

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 23RD DAY OF NOVEMBER, 1998 AT 7:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Larry N. Rush	-Vice Chairman
	Ira D. Long	-Supervisors
	Mary W. Biggs	
	Annette S. Perkins	
	James D. Politis	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Jeff Scott	-Zoning Administrator
	Kimberly Golden	-Grants Coordinator/Planner
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PUBLIC HEARINGS

Chairman Gorman called the public hearing to order for the purpose of receiving comments on the following:

Joint Hearing with the Virginia Department of Transportation

The Proposed Six Year Plan for Improvement of the State Secondary Highway System in Montgomery County and establishment of priorities for the 1999-2000 budget year.

Dan Brugh, Resident Engineer of the Virginia Department of Transportation, explained the purpose of the public hearing and the procedure he would be using to hear comments from citizens regarding their concerns and comments on the Proposed Six Year Plan.

Houston Caldwell spoke on the road conditions on Craigs Creek Road (Rt 621). Mr. Caldwell mentioned that there is only three miles left to hard surface up to the Craig County line. He stated that Craigs Creek Road is narrow and dangerous and the traffic has increased. Mr. Caldwell asked that Craigs Creek Road be moved up on the priority list.

Don Duncan spoke on the road conditions on Chrisman Mill Road. This road is 1.1 mile in length and lies between Silver Lake Road (SR 661) and Peppers Ferry Road (SR 114). Mr. Duncan

stated that there is heavy traffic on this road and is used as a shortcut to and from SR. 114. There is a problem with poor drainage on this road and tree growth in the ditches which causes flooding and washboarding of the road. Mr. Duncan asked that this road be added to the Six Year Plan.

Virginia Giles spoke on the road conditions on Chrisman Mill Road. Ms. Giles stated that the road is in serious need of repair. The road is washboarded and there is a number of high speed motorist along the road. She stated that there has been numerous accidents on this road. Ms. Giles said she would appreciate anything the county could do to repair this road.

Mark Dominesey spoke on the road conditions on Bow Hill Rd off Craigs Mtn Rd (SR 674). Mr. Dominesey stated that this road has many blind curves and at certain point in the road the road is only wide enough for one car. He said they have to drive through creeks with no culverts and not only is this dangerous to them, but to the environment as well. The water in these creeks flow into the Roanoke River. Mr. Dominesey stated that six new families have moved on Bow Hill just this year. He stated that Craigs Mtn Rd. is also in serious need of repair. There are many blind curves and washboarding on this road, with no guard rails. Mr. Dominesey asked that Bow Hill Rd. and Craig Mtn. Rd. be added to the Six Year Plan.

Jennie Dominesey spoke on the road conditions on Bow Hill Rd off Craigs Mtn Rd (SR 674). Ms. Dominesey stated she agrees with the previous speaker, Mark Dominesey, and stated Bow Hill Rd is in horrible condition. There has been a large increase of residents who have moved on Bow Hill Rd. and would like to see it added to the Six Year Plan.

Carol Acord spoke on the road conditions on Bow Hill Rd off Craigs Mtn Rd (SR 674). Ms. Acord said her primary concern was the last 7/10th of a mile at the end of Bow Hill Rd. She stated there were three (3) creek crossings and the creeks flood when it rains, making the road impassable. Ms. Acord said there is only one way in and out and when the creeks flood there is no way to get in or out. Residents who live on this road do not get postal service or get school bus service. There are 21 people who live on Bow Hill Rd and 11 of them are children. Ms. Acord said her main concern was to get the culvert fixed and would like to see this road added to the Six Year Plan.

Dick Culbertson, resident of Blacksburg, stated he was a frequent user of Price's Fork Road and express his concern on the condition of the road between Prices Fork and SR 114. Mr. Culbertson said Price's Fork is very narrow, steep, and crooked road and is a heavily used road. Mr. Culbertson said he wrote to Mr. Dan Brugh of the Virginia Department of Transportation about Price's Fork Road. Mr. Culbertson said his major complaint was the tar mat on the road, that the top layers are coming off in sheets, making vehicle control difficult. He said VDOT was aware of this situation since they are constantly patching the road. Mr. Culbertson said this road is beyond patching and needs to be resurfaced. Price's Fork Road warrants high priority due to the heavy traffic.

Dan Brugh commented that this road was a maintenance concern and would be answered appropriately by the Virginia Department of Transportation.

Kathy Sutphin spoke about the road conditions on Sunflower Rd (SR 729). Ms. Sutphin stated that Sunflower Rd was only one mile long and there was 4/10 of a mile left to be paved. She said there were 50 families who live on this road and there were 40 children. Ms. Sutphin stated that Sunflower Rd needs a 25-35 mph speed limit sign installed and a "Watch for Children" sign installed. Ms. Sutphin presented a petition signed by the residents on Sunflower Rd requesting that Sunflower Rd be added to the Six Year Plan.

Robert Chandler spoke on the conditions of Dobbins Hollow Rd (SR 677). Mr. Chandler said this road was a winding, curvy road in much need of repair. Mr. Chandler read the following letter into the record.

"November 7, 1998

Subject: Surfacing SR 677 (Dobbins Hollow Rd)

SR 677 (Dobbins Hollow Road) is a winding, hilly, narrow gravel road, 1.9 miles long connecting SR 615 and SR 617. It also serves as a border line between Floyd Co. and Montgomery Co. The last traffic count was in Nov. 1988, which showed a count of 76 vehicles per day. Since that time, several new residents have been constructed. Also, there are six school buses per day when school is in session. Besides being narrow and curvy, the road surface is like a washboard, not to mention the incredible amount of dust, which has proved to be a health hazard to some people.

Therefore, we, the people who live on this road, petition that it be hard surfaced. We are petitioning both Floyd and Montgomery Counties, since is a border road between these two counties. It is not unprecedented for counties to share this costs of improving roads that serve as a county line.

Our petition includes 44 signatures of people who reside on and travel this road daily. We plan to attend the meeting of the Board of Supervisors of Montgomery County on Nov. 23 and also the meeting of the Board of Supervisors on Nov. 24.

We wish to thank you in advance for any time and consideration you may give us.

Sincerely,

(s) Robert Chandler
662 Dobbins Hollow Road
Riner, Va 24149

cc: Congressman, Rick Boucher
Senator, Madison E. Marye
Delegate, Morgan Griffith
Commissioner of Highways, David R. Gehr
Board of Supervisors, Floyd County
Board of Supervisors, Montgomery County

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District Engineer, Fred Altizer
Resident Engineer, Floyd Co., J. H. Goad
Resident Engineer, Montgomery Co., J.D. Brugh”

Mr. Chandler distributed a copy of this letter and a petition to the Board and asked the Board for their consideration in trying to get Dobbins Hollow Road maintained.

Hershel Wilson spoke on the condition of Slusher Lane. Mr. Wilson stated that Slusher Lane was a narrow road and very dangerous, especially in the winter. Mr. Wilson said he would appreciate any help from the County to repair this road.

Richard Vaught spoke on the condition of Georges Run Road. Mr. Vaught expressed his appreciation to the County and the Virginia Department of Transportation for adding this road to the Six Year Plan.

W. Wayne Cox spoke on the condition of Piney Woods Road. Mr. Cox stated that a portion of this road was still a dirt road and in serious need of repair. He asked that Piney Woods Road be added to the Proposed Six Year Plan.

Donna Sue Troutt spoke on the condition of Alleghany Springs Road (SR. 637), Yates Road, and Hurst Road. Ms. Troutt said there has not been maintenance done on any of these roads and they are in serious need of repair. She would like to have Yates Road and Hurst Road paved and asked the County to consider repairing these roads.

Louise Conner spoke of the condition of Alleghany Springs Road and Yates Road. Ms. Conner said these roads have not been maintained for a while and the roads are full of pot holes. She said these roads need to be added to the Six Year Plan.

Dana Acord spoke on the condition on Bow Hill Road. Ms. Acord said her main concern was to get school bus service on their road. She said there are three open creeks on Bow Hill Road and that Bow Hill Road was state maintained but needed repaired.

David Crowder spoke on the condition of Bow Hill Road. Mr. Crowder said his children have to walk one mile to get to the school bus stop and have to cross through one creek. He stated that this road has been graded in the past but the job was done poorly, and would like to see this road repaired.

Vickie Crowder spoke on the condition on Bow Hill Road . Ms. Crowder stated her main concern was to get Bow Hill Road repaired so they could have school bus service on this road. She stated her children walk one mile to get to the bus stop which is past the allowable mileage children have to walk according to the School's standards.

Curtis Bain spoke on the condition of Bow Hill Road. Mr. Bain stated that the last major repair to Bow Hill Road was in 1979. He stated that this road needs serious repair and it needs to be

done now. Mr Bain said that the residents on this road cannot wait on a Six Year Road Plan.

Jeff Acord spoke on the condition of Bow Hill Road. Mr. Acord stated that his concern was the open creeks on Bow Hill Road. He stated that the residents on this road receive no school bus service and some residents on a portion of the road receive no postal services. Mr. Acord stated his concern about the flooding of the road every time it rains, and the washboarding of this road. He said this road should be repaired as soon as possible.

Ralph Cooper spoke on the condition of Route 674. Mr. Cooper stated that this road is not wide enough for two vehicles, guard rails need to be installed; and the culverts needs repairing. He stated he would like to see this done before winter.

Kevin Everett spoke on the condition of Bow Hill Road. Mr. Everett said he would like to see culverts installed on the road so his children could receive bus services. The residents on this road are not asking for pavement or a superhighway, just maintenance and repair.

Brian Barger spoke on the condition of Craigs Creek Road. Mr. Barger said he appreciated the paving work already done on a portion of Craigs Creek Road and asked that the final portion of the road be moved up on the priority list of the Six Year Plan.

Ellen Bain spoke on the condition of Bow Hill Road. Ms. Bain stated that Bow Hill Road was a dangerous road. She said there are 100 foot drop offs with no guard rails, and something needs to be done immediately.

James Winfrey spoke on the condition of Bow Hill Road. Mr. Winfrey stated he understood the concerns of the residents who live on this road and they would appreciate guardrails and grading on this road.

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

Comprehensive Plan Map Amendment

Expand the Belview Urban Expansion Area around the Prices Fork Road/Peppers Ferry Road intersection to include an additional 170 acres. The Urban Expansion Area boundaries would be extended to 2713 Peppers Ferry Road to the west, 3653 Peppers Ferry Road to the east, and 231 Walton Road to the south.

There being no speakers, the public hearing was closed.

Comprehensive Plan Map Amendment

- Expand the VA 177/Tyler Avenue Urban Expansion Area designation to include 60 acres on the east side of Fire Tower Road (Tax Parcels No. 104-A-68, 68A, 68C, 68D, 68E and 90).

Bob Mitchell spoke in opposition of the VA 177/Tyler Expansion and the Turman Lumber rezoning request. Mr. Mitchell stated that the 177 area needed to be developed first, before

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expanding towards Fire Tower Road. He also expressed his opposition to the Turman Lumber Rezoning request.

W.H. Gibson spoke in opposition of the VA 177/Tyler Expansion and the Turman Lumber rezoning request. Mr. Gibson expressed his concerns on the expansion of Turman Lumber and asked the Board to consider voting no on the rezoning.

There being no further speakers the public hearing was closed.

Rezoning Request

Richard Duffner (Agent: Thompson Chrysler Plymouth, Inc.) request to rezone .34 acres; Tax Parcel 090-5-6 and 90-5-40A from A-1 (Agriculture) to GB (General Business). Property is located at 1523 Testerman Dr in the Riner Magisterial District.

Richard Duffner, applicant, stated that Thompson Chrysler Plymouth wanted to expand their business; therefore, the adjoining property needed to be rezoned to general business.

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

Special Use Permit

Tim McCoy request for a Special Use Permit on Tax Parcel No. 49-2-7A to allow an auto repair shop. Property is located on McCoy Road, 1/2 mile past Longshop/McCoy Fire Department in the Prices Fork Magisterial District.

There were no speakers, the public hearing was closed.

Rezoning Request

-Turman Lumber Company request to rezone 19.659 acres, Tax Parcel No. 104-A-68, from A-1 (Agriculture) to M-1 (Industrial). Property is located on Fire Tower Road, immediately north of the existing Turman sawmill in the Riner Magisterial District.

Kenny Johnston spoke in opposition of the Turman Lumber Company rezoning request. Mr. Johnston stated he strongly opposes the expansion of Turman Lumber. He stated that Turman Lumber currently does not adhere to any regulations and will not do so in the future.

Kendall Clay agent for Turman Lumber Company, spoke in favor of the rezoning request. Mr. Clay stated that the rezoning request was to accommodate the development and expansion of Turman Lumber.

Tim Griffith spoke in opposition of the Turman Lumber Company rezoning request. Mr. Griffith stated that Turman Lumber has not met all conditions related to the business in the past, and opposes the expansion of Turman Lumber.

Robert Bratton spoke in opposition of the Turman Lumber Company rezoning request. Mr.

Bratton stated that Turman Lumber is located in a wrong area and that development should not occur in a residential area.

Bill King spoke in opposition of the Turman Lumber Company rezoning request. Mr. King stated he has been a resident on Mud Pike Road for seventeen years and Turman Lumber has not abided by any regulations in the past, and does not see them doing so in the future.

Julia Bratton spoke in opposition of the Turman Lumber Company rezoning request. Ms. Bratton stated that Fire Tower Road is a dangerous road due to the logging trucks entering and exiting Turman Lumber.

Jay Epperly spoke in opposition of the Turman Lumber Company rezoning request. Mr. Epperly stated that Fire Tower Road could not handle the traffic from the Lumber Company. He also stated that the trucks do not stop before entering onto the road, and safety should be a main concern when considering Turman Lumber Company's rezoning request.

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

Right of Way Easement to American Electric Power

-Proposed conveyance of a right of way easement to American Electric Power in order to provide electrical services to the new high school in Elliston, Va. The property is a portion of the new high school site adjacent to Rt. 11/460 in the Shawsville Magisterial District of Montgomery County, Virginia.

There being no speakers, the public hearing was closed.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited

PUBLIC ADDRESS SESSION

Linda Adamo spoke in favor of two middle schools in Blacksburg. Ms. Adamo stated that the population has increased in Blacksburg and there is overcrowding in the current Blacksburg Middle School. She stated that they are currently using mobile class rooms and is concerned that more mobile units will be used in the future. Ms. Adamo stated she does not see the justification in building a new high school first, before a middle school.

Jamie Simmons spoke in favor of a new middle school in Blacksburg. She believes stated the Blacksburg area needs a new middle school now, and supports building a new one.

Connie Hackett, Blacksburg Middle School PTA President, thanked the Board of Supervisors for their time, and she supports two middle schools for the Blacksburg area.

Cynthia Sterrart spoke in support of two middle schools in Blacksburg. Ms. Sterrart said she supports building a new middle school and renovating the current school. She said the current middle school is overcrowded and there are too many mobile units in use now. Ms. Sterrart stated that Blacksburg needs a new middle school, not a high school.

Harold Brusseau thanked the Board for their consideration in amending the Tax Relief Ordinance. Mr. Brusseau stated that for the ordinance to be more effective the amount of exemption of the real estate tax for qualified persons should be determined by the following table: \$0 -15,000; \$15,001-18,000; and \$18,001 - 20,000. Mr. Brusseau asked the Board to consider these amounts when voting on this matter.

Bill Ellenbogen spoke in favor of two middle schools in Blacksburg. Mr. Ellenbogen stated that the middle school issue has been going on for 12 years and asked the Board to consider the resolution from the School Board requesting renovation of the current school and construction of a new school.

Doug Eckel spoke in favor of building a new middle school in Blacksburg. Mr. Eckel stated that the pace of school development should be increased. He said the majority of the Board of Supervisors try to keep taxes low, but this causes failure to maintain the existing schools.

Tom Boden spoke on the Blacksburg Middle School issues. Mr. Boden stated that a decision needs to be made. He said he moved his family to Montgomery County for a better education, but the schools are not up to expectation. Mr. Boden stated one option to consider was to have a elementary school, Jr. High, and a High School. The school system should leave the sixth grade at the elementary school level.

The following message is enter in public record as requested by the Chairman:

Connie Heindel, resident of Blacksburg, called the County Administration office on November 23, 1998 and wanted to voice her concern about the Blacksburg Middle School to the Board of Supervisors. Ms. Heindel stated that the Board has delayed in building a new middle school way to long. The County needs to get a new middle school built as soon as possible and not to delay this action any further. Ms. Heindel also stated she is concern about the number of trailers in use at the current site.

The following letter is entered in public record as requested by the Chairman:

“November 19, 1998
Montgomery County Board of Supervisors

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As everyone in Montgomery County knows by now, we have all had a large increase in our county taxes due to the recent property appraisals.

The recent budget raised the rate from 72 cents to 78 cents per hundred. That was near 10 percent. With inflation running a less than 2 percent per year, that raise was not justified either. My property value assessment was \$141,000 vs \$105,000 in just 4 years. The assessment is equivalent to raising the tax rate, for me, to \$1.05. That is the same as a 27 cent increase. This is truly taxation without representation since no one had the opportunity to address this issue.

According to the appraisal office, the average rate of increase in the county was 27 percent. This is very disturbing.

A simple solution would be to reduce the tax rate from 78 cents to 60 or 62 cents. The Board has the authority to do just that when you meet to discuss this.

John C. LeDoux (s)
1905 Ramble Road
Blacksburg, Va 24060"

ADDENDUM

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously the following addendum dated November 23, 1998 was added to the agenda as follows:

Appointment of Professional Assessor

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Larry N. Rush	None	Joe C. Stewart
Annette S. Perkins		
Mary W. Biggs		
James D. Politis		
Ira D. Long		
Joseph V. Gorman, Jr.		

The following items were pulled from the Consent Agenda at the request of Supervisor Stewart and added under New Business

1. Purchase of a Trash Truck
2. Purchase of Trash Compactor Units for the Consolidated Collection Sites
3. Purchase of Roll-Off Containers for the Consolidated Collection Sites

CONSENT AGENDA

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated November 23, 1998 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>
Joe C. Stewart	None
Ira D. Long	
James D. Politis	
Mary W. Biggs	
Annette S. Perkins	
Larry N. Rush	
Joseph V. Gorman, Jr.	

Schedule Public Hearing

Right- Of- Way Easement - Riner Consolidated Site

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, pursuant to Section 15.2-1800 of the Code of Virginia, 1950 as amended, schedules a public hearing for December 14, 1998, at 7:00 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia, for the purpose of receiving citizens' comments on the following:

Right-Of-Way Easement to American Electric Power

-Proposed conveyance of a right-of-way easement to American Electric Power in order to provide electrical services to the County's new consolidated collection site in Riner, Virginia. The property is a portion of the County's new consolidated collection site adjacent to Route 8 in the Riner Magisterial District of Montgomery County, Virginia.

Shawsville Rescue Squad

On a motion by Ira D. Long, 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 for the fiscal year ending June 30,1999 for the function and in the amount as follows:

440 Fire and Rescue Squads
Shawsville Volunteer Rescue Squad \$2,000

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

Revenue Account
190172 Shawsville Rescue Grant \$2,000

Said resolution appropriates grant monies received by the County for the Shawsville Volunteer Rescue Squad to assist with the purchase of a defibrillator.

Purchase of Vehicles

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order to Homer Cox Ford of Christiansburg, VA. for \$22,728 for the purchase of a 1999 Ford Explorer for the Sheriff=s Office; and \$22,338 for the purchase of a 1999 Crown Victoria to be used as a County pool car.

Purchase of Chain Linked Fencing for Riner Consolidated Collection Site

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order to Powers Fencing of Radford, VA. for \$5,200 to furnish and install chain linked fencing at the Riner consolidated collection site for the Public Facilities Collection Department.

Purchase of Communication Equipment- Fire/Rescue and Sheriff=s Department

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order to Two-Way Radio of Wytheville, Virginia for the purchase of **Radios, Pagers, and Mobile Units**, for LongShop McCoy Fire Department \$1,257; Riner Fire Department for \$6,372; Christiansburg Rescue Squad for \$82,625; and the Sheriff=s Office for \$7,560, totaling \$97,814.

Addition to the Secondary System of State Highways

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The streets described below are shown on a plat recorded in the Clerk's Office of the Circuit Court of Montgomery County and currently serves at least three (3) families per mile; and

WHEREAS, The Resident Engineer of the Virginia Department of Transportation has advised the Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia requests the Virginia Department of Transportation to add the streets described below to the Secondary System of State Highways, pursuant to 33.1-229, Code of Virginia and the Department's Subdivision Street Requirements:

ADDITION:

Name of Subdivision

Heritage Place

Name of Street

Length

Hitching Post Drive

From Mudpike Rd (Rte. 666)

.45 Mi to Dead End

0.45 Mi

Plat Recorded: December 20, 1995

Deed Book: 899; Page 641

Right of Way Width: 50' & Variable

Donnington Ct.

From Hitching Post Drive

.1 Mi to Dead End

0.1 Mi

Plat Recorded: December 20, 1995

Deed Book: 899; Page 641

Right of Way Width: 50'

Lake Vista Dr.

From Mudpike Rd. (Rte. 666)

.28 Mi to Hitching Post Drive

0.28 Mi

Plat Recorded: December 20, 1995

Deed Book: 899; Page 641

Right of Way Width: 50' & Variable

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

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

Employee Holiday Schedule

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby declares the Thanksgiving Holiday to begin at 12:00 noon on Wednesday, November 25th and to include the regularly scheduled days of November 26th and November 27th.

BE IT FURTHER RESOLVED, That the Christmas Holiday will begin on Wednesday, December 23rd at noon, and including Thursday, December 24th and Friday, December 25th.

BE IT FURTHER RESOLVED, That the New Year's Holiday will include Thursday, December 31st and Friday, January 1st.

OLD BUSINESS

Amendment to Chapter 2, Division 5, Entitled Exemptions and Deferrals for Elderly and Handicapped

On a motion by Larry N. Rush, seconded by Mary W. Biggs and carried unanimously,

1998-29
AN ORDINANCE AMENDING CHAPTER 2 DIVISION 5
ENTITLED TAX EXEMPTIONS AND DEFERRALS
FOR ELDERLY AND HANDICAPPED SECTION 2.107
OF THE CODE OF THE COUNTY OF MONTGOMERY,
VIRGINIA, IN ORDER TO CHANGE THE FILING DATE
AND TO INCREASE THE INCOME LIMITS FROM
\$14,000 TO \$21,000 FOR THE CITIZENS ELIGIBLE FOR
TAX RELIEF

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia, be amended and reordained as follows:

Sec. 2-107. Established; restrictions and conditions.

(a) The board of supervisors of the county hereby provides for the exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, section 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled as provided in subsection (e) of this section, subject to the following restrictions and conditions:

- (1) That the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~fourteen thousand dollars (\$14,000.00)~~ twenty one thousand dollars (\$21,000.00) provided that the first four thousand dollars (\$4,000.00) of income of each relative other than the spouse of the owner who is living in the dwelling shall not be included in such total.
- (2) That the net combined financial worth, including equitable interest, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one (1) acre, upon which it is situated does not exceed fifty thousand dollars (\$50,000.00).
- (3) That the person or persons claiming such exemption files annually no later than the first day of ~~April~~ March of the taxable year with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit or written statement setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests, and the combined income from all sources of the person as specified in paragraph (1) of this subsection does not exceed the limits prescribed in this section. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the commonwealth or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled as defined in subsection (e); however, a certification pursuant to 42 U.S.C. §423(d) by the Social Security Administration so long as the person remains eligible for such social security benefits shall be deemed to satisfy such definition in subsection (e). The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors shall be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in subsection (e). Such certification, written statement, or

affidavit shall be filed after the first day of January of each year, but before the first day of April of each year, for the permanently and totally disabled, for hardship cases, and for the first-time applicants. The commissioner of the revenue has the discretion to accept late filings of first time applicants or for hardship cases until the 31st day of December of the taxable year. The commissioner of the revenue of the county shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath to determine qualifications as specified in this section including, qualification as permanently and totally disabled as defined in subsection (e) The commissioner of the revenue of the county is hereby empowered, in addition to require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

(b) Such exemptions may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title, or partial title, thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. The amount of exemption of the real estate tax for qualified persons shall be determined by the following table:

Annual Income (Calendar Year)	For Qualified Persons the Percentage of Tax Which May Be Exempted
\$0 - 9,000 <u>\$14,000</u>	100%
9,001 <u>\$14,001</u> - 11,000 <u>\$17,000</u>	60%
11,001 <u>\$17,001</u> - 14,000 <u>\$21,000</u>	40%

(c) The person or persons qualifying for and claiming deferral shall be relieved of real estate tax liability levied on the qualifying dwelling and land up to an amount equal to one hundred (100) percent of this liability, the amount to be deferred to be elected by the claimant. If a deferral of real estate taxes, the accumulated amount of taxes deferred shall be paid without penalty or interest to the county by the vendor upon the sale of the dwelling, or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral by the provisions of this section. Such deferred real estate taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten (10) percent of the price for which such real estate may be sold, be inferior to all other liens of record.

(d) The board of supervisors of the county hereby deems those persons falling within limits and conditions provided in subsections (a) and (b) of this section to bearing an extraordinary tax burden on the real estate described in this section in relation to their income and financial worth.

(e) For the purposes of this division, a person is permanently and totally disabled if he or she is so certified as required in paragraph (a)(3) of this section and is found by the commissioner of the revenue of the county under paragraph (a)(3) to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Adopted by the Board of Supervisors of the County of Montgomery, Virginia this 23 day of November, 1998.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Ira D. Long	
Annette S. Perkins	
Joe C. Stewart	
Larry N. Rush	
James D. Politis	
Joseph V. Gorman, Jr.	

Rural Addition Priority List

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Road Viewers' Reports for Fiscal Year 1998-1999 are hereby accepted and the Rural Addition Priority List is approved as follows:

Priority 1 **Former State Route 701.** Beginning at a point on Route 657, 0.05 mi. south of Route 808, and thence extending in a south westerly direction 0.25 mi. to a turn-around. Estimated project cost - \$54,000.

Priority 2 **Nature's Way Road.** Beginning at the end of state maintenance of Route 734, 0.20 mi. northeast of Route 785, and thence extending in a northeasterly direction 0.54 mi. to a cul-de-sac. Estimated project cost - \$85,500.

Priority 3 **Green Hill Lane.** Beginning at a point on Route 11/460, 0.2 mi. east of Route 626, and thence extending in a northerly direction 0.25 mi. to a turn-around. Estimated project cost - \$31,800.

Priority 4 **Big Vein Road.** Beginning at a point on Route 652, 0.3 mi. west of Route 696, and thence extending in a northerly direction 0.5 mi. to a turn-around. Estimated project

cost - \$66,600.

- Priority 5** **Cornbread Road.** Beginning at a point on Route 665, 0.40 mi. west of Route 787, and thence extending in a southerly direction 0.45 mi. to a turn-around. Estimated project cost - \$68,600.
- Priority 6** **Regency Road.** Beginning at a point on Route 753, 0.04 mi. north of Route 11/460, and thence extending in a westerly direction 0.05 mi. to a turn-around. Estimated project cost - \$8,000.
- Priority 7** **Sunflower Road.** Beginning at the end state maintenance of Route 729, 1.0 mi. north of Route 612, and thence extending in a northerly direction 0.70 mi. to a turn-around. Estimated project cost - \$120,300.
- Priority 8** **Slusher Lane.** Beginning at a point on Route 637, 0.38 mi. south of Route 1040, and thence extending in a westerly direction 0.81 mi. to a turn around. Estimated project cost - \$141,250.
- Priority 9** **Brake Road.** Beginning at the end of State maintenance of Route 831 and extending in a southerly direction 0.671 mi. to a turn-around. Estimated project cost - \$120,000.
- Priority 10** **Honeysuckle Lane.** Beginning at a point on Route 824, 0.40 mi. east of Route 657, and thence extending in a northerly direction 0.10 mi. to Route 657. Estimated project cost - \$20,200.
- Priority 11** **Haywood Lane.** Beginning at a point on Route 657, 0.49 mi. north of Route 770, and thence extending in a westerly direction 0.20 mi. to a turn-around. Estimated project cost - \$50,400.

The vote on the foregoing motion was as follows:

AYE

James D. Politis
Mary W. Biggs
Ira D. Long
Annette S. Perkins
Joe C. Stewart
Larry N. Rush
Joseph V. Gorman, Jr.

NAY

None

Right-of-way Easement to American Electric Power

On a motion by Mary W. Biggs, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby authorizes the conveyance of a right-of-way easement to American Electric Power on a portion of the new high school property in Elliston adjacent to Route 11/460 in the Shawsville Magisterial District of Montgomery County, Virginia.

BE IT FURTHER RESOLVED, That the Chairman of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to American Electric Power on behalf of the Board of Supervisors of the County of Montgomery, Virginia.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
James D. Politis
Mary W. Biggs
Ira D. Long
Annette S. Perkins
Joe C. Stewart
Joseph V. Gorman, Jr.

NAY

None

Discussion - Blacksburg Middle School

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

BE IT RESOLVED, That the Montgomery County Board of Supervisors opens the subject of the Blacksburg Middle School for discussion by the Board.

The vote on the foregoing motion was as follows:

AYE

Joe C. Stewart
Larry N. Rush
James D. Politis
Mary W. Biggs
Ira D. Long
Annette S. Perkins
Joseph V. Gorman, Jr.

NAY

None

Blacksburg Middle School

On a motion for approval by Mary W. Biggs and seconded by Annette S. Perkins, the following resolution was **DEFEATED**:

WHEREAS, By resolution dated September 9, 1996 the Board of Supervisors of Montgomery County, Virginia determined that the current Blacksburg Middle School Site on South Main Street in Blacksburg was of adequate size to meet the needs of future students through 2006 and should appropriately remain the site of an expanded or new middle school facility; and

WHEREAS, The Earthman Report dated November 1, 1997 estimated the Blacksburg Middle School population should grow to a number of 1,196 and new facilities should be sized at 1200 to 1300 students; and

WHEREAS, The School Board has requested a new middle school on a new site and to renovate the middle school on the existing site for the Blacksburg area.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors hereby concurs with the two-middle school concept for the Blacksburg area, renovating the existing middle school and building another middle school at the Price's Fork Road site; and

BE IT FURTHER RESOLVED, That the Board of Supervisors shall continue to work cooperatively with the School Board and expects the School Board will continue to provide information on design concepts and site utilization prior to future appropriations to ensure the most cost effective construction of school buildings.

BE IT FURTHER RESOLVED, This resolution is not intended to remove statutory authority of the School Board to erect, furnish and equip necessary school buildings.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs
Annette S. Perkins
Joseph V. Gorman, Jr.

NAY

James D. Politis
Joe C. Stewart
Larry N. Rush
Ira D. Long

Motion was **defeated**.

Trigon Contract Renewal

On a motion by Ira d. Long, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby accepts the renewal proposal from Trigon for group hospitalization coverage which is an employee only premium of \$226.75 per month which includes expanded coverage for vision and dental

coverages to be paid by the County as an employee benefit and continued coverage for retirees until age 65.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Ira D. Long	
Annette S. Perkins	
Joe C. Stewart	
James D. Politis	
Larry N. Rush	
Joseph V. Gorman, Jr.	

Appointment of Professional Assessor

On a motion by Ira D. Long, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors awarded the contract for Reassessment Services for the 1999 General Reassessment to Wingate Appraisal Service; and

WHEREAS, Pursuant to Section 58.1-3275 of the Code of Virginia of 1950, as amended, it is necessary for the Montgomery County Board of Supervisors to appoint a Professional Assessor to be approved by the Virginia Department of Taxation.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints **Donald K. Thomas** as Montgomery County's Professional Assessor for the 1999 General Reassessment.

FURTHER, BE IT RESOLVED, That the County Administrator is hereby authorized and directed to forward Donald K. Thomas' qualifications to the Virginia Department of Taxation for Certification.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Joe C. Stewart	
Ira D. Long	
James D. Politis	
Larry N. Rush	
Mary W. Biggs	
Joseph V. Gorman, Jr.	

Purchase of Trash Truck

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order to Cavalier Equipment Corporation of Cloverdale, VA for \$131,416 for the purchase of a Trash Truck for the Public Facilities Collection Department.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
Joe C. Stewart	
Ira D. Long	
James D. Politis	
Larry N. Rush	
Joseph V. Gorman, Jr.	

Purchase of Trash Compactor Units for Consolidated Sites

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a purchase order to Refuse Equipment Corporation of Vinton, VA, for \$55,494 to purchase and set in place three trash compactor units for the Consolidated Collection Sites.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	Joe C. Stewart
Mary W. Biggs	
Annette S. Perkins	
Ira D. Long	
James D. Politis	
Joseph V. Gorman, Jr.	

Purchase of Roll Off Containers for Consolidated Collection Sites

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award purchase orders to THC Enterprises, Inc. T/A Mid-Atlantic Waste Systems of Chesapeake, VA, for \$48,405 for roll-off containers # 1,2, 5, and 6; and to Solid Waste Equipment Company, Inc., of Ashland, VA, for \$21,846 for roll-off containers # 3 and # 4 for the Consolidated Collection Sites.

The vote on the foregoing motion was as follows:

AYE

James D. Politis
Larry N. Rush
Mary W. Biggs
Annette S. Perkins
Ira D. Long
Joseph V. Gorman, Jr.

NAY

Joe C. Stewart

COUNTY ATTORNEY'S REPORT

Margaret Smith vs Board of Supervisors Ms. Smith has filed a motion to appeal. The County Attorney stated he would keep the Board informed.

COUNTY ADMINISTRATOR'S REPORT

Road Issues - Update An updated report on road issues was included in the Board's packet for their review. Supervisor Long stated that Sterling Drive off McCoy Road needs to be resurfaced.

177 Corridor-Land User Plan Update Montgomery County has approved the agreement with Radford City concerning the Land User Plan Update. The Radford Town Council has tabled this agreement and referred it back to their attorney. A meeting with the Radford City Manager will be scheduled soon.

Land Option on Price's Fork The Phase I environmental testing on the land at Price's Fork has been

completed. The results show the site acceptable for construction of a school.

Solid Waste Legislation There are three solid waste bills to be introduced to the General Assembly. Senator William Bolling will introduce a bill which would impose a cap on the amount of solid waste that can be received by any landfill. These bills would regulate the amount of out of state solid waste into the state of Virginia. There is a meeting scheduled in Richmond on December 17, 1998 to discuss the Solid Waste Legislation.

BOARD MEMBERS' REPORTS

Supervisor Perkins attended the Economic Development Commission meeting and distributed out to the Board an activity report from the meeting.

The Planning District Commission has canceled the meeting in November and will meet December 18, 1998.

Supervisor Biggs attended the School Board meeting and will forward information to the Board concerning the at risk students. Supervisor Biggs asked the Chairman to forward to the Board Members the agenda for the County/School Liaison meetings in the future.

Supervisor Biggs acknowledge Marty Gordon for his work and efforts as a news reporter in Montgomery County.

Supervisor Biggs asked direction from the Chairman as to what the next step is for the Blacksburg Middle School. The Chairman stated that at this point he could not give any direction or recommendation. The School Board and the Board of Supervisors are trying to resolve this issue. Supervisor Politis reported a correction on the Fuel Tax report he requested. He stated that he would like to see the increase in revenue if you added one cent not, 1 percent to the Fuel Tax.

Chairman Gorman reported that the VACo Subcommittee will meet on December 9, 1998, on the solid waste bills being introduced to the General Assembly.

Marty Gordon turned in his resignation from his position on the Montgomery County Local Emergency Commission. A person from the news media will need to be appointed to this position.

Supervisor Perkins asked the Chairman what the status was on the land American Electric Power donated to the County. The Chairman explained that at this point the County is waiting on the land transaction to be completed. AEP has to finalize plans and easements for the substation and once this process has been completed, the land transaction will begin.

ADJOURNMENT

On a motion by Ira D. Long, seconded by Joe C. Stewart and carried unanimously, the

meeting was adjourned to Monday, December 14, 1998 at 7:00 p.m.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush

Mary W. Biggs

Ira D. Long

Annette S. Perkins

Joe C. Stewart

James D. Politis

Joseph V. Gorman, Jr.

NAY

None

The meeting adjourned at 10:50 p.m.