

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24<sup>TH</sup> DAY OF SEPTEMBER 2007, AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marris	
	John A. Muffo	
	Annette S. Perkins (Arrived 7:00 p.m.)	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors

**CALL TO ORDER**

The Chair called the meeting to order.

**ADD TO THE AGENDA – ADDENDUM**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the following addendum was added to the agenda under Closed Meeting:

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

The vote on the foregoing motion was as follows:

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

### **INTO CLOSED MEETING**

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

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

- Section 2.2-3711      (3)      Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Prices Fork School Site
  2. Courthouse
- (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. Personnel
  2. Office on Youth Advisory Board
  3. Social Services Board

The vote on the foregoing motion was as follows:

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

**Supervisor Perkins arrived at 7:00 p.m.**

### **OUT OF CLOSED MEETING**

On a motion by Doug Marrs, seconded by James D. Politis 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>
Doug Marrs	None
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Steve L. Spradlin	

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Gary D. Creed, 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

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

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A Moment of Silence was lead by Supervisor Biggs.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit – Radford Community Hospital, Inc. (Carilion New River Valley Medical Center)

**A request by Radford Community Hospital, Inc., (Agent: Carilion New River Valley Medical Center) for approval of a Special Use Permit (SUP) to allow a revision to the Planned Unit Development (PUDCOM) District to include a helipad site, hanger, and living quarters for flight crew and medical personnel.** The property is located on the east side of Tyler Rd. (Rt. 177), and is identified as Tax Parcel No(s). 104-A-26, (Acct #s 009207), in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief presentation on the request. The Carilion Patient Transportation Services & Carilion LifeGuard is proposing to re-locate Life-Guard 11 operations from Wytheville to the New River Valley Medical Center located in Montgomery County. Therefore, Carilion is requesting a Special Use Permit in order to construct a helipad site, hanger, and living quarters for the flight crew and medical personnel.

At their September 12, 2007 meeting, the Planning Commission recommended approval of the SUP. They felt that the relocation of Lifeguard 11 to the New River Valley Medical Center would enhance the public health and safety of County residents and would not have an adverse impact upon the surrounding neighborhood.

Supervisor Creed asked if the existing helipad would remain in operation when the new pad is constructed. Ms. Jenkins responded that it is the intention of Carilion to close the existing helipad as it is built in the vicinity of a parking lot and jeopardizes flight safety.

Don Halliwill, President of Carilion New River Valley Medical Center, stated that the Carilion NRVMC has seen improvements and enhancements to the hospital over the last few years. The re-location of Lifeguard 11 will be another enhancement to the community. By relocating Lifeguard 11 to Montgomery County, air transportation time will be reduced by half.

Paul Davenport, Senior Director for Carilion Patient Transportation Services and Carilion Lifeguard, described the request and discussed the relocation of the helipad, change in flight plan, and overall improvements. They have received positive feedback on the proposed helipad and have met with Carilion's two closest neighbors to discuss the plan. Mr. Davenport asked that the Board consider action at the meeting tonight explaining that it will allow them additional time to apply for permits and ordering of the steel structure, since the construction project will parallel winter time frames.

Several Board members expressed concern with the change in location at the current helipad site as it will increase the time the patient is actually transported from the helicopter site to the hospital. The proposed site is located away from the hospital and patients will have to be transported from the site by ambulance to the hospital. Mr. Davenport responded that the current site is located closer to the hospital; however, the site has to be cleared in order for the helicopter to land. The proposed site will be clear and an ambulance standing by at all times to transport patients.

W.H. Gibson addressed the Board about his concerns with the flight plan. He is not opposed to the relocation of Lifeguard 11 to Montgomery County, he just disagrees with the proposed location of the helipad and the flight pattern. Mr. Gibson stated the flight path will go directly over his house and believes the flight pattern can be improved. Currently there is one pilot that will fly behind his property to keep from flying directly over his house.

Board members asked if the flight path could be changed to avoid flying directly over adjoining property owners' houses. The County Attorney advised that the Board cannot control the flight pattern as there are many factors to consider, such as weather. The Board can ask Carilion to avoid any direct fly over whenever possible.

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

#### Special Use Permit – Seth Ryan McGhee

**A request by Seth Ryan McGhee for approval of a Special Use Permit (SUP) on approximately 1.405 acres to allow a contractor's storage yard.** The property is located on the south side of Mud Pike Road (Rt. 666), and is identified as Tax Parcel No(s). 105-A-64G, (Acct #s 029115), zoned Agricultural (A-1) in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary of the request. Mr. McGhee is requesting a Special Use Permit to allow a contractor's storage yard, including construction of a 2,500 square foot accessory building, which at this time is proposed to be a metal type building. Ms. Jenkins reported that the property is zoned Agricultural as is the property surrounding it; however, lots along Mud Pike Road are primarily residential. It is expected that this use will have some impact to the surrounding land uses, such as increased traffic and noise from the construction equipment. The visual appearance of the metal building within a residential area will affect the overall aesthetic appeal of the neighborhood and there is concern with security lighting. Another concern is the natural drainage flow on this property. Currently, water runoff from Mud Pike Road naturally drains off the road onto Mr. McGhee's property. If a building is constructed this issue will need to be addressed.

At their September 12, 2007 meeting, the Planning Commission recommended denial of the request. The Commissioners felt the size and scope of the proposed use was not compatible to the residential nature of the surrounding neighborhood. The proposed building would be highly visible and out of character with the nearby residences. The Comprehensive Plan anticipates continued residential development along this portion of Mud Pike Road.

Seth McGhee, applicant, addressed the Board regarding his request. Mr. McGhee stated that he will evaluate the type of building to be constructed. He will be willing to proffer a more aesthetic appealing building, such as brick, to make it compatible with the surrounding neighborhood. He will also offer to plant a buffer between his property and the adjacent property. Mr. McGhee noted that all equipment will be stored inside, with no outside storage. He sees no problems with the security lighting as most of the houses in the area already have dusk to dawn lighting. The traffic will not be an issue as there are only two employees. Mr. McGhee stated he intends to build a house on the property in the future and asked the Board for their consideration of his request.

George Jackson addressed the Board with his concerns on the proposed request. Mr. Jackson stated that the information provided tonight at the Board of Supervisors meeting was not available at the Planning Commission meeting. The residents along Mud Pike Road have valid concerns with this request. They would rather see a home or brick garage than a 3,000 sq. ft. metal structure. However, due to Mr. McGhee's comments tonight, he would like to request a community meeting with Mr. McGhee to address some of their concerns. Mr. Jackson asked the Board to deny this request until a more concrete plan is submitted. Also, members of the audience were asked to stand if they opposed this request. Approximately six people stood in opposition.

Rezoning Request – International Church of the Four Square Gospel ( Agent: Randy Gardner)  
**A request by International Church of the Four Square Gospel to rezone approximately 1.9 acres from Manufacturing (M-1) to Agricultural (A-1), with possible proffered conditions, to allow a veterinary clinic.** The property is located on the south side of Flanagan Drive (SR F-060), and is identified as Tax Parcel No(s). 094-4-11, 12, (Acct #'s 015852) in the Riner Magisterial District (District D). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary of the proposed rezoning. The request is to rezone 1.9 acres from Manufacturing to Agricultural in order to allow a veterinary clinic. The owner, LIFE Bible College, wishes to sell this property, which is currently used as a storage facility. A proffered condition approved by the Board of Supervisors in February 1994 requires that if the ownership of this property is transferred, the owners shall seek the rezoning to Agriculture.

The Planning Commission did hear concerns about the keeping of sick animals, which has the potential to make noise around the clock, and produce waste that would be offensive in odor. Another concern would be breaking and entering for drugs. The potential buyer, Dr. Kent Adams, proposes locating a large veterinary clinic on this property. The majority of the work will be done off-site; and small animals, such as domestic dogs, cats, etc, will not be treated, therefore, keeping animals overnight or on-sight will be minimal.

At their September 12, 2007 meeting, the Planning Commission recommended approval of this request. They felt the proposed veterinary practice for large animals allowed by right under Agriculture was preferable to leaving the land zoned manufacturing. The proposed uses would be compatible to the surrounding low-density residential development.

Dr. Kent Adams, addressed the Board regarding the rezoning request. Dr. Adams explained that his business has been in operation since 1990 and is currently located in Riner. He is proposing to re-locate his business to Flanagan Drive, which is more convenient to Interstate 81. The facility will be more of a support facility as 95%, of the business will be done off-site.

Neal Turner spoke in support of the rezoning request and welcomed the veterinarian clinic to the proposed location.

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

Rezoning Request and Special Use Permit – Wayne & Joy Compton – Continued

**A request by Wayne F. and Joy C. Compton to rezone approximately 1+ acres from Residential (R-2) to Community Business (CB), with possible proffered conditions, with a Special Use Permit (SUP) to allow a single family dwelling and a Special Use Permit (SUP) to allow truck, trailer sales, service, rental, and repair with outside operations.** The property is located on the north side of Jennelle Road (SR 603), and is identified as Tax Parcel No(s). 068-A-125, 126 (Acct #'s 003868, 003869) in the Mt. Tabor Magisterial District (District B). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

**The Chair announced that Mr. Compton submitted a letter requesting a 90 day continuance in order to meet with the adjoining property owners. Therefore, the public hearing was continued for 90 days.**

**The Chair asked that anyone who wished to speak on this request may do so.**

Wayne Compton, applicant, addressed the Board regarding his request. He explained he is requesting a continuance in order to meet with his neighbors and discuss his intentions and address their concerns.

Angela Albert, an adjoining property owner, said she is concerned because the site is located in a residential neighborhood. She is concerned about polluting the wells, decreasing property values, and junk cars and parts on the property.

There being no further speakers, the public hearing was continued for 90 days.

Ordinance Amending Chapter 3, Entitled Animals

**An Ordinance amending Chapter 3, Entitled Animals, Sections 3-28.1 and 3-28.2 respectively of the Code of the County of Montgomery, Virginia by requiring a prepaid fee for spay and neuter before releasing any animal not sterilized for adoption.**

The County Attorney provided a brief summary of the proposed ordinance. This is a request by the Friends of Animal Control and Care (FACC) to help the County's Animal Shelter by providing and assisting in the spaying and neutering of animals being adopted at the Animal Shelter. All animals adopted at the Animal Shelter must be spayed or neutered within six months per state law.

Supervisor Creed asked if this program would include cats. The County Administrator responded that the County's Animal Shelter does not have a facility for cats at this time.

Jason Shelton, Friends of Animal Care & Control, spoke in support of this ordinance. Mr. Shelton stated that if the County is interested in a spay/neuter program for feral cats then FACC could try to form a relationship with another group to provide this program.

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

American Electric Power – Easement Request

**Request by American Electric Power for a right-of-way easement for an underground utility line on property owned by Montgomery County where the new Elliston Volunteer Fire Department is located in the Elliston-Lafayette Industrial Park, Enterprise Drive, Elliston, Virginia.**

The County Attorney provided a brief summary. In order for American Electric Power to provide electric services to the new Elliston Volunteer Fire Department, an underground utility line must be constructed on County property. The County must convey an easement of right-of-way in order for AEP to construct this new line. State law requires that a public hearing be held before the easement is granted.

There being no speakers, the public hearing was closed.

**PUBLIC ADDRESS**

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

**ADD TO THE AGENDA – ADDENDUM #2**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the following addendum was added to the Consent Agenda:

1. Resolution Appointing Charles Ray Helmick Chief Animal Control Officer for the County of Montgomery, Virginia Effective October 1, 2007.

The vote on the foregoing motion was as follows:

AYE

Gary C. Creed

Doug Marrs

Mary W. Biggs

Annette S. Perkins

James D. Politis

John A. Muffo

Steve L. Spradlin

NAY

None

**CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated September 24, 2007 was approved.

The vote on the foregoing motion was as follows:

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

**Approval of Minutes**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the minutes dated August 13, 2007 were approved.

**A-FY-08-45  
GENERAL DISTRICT COURT  
BUDGET ADJUSTMENT**

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

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

220	220 General District Court	\$9,958
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203 Undesignated Fund Balance	\$9,958

Said resolution appropriates fund balance to cover general operating expenses associated with the General District Court’s operating budget for FY 08.

**A-FY-08-46**  
**SWIFT WATER RESCUE EQUIPMENT**

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

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

**FROM:**

3300 Undesignated Fire and Rescue Projects           (\$3,095)

**TO:**

3305 Swift Water Rescue Equipment                   \$3,095

Said resolution transfers appropriated funds from Undesignated Fire and Rescue Projects to Swift Water Rescue Equipment.

**R-FY-08-36**  
**VACATION OF PUBLIC RIGHT-OF-WAY**  
**GRACE ASSEMBLY OF GOD**

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

WHEREAS, The Plat of Lot Line Relocation between Lot 2 and Lot 15 Being a Resubdivision of the Minor Subdivision Plat of Lot 15 C. K. Lemon, Sr. Farm effects the vacation of the 50' public right-of-way between Tax Parcels 106-A-78, 78C and 78D on behalf of the landowners; and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate public rights-of-way 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 of Lot Line Relocation between Lot 2 and Lot 15 Being a Resubdivision of the Minor Subdivision Plat of Lot 15 C. K. Lemon, Sr. Farm prepared by Draper Aden Associates, Job No. B01367-A dated 09-09-2005, involving Tax Parcels 106-A-78, 78C and 78D (Acct ID# 080685, 090524 and 090525 respectively) in the Riner Magisterial District.

**R-FY-07-37**  
**BOARD OF SUPERVISORS**  
**NOVEMBER 2007 MEETING**  
**CHANGE MEETING DATE**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in November on **Wednesday, November 14, 2007.**

**R-FY-08-38**  
**APPOINTMENT**  
**OFFICE ON YOUTH ADVISORY BOARD**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Juanita Thornton** to the Office on Youth Advisory Board effective September 25, 2007 and expiring September 24, 2010.

**R-FY-08-44**  
**RESOLUTION APPOINTING CHARLES RAY HELMICK**  
**CHIEF ANIMAL CONTROL OFFICER FOR**  
**THE COUNTY OF MONTGOMERY, VIRGINIA**  
**EFFECTIVE OCTOBER 1, 2007**

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

WHEREAS, Effective October 1, 2007, Harvey Waddell will retire as the Chief Animal Control Officer for the County of Montgomery, Virginia; and

WHEREAS, After advertising the job opening and having staff conduct interviews of candidates for the job, the County Administrator recommends that the Board of Supervisors appoint Charles Ray Helmick as Chief Animal Control Officer for the County of Montgomery, Virginia, effective October 1, 2007; and

WHEREAS, The Board of Supervisors desires to appoint Charles Ray Helmick as Chief Animal Control Officer for the County of Montgomery, Virginia.

NOW THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby appoints Charles Ray Helmick, Chief Animal Control Officer for the County of Montgomery, Virginia effective October 1, 2007, replacing Harvey Waddell who is retiring.

**OLD BUSINESS**

**R-FY-08-39**  
**A RESOLUTION AMENDING THE**  
**CARILION NEW RIVER VALLEY MEDICAL CENTER**  
**(FORMERLY RADFORD COMMUNITY HOSPITAL, INC)**  
**SPECIAL USE PERMIT**  
**TO ALLOW A REVISION TO THE CONCEPT DEVELOPMENT PLAN**  
**FOR THE PLANNED UNIT DEVELOPMENT**  
**TO ALLOW THE RELOCATION OF THE HELIPAD SITE**  
**AND THE CONSTRUCTION OF A HANGER**  
**AND LIVING QUARTERS TO HOUSE THE HELICOPTER,**  
**THE FLIGHT CREW AND MEDICAL PERSONNEL**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by Carilion New River Valley Medical Center (formerly Radford Community Hospital, Inc) to amend the Special Use Permit to allow a revision to the Planned Unit Development-Commercial District (PUD-COM) by amending the Concept Development Plan to allow the relocation of the Helipad site, the construction of a hanger to house and maintain the helicopter and construction of living quarters for the crew and medical personnel is hereby approved subject to the following conditions:

1. The relocation and construction of the Helipad site and the construction of the hanger and living quarters shall be developed in substantial conformance with the master plan prepared by Draper Aden Associates, dated July 31, 2007. Approved copies of the master plan shall be signed by the Planning & Zoning Administrator.
2. Helicopter flights to and from the Medical Center shall when possible avoid directly flying over residences located in the vicinity of the Medical Center.

In addition, the following conditions approved as part of the Special Use Permit dated February 10, 2003 shall remain in effect:

3. Carilion shall pay at least one-half (1/2) of the cost, in conjunction with other private developers, to install a VDOT proposed traffic light and necessary intersection improvements at the Barn Road (State Route 627) and Tyler Avenue (State Route 600) intersection. The remaining one-half (1/2) of funds is expected to come from the state revenue sharing program. These improvements shall be completed prior to occupancy of the proposed buildings shown on

the conceptual master plan prepared by Draper Aden Associates, dated December 12, 2002, and revised January 16, 2003. The total cost of these improvements is estimated by VDOT to be \$175,000.

4. The additions to Pod A, B, C, and D as shown on the master plan dated December 12, 2002, revised January 16, 2003, prepared by Draper Aden Associates as 10,000 square feet (5,000 square feet on the first floor and 5,000 square feet on the second floor) shall be used for private patient rooms and ancillary hospital support areas for those rooms.

Further, the following conditions approved as part of the Special Use Permit dated October 14, 2002 shall remain in effect:

5. Warehouse buildings 12 and 13, as shown on the master plan prepared by Draper Aden Associates, dated August 1, 2002, revised September 4, 2002, shall be served by public water and sewer.

6. Greenhouse building 14, as shown on the master plan prepared by Draper Aden Associates, dated August 1, 2002, revised September 4, 2002, shall be served by public water.

7. Signage shall be limited to 300 square feet in total area. No general advertising (billboard) signs shall be permitted. A comprehensive signage plan indicating all existing and proposed signs shall be submitted for approval by the Zoning Administrator prior to issuance of building permits. Height of freestanding signs shall not exceed fifteen (15) feet above existing grade.

The vote on the foregoing resolution was as follows:

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

**R-FY-08-40**  
**RESOLUTION OF THE BOARD OF SUPERVISORS**  
**INDUSTRIAL DEVELOPMENT AUTHORITY**  
**SERIES 2004 BOND REFINANCING**

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

**WHEREAS**, The Board of Supervisors of Montgomery County, Virginia (**the “Board of Supervisors”**) has determined that the County of Montgomery, Virginia (**the “County”**) has an

immediate need to (i) refinance the Industrial Development Authority of Montgomery County, Virginia (**the “Authority”**) \$9,486,000 Taxable Revenue Bonds, Series 2004 issued on December 3, 2004, (**the “Prior Loan”**) which refinanced prior borrowings of the Authority to finance the construction, renovation and equipping of the Haleos Building, formerly ACT MicroDevices, Inc. (**the “Project”**) located on certain real property in the County, (**the “Real Estate”**), through the issuance of an amount not to exceed \$10,567,876 Taxable Revenue Bonds, Series 2007 (**the “Bonds”**), (ii) refinance other borrowings of the Authority, the proceeds of which were used to make improvements to the Real Estate (**together with the Prior Loan, the “Current Debt”**), and (iii) pay the costs of issuance of the Bonds, to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the “Act”**), and the Authority has agreed to do so; and

**WHEREAS**, There has been presented to the Board of Supervisors a plan for the refinancing of the Current Debt involving the issuance of the Bonds by the Authority, which would not create debt of the County for purposes of the Virginia Constitution; and

**WHEREAS**, After consultation with and assistance from Sands Anderson Marks & Miller, a Professional Corporation as Bond Counsel, the Authority has received a proposal from SunTrust Bank (**the “Bank”**) for purchase of the Bonds, payment of the Bonds to be secured by a lien on and security interest in the Project granted pursuant to a deed of trust, and in connection therewith, the Bank has requested a moral obligation support agreement be entered into between the Authority and the County; and

**WHEREAS**, The Bank has agreed that the Bonds may be repaid without penalty at any time; and

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

1. a Bond Purchase and Loan Agreement among the Authority, the County and the Bank providing for the purchase of the Bonds and the loan of the monies from the sale of the Bonds to repay the Current Debt (**the “Bond Purchase and Loan Agreement”**);
2. a Support Agreement between the Authority and the County to undertake a non-binding obligation to appropriate from time to time monies to the Authority in connection with payments due on the Bonds;
3. an Amended and Restated Assignment of Rents and Leases between the Authority and the Bank, re-assigning to the Bank leases and rental payments received from the Project (**the “Amended Assignment ”**); and
4. an Amended and Restated Deed of Trust and Security Agreement between the Authority and the trustees thereunder for the benefit of the Bank, re-securing the repayment of the Bonds with a first mortgage deed of trust on the Project (**the “Amended and Restated Deed of Trust”**).

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

1. The following plan for re-financing the Current Debt for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the Bonds in the maximum amount of \$10,567,876 and to use the proceeds therefrom to refinance the Current Debt and pay costs of issuance. The Authority will sell the Bonds to the Bank and agree to repay the same pursuant to the Bond Purchase and Loan Agreement. The Authority will also enter into the Amended Assignment whereby the Authority's rights under any leases or rental payments from the Project will be re-assigned to the Bank. The Authority's repayment obligations will be sufficient to pay interest and principal due on the Bonds, all pursuant to the Bond Purchase and Loan Agreement. The obligation of the Authority to pay principal and interest on Bonds will be limited to revenues received from the Project and appropriations of the County under the Support Agreement, if necessary. The obligation of the County to make any payments under the Support Agreement will be subject to the Board of Supervisors making annual appropriations for such purpose. The Bonds will be secured by the Amended Assignment, the Bond Purchase and Loan Agreement, the Amended and Restated Deed of Trust and the Support Agreement. The issuance of the Bond maturing in five years from the issuance date at a per annum interest rate of 6.00% is hereby approved.
2. The Board hereby selects Sands, Anderson, Marks & Miller, a Professional Corporation as Bond Counsel and the Authority has also selected such firm.
3. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement and the Bond Purchase and Loan Agreement.
4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent, as necessary, to the provisions of the Support Agreement, the Amended Assignment, the Amended and Restated Deed of Trust, the Bond Purchase and Loan Agreement and any other instruments executed by the Authority in connection with the issuance of the Bonds, including designating and confirming the final provisions and other terms of the Bonds.
5. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.
6. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Bond Purchase and Loan Agreement. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Bond

Purchase and Loan Agreement pursuant to the Support Agreement and hereby recommends that future Boards of Supervisors do likewise during the term of the Bond Purchase and Loan Agreement.

7. All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of Bonds and the re-financing of the Current Debt is hereby approved and ratified.

8. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

9. The County hereby agrees to the extent permitted by law to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Bonds and the re-financing of the Current Debt.

10. Nothing in this Resolution or the Support Agreement, the Bonds or the Documents shall constitute a debt or a pledge of the faith and credit or the taxing power of the County with respect to any sums which are or may become payable under the Support Agreement. All obligations of the County and the Board of Supervisors under the Support Agreement are subject to and dependent upon appropriations of funds by the Board of Supervisors, and the Board of Supervisors shall have no legally binding obligation under this resolution or in the Support Agreement to make any such appropriation or the payments provided for in the Support Agreement, the Support Agreement being a statement only of the present intent of the Board of Supervisors.

11. This resolution shall take effect immediately.

PASSED AND ADOPTED this 24<sup>th</sup> of September, 2007.

The vote on the foregoing resolution was as follows:

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

**A-FY-08-47**  
**SCHOOL OPERATING FUND**  
**ESCROW REQUEST**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is 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:

451200	Transfer to School Operating Fund	\$2,592,357
940	Transfer to School Cafeteria Fund	<u>214,955</u>
	Total	\$2,807,312

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

451203	Undesignated Fund Balance	\$2,807,312
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BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating and School Cafeteria Funds were 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:

School Operating:		
561000	Instruction	\$892,030
562000	Administration, Attendance and Health	62,837
563000	Transportation	142,102
564000	Operations and Maintenance	1,495,388
School Nutrition		<u>214,955</u>
	Total	\$2,807,312

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

<u>Revenue Account:</u>		
4451100	Transfer from General Fund	\$2,807,312

Said resolution appropriates unspent school operating funds remaining at June 30, 2007.

The vote on the foregoing resolution was as follows:

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

**Written Declaration Pursuant to Section 2.2-3115 of the Virginia Code**

Supervisor Perkins submitted the following statement for the record:

1. The School Board has requested the Board of Supervisors to approve a resolution re-appropriating \$2,807,312 that was leftover from the School Board fiscal year 2007 budget to be used by the School Board for fiscal year 2008 budget.
2. I am a member of the Board of Supervisors and an employee of the Montgomery County School Board.
3. If re-appropriated by the Board of Supervisors a portion of the money is to be used by the School Board to provide school employees a one time employee bonus of \$500. I am a School Board employee that would benefit economically from the one time employee bonus if it is provided by the School Board.
4. I can still participate in the consideration the proposed Resolution authorizing the re-appropriation of \$2,807,312 from the 2007 School Board Budget to the 2008 School Board Budget fairly, objectively and in the public interests.

Signed: Annette S. Perkins

Supervisor Biggs submitted the following statement for the record:

1. The School Board has requested the Board of Supervisors to approve a resolution re-appropriating \$2,807,312 that was leftover from the School Board fiscal year 2007 budget to be used by the School Board for fiscal year 2008 budget.
2. I am a member of the Board of Supervisors and an employee of the Montgomery County School Board.
3. If re-appropriated by the Board of Supervisors a portion of the money is to be used by the School Board to provide school employees a one time employee bonus of \$500. I am a School Board employee that would benefit economically from the one time employee bonus if it is provided by the School Board.

4. I can still participate in the consideration the proposed Resolution authorizing the re-appropriation of \$2,807,312 from the 2007 School Board Budget to the 2008 School Board Budget fairly, objectively and in the public interests.

Signed: Mary W. Biggs

**NEW BUSINESS**

**R-FY-08-41  
RESOLUTION APPROVING THE  
BUDGET CALENDAR FOR FY 2009**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the proposed FY 2009 Budget Calendar is hereby approved. It is the intent of the Board of Supervisors that departments, offices, and agencies requesting funds through the budget process adhere to the deadlines prescribed within the calendar. The names of the departments, offices, and agencies failing to comply with this directive shall be reported to the Board of Supervisors at their first meeting in January 2008.

**COUNTY OF MONTGOMERY  
BUDGET CALENDAR FOR FY 2009**

The Budget Calendar is a schedule for the development of the County budget. It is very important that everyone adhere to the Budget Calendar and fulfill his/her responsibility in the budgeting process.

<b><u>DATE</u></b>	<b><u>FUNCTION</u></b>	<b><u>RESPONSIBILITY</u></b>
October 22, 2007	Budget work session on issues for budget development - FY 07 General Fund Balance and Revenue Review. (Regular Board meeting)	Board of Supervisors
November 9, 2007	Budget working documents given to divisions and mailed to external agencies along with special instructions and guidelines.	County Administrator and Financial & Management Services
November 26, 2007	Budget work session on issues for budget development - Compensation/Health Insurance work session. (Regular Board meeting)	Board of Supervisors
December 10-14, 2007	Divisions without access to the County's network enter base budget changes.	Financial & Management Services
December 28, 2007	Due date for Proposed Base Budget revisions for all divisions, agencies, and organizations (except for Schools).	Directors, Divisions, and Agency Heads
January 14, 2008	Public Hearing for citizen input.	Board of Supervisors
January 14 - February 11, 2008	County Administrator review with Directors, Constitutional Officers, and Agency Heads the Proposed Budget.	County Administrator

<b><u>DATE</u></b>	<b><u>FUNCTION</u></b>	<b><u>RESPONSIBILITY</u></b>
January 21, 2008	Budget work session on issues for budget development - School Resource Officers and Annual verses Four-year Reassessment. (Special work session)	Board of Supervisors
January 28, 2008	Budget work session on issues for budget development - Preliminary Revenue Projection. (Regular Board meeting)	Board of Supervisors
February 7, 2008	Budget work session on issues for budget development - CIP Presentation to Board. (Special work session)	Board of Supervisors
February 11, 2008	School budget delivered to County Administrator.	School Board
February 18, 2008	Budget work session on issues for budget development - Presentation of FY 09 School Budget Request and Outside Agency Requests. (Special work session)	Board of Supervisors
March 6, 2008	Budget work session on issues for budget development - Topics to be decided. (Special work session)	County Administrator
March 7, 2008	Proposed Budget document delivered to Board of Supervisors.	County Administrator
March 10, 2008	Presentation of FY 09 Proposed Budget.	County Administrator
March 10 - 17, 2008	Budget work sessions on issues for budget development - Develop advertised budget and tax rate.	Board of Supervisors
March 17, 2008	Budget work sessions on issues for budget development - By this date; establish advertised tax rate and prepare budget synopsis notices of public hearing in paper. (Special work session)	Board of Supervisors
March 27, 2008	Public Hearing on advertised tax rate and budget.	Board of Supervisors
March 17 - April 14, 2008	Work sessions to adopt budget (including Schools) and establish tax rate.	Board of Supervisors
April 14, 2008	Establish tax rate and adopt budget.	Board of Supervisors
By June 30, 2008	Make final budget appropriation.	Board of Supervisors
After July 1, 2008	Divisions and Agencies notified of final appropriations.	County Administrator

- 1 PUBLIC HEARING: A public hearing on the budget is required. If a tax rate increase is needed, notice must be published at least 7 days before the public hearing and at least 14 days before final action.
- 2 TAX RATE AND BUDGET: The tax rate and budget must be established at the same time. This must be done early to process the first installment of real estate taxes.
- 3 LEGAL NOTICES AND PUBLIC HEARINGS: Legal notices and public hearings on the School Budget may be considered separately from the Non-School Budget. The School Budget must be approved by May 1, 2008 or within 30 days after receipt of State revenue estimates; which is later.

The vote on the forgoing resolution was as follows:

AYE:

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

NAY:

None

**R-FY-08-42  
RESOLUTION OF RECOGNITION  
ROANOKE TIMES REPORTER  
PAUL DELLINGER**

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

**WHEREAS, *Paul Dellinger*** has kept the citizens of Montgomery County and Southwest Virginia informed for the past 44 years in his capacity as a Reporter for the *Roanoke Times*; and

**WHEREAS,** In the early decades of his career, ***Paul Dellinger*** covered 15 counties out of the *Roanoke Times*' Wytheville bureau, reaching to the far southwest corner of the state; and

**WHEREAS,** It is estimated that ***Paul Dellinger*** has averaged 400 bylines a year since 1963, which amounts to 17,600 news stories; and

**WHEREAS, *Paul Dellinger*** during his past few years at the *Roanoke Times*' New River Valley Bureau has covered the meetings of the Montgomery County Board of Supervisors meetings; and

**WHEREAS, *Paul Dellinger's*** coverage of these meetings has been fair and accurate; and

**WHEREAS**, The Board of Supervisors recognizes that **Paul Dellinger's** hard work and dedication has contributed to keeping the citizens of Montgomery County and Southwest Virginia informed over the past 44 years.

**NOW, THEREFORE, BE IT RESOLVED**, The Board of Supervisors of Montgomery County, Virginia congratulates **Paul Dellinger** for his outstanding service to the citizens of Montgomery County and Southwest Virginia and wish him the very best as he retires from his position at the *Roanoke Times* after 44 years of service.

**BE IT FURTHER RESOLVED**, That the original of this resolution be presented to **Paul Dellinger** as a testimonial of the high esteem in which he is regarded by the members of the Board of Supervisors and that a copy be made a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

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

### **INTO WORK SESSION**

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

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

1. Huckleberry Trail Expansion – Town of Christiansburg

The vote on the foregoing motion was as follows:

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

**Huckleberry Trail Expansion – Town of Christiansburg**

Bill Ellenbogen, Friends of the Huckleberry, reported that the Town of Christiansburg is proposing to extend the Huckleberry Trail from the New River Valley Mall to the Christiansburg Recreation Center for approximately two miles. They are here tonight to request the Board of Supervisors to sponsor a grant application for Transportation Enhancement (TEA) funds through the Virginia Department of Transportation. Christiansburg Mayor Richard Ballengee, Town Council Member Brad Stipes, and John Neel, Gay & Neel, Inc., provided additional information on this request.

Brad Stipes, member of Christiansburg Town Council, reported that the Town of Christiansburg is proposing to extend the Huckleberry Trail from the NRV Mall to the Christiansburg Recreation Center. The Huckleberry Trail has been one of the most successful projects, which was a joint effort by Montgomery County, the Town of Blacksburg, and the Town of Christiansburg. It has been on the Town’s long-range plan to extend the trail. Mr. Stipes reported that the Town would like to apply for TEA grant funding through VDOT to cover the costs of this project. Because the Town is currently using TEA funds for there downtown project they are not eligible to apply. They are asking Montgomery County to sponsor an application for this project. The Town will be responsible for the 20% required local match.

John Neel, Gay & Neel Inc., provided an overview of the Huckleberry Expansion Project. Extending the trail another two miles will enhance the area as an attraction for visitors as well as making the trail more accessible to local citizens. The extension has the potential to connect approximately 1,000 dwelling units within a five minute walk to the Christiansburg Trail Extension.

Mayor Ballengee concluded the presentation and thanked the Board for their consideration and believes that this project will greatly enhance the trail.

The County Administrator reported that the deadline for submitting an application is November 1, 2007. To meet the deadline for application the following schedule must be followed:

- |                    |  |
|--------------------|--|
| September 24, 2007 | Schedule Public Hearing                                  |
| October 9, 2007    | Hold Public Hearing                                      |
| October 22, 2007   | Approve resolution requesting Enhancement Program Funds. |

**OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by James D. Politis 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>
Gary D. Creed	None
Doug MARR	
Mary W. Biggs	
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Steve L. Spradlin	

**R-FY-08-43**  
**RESOLUTION SCHEDULING A PUBLIC HEARING**  
**HUCKLEBERRY TRAIL/CHRISTIANSBURG EXTENSION PROJECT**

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 Board of Supervisors hereby agrees to schedule a public hearing on October 9, 2007, at 7:15 p.m., or as soon thereafter at the Montgomery County Government Center, 2<sup>nd</sup> Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the Virginia Department of Transportation Enhancement Program application for the Huckleberry Trail/Christiansburg Extension beginning at the New River Valley Mall and ending at the Town of Christiansburg Recreation Center for approximately 2 miles.

Copies of the proposed plan may be examined at the County Administration Office, County Government Center, 755 Roanoke St., Suite 2E, Christiansburg, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m.

The vote on the foregoing resolution was as follows:

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

## **COUNTY ADMINISTRATOR'S REPORT**

**Legislative Priorities and Legislative Dinner** A copy of last year's legislative priorities were provided to Board members to review and submit any changes or deletions to the list. VACo will need the Board's 2008 Legislative Priorities before their annual conference in November. Also, the Board of Supervisors will need to decide if they want to hold a legislative dinner meeting with our state legislators this year.

**Six Year Road Improvement Plan for Interstate and Primary Roads** The Commonwealth Transportation Board has scheduled a public meeting for Wednesday, October 24, 2007 at 6:00 p.m. at the Salem Civic Center to hear comments on their proposed Six-Year Improvement Plan for Interstate and Primary Roads for FY 2009-2014. There will be a public official's briefing from 5:00 p.m. to 6:00 p.m. before the public meeting. A copy of the Board's resolution from last year listing priorities for Montgomery County is included for the Board's review. The County Administrator requested that the Board forward any changes to him in order to provide them with a resolution at the next meeting. He commented that he will attend this meeting on behalf of the County.

**October Board Meeting** The County Administrator reported the first Board meeting in October will be on Tuesday, October 9, 2007 due to offices being closed on Monday in observance of Columbus Day.

## **BOARD MEMBERS' REPORTS**

**Supervisor Muffo** reported he will be traveling to Washington D.C. the week of October 8, 2007 to provide testimony on the Virginia Ridge and Valley Act of 2007 introduced by Congressman Rick Boucher and Senator John Warner. This legislation would create new wilderness areas in Virginia protecting 43,000 acres of the Jefferson National Forest. In 2003 the Board voted to endorse creating a wilderness area in the Brush Mountain section of Montgomery County.

**Supervisor Biggs Library Board** Supervisor Biggs provided copies of the Library Board's strategic plan. The Library Board received notice that state funding for the library will be cut by \$14,000. Also, Supervisor Biggs was photographed for her READS Poster and urged other Board members to do the same.

**Supervisor Perkins** attended a conference in Pennsylvania, representing the New River Valley Planning District Commission, regarding the I-81 Corridor. The conference was very informative and well attended by all states bordering I-81. An overview of concerns and safety issues about I-81 was discussed by each state.

**Supervisor Spradlin** reported that the Gypsy Moth meeting is scheduled for September 25, 2007 at the Sunnyside Pentecostal Holiness Church.

School Board - Princes Fork Elementary School Community Meeting was held September 20, 2007. This meeting was well attended and very informative.

**ADJOURNMENT**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Tuesday, October 9, 2007 at 6:00 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 10:25 p.m.

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