

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14<sup>TH</sup> DAY OF OCTOBER 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the October 14, 2003 meeting to order and the Pledge of Allegiance was recited.

**PUBLIC HEARINGS**

Proposed Sale of Land - Fairview District Home

**The proposed sale of 5 acres of the existing 10 acre parcel owned by the members of the Fairview Home Board located adjacent to Virginia Routes 643 and 807 in the County of Pulaski.** The property is proportionally owned by the five members of the Fairview Home consisting of the Counties of Montgomery, Pulaski, Giles, and Craig and the City of Radford.

There being no speakers the public hearing was closed

## **Joint Public Hearing with the Virginia Department of Transportation**

The Proposed Six Year Road Plan for Improvement of the State Secondary Highway System in Montgomery County

**The Proposed Six Year Road Plan for Improvement of the State Secondary Highway System in Montgomery County for FY2004-2010** and establishment of priorities for the 2004-2005 budget year, pursuant to Section 33.1-70 of the Code of Virginia of 1950, as amended. Rural Addition requests will also be taken at this public hearing.

David Clark, VDOT, presented the Board of Supervisors with the Proposed Six Year Road Plan for Montgomery County for FY 2004-2010. Mr. Clark stated the proposed plan is the same plan as adopted by the Board of Supervisors last year and gave an update on the status of the roads in the plan.

Supervisor Shorter requested clarification on priority # 12, Thomas Lane. He was under the impression that a new road will be constructed instead of trying to improve the current road. This would be the inexpensive route to take. Mr. Clark stated he would look into this matter.

Elsie Womack addressed the Board concerning the condition of Yellow Sulphur Road. She stated that Yellow Sulphur Road has been included in the Six Year Road Plan for 20 years and they are still waiting for this road to be paved. The Virginia Department of Transportation is called out daily to maintain this road and she asked if the road could be surfaced treated while waiting for VDOT to do the upgrade.

Leon Alley addressed the Board with concerns about Fishers View Road. Mr. Alley requested that Fishers View Road be added back to the Six Year Road Plan in order to be considered under the Rural Rustic Road Program.

Marty Gordon addressed concerns about Fishers View Road. Mr. Gordon stated that NRV Radio Partners just replaced the radio communications tower that is located on this road. This tower houses emergency radio equipment which is vital to emergency communications, therefore, Fishers View Road should be a high priority to make sure it is passable. Mr. Gordon encouraged the Board to place Fishers View Road back on the Six Year Road Plan and to be considered under the Rural Rustic Road Program.

Debra Graff addressed concerns about Brush Creek Road and the prioritizing of roads on the Six Year Road Plan. Ms. Graff believes that the current Six Year Road Plan leaves off the most unsafe, dangerous roads in the County and believes there are roads on the Six Year Road Plan that are safe roads and serve the least amount of households. She asked the Board to consider re-prioritizing the Six Year Road Plan.

Joe Dowdy expressed concern with the dangerous condition on Yellow Sulpher Road where there was a school bus accident just last March. The bus was run off the road by another vehicle due to the lack of width. He also expressed concern with the bridges on Yellow Sulpher Road that have only a 10 ton maximum weight limit.

Steve Helm addressed concern about Yellow Sulpher Road. This road is a very narrow, curvy road which is in dire need of improving. VDOT does come out daily to grade and place gravel on the road. He believes it is costing more to maintain this road on a yearly basis then it would be to improve and pave the road. He requested that Yellow Sulpher Road be moved up on the priority list.

Quinton Burch addressed the Board with concerns about Yellow Sulpher Road. This road is a connector road from Blacksburg to Christiansburg. There are numerous businesses on the road that would benefit from improvements. There still is a lot of traffic that uses this road to attend the Virginia Tech football games. Mr. Burch requested the Board to consider moving the road up on the Six Year Road Plan.

There being no further speakers the public hearing was closed.

### **PUBLIC ADDRESS**

Paul Monoski spoke in opposition to the courthouse renovation and expansion project. Mr. Monoski expressed concerns with the funding of the project and asked if the courthouse needed to be expanded. He requested the Board to not spend \$16 million on a project that is not needed.

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

### **ADDENDUM**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, the following addendum dated October 14, 2003 was added to the Consent Agenda:

### **Deed of Lease Between Virginia Polytechnic Institute and State University and Montgomery County- McCoy Consolidated Collection Site**

The vote on the foregoing motion was as follows:

AYE	NAY
Gary D. Creed	None
Annette S. Perkins	
James D. Politis	
C.P. Shorter	
Mary W. Biggs	
John A. Muffo	
Larry N. Rush	

### **CONSENT AGENDA**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated October 14, 2003 was approved:

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
James D. Politis	
C.P. Shorter	
Mary W. Biggs	
Larry N. Rush	

### **Approval of Minutes**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously, the minutes dated September 8, September 15, September 22, 2003, October 1, 2003 and October 2, 2003 were approved with corrections to the September 8, 2003 minutes.

### **Donation to Rosa L. Peters Community Park - Transfer from General Contingencies**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

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

**FROM:**

950 General Contingencies (\$5,000)

**TO:**

910 Other Agencies \$5,000  
Rosa L. Peters Community Park

Said resolution transfers funds from General Contingencies to Rosa L. Peters Community Park.

**Office on Youth - Home Electronic Monitoring Grant**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004 for the function and in the amount as follows:

521 Home Electronic Monitoring Grant \$10,000

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

Revenue Account  
424401 State Grants \$10,000

Said resolution appropriates funds received from the Home Electronic Monitoring Grant for Office on Youth.

**Social Services - Recovered Costs**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

540 Social Services \$750

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

Revenue Account

419108 Recovered Costs \$750

Said resolution appropriates recovered costs for the Medicaid pre-screening monies for other public assistance services.

**Metropolitan Planning Organization: Transfer from General Contingencies**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

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

**FROM:**

950 General Contingencies (\$3,917)

**TO:**

910 Metropolitan Planning Organization \$3,917

Said resolution transfers appropriated funds from General Contingencies to the Metropolitan Planning Organization for the County's share of local funding for FY 2003-04.

**Deed of Lease Between Virginia Polytechnic Institute and State University and Montgomery County- McCoy Consolidated Collection Site**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the Deed of Lease, dated October 6, 2003, between Virginia Polytechnic Institute and State University and Montgomery County for a consolidated collection site.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes Larry N. Rush, Chair, to sign the Deed of Lease on behalf of Montgomery County.

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**OLD BUSINESS**

**Special Use Permit - Town of Christiansburg (Agent: Omnipoint) - Replacement of a Telecommunications Tower**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Town of Christiansburg (Agent: Omnipoint) request for a Special Use Permit in Agriculture (A-1), to allow the replacement of a telecommunications tower is hereby approved subject to the following conditions:

1. Structure shall be a monopole design and not exceed one-hundred twenty-five (125) feet in overall height with an approximate ground elevation of 2301 feet.
2. Provide local emergency service providers an opportunity to locate on the structure at no cost.
3. All cables shall be mounted within the tower structure so they are not visible from the outside.
4. Existing evergreen buffer shall be maintained around the entire perimeter of tax parcel 92-A-62C.
5. Tower shall comply with regulations concerning telecommunications towers found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
6. Approval is granted for a temporary cellular on wheels (COW) on site until February 29, 2004 or until tower construction is completed.

The property is located at 1306 Buffalo Drive and is identified as Tax Parcel No. 92-A-62C (Account ID #071113) in the Riner Magisterial District. The property lies in an area designated as Agricultural Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
C.P. Shorter	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
James D. Politis	
Larry N. Rush	

**Rezoning Request - Carl & Sharla Conner (Wolf's Ridge Paintball Inc.)**

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

**ORDINANCE 2003 -21  
An Ordinance Amending the Zoning  
Classification of 9 acres from  
Agriculture (A-1) to Community Business (CB)**

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 9 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Community Business (CB) with the following proffered conditions:

1. Rezoning of the 9 acres is limited to outdoor recreation facility for paintball facility and accessories such as retail sales of paintball related supplies.
2. No foods will be prepared on site, for sale. Only prepackaged snacks, candies, chips etc. and canned drinks will be offered for sale.
3. A portable public restroom facility will be on site and will be maintained by appropriate sanitation disposal services.
4. All parking will occur on the land requested for rezoning.

5. Hours of operation will be between 8am and dusk.
6. No alcoholic beverages will be sold or allowed on the premises.
7. Since there is no public well on the premises, only bottled water will be offered for drinking purposes.
8. All drink cans generated from the facility are recycled and the profits are donated to the Pilot Ruritan Club for community use. All cardboard/paper products are either recycled, disposed of in a public dumpster or burned in a closed container.
9. There will be no paintball tournaments held at this facility.
10. There will be an entrance to the facility that is approved by VDOT.

This action was commenced upon the application of Carl L. & Sharla Conner.

The property is located at 3994 Pilot Road, and is identified as Tax Parcel No. 121-A-59 (Acct. ID # 021267) in the Riner Magisterial District. The property currently lies in an area designated as Rural 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>
C.P. Shorter	None
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
James D. Politis	
Larry N. Rush	

**Special Use Permit - Carl & Sharla Conner - Outdoor Recreation Paintball Facility (Wolf's Ridge Paintball Inc.)**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Carl L. & Sharla Conner (Wolf's Ridge Paintball Inc.) request for a Special Use Permit, with possible conditions, on 9 acres in Agriculture (A-1) to allow an outdoor recreation paintball facility is hereby approved subject to the following condition:

1. No tournaments shall be held at the facility.

The property is located at 3994 Pilot Road, and is identified as Tax Parcel No. 121-A-59 (Acct. ID # 021267) in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
C.P. Shorter	
James D. Politis	
Larry N. Rush	

### **Renewal of Agricultural and Forestal Districts - AFD 1**

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

**ORDINANCE 2003 -22**  
**An Ordinance Renewing**  
**Agricultural and Forestal District (AFD-1)**  
**within Montgomery County, Virginia**

WHEREAS, Thomas D. Frith, Jr.; James Hoge, Jr; James McDonald; Sarah M. Wall, Life Estate; Joseph Lee Wall; Garth & Barbara Wilkes; and Walter J. & Betty Jo Simpkins have filed an application for the renewal of AFD-1 on May 15, 2003, which Agricultural and Forestal District was created by an ordinance adopted on the 11<sup>th</sup> day of February, 1980 and previously renewed by ordinances adopted on October 12, 1987 and October 10, 1995; and

WHEREAS, The Planning Department held a public meeting on April 29, 2003 following commencement of the renewal process by resolution of the Board of Supervisors on March 24, 2003; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on July 22, 2003; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 29, 2003 in the New River Valley Current, a newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public hearing on September 10, 2003; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 10, 2003, and;

WHEREAS, The Board of Supervisors, after proper notice, held its public hearing on September 22, 2003.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

- a. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
- b. That this Agricultural and Forestal District, AFD-1, has been reviewed and is hereby continued and renewed, term of eight years terminating on the 31<sup>st</sup> Day of December, 2011, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
- c. That said District as renewed shall consist of approximately 1,671 acres in the Mt. Tabor Magisterial District of Montgomery County, and shall include the following parcels:

TAX PARCEL ACRES

Thomas D. Frith, Jr.	26-A-1	102.9
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James Hoge, Jr.	39-A-18,6 52-3-2	498.252
James McDonald	39-A-13,13A,23	153.663
Walter & Betty Jo Simpkins	26-A-5 26-A-6	127.0 <u>81.11</u> 208.11
Sarah Wall, Life Estate	52-6-3A 52-6-4 52-A-119 52-A-122 52-A-100	30.0 12.830 41.181 132.450 <u>64.0</u> 280.461
Joseph Lee Wall	52-A-1 39-A-14,16 39-A-17	12.2 69.54 <u>26.46</u> 108.2
Garth & Barbara Wilkes	39-A-3	321.49
	<b>TOTAL</b>	<b>1673.076 acres</b>

- d. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
- e. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- f. That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
- g. That all County ordinances and regulations shall be applicable within said District;

provided, such ordinance and regulations are Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.

- h. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
- i. That the landowners of said District who do not already have either a conservation plan for agricultural and/or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

The vote on the foregoing ordinance was as follows:

AYE  
 Gary D. Creed None  
 John A. Muffo  
 Mary W. Biggs  
 Annette S. Perkins  
 James D. Politis  
 C.P. Shorter  
 Larry N. Rush

NAY

**Renewal of Agricultural And Forestal Districts - AFD-2**

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

**ORDINANCE 2003 -23**  
**An Ordinance Renewing**  
**Agricultural and Forestal District (AFD-2)**  
**within Montgomery County, Virginia**

WHEREAS, Virginia Absher; James H. Brown; Carolyn O. Clayton; Oscar Blake; Warren Eakin; Charles Eakin; Andrew Hutton; David Kohl; David & Tina McPherson; Myrtle Mitchell; Eugene Orr; John

Sutphin; Anna L. Tribble; Leonard J. Vaden; James Thorton McPherson; James McPherson; Frances Parsons; H. Leonard Cessac, Jr.; Sam Wall; Elizabeth Flanagan; Samuel Hancock; and Edward Yost have filed an application for the renewal of AFD-2 on May 15, 2003, which Agricultural and Forestal District was created by an ordinance adopted on the May 5, 1980 and previously renewed by ordinances adopted on October 12, 1987 and October 10, 1995; and

WHEREAS, The Planning Department held a public meeting on April 29, 2003 following commencement of the renewal process by resolution of the Board of Supervisors on March 24, 2003; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on July 22, 2003; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 29, 2003 in the New River Valley Current, a newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public hearing on September 10, 2003; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 10, 2003, and;

WHEREAS, The Board of Supervisors, after proper notice, held its public hearing on September 22, 2003.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
2. That this Agricultural and Forestal District, AFD-2, has been reviewed and is hereby continued and renewed, term of eight years terminating on the 31<sup>st</sup> Day of December, 2011, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
3. That said District as renewed shall consist of approximately 5,644 acres in the Mt. Tabor

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Magisterial District of Montgomery County, and shall include the following parcels:

TAX PARCEL ACRES

Virginia Absher	20-A-27	43.652
	20-A-28	<u>1.4</u>
		45.052
Oscar Blake (Mill Creek Valley)	30-A-1	149.6
	30-A-2	<u>77.0</u>
		226.6
James Brown	31-A-19	57.0
	31-A-16,41,44,46,47	<u>632.9571</u>
		689.9571
Leonard Cessac	20-A-1A	18.974
Carolyn O. Clayton	20-A-1C	75.918
Charles L. Eakin	20-A-19C	0.669
	20-A-19D	<u>20.792</u>
		21.461
Warren B. Eakin	12-A-6,7,8,9	107.967
	20-A-15,20A	82.0
	20-A-21,22,23	<u>86.8</u>
		276.767
Elizabeth Flanagan	20-1-1	85.5
Kathleen Grubb	19-A-17, 31-A-54	99.9
	31-A-53	85.237
	31-A-53A	<u>60.2729</u>
		247.4099
M.V. Hanbury	11-A-23	135.0
Samuel Hancock	43-A-23	49.80
	43-A-24	64.47

	43-A-25	41.00
	30-A-29	9.41
	30-2-4	52.51
	30-2-5,6	15.35
	30-2-2,3	<u>159.15</u>
		401.69
Andrew Hutton	19-A-26	295.0
David Kohl	20-1-3	74.8
David McPherson	19-A-19A	29.536
	19-A-25	<u>13.25</u>
		42.786
Evelyn McPherson	19-1-1,5;19-A-19	756.679
	19-1-1A,2,3,4	<u>53.566</u>
		810.245
James McPherson	19-A-27	10.015
David & James McPherson	19-A-22	142.0
Leslie Orr	31-A-8,9,10-13	704.875
Myrtle Mitchell & Francis Parsons	30-2-1	4.64
	30-2-7	73.63
	30-2-8	111.55
	30-A-36,37,28	<u>269.927</u>
		459.747
John Sutphin	43-1-1A,5	82.79
	30-A-23	<u>96.25</u>
		175.04
Anna Tribble	30-A-25,27	132.581
Randolph K. Vaden	12-A-23	1.0
	12-A-18,19	11.0

	12-A-25,26,27	170.0
		182.0
Samuel & Dennis Wall	31-A-5	96.794
Edward Yost	20-A-25,26	294.00
	<b>TOTAL</b>	<b>5644.212</b>

4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
5. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
6. That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
7. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
8. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
9. That the landowners of said District who do not already have either a conservation plan for agricultural and/or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

**Renewal of Agricultural And Forestal Districts- AFD-15**

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

**ORDINANCE 2003 -24**  
**An Ordinance Renewing**  
**Agricultural and Forestal District (AFD-15)**  
**within Montgomery County, Virginia**

WHEREAS, Larry Linkous and Antonio Perez have filed an application for the renewal of AFD-15 on May 15, 2003, which Agricultural and Forestal District was created by an ordinance adopted on the October 10, 1995; and

WHEREAS, The Planning Department held a public meeting on April 29, 2003 following commencement of the renewal process by resolution of the Board of Supervisors on March 24, 2003; and

WHEREAS, The applications were referred to the Agricultural and forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on July 22, 2003; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 29, 2003 in the New River Valley Current, a newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public hearing on September 10, 2003; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 10, 2003, and;

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on September 22, 2003.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
2. That this Agricultural and Forestal District, AFD-15, has been reviewed and is hereby

continued and renewed, term of eight years terminating on the 31<sup>st</sup> Day of December, 2011, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.

- 3. That said District as renewed shall consist of approximately 245 acres in the Mt. Tabor Magisterial District of Montgomery County, and shall include the following parcels:

<u>TAX PARCEL ACRES</u>		
Larry Linkous	56-A-6	127.833
Antonio Perez	43-A-9	117.0
<b>TOTAL</b>		<b>244.833</b>

- 4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
- 5. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- 6. That lawful termination of any owner’s association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
- 7. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
- 8. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
- 9. That the landowners of said District who do not already have either a conservation plan for agricultural and/or a forestry management plan for forest lands shall apply to the

appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
James D. Politis	
Gary D. Creed	
John A. Muffo	
C.P. Shorter	
Larry N. Rush	

**Addition to Agricultural And Forestal District - AFD-2**

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

**ORDINANCE 2003 - 25**  
**An Ordinance Creating an Addition**  
**To Agricultural and Forestal District**  
**AFD - 2 Within Montgomery County, Virginia**

WHEREAS, William & Donna Caldwell have filed application for addition to AFD-2 on May 15, 2003, which Agricultural and Forestal District was created by an ordinance adopted on the May 5, 1980 and renewed by an ordinance adopted on the October 12,1987 and by ordinance adopted on October 10, 1995 and by ordinance adopted on October 14, 2003; and

WHEREAS, The application was referred to the Planning Commission on July 14, 2003; and

WHEREAS, The application was referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on the July 22, 2003; and

WHEREAS, The Planning Commission did publish notice of the pendency of the application on June 29, 2003 in The Roanoke Times, a newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public hearing on September 10, 2003 and thereafter forwarded the application with its findings and recommendations for approval to the Board of Supervisors; and

WHEREAS, The Board of Supervisors, after proper notice, held its public hearing on September 22, 2003.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia:

1. That the addition to Agricultural and Forestal District, AFD-2, is in accordance with the provision of Title 15.2, Chapter 43, Sections 15.2-4300 through 15.2-4314, Code of Virginia, 1950, as amended.
2. That said addition shall consist of approximately 39.273 acres in the Mt. Tabor Magisterial District of Montgomery County, and shall include the following parcel:

a. William & Donna Caldwell                      30-1-B                      39.273 acres

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
C.P. Shorter	
Mary W. Biggs	
Gary D. Creed	
Larry N. Rush	

**Addition to Agricultural and Forestal District - AFD -15**



43-A-30      75.03 acres  
112.03 acres

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
Mary W. Biggs	
C.P. Shorter	
Larry N. Rush	

**Conveyance of a Public Utility and Temporary Construction Easement - Town of Christiansburg along the Huckleberry Trail**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia, hereby agrees to convey to the Town of Christiansburg, Virginia the proposed permanent public utility and temporary construction easements centered on existing utility conduits previously installed under the Huckleberry Trail on Parcel "A" and "B" as shown on the plat entitled "Sketch Showing Various Permanent Public Utility and Temporary Construction Easements to be acquired from the County of Montgomery by the Town of Christiansburg".

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby authorizes Larry N. Rush, Chairman of the Board of Supervisors, to execute the easement documents on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
C.P. Shorter	
James D. Politis	

Annette S. Perkins  
Gary D. Creed  
John A. Muffo  
Larry N. Rush

**Proposed Ordinance Amending the Merchant's Capital Tax - Exempt First \$1,000 of Taxable Value and Reduce Tax Rate from \$6.05 to \$3.03**

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

The proposed ordinance to exempt the first \$1,000 in taxable value (20% of total value) in Merchant's Capital; and reduces the Merchant's Capital tax rate from \$6.05 per \$100 in value to \$3.03 per \$100 in value is hereby **DENIED**.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	Mary W. Biggs
Gary D. Creed	C.P. Shorter
Larry N. Rush	John A. Muffo
	Annette S. Perkins

Motion was for approval.

**Ordinance Amending the Merchant's Capital Tax - Exempting the First \$1,000 in Taxable Value (20% of Total Value); to Return as Merchants' Capital the Average Amount of Capital Held out for Sale on January 1 of Each Year and the Following August 1 of Each Year; and to Reduce the Tax Rate from \$6.05 per \$100 in Value to \$4.00 per \$100 in Value.**

Supervisor Shorter made a motion to reduce the Merchants' Capital Tax Rate from \$6.05 to \$4.00 per \$100 in value. The motion died due to lack of a second.

**Ordinance Amending the Merchant's Capital Tax - Exempting the First \$1,000 in Taxable Value (20% of Total Value); to Return as Merchants' Capital the Average Amount of Capital Held out for Sale on January 1 of Each Year and the Following August 1 of Each Year; and to Reduce the Tax Rate from \$6.05 per \$100 in Value to \$4.50 per \$100 in Value.**

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

**2003-27**

**Ordinance Amending the Merchant's Capital Tax  
- Exempting the First \$1,000 in Taxable Value  
(20% of Total Value); to Return as Merchants' Capital  
The Average Amount of Capital Held out  
for Sale on January 1 of Each Year  
and the Following August 1 of Each Year;  
and to Reduce the Tax Rate  
from \$6.05 per \$100 in Value to \$4.50 per \$100 in Value.**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby exempts the first \$1,000 in taxable value (20% of total value) in Merchant's Capital; and the tax payer shall return as merchants' capital the average amount of capital held out for sale on January 1 of each year and the next preceding August 1 of each year; and to reduce the Merchant's Capital tax rate from \$6.05 per \$100 in value to \$4.50 per \$100 in value, effective January 1, 2004.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	James D. Politis
C.P. Shorter	Gary D. Creed
Mary W. Biggs	Larry N. Rush
Annette S. Perkins	

**NEW BUSINESS**

**Resolution of Support - Concept of Rail Service as Part of Environmental Study on I-81**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Two bidders have submitted formal plans to widen Interstate 81 through Virginia in

response to VDOT's Public/Private Transportation Act (PPTA) request for proposals; and

WHEREAS, Several localities have adopted resolutions requesting the development and promotion of rail freight and passenger service parallel to I-81 to compliment limited highway widening and to move a larger volume of long -distance freight traffic from truck on I-81 to freight trains on dual track, high speed rails parallel to I-81; and

WHEREAS, The Department of Transportation is currently conducting an Environmental Study on I-81 as part of the I-81 Improvement Project.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia supports looking into including the concept of rail service as a part of the Environmental Study being conducted by the Department of Transportation.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Gary D. Creed	
John A. Muffo	
C.P. Shorter	
Annette S. Perkins	
Mary W. Biggs	
Larry N. Rush	

**Contract Amendment Between the County of Montgomery, William Price and Triple J. Investments, Inc. - Huckleberry Trail**

On a motion by Mary W. Biggs, seconded by C.P. Shorter 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 the terms and conditions of the Contract Amendment to the July 24, 1996, Contract by and between William H. Price, Triple J. Investments, Inc. and the Board of Supervisors of Montgomery County, Virginia; and

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes L. Nick Rush, Chairperson of the Board of Supervisors, to execute the said Contract Amendment on behalf of the Board.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Gary D. Creed	None	Larry N. Rush
John A. Muffo		
C.P. Shorter		
Annette S. Perkins		
Mary W. Biggs		
James D. Politis		

**2004-2005 Budget Calendar**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the proposed FY2004-2005 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 2004.

**COUNTY OF MONTGOMERY**  
**BUDGET CALENDAR FOR 2004-2005**

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>	Budget working documents given to divisions and mailed to external agencies along with special instructions and guidelines.	December 18-19, 2003
October 27, 2003		
		December 31, 2003
November 14, 2003	<b><u>RESPONSIBILITY</u></b>	
	Board of Supervisors	January 12, 2004
<b><u>FUNCTION</u></b>	County Administration and Financial & Management Services	January 26, 2004
Budget work session on issues for budget development.		February 9, 2004
	<b><u>DATE</u></b>	

February 27, 2004	citizen input	Directors, Divisions, and Agency Heads
	Budget work session on budget issues	
March 1, 2004	School budget delivered to County Administrator	Board of Supervisors
March 1-22, 2004	Distribute budget recommendations to County Divisions and Offices	Board of Supervisors School Board
March 22, 2004	Budget Document delivered to Board of Supervisors	County Administrator
March 25, 2004	Work sessions to develop advertised budget	County Administrator
April 1, 2004	By this date, establish advertised tax rate and prepare budget synopsis notices of public hearing in paper.	Board of Supervisors
April 1-19, 2004	Advertisement of public hearing on advertised rate and budget synopsis.	Board of Supervisors
April 19, 2004	Public Hearing on advertised tax rate and budget.	Board of Supervisors
By June 30, 2004	Work sessions to adopt budget (including Schools) and establish tax rate.	Board of Supervisors
After July 1, 2004	Establish tax rate and adopt budget.	
	Make final budget appropriation.	Board of Supervisors
<b><u>FUNCTION</u></b>	Divisions and Agencies notified of final appropriation.	Board of Supervisors
Divisions without access to the County's network key base budget changes.		County Administrator
Budget requests for divisions, agencies, and organizations (except for Schools) returned to County Administrator.	<b><u>RESPONSIBILITY</u></b>	
Public Hearing for	Financial & Management Services	

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, 2004 or within 30 days after receipt of State revenue estimates, whichever is later.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
Annette S. Perkins	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Larry N. Rush	

### **VACO 2003 Annual Meeting Voting Credentials**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia authorizes **Annette S. Perkins** to cast its vote at the 2003 Annual Meeting of the Virginia Association of Counties (VACo) on November 11, 2003.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
C.P. Shorter	
Larry N. Rush	

### **INTO WORK SESSION**

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

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

1. Courthouse Renovation & Expansion Project

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
C.P. Shorter	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Larry N. Rush	

**Courthouse Financing Program**

David Rose, Davenport & Company, LLC, made a presentation on the Courthouse Financing Program. Mr. Rose indicated that in the past the Board finance large capital projects via General Obligation Bonds. Mr. Rose recommended financing the Courthouse project via a private sale loan through a local or regional banking institution. A private sale would structure a financing program to minimize the cash flow burden of the County. Benefits to a private sale would mean no rating, offering document or underwriting fees would be required and would allow prepayment with a minimum of restrictions or penalties, if any. Mr. Rose recommends considering amortizing the loan for 24 years. It is the assumption that \$15 million dollars will be required. A portion of the funds will be received by December 31, 2003 and the balance needed in 2004. Mr. Rose presented the following estimated timetable for funding:

October 13, 2003	Davenport to complete Request for Proposals (RFP) to Potential Financing Institutions.
October 15, 2003	Distribute RFP's to Potential Financing Institutions.
October 23, 2003	RFP's due from Financing Institutions.
November 12, 2003	Davenport to recommend specific Financing Institution and Terms and Conditions. Request future action by the Board of Supervisors on Financing to commence Industrial Development Authority for their conduit role/approval.
November 2003	Schedule IDA meeting for eventual approval of all legal documents.
	Bond Counsel finalizes legal documents.
	Board of Supervisors to approve legal documents.
December 2003	Close on Phase 1 of the financing.

The Board of Supervisors, by consensus, gave Davenport & Company, LLC the authority to move forward with the Request for Proposals for financing the courthouse renovation and expansion project.

### **Courthouse Renovation & Expansion Project**

Ed Eichman, Dalglish, Eichman, Gilpin, Paxton Architects, presented the plans for the Design Concept for the renovation and expansion of the Montgomery County Courthouse. The plans showed the design and layout for each floor of the courthouse and the proposed exterior of the courthouse. Mr. Eichman explained that the intent of this project is to create a facility that will meet the needs of the County for the next 25 years or longer, which means that part the courthouse will not be fully utilized until the courts grow.

Mr. Eichman addressed the parking situation, which was a concern by some of the Board members. Currently, there are 240 spaces, which includes the upper and lower parking lots. The projected maximum staff parking spaces is 80 spaces, and the projected maximum public occupancies is 820 people and the public will always arrive and depart the building at varying intervals, so 200 to 225 spaces should be satisfactory.

Mr. Eichman also addressed information pertaining to the inmate population at the jail and alternatives to making additions to the jail facilities. He explained that the original design capacity of the current jail is 60 prisoners, but the facility contains 116 beds. On weekdays approximately 140 inmates are processed daily, and 150 on weekends. The current jail is 21,100 square feet and to expand the building to 45,800 sq. ft. would satisfy immediate and future needs. The cost to renovate and expand the existing jail would be approximately \$7 million. Mr. Eichman explained that the connector between the jail and the courthouse is included in the cost of the courthouse project.

Judge Grubbs addressed the Board about the courthouse renovations. The current courthouse, built in 1977, has been outgrown and the useable life of the building has been met. In 1988 meetings were held with the County Administrator and Constitutional Officers and it was concluded that the maximum space has been met and there was a need to make plans to move County Administration and the Constitutional Officers out of the courthouse. As a result, several space studies concluded that county administration, constitutional offices and courts had maxed out on space. Judge Grubbs explained that County Administration was instructed to plan to move out of the courthouse. It was his intent to give the County time to plan for a new site and time for financial planning. As a result, the Montgomery County Government Center is a reality. It is now time to move forward with the renovation and expansion of the courthouse.

Following the presentation on the courthouse renovation and expansion project, it was the consensus of the Board to add a resolution to the next agenda, October 27, 2003 to proceed with the project.

### **OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by C.P. Shorter 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:

AYE

NAY

John A. Muffo None

Annette S. Perkins

Gary D. Creed

James D. Politis

C.P. Shorter

Mary W. Biggs

Larry N. Rush

**COUNTY ADMINISTRATOR'S REPORT**

**New River Resource Authority - 2004 Proposed Trash Bills** The County Administrator reported that a 'trash bill' will be introduced in the 2004 General Assembly that will impose a fee or surcharge on solid waste generated in Virginia. This will increase the County's cost to dispose of solid waste at the Montgomery Regional Solid Waste Authority. Supervisor Muffo said there is interest at the state level to approve this bill. If the bill is approved, then the County should make it clear that they should be held harmless and a portion of the revenue should be returned back to localities.

**2004 Proposed Trash Bill - Resolution of Opposition**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors is opposed to the adoption of any state tax, fee or surcharge on solid waste generated in Virginia and disposed of at Virginia solid waste management facilities, including landfills, incinerators, transfer stations, and recorded instruments in the Circuit Court Clerks Office; and

WHEREAS, Such taxes, fees, or surcharges unnecessarily raise waste disposal costs for all Virginia households and businesses; and

WHEREAS, It appears likely that one or more "trash bills" will be introduced at the 2004 General Assembly and/or being studied as a source of increased funds for state environmental programs; and

WHEREAS, The danger exists that any such trash tax proposal will increase over time and ultimately will be used to fund state and not local revenue needs and there is no guarantee that the revenues raised will continue to be used for the purposes originally intended; and

WHEREAS, It is the opinion of the Board of Supervisors that it is inappropriate to levy and collect such a state tax at the local level, particularly when the New River Resource Authority permits receipt of waste only from its member jurisdictions of Montgomery Regional Solid Waste Authority, the Town of

Dublin, Giles County, Pulaski County, and the City of Radford and which by its terms of existence is limited in its ability to compete with outside waste disposal operations; and

WHEREAS, Such a trash tax may result in the reduction of the waste stream to the Authority's landfill by increasing the diversion of waste by commercial operators to other interstate disposal sites, thereby reducing the Authority's economics of scale and increasing the Authority's tipping fees to its users; and

WHEREAS, Such a trash tax represents a potential economic disincentive to local industries that have been encouraged to abandon industrial dedicated landfills and to dispose of their waste in co-mingled landfills, such as that operated by the New River Resource Authority: and

WHEREAS, There is no identifiable benefit inuring to the Board of Supervisors by virtue of the adoption of such a trash tax.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby expresses its formal opposition to the adoption of any state tax, fee or surcharge on solid waste generated in Virginia or disposed of at Virginia solid waste management facilities, including that facility or those facilities owned and operated by the New River Resource Authority.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our state legislators and request their support of opposition to any "trash bills" proposed at the 2004 General Assembly.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
C.P. Shorter	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Larry N. Rush	

### **County Administrator's Report Continued**

**Literacy Volunteers of America - New River Valley** Randy Wertz, Executive Director for the New River Valley Literacy Volunteers of America, has requested to come before the Board of Supervisors to speak about the budget restraints regarding the Literacy Volunteers of America. By consensus of the Board an invitation will be extended to Mr. Wertz to address the Board at the October 27, 2003 meeting.

**Meadowbrook Branch Public Library** The County Administrator reported that in 1999, the County issued \$9.7 million in tax-exempt lease revenue bonds to finance County capital projects. The County funded a number of capital projects with the lease revenue bonds. Given the uncertainty of estimates for some of the several larger projects, a Capital Reserve account was established, in the event that projects

exceeded the estimates or projects were expanded requiring additional funds. The Capital Reserve Account has a current balance of \$515,728. These monies can be used toward the Meadowbrook Branch Public Library.

## **BOARD MEMBERS' REPORTS**

Supervisor Perkins reminded the Board on the upcoming events:

- NRV Planning District Commission Annual Meeting - October 23, 2003
- Madison E. Marye Highway Dedication - October 30, 2003
- Coal Miners Heritage Park Dedication - October 18, 2003

Supervisor Creed made a motion to transfer the remaining funds from the County Capital Projects Fund to the Meadowbrook Branch Public Library.

### **Capital Projects Fund - Transfer to the Meadowbrook Branch Public Library Project**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that a transfer is hereby approved in the County Capital Projects Fund as follows:

#### **FROM:**

960 Capital Projects Reserve Fund (\$515,728)

#### **TO:**

710 Meadowbrook Branch Public Library \$515,728  
(Alleghany Library)

Said resolution transfers funding from the Capital Projects Reserve Fund to the Meadowbrook Branch Public Library in the Capital Projects Fund.

The vote on the foregoing motion was as follows:

#### **AYE**

C.P. Shorter

James D. Politis

Annette S. Perkins

John A. Muffo

Mary W. Biggs

Gary D. Creed

Larry N. Rush

#### **NAY**

None

Supervisor Shorter reminded the Board about the Blood Drive at the Government Center on October 23, 2003, and the Elliston Volunteer Fire Department Groundbreaking on October 25, 2003.

October 14, 2003

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Supervisor Muffo - Community Services Board Supervisor Muffo attended the Community Services Board meeting. He had no idea how closely the CSB works with the law enforcement. There is a court ordered anger management training where the offender pays for the cost and has to show certification of completion. The CSB also holds a behavior modification class weekly at the Montgomery County Jail. Supervisor Muffo believes this is a positive way to help people and prevent them for repeating criminal behavior.

Supervisor Biggs requested Supervisor Muffo, as board liaison, to ask the CSB if they hold anger management classes for school age children, especially elementary age. She sees a lot of anger in children of this age group and it would helpfu to be able to reach and help these children before it's too late.

Blacksburg/Montgomery County - Possible Six Mile Loop in Ellett Valley - Supervisor Creed and Supervisor Muffo met with Mayor Hedgepeth and the Blacksburg Town Manager Gary Huff with the Town of Blacksburg to discuss the possible six mile loop in Ellett Valley. They are trying to get some help from Virginia Tech students to prepare designs and preliminary planning for the six mile loop. They are also in the process of informing the Montgomery County Parks & Recreation and the Town of Blacksburg Parks & Recreation about this project. The next meeting is scheduled for November 7, 2003.

Retirement Reception - Dan Brugh, Resident Engineer, VDOT - Supervisor Muffo attended the retirement reception for Dan Brugh.

Supervisor Rush reported a meeting is scheduled on October 17<sup>th</sup> with the Chair of the School Board, the Superintendent of Schools, the County Administrator and himself to discuss the renovations of Building C for School Administration.

## **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

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

Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

### 1. Proposed Boundary Adjustment - Town of Blacksburg

(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. County Administrator

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
C.P. Shorter	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Larry N. Rush	

**OUT OF CLOSED MEETING**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

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

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
C.P. Shorter	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Larry N. Rush	

**CERTIFICATION OF CLOSED MEETING**

On a motion by Annette S. Perkins, 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  
C.P. Shorter  
James D. Politis  
Annette S. Perkins  
Gary D. Creed  
John A. Muffo  
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**OTHER BUSINESS**

**Public Service Authority Loan**

Following discussion concerning the request by the Public Service Authority to borrow money to cover expenses with the Price's Fork Water Project, Munis Utility Billing Software, and financial services by the County, it was the consensus of the Board to add to the October. 27<sup>th</sup> agenda a resolution to enter into a loan agreement with the Public Service Authority.

**ADJOURNMENT**

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, October 27, 2003.

The vote on the foregoing motion was as follows:

AYE

NAY

Mary W. Biggs           None  
C.P. Shorter  
James D. Politis  
Annette S. Perkins  
Gary D. Creed  
John A. Muffo  
Larry N. Rush

The meeting adjourned at 11:30 p.m.