

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27TH DAY OF OCTOBER, 2008 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins (arrived 7:00 p.m.)	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	John A. Muffo	-Supervisor

CALL TO ORDER

The Vice-Chair called the meeting to order.

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 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Office on Youth Advisory Board
 2. Parks and Recreation Commission
- (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
 2. Courthouse Property

The vote on the foregoing motion was as follows:

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

Chair Perkins arrived at 7:00 p.m.

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

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

Doug Marrs
William H. Brown
Gary D. Creed
James D. Politis
Mary W. Biggs
Annette S. Perkins (Chair Perkins certified closed meeting for the time she was present.)

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

INVOCATION

A Moment of Silence was lead by Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit – Amendment - CONTINUE TO NOVEMBER 24, 2008

A request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) for an amendment of a Special Use Permit (SUP) to eliminate condition number(s) 3, 5, 7, 8, and 10 approved on February 23, 2004 by the Board of Supervisors. The property is currently known as Oak Forest Mobile Home Park located at 1156 Hightop Road, and is identified as Tax Parcel No(s). 66-A-98 (Acct No. 016259), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Chair Perkins announced that the Planning Commission, at their October 8, 2008 meeting, tabled the above public hearing until November 19, 2008 in order for the applicant to consider a revised proposal based upon concerns by the Planning Commission. Therefore, the Board of Supervisors continues this public hearing to November 24, 2008.

Special Use Permit – Lawrence S. Estes (Agent: AT&T) – Telecommunications Tower

A request by Lawrence S. Estes, (Agent: AT&T) for a Special Use Permit (SUP) on approximately 44.923 acres in an Agriculture (A1) zoning district to allow a telecommunications tower with a proposed height of 120 ft. The property is located at 906 Den Hill Road, and is identified as Tax Parcel No(s). 68-A-145 (Acct No. 006179), in the Mount Tabor Magisterial District (District B). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, summarized the above request. The Planning Department received two Special Use Permit requests for construction of two additional telecommunication towers on the Estes property, one from AT&T and one from Verizon. There is an existing 80ft tower occupied by US Cellular approved by the Board of Supervisors on February 9, 2004. Upon review of the two requests, staff met with the applicants to suggest they discuss the possibility of working together in an effort to find a joint solution to meet their coverage needs. Both AT&T and Verizon have diligently worked together to finalize a joint solution to meet their coverage needs. Both parties have concluded that AT&T will continue to request a Special Use permit for the construction of a 120' telecommunications tower and their application will provide a co-location for Verizon's needs. This will eliminate the need for two additional towers and help minimize the view shed impact to the community, while providing reliable coverage to the customers.

Ms. Jenkins also explained that AT&T and Verizon both pursued the idea of using the existing US Cellular tower to co-locate their equipment. It was determined that the existing structure does not have the height available to achieve their coverage needs. US Cellular proposed a drop and swap that entitled AT&T to pay for all expenses required for replacing the tower and then give the tower back to US Cellular for ownership which would include collecting all revenue from the structure. According to both AT&T and Verizon, this proposal by US Cellular is not financially feasible for either company.

The construction of a new tower will provide location for AT&T and provide co-location for Verizon, T-Mobile and provide a space for emergency services antenna. The new tower will provide the needed coverage in the area to meet the objectives for both AT&T and Verizon.

Ms. Jenkins reported that four individuals spoke at the Planning Commission's public hearing opposing the request and requesting the height of the tower be reduced. They suggested locating the proposed tower closer to the existing US Cellular tower, looking into other co-location possibilities, such as the Virginian Railroad tower, or locating the tower closer to those being served in Blacksburg Country Club Estates. One adjoining property owner expressed concerns with the proposed tower being located too close to his property line where he is planning to build his house. The corner of his property is 60 feet from the proposed tower, which will make a total of 220 ft from the house. The applicant has agreed to provide a buffer of trees to screen the fence and maintenance building around the tower.

At their October 8, 2008 meeting, the Planning Commission recommended approval of the Special Use Permit with eight conditions. They believed that the proposed conditions would address concerns raised by the citizens.

Michael Pace, Jr., agent, provided additional information regarding the request. AT&T and Verizon both submitted applications for a special use permit to construct a telecommunications tower on Den Hill Road. With a joint effort to solve both their coverage needs they are proposing one telecommunications tower. They both requested co-location on the U.S. Cellular tower ; however, the existing tower is not high enough for their coverage needs and a new tower would need to be constructed. U.S. Cellular proposed a new tower be constructed with AT&T/Verizon covering all costs and U.S. Cellular keeping all future revenues from the tower. This proposal would not be cost effective or feasible to either AT&T or Verizon.

Mr. Pace explained a new tower is needed to cover gaps in coverage. The proposed tower will provide for co-location for three additional cellular providers. Currently, Verizon and T-Mobile have committed to co-locate on the proposed tower. Mr. Pace believes this to be a reasonable approach to provide coverage.

James Cowan with Verizon agreed with Mr. Pace's remarks. He explained that Verizon is willing to co-locate with AT&T. Like AT&T, Verizon is seeking to provide more coverage in the area.

Robert Woolwine spoke in opposition to the proposed telecommunications tower. As an adjoining property owner, he expressed concerns with the visibility of the tower and the issue of lights on the tower. He understands that lights are not needed on the existing tower as the height does not require them, but with the proposed tower height of 120 feet he questioned if lights will be needed. Mr. Woolwine also questioned the number of towers that can be located at the site on Den Hill Road.

Mike Akers spoke in opposition to the proposed telecommunications tower. Mr. Akers expressed concerns with the height of 120 feet for the new tower. He stated that one can see the existing U.S. Cellular tower which is only 80 feet in height.

Phil Amodeo expressed concerns about the proposed telecommunications tower. Mr. Amodeo owns property adjoining the site with plans to build a house. He questioned the distance the tower can be constructed to an adjoining property. The site where he plans to build his house is 60 ft from the property line, making the tower a distance of only 210 ft from the house. He is concerned with the 4 foot lightning rod on top of the tower and the number of times it will be struck by lightning. He asked that if the request is approved to provide the proper buffer between the properties and increase the distance the tower can be built from the property line.

Wendell Hensley spoke in opposition to the proposed telecommunications tower. Mr. Hensley expressed concerns with the view shed and how the proposed tower will affect property values. He believes that more of a co-location attempt with U.S. Cellular should be made. Also, he is concerned about future requests on this ridge line from other carriers.

Mike Pace, agent for AT&T, provided additional information to help answer some of the concerns from the previous speakers. Mr. Pace commented that the telecommunications tower will have no adverse impact on the site. Also, the proposed tower will have a total of three spaces available for co-location, for a total of four carriers on one tower. There will be one space for AT&T, and Verizon and T-Mobile have indicated their desire to co-locate, leaving one additional space for another carrier. The exiting U.S. Cellular tower is only 80 ft. in height , with no space for any other carriers. The tower would have to be demolished with a new tower built to at least 120 ft.

Mr. Pace commented that the lightning rod will be 4 ft. in height and the tower will be located too far away from any residences to be effected by dissipating lightning.

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

PUBLIC ADDRESS

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

DELEGATION

Virginia Cooperative Extension

Michelle Adcock, Extension Agent, provided the quarterly report for the Montgomery County Extension program. Ms. Adcock provided highlights on the educational programs provided for the citizens of Montgomery County in the areas of 4-H Development and Family Consumer Sciences.

Barry Robinson, Agriculture and Natural Resources Agent, provided an update on agricultural events, including the Farm Day held at Kentland Farms.

Recess

The Board of Supervisors took a 15 minute recess at 8:45 p.m. and reconvened at 9:00 p.m.

CONSENT AGENDA

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated October 27, 2008 was approved.

The vote on the foregoing motion was as follows:

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

**R-FY-08-45
SCHEDULE PUBLIC HEARING
AMENDING CHAPTER 2, SECTION 2-107
ENTITLED TAX EXEMPTION AND DEFERRALS FOR
THE ELDERLY AND HANDICAPPED**

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

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby schedules a public hearing on Monday, November 24, 2008 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia in order to hear citizens comments on the following:

Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.

An Ordinance Amending Chapter 2, Division 5 Entitled Tax Exemptions and Deferrals for Elderly and Handicapped, Section 2-107 of the Code of the County of Montgomery, Virginia by Increasing the Income for Exemption from or Deferral of Taxation of Real Estate for the Elderly and Disabled.

**R-FY-09-46
FINAL PLAT – THE PRESERVE (PHASE 4)
AT WALNUT CREEK SUBDIVISION**

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

WHEREAS, The Preserve (Phase 4) at Walnut Creek Subdivision consists of 20 lots located off Houchins Road (SR 758) 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 The Preserve (Phase 4) at Walnut Creek Subdivision 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 The Preserve (Phase 4) at Walnut Creek Subdivision (Gay and Neel, Inc. Job No. 1803.5 dated 06/25/08), Shawsville Magisterial District.

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

R-FY-09-47
AGENCY ON AGING
APPOINTMENT

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 reappoints **Robert E. Gribben** to the **New River Valley Agency on Aging** effective October 1, 2008 and expiring September 30, 2009.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby reappoints **Elizabeth H. Doyle** as an **alternate** to the **New River Valley Agency on Aging** effective October 1, 2008 and expiring September 30, 2009.

R-FY-09-48
ALCOHOL SAFETY
ACTION PROGRAM (ASAP)
APPOINTMENT

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 reappoints **Brad Finch** to the **Alcohol Safety Action Program (New River Valley)** effective October 28, 2008 and expiring October 27, 2009.

OLD BUSINESS

R-FY-09-49
SPECIAL USE PERMIT- SETH RYAN MCGHEE
FOR THE PURPOSE OF ALLOWING A
CONTRACTOR'S STORAGE YARD
IN AGRICULTURE (A-1) DISTRICT,
IN THE RINER MAGISTERIAL DISTRICT
PARCEL ID # 029115, TAX MAP NUMBERS 105-A-64G
DENIAL

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 Seth Ryan McGhee request for a Special Use Permit (SUP) on 1.405 acres in an Agricultural (A-1) zoning district to allow a contractor's storage yard is hereby **denied**.

The property is located on the south side of Mud Pike Road (Rt. 666), and is identified as Tax Parcel No. 105-A-64G, (Acct # 029115), zoned Agricultural (A-1) in the Riner Magisterial District (District D).

The vote on the foregoing resolution was as follows:

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

NEW BUSINESS

R-FY-09-50

RESOLUTION REQUESTING THE COMMONWEALTH TRANSPORTATION BOARD FOR ENHANCEMENT PROJECT FUNDS FOR THE HUCKLEBERRY TRAIL/CHRISTIANSBURG EXTENSION PROJECT

On a motion by Gary D. Creed, seconded by Doug Marrs 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 for the Virginia Department of Transportation to consider 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 27th day of October, 2008

The vote on the foregoing resolution was as follows:

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

A-FY-09-42

COMMUNITY SERVICES BOARD INTENSIVE CARE COORDINATOR PILOT PROJECT

On a motion by William H. Brown, 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 appropriations for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

910 NRV Community Services Board \$50,000

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

<u>Revenue Account</u>		
451205	Fund Balance	\$50,000

Said resolution appropriates fund balance resulting from FY 08 surplus dollars from the Department of Social Services budget to provide start-up funding for the Community Services Board Intensive Care Coordinator position in the current year.

The vote on the foregoing resolution was as follows:

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

R-FY-09-51
RESOLUTION OF THE BOARD OF SUPERVISORS OF
MONTGOMERY COUNTY, VIRGINIA WITH RESPECT TO ISSUANCE
OF REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT
AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA

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

WHEREAS, the Industrial Development Authority of Montgomery County, Virginia (the "Authority"), has considered the request of the Virginia Tech Foundation, Inc. (the "Foundation"), a non-profit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") to issue the Authority's revenue bonds or other obligations in an aggregate principal amount not to exceed \$170,000,000 (the "Bonds"); and

WHEREAS, proceeds of the Bonds will be used, together with other funds provided by or on behalf of the Foundation, to pay related costs of issuance and costs of the following (collectively, the "Projects"):

(a) refunding the Authority's Revenue Bonds (Virginia Tech Foundation), Series 2007, originally issued in the aggregate principal amount of \$25,220,000 which financed, among other things, the costs of (i) the Advanced Material Characterization Facility, located at 1991 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by Virginia Polytechnic Institute and State University (the "University") primarily for research and related purposes, and (ii) the Integrated Life Sciences Building, including the Science College Consortia Facility and the Food, Nutrition and Health Vivarium Facility, located at 1981 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by the University primarily for research and related purposes;

(b) in Montgomery County, Virginia ("Montgomery County"), (i) financing the construction and equipping of an approximately 45,000 square foot Research Building 26, including land, parking facilities and related improvements, to be located at 2284 Kraft Drive in Blacksburg, Virginia, to be owned by the Foundation for use by various private tenants primarily for corporate research and related purposes, (ii) financing the construction and equipping of an approximately 32,000 square foot Research Building 27, including land, parking facilities and related improvements, to be located at 1971 Kraft Drive in Blacksburg, Virginia, to be owned by the Foundation for use by various private tenants primarily for corporate research and related purposes, (iii) financing certain improvements to the approximately 77,000 square foot

Integrated Life Sciences Building, located at 1981 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by the University primarily for research and related purposes, (iv) refinancing costs of the construction and equipping of CRC Pumpstation, located in the 2200 block of Kraft Drive in Blacksburg, Virginia, owned by the Town of Blacksburg and operated as part of its public utility system, (v) refinancing costs of the construction and equipping of the Virginia Tech Transportation Institute (“VTTI”) Pumpstation, located adjacent to the Smart Road behind the VTTI Complex located at 3500 Transportation Research Drive in Blacksburg, Virginia, owned by the Town of Blacksburg and operated as part of its public utility system, (vi) refinancing a portion of the costs of the construction, improvement and equipping of Cheatham Hall, located on the University campus in Blacksburg, Virginia, owned by the University for use as its College of Natural Resources, and (vii) refinancing costs of construction and equipping of (A) the approximately 36,000 square foot Garvin Building, located at 1872 Pratt Drive in Blacksburg, Virginia, owned by Virginia Tech Corporate Research Center, Inc. (a wholly owned subsidiary of the Foundation) for use by various private tenants primarily for research and related purposes, (B) the approximately 45,000 square foot VT KnowledgeWorks building, located at 2200 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by the University and various private tenants primarily for research and related purposes, (C) the approximately 42,000 square foot Research Building VII, located at 1700 Kraft Drive in Blacksburg, Virginia, owned by Virginia Tech Corporate Research Center, Inc. for use by the University and various private tenants primarily for research and related purposes, (D) the approximately 40,000 square foot Research Building X, located at 1750 Kraft Drive in Blacksburg, Virginia, owned by Virginia Tech Corporate Research Center, Inc. for use by various private tenants primarily for research and related purposes, (E) the approximately 51,500 square foot Research Building XVI, located at 2020 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by the University and various private tenants primarily for research and related purposes, and (F) the approximately 29,000 square foot VTTI Complex, located at 3500 Transportation Research Plaza in Blacksburg, Virginia, owned by the Foundation for use by the University as the VTTI;

(c) in Pulaski County, Virginia, refinancing the costs of the Pete Dye River Course of Virginia Tech, located at 8400 River Course Drive, Radford, Virginia, owned by The River Course, LLC (a wholly owned subsidiary of the Foundation) for use by the University as a practice and competition facility for its golf team, and as a location for University sponsored special events, and by the general public; and

(d) in Arlington County, Virginia, financing the acquisition, construction and equipping of an approximately 145,000 square foot Virginia Tech National Capital Region Research Building, including land, parking facilities and related improvements, to be located at 900 North Glebe Road, Arlington, Virginia, to be owned by Virginia Tech Research Institute, LLC (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Foundation) for use by the University and other tenants primarily for research and related purposes; and

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), sets forth the procedure for such approval; and

WHEREAS, since the Authority issues bonds on behalf of Montgomery County, a portion of the Projects is located in Montgomery County and the Board of Supervisors of Montgomery County (the “Board”) constitutes the highest elected governmental unit of Montgomery County, it is required that the Board approve issuance of the Bonds; and

WHEREAS, the Authority adopted an inducement resolution (the “Inducement Resolution”) with respect to the issuance of the Bonds on September 16, 2008, and following a public hearing held on October 21, 2008, adopted a separate resolution recommending the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Inducement Resolution, the action taken by the Authority with respect to the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance by the Authority of the Bonds in the aggregate principal amount not to exceed \$170,000,000, for the benefit of the Foundation, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist the Foundation in financing the Projects.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the creditworthiness of the Projects or the Foundation and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Authority, shall be pledged thereto.
3. This resolution shall take effect immediately upon its adoption.

The vote on the foregoing resolution was as follows:

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

**R-FY-09-52
PROCLAMATION
NATIONAL FAMILY CAREGIVER MONTH
NOVEMBER 2008**

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

WHEREAS, During this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a County, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among this community's most important natural resources; and

WHEREAS, The need for family caregivers is growing; we are blessed to live in a time when medicine and technology have helped us live longer. As a result, people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely we all know at least one family caregiver; and

WHEREAS, Family caregivers deserve our lasting gratitude and respect; this month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities; and

WHEREAS, The New River Valley Agency on Aging "Caring Connections: Caregiver Conference & Resource Fair" provides family caregiver information on support services and resources to help keep family caregivers healthy in body, mind and spirit so they can continue to provide care for their loved ones and remain healthy while doing so.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby proclaim November 2008 as National Family Caregivers Month in Montgomery County, Virginia.

Given under our hand and seal of the County of Montgomery this 27th day of October 2008.

The vote on the foregoing resolution was as follows:

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

INTO WORK SESSION

On a motion by Doug Marris, 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. Forest Hills at Belview, LP – Revitalization Area Certification

The vote on the foregoing motion was as follows:

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

Forest Hills at Belview, LP – Revitalization Area Certification

Steve Sandy, Planning Director, made a presentation on the request by Forest Hills at Belview, LP, to support a resolution declaring property along Peppers Ferry Road (SR 114), a revitalization area. On March 5, 2007, the Board of Supervisors approved a rezoning of 17.6 acres of land from the zoning classification of Residential (R-2) and Agriculture (A-1) to Residential Multi-Family (RM-1). The owners, Forest Hills at Belview, LP, presented a proposal to build 70 units of affordable workforce housing in the Belview area of Montgomery County. They applied for tax credits through the Virginia Housing Development Authority (VHDA) and were denied due to not having enough points on the project. Forest Hills at Belview, LP is submitting their application and request the Board of Supervisors to declare the 17.6 acres a revitalization area in order to receive more points toward their project. In order to qualify for revitalization area points the owner or applicant must certify that the development is located in a redevelopment project, conservation project or rehabilitation district or the locality certifies that the proposed development is located in an area that meets VHDA's definition of a revitalization area.

A revitalization area is any area that is (i) either (1) blighted, deteriorated, deteriorating or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions- dilapidation, obsolescence, overcrowding, inadequate ventilation, light or sanitation, excessive land coverage, deleterious land use, or faulty otherwise inadequate design, quality or condition, or (2) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; and (ii) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

The County Attorney explained that the Code of Virginia makes it clear that a governing body can make a designation of a revitalization area. The VHDA will determine whether the development qualifies for points available under VHDA's Qualified Allocation Plan.

Forest Hills at Belview, LP, plans to submit an application in February 2009. A proposed resolution designating the 17.6 acres in the Belview area a revitalization area will be included on an upcoming agenda for the Board's consideration.

OUT OF WORK SESSION

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

BOARD MEMBERS' REPORT

Supervisor Creed questioned the amount of tax being paid on telecommunications towers. Do landowners report the income they receive from the telecommunication carriers?

Supervisor Creed asked for an update on the cat situation in Montgomery County. The County Administrator reported County staff has met with the Humane Society and the Friends of Animal Care and Control (FACC) to discuss what roll they may play in planning a new animal shelter and/or spay/neuter clinic. They have also met with potential contributors on this project. Staff visited the Roanoke County SPCA facility and the Virginia Tech Vet School. Staff is working on cost estimates for the construction of a new Animal Shelter Facility and collecting data on the cost to operate and maintain a new facility.

Supervisor Biggs thanked the staff for providing information related to the ordinance amending the tax relief and deferral for the elderly and disabled.

School Board Supervisor Biggs submitted the agenda from the School Board's October 21, 2008 meeting and copies of the basic enrollment projections.

Bill Brown Stadium - The opening ceremony was held October 24, 2008 in the new Bill Brown Stadium in Blacksburg. Supervisor Biggs praised everyone involved who was responsible for this project.

Supervisor Perkins agreed with Supervisor Biggs' comments regarding the Bill Brown Stadium in Blacksburg. This is a fine facility and is she pleased with the outcome.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Wednesday, November 12, 2008 at 6:00 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 9:30 p.m.

APPROVED: _____ ATTEST: _____
Annette S. Perkins B. Clayton Goodman, III
Chair, Board of Supervisors County Administrator