhanced public safety and quality of life; and

WHEREAS, The Commonwealth faces a documented transportation funding shortfall resulting in the Commonwealth Transportation Board eliminating and reducing programmed projects spending totaling \$1.1 billion in the new Six-Year Transportation Program; and

WHEREAS, The Virginia Department of Transportation is transferring almost \$400 million in Fiscal Year 2008 from road construction funds to support road maintenance activities; and

WHEREAS, The eliminated and stalled project monies include primary, urban, and secondary construction funding reductions to regions and localities of up to 44% for Fiscal Year 2009; and

WHEREAS, Funding for new highway and bridge construction is diminished as the annual road maintenance shortfall continues to escalate and the estimate to repair the Commonwealth's 1,700 deficient bridges totals more than \$3 billion; and

WHEREAS, Regions of economic importance to the Commonwealth, including Hampton Roads and Northern Virginia, confront major transportation funding challenges in addition to those shared by all other areas of the Commonwealth; and

WHEREAS, Transferring state general funds to transportation neither adequately supports documented and recurring transportation infrastructure investment needs, nor serves to protect the Commonwealth's additional core services, including public education, health care, mental health and retardation, and public safety; and

WHEREAS, Virginia has the nation's seventh lowest motor vehicle sales tax rate and the Commonwealth last enacted dedicated new, significant and recurring annual statewide revenues for transportation in 1986, including the last increase in Virginia's modestly low gas tax rate of 17.5¢ per gallon; and

WHEREAS, Since 2006 the Commonwealth has enacted significant reforms to improve the coordination between transportation and local land-use planning.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County hereby calls on the Governor of Virginia and the Virginia General Assembly during the forthcoming transportation special session to enact a significant transportation funding package to include dedicated, new, significant and recurring annual revenues to address the Commonwealth's documented transportation infrastructure needs.

BE IT FURTHER RESOLVED, That the Governor of Virginia and the Virginia General Assembly are urged to enact dedicated, new, significant and recurring annual revenues to eliminate the road maintenance shortfall; increase funding directed to interstate and primary highways, urban and secondary roads, and transit projects; guard against the transfer of general funds to transportation; and address the unique transportation needs of specific regions of the Commonwealth including initially Hampton Roads and Northern Virginia.

The vote on the foregoing resolution was as follows:

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

**R-FY-08-186
LIVESTOCK CLAIM
HAL CASTLEBERRY**

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Hal Castleberry is hereby compensated \$350.00 for the loss of one sheep and two goats.

The vote on the foregoing resolution was as follows:

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

A-FY-09-01

FY 2008-2009 BUDGET APPROPRIATION

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the following appropriation for the fiscal year ending June 30, 2009 be and the same is hereby made effective July 1, 2008 for the organizations indicated on the attached listing.

BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary transfers between funds as required to keep expenditure account appropriated by the Board of Supervisors and revenue estimates approved by the Board of Supervisors in balance by Fund.

BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary wire transfer, as appropriate.

**EXPENDITURE ACCOUNTS
TO BE APPROPRIATED**

1. 02 GENERAL FUND

100	Board of Supervisors	\$	235,728
110	County Administration		1,347,053
120	County Attorney		222,204
130	Financial and Management Services		848,556
132	Insurance		280,163
140	Information Management Services		1,252,687
150	Commissioner of Revenue		628,140
152	Assessment - 100% County		493,660
160	Treasurer		561,563
162	Collections - 100% County		470,807
170	Registrar		345,704
180	Internal Services		331,039
200	Commonwealth Attorney		919,821
210	Circuit Court		156,432
220	General District Court		29,597
230	Juvenile and Domestic Relations Court		20,837
240	Magistrate		5,000
250	Circuit Court Clerk - 100% County		609,549

	310	Sheriff-Co/State Support	7,544,731
	320	Sheriff-County Support	2,561,075
	330	Fire and Rescue	1,055,191
	400	General Services	4,673,259
	510	Comprehensive Services Act	1,812,367
	520	Human Services	428,163
	530	Public Health	496,849
	540	Social Services	6,543,615
	700	Parks and Recreation	763,017
	710	Regional Library	1,868,071
	800	Planning and GIS	610,255
	810	Economic Development	389,010
	900	Revenue Refunds	164,106
	910	Other Agencies	1,165,251
	950	General Contingencies	371,400
	960	Contingencies - Special	188,400
	990	Adjustments for Internal Services	(91,700)
		TOTAL GENERAL FUND	\$ 39,301,600
2.	03	LAW LIBRARY FUND	
	03	Law Library	\$ 17,600
3.	09	SCHOOL OPERATING FUND	
	610	Instruction	75,527,810
	620	Administration, Attendance, and Health	3,868,194
	630	Pupil Transportation	4,617,848
	640	Operations and Maintenance	13,332,982
	650	Other Non-Instructional Operations	38,904
		TOTAL SCHOOL OPERATING FUND	\$ 97,385,738
4.	11	SCHOOL CAFETERIA FUND	\$ 3,772,715
5.	19	SCHOOL CAPITAL CONSTRUCTION FUND	\$ 1,313,710
6.	12	COUNTY CAPITAL FUND	\$ 656,855
7.	18	DEBT SERVICE FUND	\$ 14,059,053
GRAND TOTAL EXPENDITURES			\$ 156,507,271

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

ESTIMATED RESOURCES

1. GENERAL FUND

A.	REVENUE	
	General Property Taxes	\$ 62,155,669
	Other Local Taxes	10,391,778
	Other Undesignated Revenue	1,280,684
	Resources Designated by Department	<u>16,607,067</u>
	Subtotal	\$ 90,435,198

B.	OTHER	
	Use of Fund Balance	0
	Transfers to School Operating Fund:	(35,331,515)
	Transfers to Debt Service Fund	(13,831,518)
	Transfers to School Capital Construction Fund	(1,313,710)
	Transfers to County Capital Construction Fund	<u>(656,855)</u>
	Subtotal	\$ (51,133,598)

TOTAL GENERAL FUND RESOURCES: \$ 39,301,600

2. LAW LIBRARY FUND

A.	REVENUE	\$ 15,000
B.	USE OF FUND BALANCE	<u>2,600</u>

TOTAL LAW LIBRARY FUND RESOURCES \$ 17,600

3. SCHOOL OPERATING FUND

A.	REVENUE	\$ 62,054,223
B.	TRANSFER FROM GENERAL FUND	<u>35,331,515</u>

TOTAL SCHOOL OPERATING FUND \$ 97,385,738

4.	SCHOOL CAFETERIA FUND RESOURCES	\$	3,772,715
5.	SCHOOL CAPITAL CONSTRUCTION FUND RESOURCES	\$	1,313,710
6.	COUNTY CAPITAL CONSTRUCTION FUND RESOURCES	\$	656,855
7.	DEBT SERVICE FUND		
	A. REVENUE	\$	227,535
	B. TRANSFER FROM GENERAL FUND		<u>13,831,518</u>
	TOTAL DEBT SERVICE FUND	\$	14,059,053

GRAND TOTAL ALL RESOURCES **\$ 156,507,271**

The vote on the foregoing resolution was as follows:

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

**A-FY-09-02
SUPPLEMENTAL APPROPRIATION
FY 2008 WINDFALL**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

100	Board of Supervisors – Joinder Study	\$ 226,950
100	Board of Supervisors – Gypsy Moth Program	\$ 50,365
100	Board of Supervisors – Road Revenue Sharing	\$ 500,000
140	IMS – Sheriff’s Office Mobile Data Terminals	\$ 110,000
400	General Services – Waste Containers	\$ 31,000
700	Parks and Recreation	\$ 100,000

910	Other Agencies – Brain Injury Services (one-time funding)	\$ 1,000
451209	Transfer to County Capital Projects	\$ 400,000
	Total	\$1,419,315

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

<u>Revenue Account</u>		
451205	Undesignated Fund Balance	\$1,419,315

BE IT FURTHER RESOLVED, By the Montgomery County Board of Supervisors that the County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

330	Fire and Rescue	\$ 400,000
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<u>Revenue Account</u>		
451100	Transfer From General Fund	\$ 400,000

Said resolution appropriates the use of the FY 2008 windfall as approved by the Board during the adoption of the FY 2009 Budget.

The vote on the foregoing resolution was as follows:

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

R-FY-08-187
BLACKSBURG/CHRISTIANSBURG/VPI
WATER AUTHORITY JOINDER STUDY, PHASE II

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

WHEREAS, By resolution dated August 23, 2004 the Board of Supervisors authorized the Chairman to contact and petition the Blacksburg/Christiansburg/VPI Water Authority to accept Montgomery County as a member of the Authority; and

WHEREAS, The Water Authority owners responded by agreeing to authorize the Water Authority to undertake a comprehensive study of the financial and operational impacts the County's membership would have on the Water Authority members and the County; and

WHEREAS, The study is to be conducted completely under the auspices of the Water Authority and funded by Montgomery County, contingent upon prior approval of the contract amount and involvement in the process; and

WHEREAS, The Water Authority at its January 18, 2006 meeting approved the proposed scope and contract with Black & Veatch and Draper Aden and authorized the study; and

WHEREAS, The County Administrator was involved in the approval of the study scope and recommends that the study be permitted to continue; and

WHEREAS, By resolution dated January 23, 2006 the Board of Supervisors authorized the County Administrator to move forward with the Participation Study and authorized an amount not to exceed \$95,000 to fund Phase I of the study; and

WHEREAS, Phase II of the study is an assessment of the management impact, engineering analysis of alternatives for water delivery systems, and an economic evaluation of the net financial effects of each party should the County become a member of the Authority.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to proceed with Phase II of the participation study and authorizes an amount of \$250,000 to cover the cost.

The vote on the foregoing resolution was as follows:

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

R-FY-08-188
AMENDMENT TO THE
FY 07-08 POSITION CLASSIFICATION PLAN

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, hereby approves and authorizes the following changes to the FY2007-2008 Position Classification Plan:

- Systems Engineer (pay grade 123) to Lead IT Applications Specialist (pay grade 127)
- Systems Integration Specialist (pay grade 123) to Lead IT Customer Service Specialist (pay grade 119)

Said resolution changes two vacant positions due to a realignment of department functions.

The vote on the foregoing resolution was as follows:

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

R-FY-08-189
A RESOLUTION APPROVING THE PURCHASE AGREEMENT BETWEEN
ROGER W. WOODY, ROGER W. WOODY, T/A SHOWCASE HOME BUILDERS
AND MONTGOMERY COUNTY, VIRGINIA

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Purchase Agreement dated June 9, 2008, by and between Roger W Woody, Roger W. Woody t/a/ Showcase Home Builders and Montgomery County and authorizes Annette Perkins to execute the said Agreement on behalf of the County of Montgomery as Chair.

The vote on the foregoing resolution was as follows:

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

PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT is made as of June 9, 2008, by and between Roger W. Woody and Roger W. Woody t/a Showcase Home Builders (the "Seller") and Montgomery County, Virginia (the "Purchaser").

1. **Purchase of Real Property.** Purchaser agrees to buy from Seller and Seller agrees to sell to Purchaser, Seller's entire interest in a certain parcel of land more particularly described on Exhibit A attached hereto and incorporated herein by reference ("the Property").

2. **Purchase Price.** The purchase price (the "Purchase Price") of the Property is \$884,000. The parties agree that the Purchase Price shall be paid partially by cash from the Purchaser at closing and partially by a gift from the Seller to the Purchaser. The parties further agree that the cash portion of the purchase price shall be Six Hundred Thousand Dollars (\$600,000) and the gift portion of the Purchase Price shall be \$284,000. The Purchaser shall not be obligated to pay any more than the agreed cash portion of \$600,000.

3. **Title.** At closing, the Seller shall convey to Purchaser good and marketable fee simple title to the Property by deed of general warranty containing English covenants of title, free of all liens, tenancies, defects and encumbrances.

4. **Inspections, Surveys and Audits.** Prior to closing, Seller grants to Purchaser and persons designated by Purchaser the right and permission at reasonable times and from time to time, to enter upon the Property to inspect, examine and survey the Property and to conduct such title searches, tests, soil borings and other investigations as the Purchaser deems appropriate ("Due Diligence"). The results of all inspections, examinations, surveys, title searches, soil borings and tests conducted by Purchaser pursuant to this Section 4, shall as a condition precedent to Purchaser's obligations at closing hereunder, be satisfactory to Purchaser in Purchaser's sole discretion. The Purchaser shall have until September 12, 2008, 5pm eastern time to conduct all the necessary Due Diligence and to notify the Seller in writing that the Purchaser is not satisfied with the results of the Due Diligence and does not intend to close on the Property. If the Purchaser does not provide the necessary written notice to the Seller by 5pm on September 12, 2008, this condition precedent to Purchaser's obligations at closing shall be deemed waived.

5. **Examination of Title.** Purchaser, at Purchaser's sole expense shall obtain a title insurance commitment issued by title insurance company authorized to transact business in the Commonwealth of Virginia, in which the title insurance company commits that upon delivery and recording of the Deed it will issue, at its usual rates its policy of Owner's Title Insurance on a form of marketability policy acceptable to Purchaser, insuring Purchaser's fee simple title to the Property in the amount of the Purchase Price. Purchaser shall pay all costs of the title examination, title commitment, the associated attorney's fees, if any, and the premium of the Owner's policy of title insurance. If the title commitment or any endorsement shows any exceptions to title and Seller is unable or unwilling to correct and remove such exceptions within thirty (30) days after receiving notice thereof from Purchaser, Purchaser may take any one or more of the following actions: (a) by written amendment to this Agreement, extend the date set for closing to give Seller additional time either to remove such exceptions to title or at Seller's expense, to obtain affirmative title insurance coverage for such exceptions; (b) waive such exceptions in writing and proceed with closing; or (c) terminate this Agreement by written notice to Seller, in which event neither party shall have any further responsibility hereunder. The Purchaser shall notify the Seller in writing of any exceptions to title no later than 5pm on September 12, 2008.

6. **Seller's Responsibilities and Warranties.**

a) Seller warrants and represents that:

(i) There are no writs, injunctions, decrees, orders or judgments outstanding, no lawsuits, claims, proceedings or investigations pending or threatened relating to the ownership, use, maintenance, or operation of the Property, nor is there any basis for such lawsuits, claims, proceedings or investigations being instituted or filed;

(ii) The parties acknowledge that the Property was used in the past as a gasoline station. The Seller has provided the Purchaser with a copy of the January 23, 1998, letter from the Department of Environmental Quality addressed to the Seller stating that based on the report prepared by Simon and Associates it appears that the petroleum contamination levels at this site do not warrant further assessment or abatement measures. A copy of the report of Simon and Associates dated December 10, 1997, has been provided to Purchaser. Seller relies on said report and has no personal knowledge of any adverse environmental conditions or liabilities affecting the Property, including (1) any related to the use, treatment, storage, release or disposal of any Hazardous Substances, or (2) any other conditions that would constitute violations of any Environmental Laws;

(iii) The Lease Agreement between Roger Woody t/a Showcase Home Builders and Cornell Dow affecting the Property shall be terminated by Seller by closing. Seller has not entered into any other contracts,

easements or other agreements whether recorded or unrecorded, written or oral, affecting the Property;

(iv) There are no leases, licenses on the rights of use and occupancy at or affecting the Property, except as described above; and

b) For purposes of this Agreement, (i) "Hazardous Substances" shall mean any pollutants, contaminants, asphalt and constitute elements thereof, chemicals or industrial, petroleum or petroleum based products, toxic or hazardous wastes or substances and shall further include any materials and substances that are currently regulated by or currently form the basis of liability under any Environmental Laws, and (ii) "Environmental Laws" shall mean any and all laws, rules, orders, regulations, statutes, ordinances, guidelines, codes, decrees, or other legally enforceable requirement (including, without limitation, common law) of any foreign government, the United States, or any state, local, municipal or other governmental authority, regulating, relating to or imposing liability or standards of conduct concerning protection of human health as affected by hazardous or toxic materials or substances (including without limitation employee health and safety) or the environment (including without limitation indoor air, ambient air, surface water, groundwater, land surface, subsurface strata, or plant or animal species).

c) Seller agrees to indemnify Purchaser for any and all claims, actions or demands, liabilities, costs, expenses and settlements including without limitation, reasonable attorneys' fees, resulting from, or alleged to result from, Seller's breach of its representations and/or warranties.

7. **Seller's Covenants.** Prior to Closing or termination of this Agreement, Seller shall not (i) grant any easements, rights-of-way or any other estate or interest in the Property whatsoever, or (ii) restrict or otherwise encumber the Property.

8. **Conditions Precedent to Purchaser's Obligations.** All obligations of Purchaser that are to be discharged under this Agreement at the Closing are subject to the fulfillment, prior to or at the Closing, of each of the following conditions:

a) All of the representations and warranties made by Seller contained in Section 6 of this Agreement are true as of the date of this Agreement, shall be deemed to have been made again at and as of the Closing Date, and are true and correct at and as of the Closing Date in all material respects.

b) Seller shall demolish, remove and properly dispose of all existing structures on the Property including any above or below ground foundations, slabs, storage tanks and all associated piping, dikes and any other structures, material, or debris on the Property ("Demolition"). Once all structures above and below ground and the debris associated with those structures are entirely removed from the Property the Seller shall place gravel at a depth of at least four (4) inches spread evenly over the areas where the existing structures were removed. The Seller shall not remove any existing pavement except for those areas that are required to be removed in order to do the required Demolition work. Seller shall be responsible for ensuring

that the Demolition is performed in accordance with all applicable laws and regulations. Purchaser shall not be responsible for any costs associated with the Demolition, the placement of gravel or with any environmental remediation that may be required as a result of the Demolition. The Seller shall not be obligated to start the demolition work any time before the expiration of the Due Diligence period on September 12, 2008, or before receiving written notice that the County has completed its Due Diligence and is ready to close on the Property. The Seller shall complete the Demolition work within thirty (30) days of receiving notice by the County that the County is ready to close or no later than October 11, 2008, which ever is sooner. The cost of all the Demolition work shall be the responsibility of the Seller and may be considered as a further gift by the Seller to the Purchaser.

Should any such condition precedent not be satisfied as of the Closing Date, the Purchaser may take any one or more of the following actions: (a) by written amendment to this Agreement, extend the date set for Closing to give Seller additional time to satisfy any such conditions; (b) terminate this Agreement by written notice to Seller, in which event neither party shall have any further responsibility hereunder; or (c) waive such condition precedent and close notwithstanding the fact that such condition precedent has not been satisfied.

9. Closing and Possession.

a) The closing of the sale of the Property ("Closing") shall be made at the Montgomery County Government Center, County Administrator's suite on or before November 10, 2008, or sooner as agreed to by the parties (which date of Closing shall be referred to herein as the "Closing Date").

b) Deed and possession to the Property shall be delivered by Seller at Closing.

c) At Closing, Seller shall deliver to Purchaser an affidavit on a form acceptable to Purchaser, signed by such Seller, that no labor or materials have been furnished to the Property within the statutory period for the filing of mechanics' or materialmen's liens against the Property or if labor or materials have been furnished during the statutory period, that the costs thereof have been paid.

d) At Closing, Purchaser shall only be responsible to pay the cash portion of the Purchase Price which is \$600,000.

e) Seller shall also deliver to Purchaser applicable non-foreign status, state residency certificates, applicable 1099 IRS certificates, and such other documents as may be reasonably requested by Purchaser.

10. Closing Costs. Purchaser shall pay all closing costs, except that (i) real estate taxes, municipal charges, and other property assessments associated with the property shall be prorated as of the Closing Date, (ii) Seller shall pay his own legal fees, including the costs of preparing the Deed, (iii) Seller shall be solely responsible for the payment of any broker or agent that the Seller used in the sale and closing of this Agreement (iv) Seller shall pay any applicable Grantor's tax, and (v) Seller shall pay any costs as may be necessary to cure any title defects.

11. **Risk of Loss.** Risk of loss by fire or other casualty shall be upon Seller until possession of the Property is transferred to Purchaser.

12. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties. This Agreement may not be changed orally, but only by an agreement in writing signed by the party against whom enforcement of any such change is sought.

13. **Attorney's Fees.** If any litigation arises under this Agreement between Purchaser and Seller, the prevailing party shall be entitled to recover from the non-prevailing party all reasonable costs incurred in the trial court and on appeal by the prevailing party, including a reasonable attorney's fee.

14. **Waiver.** No waiver shall be enforceable unless in writing. No waiver by Seller or Purchaser of any default or breach under this Agreement shall operate as a waiver of any future default, whether of like or different character. No delay or failure by Seller or Purchaser to exercise any right under this Agreement, and no partial or single exercise of that right or any other right, shall constitute a waiver of that right or any other right, unless otherwise expressly provided.

15. **Successors and Assigns.** This Agreement shall inure to the benefit of and shall bind the heirs, successors and assigns of the respective parties.

16. **Survival.** The Seller's obligations under this Agreement shall not be merged into the deed, but instead shall survive closing.

Witness the following signatures and seals as of the date written above:

SELLER:

ROGER W. WOODY

By: _____

ROGER W. WOODY T/A SHOWCASE HOME BUILDERS

By: _____

PURCHASER:

MONTGOMERY COUNTY, VIRGINIA

By: _____

Name: Annette S. Perkins

Title: Chair

EXHIBIT A

All of the following two parcels of land, with improvements thereon and all appurtenances thereunto pertaining, lying and being situate in the Town of Christiansburg, Shawsville Magisterial District of Montgomery County, Virginia and further described as follows:

Parcel 1:

All that certain parcel containing 0.358 acres as shown and described on a plat of survey entitled "Plat of Survey Showing 0.358 Acre for Roger W. Woody T/A Showcase Home Builders Town of Christiansburg, Montgomery Co., Virginia" which said plat is dated October 24, 1997, and recorded in the Office of the Clerk of the Circuit Court of Montgomery County, Virginia in Deed Book 981, Page 205, and to which plat reference is made for a more particular description of the property.

Being all of the same property conveyed to Roger W. Woody by deed dated October 24, 1997, from Marjorie T. Word, widow, which Deed is of record in the Office of the Circuit Court Clerk of Montgomery County, Virginia in Deed Book 981, Page 202.

Parcel 2:

All that certain parcel containing 0.162 acres as shown on the plat entitled "Plat for Asset Administration Corporation" dated June 11, 1990, which said plat is recorded in the Office of the Circuit Court Clerk of Montgomery County, Virginia, in Deed Book 682, Page 253, and to which plat reference is made for a more particular description of the property.

Being all of the same property conveyed to Roger W. Woody by deed dated May 16, 2006, from James W. Mensh, which deed is of record in the Office of the Circuit Court Clerk of Montgomery County, Virginia as Instrument No. 2006005198.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

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

- 1. 2008 Bond Issuance – Davenport & Co. LLC, Financial Advisor
- 2. FY 2009 VDOT Revenue Sharing

The vote on the foregoing motion was as follows:

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

2008 Bond Issuance – Davenport & Co. LLC, Financial Advisor

Courtney Rogers, Financial Advisor with Davenport & Co., LLC., provided an analysis of the proposed CIP on Debt Capacity and Debt Affordability. Montgomery County Board of Supervisors has identified approximately \$86 million of capital projects for general county government and schools that will require funding in the Summer/Fall of 2008 totaling \$86 million as follows:

- Elliston/Lafayette Elementary School \$26.9 million
- Prices Fork Elementary School \$26.9 million
- Blacksburg High School Stadium \$ 1.6 million
- Courthouse \$19.8 million
- Public Safety Building \$ 5.2 million
- Jail Renovation \$ 2.5 million
- Land Reimbursement (Schools) \$ 3.0 million

Mr. Rogers explained that due to the timing of the projects there will be one bond issuance instead of two different bond issuance as originally proposed. The bonds are assumed to be issued in August 2008. They also assume the use of 2 literary loans in the amount of \$7.5 million each for the construction of two new elementary schools.

The County’s proposed capital projects can be funded while maintaining compliance with existing fiscal policy guidelines. The County’s current debt ratios are at solid levels and in line with peer Virginia Counties.

Mr. Rogers provided market updates and believes that when the County bonds are issued they can receive a lower rate of interest than once believed.

Mr. Rogers reported that a resolution to approve the bond documents will be listed on the Board's July 14, 2008 agenda. The estimated date to sell the bonds is August 7, 2008 and August 21, 2008 for closing.

It was the Board's consensus to move forward with the bond issuance.

FY 2009 VDOT Revenue Sharing

The County Administrator reported that notification has been received from VDOT that localities may now apply for the FY 09 Revenue Sharing Funds. The deadline for applications is August 1, 2008.

The Roads Committee recommends that the Board apply for FY 09 funds in the amount of \$1 million and all funds be applied to roads that are on the Six-Year Road Improvement Plan and no new projects be added.

Board members suggested that the following roads also be considered for potential Revenue Sharing projects:

- Craigs Creek Road (SR 621) widening and/or paving
- Alleghany Springs Bridge (SR 637) at Willis Hollow Road
- Willis Hollow Road (SR 609)

John Thompson reported that Quartz Lane may require approximately \$50,000 in additional funds to be completed. Quartz Lane is not on the 6-Year Road Improvement Plan. However, FY 06-07 and FY 07-08 Revenue Sharing projects include \$75,676 for minor widening and paving on Quartz Lane.

The County Administrator recommended that Board members send any roads they would like to be considered to him and he will request cost estimates from VDOT.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends the 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
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
William H. Brown	
Annette S. Perkins	

COUNTY ADMINISTRATOR'S REPORT

Inmate Road Clean-Up

The County Administrator reported that the Sheriff has provided a list of secondary roads that is scheduled for litter cleanup by inmates. As noted earlier, the Sheriff has had difficulty in cleaning some of the roads listed due to the high weeds/brush along the road side; therefore, they are behind scheduled. He will contact the Sheriff to forward a list to David Clarke, VDOT, to see if they can get some of these roads mowed, so the cleanup on the roads can move forward.

The County Administrator also suggested if Board members have any more roads they would like included on the list to send him the name/area and he will forward a compiled list to the Sheriff.

New River Health District – Request for Supplemental Funding

The County Administrator received a letter from Dr. Jody Hershey, Director of the New River Health District, requesting the remaining funds of \$58,400 held in special contingencies for the Health Department be appropriated to support one-time needs. The Health Department will use these funds to replace/upgrade numerous pieces of existing medical and office equipment in the Montgomery County Office.

The County Administrator explained that the State appropriation to the New River Health District was less than originally budgeted and the remaining local share of \$58,400 is held in special contingencies. This request is for one-time only expenditures and not an on-going supplement to the Health Department.

There was Board consensus to move forward with this request and an appropriation resolution to be added to the June 23rd agenda.

The Board commended Dr. Hershey in doing a wonderful job as Director of the New River Health District and keeping the Board of Supervisors and the citizens of Montgomery County informed.

BOARD MEMBERS' REPORTS

Supervisor Creed attended a Village of Elliston/Shawsville/Lafayette Community meeting on June 6, 2008. There was a round table discussion on issues/concerns in the eastern area of the County and future plans for the Village. One major topic of discussion was transportation concerns. They discussed the great need for transportation in the area and the idea of door-to-door transportation.

Supervisor Creed reported Shelor Motor Mile graciously donated a van for this purpose. Supervisor Creed stated RSVP would be asked to provide a pool of volunteers to drive the van, and the new Elliston Fire Department would provide storage location and an office for receiving phone calls. He asked the Board to consider appropriating funds for fuel, maintenance, and insurance. A number of details will need to be worked out, according to Supervisor Creed; however, he believes this to be an excellent opportunity to solve some transportation problems.

There was discussion on Supervisor Creed's request with the following concerns:

- County-wide Transportation Plan
- No Procedure/Policy in place
- Financial Plan

The County Administrator will direct staff to prepare a fiscal impact report on the said request.

Supervisor Biggs noted that Chair Perkins will be recognized at the School Board's June 17, 2008 meeting for her years of service to the Montgomery County Public Schools. Chair Perkins will retire as Principal of Christiansburg Middle School on June 30, 2008.

Citizens for the Preservation of Our Countryside - Supervisor Biggs asked if the County Attorney would review the second ordinance submitted by the citizens group in opposition to the Intermodal Facility in Elliston.

The County Attorney replied that he will review the ordinance and will provide a full report back to the Board.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown 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

(7) Consultation with Legal Counsel and Briefings

from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Montgomery County Technology Manufacturing Building

(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. Montgomery County Government Center

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
William H. Brown
Doug Marrs
Mary W. Biggs
James D. Politis
John A. Muffo
Annette S. Perkins

NAY

None

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Doug Marrs 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>
Gary D. Creed	None
William H. Brown	
Doug Marris	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, 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

Gary D. Creed
William H. Brown
Doug Marris
Mary W. Biggs
James D. Politis
John A. Muffo
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

The Chair declared the June 9, 2008 meeting adjourned at 11:07 p.m.

APPROVED: _____ ATTESTED: _____
Annette S. Perkins B. Clayton Goodman, III
Chair County Administrator