

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12th DAY OF JUNE 2006, AT 6:00 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
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Bob Isner	-Economic Development Director
	Brian Hamilton	-Economic Development Associate Director
	T.C. Powers	-Planning & GIS Director
	Karen Edmonds	-Human Resources Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Doug Marrs	-Supervisor
	B. Clayton Goodman, III	-County Administrator

CALL TO ORDER

The Chair called the meeting to order.

ADD TO THE AGENDA - ADDENDUM #1

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the following addendum dated June 12, 2006 was added to the agenda under Closed Meeting:

Section 2.2-3711 (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business-or industry-s interest in locating or expanding its facilities in the community.

2. Project # 2006013

The vote on the foregoing motion was as follows:

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

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business= or industry=s interest in locating or expanding its facilities in the community.
 1. Project # 2006008
 2. Project # 2006013

- (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. Vattel Corp. Performance Agreement between Montgomery County and the IDA.
 2. Town of Christiansburg Boundary Adjustment

- (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. Proposed Land Sale – Kipps Farm

- (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. Community College Board (New River)
2. Community Policy and Management Team (CPMT)
3. Industrial Development Authority
4. Library Board
5. New River Valley Development Corporation
6. Planning Commission (District D)
7. Planning Commission (District F)
8. Social Services Board
9. Board of Zoning Appeals

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed 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
James D. Politis
John A. Muffo
Annette S. Perkins
Mary W. Biggs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

Doug Marrs

ABSENT DURING MEETING

Doug Marrs

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION – RESOLUTION OF APPRECIATION TO JOSIAH T. SHOWALTER

The Board of Supervisors presented a Resolution of Appreciation to Josiah T. Showalter for serving as Montgomery County Commonwealth's Attorney from January 2000 to March 2006. Mr. Showalter resigned as Montgomery County Commonwealth's Attorney to be appointed as Circuit Court Judge in the 27th Judicial Circuit.

PUBLIC ADDRESS SESSION

Rene Neron listed his objections to the proposed cell tower in Brush Mountain Estates: the proposed tower does not benefit Montgomery County; proposed site is located in a residential area; the applicant has only considered co-located sites, no new sites were considered; the request is for a new tower and not a replacement tower; the request does not conform with the comprehensive plan; there are other alternate sites available in Montgomery County and Giles County; and the applicant has not met with the residents who live in Brush Mountain Estates. Mr. Neron thanked the Board for their time and considering all the objections.

Tony Gambill spoke in opposition to the proposed cell tower in Brush Mountain Estates. Mr. Gambill believes Ntelos has only looked at possible co-location sites, not new sites. Co-location is preferable; however, Ntelos did not exhaust all other sites. Also, if the Board approves this request, they will set a precedent for future requests for cell towers in residential areas.

Ann Price spoke in opposition to the proposed cell tower in Brush Mountain Estates. Ms. Price believes the developer has betrayed the homeowners in Brush Mountain Estates by proposing a cell tower in a residential neighborhood. She also expressed concerns with how a tower will affect property values and potential loss of real estate sales in Brush Mountain Estates. The proposed tower site is located on a prominent ridgeline. A tower will change the character and landscaping of Brush Mountain.

Dan Swanson spoke in opposition to the proposed cell tower in Brush Mountain Estates. Mr. Swanson thanked the Board for their time and consideration as they listen to all the objections to the proposed tower. He asked the Board to deny the request for a special use permit to allow a cell tower to be located in Brush Mountain Estates. Mr. Swanson summarized the objections to the tower and asked if serving a small customer base is worth destroying the character and landscape for the west side of Blacksburg.

Mike Pace, Gentry, Locke, Rakes, and Moore, agent for Brush Mountain Estates, LLC, spoke in support of the proposed cell tower to be located in Brush Mountain Estates. Mr. Pace stressed that the request is to remove an existing tower and construct a new tower at the same location. The County's Zoning Ordinance requires applicants to exhaust all possible co-locations sites, which they did, and provided information as to why other co-location sites were not suitable. He pointed out that this is a Montgomery County issue because coverage is needed in Montgomery County.

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

DELEGATION

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board on road issues in Montgomery County. Mr. Clarke informed the Board that due to the Budget impasse at the State level, there are no state funds available for the Six Year Secondary Road Improvement Program. They will have to rely on federal funds only for construction projects in the secondary road system. In order to use federal funds on secondary roads, localities must have roads that meet federal requirements on their Six-Year Secondary Road Improvement List. FY 06-07 Six-Year Secondary Road Improvement Plan does not include any roads that are eligible for federal funds. In order to receive federal funds the Board will need to add a road that is eligible for federal funds. Mr. Clarke recommended that Piney Woods Road (SR 600) be added to their list. Piney Woods Rd has been on the Six-Year Secondary Road Improvement Program in the past but removed. This road is a major collector road that is unpaved and is eligible to receive federal funding. Mr. Clarke suggested the Board send a letter to VDOT requesting Piney Woods Road be added to the Six-Year Secondary Road Improvement Program.

Mr. Clarke also updated the Board on roads in the Revenue Sharing Program. Crab Creek Road (SR 660) and Brush Creek Road (SR 617) have been completed.

VDOT has received a citizen request to change the speed limit on Clay Street. The citizen was advised of the County's policy on speed studies and VDOT suggested they contact the County Administrator's Office for details.

Virginia Cooperative Extension – Montgomery County

Michelle Adcock, Barry Robinson, and Angie Hall presented Montgomery County Extension's Quarterly Report.

ADD TO THE AGENDA - ADDENDUM #2

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the following addendum dated June 12, 2006 was added to the agenda under Consent Agenda:

Resolution Approving the Revised User Agreement – Pepper’s Ferry Regional Wastewater Treatment Authority

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated June 12, 2006 was approved.

The vote on the foregoing motion was as follows:

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

Approval of Minutes Dated May 8, 2006 and May 10, 2006

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously, the Minutes dated May 8, 2006 and May 10, 2006 were approved.

**A-FY-06-112
SHERIFF
WIRELESS 911**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation for the Sheriff’s Department is adjusted to reflect the appropriate amount of fund balance received in prior fiscal years from the Wireless 911 Board for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

Revenue Account

Increase:

02320 451205 Wireless 911 Fund Balance	\$30,000
02140 451205 Wireless 911 Fund Balance	5,000
02800 451205 Wireless 911 Fund Balance	<u>5,000</u>
Total	\$40,000

Decrease:

02 451203 Undesignated Fund Balance	\$(6,000)
02320 424460 Wireless 911	<u>(34,000)</u>
Total	\$(40,000)

Said resolution increases the use of fund balance from funds received in prior years from the Wireless 911 program and reduces the amount of revenue expected to be received from the program in the current year and the amount of revenue expected to be used from Undesignated Fund Balance.

**A-FY-06-113
SCHOOL CAFETERIA FUND
SUPPLEMENTAL APPROPRIATION**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Cafeteria Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

11	School Cafeteria Fund	\$348,615
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The source of funds for the foregoing appropriation is as follows:

Revenue Account:

School Cafeteria Fund Balance	\$348,615
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Said resolution appropriates additional funds for the School Cafeteria Fund.

**R-FY-06-176
NEW RIVER COMMUNITY ACTION
APPOINTMENT**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Lori Walden** to the **New River Community Action Board** effective July 1, 2006 and expiring June 30, 2008.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/ authorities for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-06-177
NEW RIVER VALLEY COMMUNITY
SERVICES BOARD APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **John A. Muffo** to the **New River Valley Community Services Board** effective July 1, 2006 and expiring June 30, 2009.

BE IF FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

R-FY-06-178
GREENWAYS AND PATHWAYS
CORRIDOR COMMITTEE

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints the following individuals to the Greenways and Pathways Corridor Committee effective July 1, 2006 and expiring June 30, 2009:

<u>Name</u>	<u>Representing</u>
Michael Hemphill	Village of Elliston
Marc Hamel	Village of Price's Fork
Marvi Stine	Village of Riner
Roy Jones	Parks & Recreation Commission Representative
Walt Haynes	Planning Commission Representative
John A. Muffo	Board of Supervisors
Gary D. Creed	Board of Supervisors (Alternate)

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the expiration of a Board of Supervisors term in office, the expiration of a Planning Commission member's term in office, or the expiration of a Parks and Recreation Commission member's term in office, shall constitute a voluntary resignation from any board/ commission/ authority appointment as a representative of Montgomery County.

R-FY-06-179
CRIMINAL JUSTICE SERVICES
27TH DISTRICT COMMUNITY
APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **Mary B. Critzer**, in her capacity as Human Services Director, to the Criminal Justice Services Board (27th District Community) effective July 1, 2006 and expiring June 30, 2008.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-06-180
ADDITION TO THE STATE SECONDARY
SYSTEM OF STATE HIGHWAYS
PEAKLAND WAY (SR 1289)

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

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

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

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

ADDITION:

Heritage Place Phase 4-a

Name of Street:

Peakland Way (SR1289)

From: Hitching Post Drive (SR 1242)

To: Cul-de-sac

Length

0.41 mi

Plat Recorded: 12/15/2004
Plat Book: 24; Page 453-456;

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted 50 ft. right-of-way, as described, and any necessary easements for cuts, fills, and drainage; and

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

R-FY-06-181
RESOLUTION APPROVING A REVISED
USER AGREEMENT –
PEPPER’S FERRY REGIONAL WASTEWATER
TREATMENT AUTHORITY

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

WHEREAS, The City of Radford, the Town of Dublin, the Town of Pulaski, the County of Pulaski and the County of Montgomery are members of the Pepper’s Ferry Regional Wastewater Treatment Authority (the “Authority”), and as such are signatories to the Pepper’s Ferry Regional Wastewater Treatment Authority User Agreement dated March 4, 1981, as amended June 26, 1986, December 17, 1992, July 30, 1993, July 13, 1995, and March 25, 2002 (the “User Agreement”); and

WHEREAS, On January 5, 2006, the Board of the Pepper’s Ferry Regional Wastewater Treatment Authority adopted and approved certain minor changes to the User Agreement which will become effective upon approval of the revised User Agreement by the member jurisdictions as provided in Section 7.1 of the User Agreement; and

WHEREAS, The Montgomery County Public Service Authority approved the Amended User Agreement at the Authority’s meeting on June 5, 2006.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby approves the revised User Agreement with the Pepper’s Ferry Regional Wastewater Treatment Authority and, the Chair is authorized to execute the said revised User Agreement on behalf of the County of Montgomery, Virginia.

OLD BUSINESS

ORD-FY-06-25
AN ORDINANCE AMENDING THE ZONING
CLASSIFICATION OF APPROXIMATELY 15.82 ACRES
IN THE MT. TABOR MAGISTERIAL DISTRICT
LOCATED ON THE NORTH SIDE OF BRUSH MOUNTAIN ROAD (SR 777)
AND ON THE EASTERN BOUNDARY OF BRUSH MOUNTAIN WEST PHASE 2,
IDENTIFIED AS A PART OF TAX MAP PARCEL NO. 27-A-40, PARCEL ID# 016095
FROM AGRICULTURE (A-1) TO RURAL RESIDENTIAL (R-R)
BRUSH MOUNTAIN ESTATES, LLC

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

BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of **15.82** acres of a 156.0838 acre tract of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) with the following proffered conditions:

1. VDOT requirement for sight distance shall be met.
2. Each drainfield shall be located on the lot they serve.
3. There shall be a setback requirement of forty feet for the lots adjacent to Route 460 ROW Maximum allowable road grade shall be 16%.
4. No entrances on Route 460.
5. Private covenants and restrictions shall be put in place requiring a minimum area of thirty (30) feet from dwellings be cleared of trees for Wildfire Mitigation.

This action was commenced upon the application of Brush Mountain Estates, LLC. (Agent: Draper Aden Associates).

The property is located on the north side of Brush Mountain Road (SR 777) and on the eastern boundary of Brush Mountain West Phase 2. The property is further described as being located on the south side of Pandapas Pond Road (US Rte. 460) east of the intersection with Autumn Lane. This parcel is identified as a separate and distinct part of Tax Parcel No. 27-A-40 (Acct ID # 016095) in the Mount Tabor Magisterial District (District F). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

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

R-FY-06-183
DENIED
RESOLUTION DENYING A SPECIAL USE PERMIT
TO BRUSH MOUNTAIN ESTATES, LLC,
FOR THE PURPOSE OF LOCATING
A 100 FOOT TELECOMMUNICATION TOWER
ON THE NORTH SIDE OF MTN MISSION CHURCH ROAD
IN THE MOUNT TABOR MAGISTERIAL DISTRICT
ON PARCEL ID NUMBER 036240, TAX MAP NUMBER 15-8-3
BRUSH MOUNTAIN ESTATES LLC, (AGENT: NTELOS)

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Brush Mountain Estates, LLC. (Agent: Debbie Balsler, NTELOS) request for a special use permit to allow a one-hundred (100) foot tall telecommunications tower and associated ground equipment cabinets located on the north side of Mtn. Mission Church Road (Route 778) approximately 300 feet west of Belaire Drive and is identified as Tax Parcel Nos. 15-8-3 (Acct ID # 036240) in the Mount Tabor Magisterial District (District A) is hereby denied because the proposed tower is not compatible with the adjoining residential uses in the area.

The vote on the foregoing motion was as follows:

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

NEW BUSINESS

**R-FY-06-184
FY 2006-2007 POSITION
CLASSIFICATION PLAN**

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

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby approves and authorizes the FY 2006-07 Position Classification Plan.

The vote on the foregoing resolution was as follows:

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

**R-FY-06-185
RESOLUTION ADOPTING THE
FY 07 HEALTH AND DENTAL
INSURANCE RATES**

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

BE IT RESOLVED, that the Board of Supervisors of Montgomery County, Virginia, hereby adopts the following Health and Dental Insurance rate structure for FY06-07 through the New River Valley Benefits Consortium and with Southern Health and Delta Dental as insurance carriers:

	<u>Rate</u>	<u>County</u>	<u>Employee</u>
<u>Modified POS</u>			
Single	\$534	\$518.99	\$15.01
Children	\$746	\$560.77	\$185.23
Spouse	\$1,101	\$632.08	\$468.92
Family	\$1,300	\$671.84	\$628.16
 <u>PPO1250</u>			
Single	\$431	\$431.00	-0-
Children	\$601	\$531.76	\$ 69.24
Spouse	\$887	\$589.32	\$297.68
Family	\$1,047	\$621.19	\$425.81

<u>Dental – Low</u>			
Single	\$23	\$23	-0-
Children	\$37	\$32.23	\$4.77
Spouse	\$37	\$32.23	\$4.77
Family	\$66	\$37.71	\$28.29

<u>Dental – High</u>			
Single	\$31	\$31.00	0-
Children	\$59	\$36.34	\$22.66
Spouse	\$55	\$35.87	\$19.13
Family	\$99	\$44.61	\$54.39

This rate structure represents a 17% increase (health) and a 19% increase (dental) over the FY05-06 rates below:

	<u>Rate</u>	<u>County</u>	<u>Employee</u>
<u>Modified POS</u>			
Single	\$456	\$443.20	\$12.80
Children	\$638	\$479.60	\$158.40
Spouse	\$941	\$540.20	\$400.80
Family	\$1,111	\$574.20	\$536.80

<u>PPO1250</u>			
Single	\$368	\$368.00	-0-
Children	\$514	\$454.80	\$ 59.20
Spouse	\$758	\$503.60	\$254.40
Family	\$895	\$531.00	\$364.00

<u>Dental – Low</u>			
Single	\$19	\$19	-0-
Children	\$31	\$27	\$4.00
Spouse	\$31	\$27	\$4.00
Family	\$56	\$32	\$24.00

<u>Dental – High</u>			
Single	\$26	\$26	-0-
Children	\$50	\$30.80	\$19.20
Spouse	\$46	\$30.00	\$16.00
Family	\$83	\$37.40	\$45.60

The vote on the foregoing resolution was as follows:

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

**R-FY-06-186
MUTUAL AID AGREEMENT
BETWEEN COUNTY OF MONTGOMERY
AND COUNTY OF PULASKI**

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

WHEREAS, Both Montgomery County and Pulaski County maintain firefighting and EMS equipment and provide for these services with the help of dedicated volunteers; and

WHEREAS, It has been determined by the County of Montgomery and the County of Pulaski that an inter-jurisdictional arrangement in planning for, preventing, or responding to, a disaster within the two counties will increase the ability of the parties to preserve the health, safety and welfare of the citizens of Montgomery County and Pulaski County; and

WHEREAS, Section 44-146.20 of the Code of Virginia of 1950, as amended, authorizes local governments to establish and carry into effect a plan to provide mutual aid.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the Mutual Aid Agreement between the County of Montgomery and the County of Pulaski.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes the County Administrator to execute the necessary documents on behalf of the Board of Supervisors of Montgomery County.

The vote on the foregoing resolution was as follows:

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

R-FY-06-187
SHERIFF -USDA GRANT FOR
IN-CAR CAMERAS

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

WHEREAS, The Montgomery County Sheriff's Office has requested the Board's support for a USDA Grant toward the purchase of in-car cameras; and

WHEREAS, The Sheriff has requested a letter of support showing the County agrees to fund \$74,800 in local matching funds toward the purchase; and

WHEREAS, The Sheriff's fiscal year 2006-2007 budget includes \$46,272 for equipment which can be used as a portion of the match; and

WHEREAS, The Sheriff requests additional funds of \$28,528 to provide the remaining portion of the local match; and

WHEREAS, The grant funds, including the local match, will provide \$115,000 for the purchase of 11 in-car cameras in fiscal year 2006-2007.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby support application for \$40,200 in USDA Grant Funds for the purchase of in-car cameras for the Montgomery County Sheriff's Department.

BE IT FURTHER RESOLVED, Funding of the approximately \$115,000 for this project will consist of 35% federal funds; 40% local funds already budgeted, and 25% local funds to be appropriated.

The vote on the foregoing resolution was as follows:

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

R-FY-06-188
SHERIFF
ADDITIONAL COSTS FOR
CONSTRUCTION OF RADIO TOWER
ON PRICE'S MOUNTAIN

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

WHEREAS, On November 28, 2005 the Board of Supervisors approved a resolution providing \$40,000 for the construction of a radio tower on Price's Mountain; and

WHEREAS, Proposals were received and the lowest price proposed was \$38,761; and

WHEREAS, This price does not include rock removal or surveys if required; and

WHEREAS, Should rock removal or surveys be required, the cost may exceed \$40,000.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that should rock removal or survey charges result in a cost above the \$40,000 previously appropriated for the construction of a radio tower on Prices's Mountain that the Board of Supervisors will provide additional funds to cover these costs, if required, in an amount up to \$2,000.

The vote on the foregoing resolution was as follows:

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

R-FY-06-189
SCHEDULE PUBLIC HEARING
AN ORDINANCE AMENDING CHAPTER 2, DIVISION 9
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,
ENTITLED TRANSIENT OCCUPANCY TAX
BY AMENDING SECTION 2-170 AND CREATING SECTION 2-172
FOR THE PURPOSE OF INCREASING THE COUNTY TRANSIENT OCCUPANCY
TAX FROM TWO PERCENT TO THREE PERCENT WITH THE EXCESS
REMITTANCE OVER TWO PERCENT DESIGNATED AND TO BE SPENT SOLELY
FOR TOURISM, MARKETING OF TOURISM, OR INITIATIVES THAT ATTRACT
TRAVELERS TO MONTGOMERY COUNTY AND
GENERATE TOURISM REVENUES IN MONTGOMERY COUNTY

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 hereby schedules a public hearing on Monday, July 10, 2006, 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 proposed Ordinance Amending Chapter 2, Division 9, of the Code of the County of Montgomery, Virginia, Entitled Transient Occupancy Tax by Amending Section 2-170 and Creating Section 2-172 for the Purpose of Increasing the County Transient Occupancy Tax from Two Percent to Three Percent with the Excess Remitted over Two Percent Designated and to be Spent Solely for Tourism, Marketing of Tourism, or Initiatives that Attract Travelers to Montgomery County and Generate Tourism Revenues in Montgomery County.

The vote on the foregoing resolution was as follows:

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

**R-FY-06-190
APPOINTMENT
NEW RIVER COMMUNITY COLLEGE BOARD**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Larry J. Linkous** to the **New River Community College Board** effective July 1, 2006 and expiring June 30, 2010.

The vote on the foregoing resolution was as follows:

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

**R-FY-06-191
APPOINTMENT
COMMUNITY POLICY AND MANAGEMENT TEAM
(CPMT)**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Anthony N. Zuchowski** as a Citizen Representative to the **Community Policy and Management Team (CPMT)** effective July 1, 2006 and expiring June 30, 2008.

The vote on the foregoing resolution was as follows:

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

**R-FY-06-192
APPOINTMENT
PLANNING COMMISSION
DISTRICT F**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **William R. Seitz** to the **Montgomery County Planning Commission** effective July 1, 2006 and expiring June 30, 2010.

The vote on the foregoing resolution was as follows:

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

**R-FY-06-193
APPOINTMENT
SOCIAL SERVICES BOARD**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **John W. Ryan** to the Social Services Board effective July 1, 2006 and expiring June 30, 2010.

The vote on the foregoing resolution was as follows:

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

**R-FY-06-194
APPOINTMENT
RECOMMENDATION TO
CIRCUIT COURT JUDGE
BOARD OF ZONING APPEALS**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge re-appointment of **Thomas E. Heavener** to the **Board of Zoning Appeals** effective July 1, 2006 and expiring June 30, 2011.

The vote on the foregoing resolution was as follows:

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

INTO WORK SESSION

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

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

1. Contract with Goodwill Industries
2. FY 07 Riner Cannery Operating Funds
3. HOME Consortium for Affordable Housing.

The vote on the foregoing motion was as follows:

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

Contract with Goodwill Industries

The Assistant County Administrator reported that on November 25, 2002 the Board of Supervisors adopted a resolution directing \$11,308 be reduced from the Community Services Board (CSB) budget and be provided to Goodwill Industries to cover services to four Montgomery County residents affected by CSB's decision to terminate funding for the Sheltered Workshop. The intent of this action was to continue services to the four residents in the program. The \$11,308 was to continue service for the remaining 6 months in FY 2002-2003.

Currently, there are only 2 of the 4 original residents participating in the program. Goodwill Industries has asked to be able to fund 3 residents in FY 07. Funding has increased 34% and the clients served reduced by 25%. If the agency is allowed to add new clients for services, the costs can be anticipated to increase.

The Assistant County Administrator provided three alternatives to the request.

1. Allow Goodwill to add new residents and address the funding annually through the budget process.
2. Cap the funding at the FY 2007 amount and allow the Goodwill to serve as many Montgomery County residents as the funding will support.
3. Provide funding for the continuation of services to the original residents only.

The Board requested additional information from staff to be provided at the July 10, 2006 meeting.

FY07 Riner Cannery Operating Funds

The Assistant County Administrator provided an update on the cannery operations. On June 13, 2005 the Board of Supervisors provided \$16,228 as a supplemental appropriation to the Montgomery County Public Schools to operate the cannery in FY 06. MCPS indicated they would administer cannery funds for another season. The Board of Supervisors will need to determine the amount of funds to be allocated to the Cannery for FY 07. Revenue from operations in FY 06 totaled \$2,144.88 and expenses totaling \$14,680.97, leaving a surplus of \$3,691.91. These monies will need to be reduced from the funds provided to MCPS in FY 06 to be earmarked for the cannery operations.

In FY 07, funding in the amount of \$16,228 will need to be appropriated to the schools for cannery operations. Until such time the Cannery becomes self-sustaining, County funds will be needed to cover operational costs.

The Assistant County Administrator reported that the Board could provide the total \$16,228 for cannery operations and place the surplus from FY 06 of \$3,691.91 in an account for future equipment costs, or provide \$12,536 plus the \$3,691.91 for a total of \$16,228.

Following discussion it was the consensus of the Board to provide \$14,680 to cover the cannery expenses in FY 07 and place the surplus of \$3,691.91 in an account for future equipment repairs.

HOME Consortium for Affordable Housing

Joe Powers, Planning & GIS Director, provided a presentation on the HOME Consortium. Mr. Powers reported over the past several months he has participated in meetings hosted by the Planning District Commission to address the formation of a HOME Consortium for the New River Valley. A HOME Consortium program is to promote regional housing initiatives by providing decent affordable housing to lower income households; expand the capacity of nonprofit housing providers; to strengthen the ability of state and local governments to provide housing; and to leverage private-sector participation.

Montgomery County, Giles County, Pulaski County and the City of Radford are all evaluating membership in the Consortium. Floyd County has opted not to participate. Membership is necessary for Town participation. Therefore, Montgomery County membership is necessary to enable Blacksburg and Christiansburg to join the Consortium. Successful formation of the HOME Consortium would enable local governments to receive approximately \$1 million annually in Housing and Urban Development (HUD) funding. The amount of money available is based upon an equation developed by federal level based on 2000 census data. Montgomery County will receive 55% of the funding based on HUD's Allocation Formula.

Each participating jurisdiction will adopt a Cooperation Agreement between each jurisdiction to participate in the HOME Consortium. A copy of the Agreement must be submitted to HUD by June 30, 2006 to participate in the program. July – December 2006, the HOME Consortium working group will complete a consolidated plan to be submitted to HUD by December 2006. The Consortium should know by July 2007 if funds are granted.

A HOME Consortium Board will also be created, which will include 2 voting members from Giles County, Montgomery County, Pulaski County and Radford City respectively.

A resolution will be provided on the Board's July 10, 2006 agenda for consideration to participate in the HOME Consortium and authorization to sign the Cooperation Agreement.

OUT OF WORK SESSION

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

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

BOARD MEMBERS' REPORTS

Supervisor Politis requested the Board consider adopting a resolution re-affirming the County's commitment not to acquire any additional property of the Salmon Estate for twenty-five years. The County acquired land from the Salmons for the Auburn Elementary School and agreed not to acquire additional land for twenty-five years. The Salmons have expressed concern that their property will be considered again since the residents in Riner have urged the County to build a new middle school. Supervisor Politis believes that the Board should adopt a resolution honoring their agreement with the Salmons that was made fifteen years ago.

R-FY-06-195
RESOLUTION REAFFIRMING THE BOARD OF SUPERVISORS
MORAL COMMITMENT TO NOT ACQUIRE
ANY ADDITIONAL LAND FROM THE
ETHEL S. SALMONS TRUST PROPERTY
THAT IS PART OF THE PROPERTY
THE COUNTY OF MONTGOMERY ACQUIRED
FOR THE AUBURN ELEMENTARY SITE.

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

WHEREAS, On March 22, 1996, the Montgomery County Board of Supervisors and the Montgomery County School Board entered into a Real Estate Contract (“Real Estate Contract”) with the Trustee of the Ethel S. Salmons Property (“Salmon Trust Property”) in order to purchase approximately 40 acres to construct a new Elementary School in the Riner area of Montgomery County; and

WHEREAS, The Montgomery County Board of Supervisors and the Montgomery County School Board both morally agreed pursuant to the terms of Real Estate Contract to not seek any additional land from the Salmon Trust Property that is the remainder of the property the County and School Board acquired for a period of twenty five years from the date of the Real Estate Contract; and

WHEREAS, The Beneficiary of the Salmon Trust Property has asked the Board of Supervisors to re-affirm their moral obligation to not seek any additional land from the remainder of the Salmon Trust Property for the twenty-five year period indicated in the Real Estate Contract; and

WHEREAS, The Board of Supervisors desires to reaffirm their prior commitment to the Beneficiary to honor the Board’s moral obligation to not seek any additional land from the Salmon Trust Property.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby agrees to reaffirm the Board’s moral commitment to not seek any additional land from the Salmon Trust Property for a period of twenty five years from the date of the Board’s Real Estate Contract with the Salmon Trust Property.

The vote on the foregoing resolution was as follows:

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

Board Members' Reports continued

Supervisor Biggs provided a copy of the School Board agenda to be forwarded to the Board Members in their Friday Report. Supervisor Biggs reported that the School Board has sent out contract letters to all the teachers indicating that their salary will be the same as last year's plus a 1 step increase. This was due to the lack of a state budget for July 1, 2006 and the contract letters had to be sent out.

Supervisor Spradlin reminded the Board of the special meeting with the School Board and the Town of Blacksburg on Monday, June 19, 2006, 7:00 p.m. at the Blacksburg Middle School.

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, June 19, 2006 at 7:00 p.m. at the new Blacksburg Middle School.

The vote on the foregoing motion was follows:

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

The meeting adjourned at 10:15 p.m.

APPROVED: _____ ATTEST: _____

Steve L. Spradlin Chair	B. Clayton Goodman, III County Administrator
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