AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22nd DAY OF JULY, 2013 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Matthew R. Gabriele	
	Annette S. Perkins (arrived 7:00 p.m.)	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Dari Jenkins	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Matthew R. Gabriele 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. Fringe Benefits

(3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Alleghany Springs Consolidated Site

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Community Services Board (NRV)
2. Library Board
3. Social Services Board
4. Transportation Technical Committee (TTC) for the Roanoke Valley Area MPO
5. Personnel

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT DURING VOTE
William H. Brown	None	Annette S. Perkins
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
James D. Politis		

Supervisors Perkins arrived at 7:00 p.m.

OUT OF CLOSED MEETING 7:30 p.m.

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

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

The vote on the forgoing motion was as follows:

AYE	NAY
William H. Brown	None
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, 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
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
Annette S. Perkins (for time present)
William H. Brown
James D. Politis

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARING

Ordinance Amendment – Chapter 10, Zoning, Section 10-61
An ordinance amending Chapter 10 entitled Zoning, Section 10-61 of the Code of the County of Montgomery, Virginia by amending the language defining the term "telecommunication tower, attached" by prohibiting the co-locating of telecommunication antennas on flag poles and private utility poles and by extending how high the antenna may extend above to twenty (20) feet.

The County Attorney summarized the proposed ordinance amendment. He explained the amendment is to help close the loop-hole for the placement of telecommunication antennas on flag poles and private utility poles. This amendment will prohibit the co-locating of telecommunication antennas on flag poles and private utility poles by-right and will require a special use permit approved by the Board of Supervisors. This ordinance also includes height of the antenna placed in order to comply with federal law.

Supervisor Tuck asked if these amendments will impact amateur radio equipment. The County Attorney replied that this will not impact amateur radio equipment. He did recommend that the Board may want the Planning Commission to review how the County Zoning Ordinance addresses Amateur Radio Towers and Antennas, and to initiate any proposed amendments to the Zoning Ordinance as to the use and placing of Amateur Radio Towers and Amateur Radio Antennas.

The County Attorney also recommended that the Board approve the proposed amendments after the public hearing if they so desire.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Marty Gordon addressed the Board on the following:

1. Eagle statue located at the old Courthouse: Requested that the Eagle be restored and moved to the new Courthouse.
2. New Animal Shelter: Mr. Gordon supports a new animal shelter being constructed. He urged the Board to proceed with moving the County garage to another location in order to get the ground prepared for a new animal shelter.
3. Surplus Property Sold: Expressed his appreciation to the Board in selling surplus property. He is glad these properties will be placed back on the tax rolls.

Jason Shelton with Friends of Animal Control and Care spoke in support of a new Animal Shelter in Montgomery County. Mr. Shelton stated there is a critical need for a new shelter.

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

CONSENT AGENDA

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated July 22, 2103 was approved. The vote was as follows:

AYE	NAY
Christopher A. Tuck	None
Matthew R. Gabriele	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
James D. Politis	

Approval of Minutes

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the minutes dated February 25, 2013 were approved.

Appropriations and Transfers

A-FY-14-18
FY 2014 REVENUE SHARING FUNDS

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014, for the function and in the amount as follows:

930 VDoT Revenue Sharing	$587,500

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account		
419103 Recovered Costs		$ 87,500
451205 Designated Fund Balance- VDoT Revenue Sharing Reserve		$500,000
	Total	$587,500

Said resolution appropriates FY 2014 VDoT Revenue Sharing funds.

A-FY-14-19
FLOYD LIBRARY
CARRYOVER FUNDS

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

720 Floyd Library	$15,924

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

Revenue Account	
451205 Designated Fund Balance	$15,924

Said resolution re-appropriates FY 13 Floyd Library designated funds that were not expended before year-end 2013.

A-FY-14-20
COMPENSATION BOARD
REVENUE ACCOUNTS RECONCILIATION

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is adjusted for the fiscal year ending June 30, 2014, for the function and in the amount as follows:

Revenue Account

423100	Shared Expenses	$16,038
451203	Undesignated Fund Balance	($16,038)
	Total Revenue	**$ 0**

Said resolution adjusts revenue estimates for constitutional officers for FY 14 based on the approved FY 14 Compensation Board budgets.

A-FY-14-21
FORFEITED ASSET SHARING PROGRAM
COMMONWEALTH'S ATTORNEY

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014, for the function and in the amount as follows:

200	Commonwealth's Attorney	$3,880

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

Revenue Account

419104	Confiscations	$3,880

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-14-22
SHERIFF
FORFEITED ASSET SHARING PROGRAM

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014, for the function and in the amount as follows:

320	Sheriff County	$2,430

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

Revenue Account
419104 Confiscations $2,430

Said resolution appropriates asset forfeiture funds for use by the Sheriff's Office.

R-FY-14-08
RESOLUTION APPROVING THE AGREEMENT FOR SERVICES THE COUNTY OF MONTGOMERY COMMUNITY POLICY AND MANAGEMENT TEAM RELATING TO THE PROVISION OF SERVICES TO YOUTH AND THEIR FAMILIES UNDER THE COMPREHENSIVE SERVICES ACT FOR AT RISK YOUTH AND FAMILIES (CSA)

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

WHEREAS, The Community Policy and Management Team (CPMT) has drafted an Agreement for Services for those providers of services to youth and their families through the CPMT and the Comprehensive Services Act for At Risk Youth and Families (CSA); and

WHEREAS, The Board of Supervisors approves the proposed Agreement for Services between providers of services and the CPMT for FY 2014 and FY 2015 relating to the provision of services to youth and their families under the CSA.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the proposed Agreement for Services between providers of services and the Montgomery County CPMT for FY 2014 and FY 2015 relating to the provision of services to youth and their families under the CSA.

FURTHER, BE IT RESOLVED, That the Board of Supervisors authorizes the Chair of the CPMT to sign these provider agreements.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele and carried unanimously,

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

1. Animal Shelter

The vote on the forgoing motion was as follows:

AYE	NAY
Matthew R. Gabriele	None
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
James D. Politis	

The County Administrator made a presentation to address issues on the Animal Shelter in Montgomery County. Montgomery County has discussed the need for a new animal shelter for several years. The existing animal shelter was built in 1976, with an addition added on in 1981, and is in dire need of replacement.

The County Administrator reported in the last four years Montgomery County has allocated $178 million for new schools and $29 million for a new courthouse and public safety building. He stated it is now time to address the need of allocating funds toward a new animal shelter. He believes the project cannot continue without the investment of funds. In 2010, the Board did allocate $1 million to this project. He also expressed concern that the volunteers with the Friends of Animal Control and Care will no longer provide their services due to the conditions of the building and the lull in moving forward with a new shelter.

The County Administrator provided a slide presentation showing of the conditions at the existing shelter and a copy of the 2009 study by Shelter Planners of America outlining the need for a new shelter. He outlined three options as follows:

- Construct a new shelter on property at the existing site, which will require the moving of the county garage facility;
- Construct a new shelter on county property near the existing shelter and adjacent privately owned land. The garage facility will remain; or
- Construct a new facility on another site to be determined.

The County Administrator asked for guidance from the Board on how to move forward. He stated that the County has reached a point where they can't continue in the manner they have in the past.

The Board held a lengthy discussion on the need for a new shelter, and by consensus, supported moving forward with planning for a new animal shelter. The County Administrator was asked to develop a time-line for a groundbreaking and completion of a new facility, including how to address issues with the current location. Is the existing site large enough to construct a new facility without relocating the County Garage and PSA services or is additional land needed to construct a new facility either at the existing location or new location? Board members also

asked the County Administrator to address how the County was going to pay for a new facility and possibility of fundraising.

OUT OF WORK SESSION

On a motion by Christopher A. Tuck, seconded by Mary W. Biggs and carried unanimously,

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

The vote on the forgoing motion was as follows:

AYE	NAY
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
James D. Politis	

COUNTY ATTORNEY'S REPORT

The County Attorney asked the Board if they would consider taking action on the proposed ordinance amendment to not allow telecommunications antennas on flag poles or private utility poles.

ORD-FY-14-01
AN ORDINANCE AMENDING CHAPTER 10
ENTITLED ZONING, SECTION 10-61
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,
BY AMENDING THE LANGUAGE DEFINING THE TERM TELECOMMUNICATION TOWER, ATTACHED BY PROHIBITING THE CO-LOCATING OF TELECOMMUNICATION ANTENNAS ON FLAG POLES AND PRIVATE UTILITY POLES AND BY EXTENDING HOW HIGH THE ANTENNA MAY EXTEND ABOVE AN EXISTING FACILITY TO TWENTY (20) FEET

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

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-61 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 10-61. Definitions.

Telecommunications tower, attached: A telecommunications antenna which is placed on an existing building, existing telecommunication tower, or other existing non-telecommunications structure~~,~~ including but not limited to a billboard sign, public utility structures, silos, and church steeples.~~and increasing the height of the existing structure by not more than ten (10) feet.~~ Private flag poles and/or private utility poles shall not be utilized for telecommunications antenna. The top of any antenna array shall not extend more than twenty (20) feet above the existing facility.

The vote on the forgoing ordinance was as follows:

AYE	NAY
William H. Brown	None
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following items:

- Surplus Property Auction was held on July 12, 2013 for Texas Hollow Park property; former Plum Creek Greenbox site; N. Franklin Street property; and Elliston-Lafayette Elementary School property, with all four properties sold bringing in $291,000.

- Road Viewers Committee tour will be Friday, July 26, 2013 at 8:30 a.m.

BOARD MEMBERS REPORTS

Supervisor Brown reported he received several complaints about the burning of debris at the Huckleberry Ridge development construction site. Residents are complaining of ash and soot covering vehicles and homes.

Dari Jenkins, Zoning Administrator, provided information pertaining to the burning of debris at the construction site. Ms. Jenkins stated this is not a zoning issue and that the construction company has the right to burn the brush/trees from the lot. She explained that the developers are clearing off trees and brush from a significant area size for the development of Huckleberry Ridge. Ms. Jenkins reported that she along with Neal Turner, Montgomery County Emergency Services Coordinator, visited the site and found it to be a controlled burn site. This is a great example of how a control burn should be. It is a significant large scale burn; however, the developer is trying to get the entire parcel cleared, including lots for future phases, in order to avoid any future burning.

The County Administrator pointed out that the County does not have the authority to stop the construction activities as the developer is doing everything they are supposed to be doing. The Developer did contact the neighbors regarding the burning.

Board members asked if the developer was required to notify neighbors that burning will be taking place. If not, can the County mandate that the contractors provide notification for large scale burning.

The County Attorney stated that the County does not have a local burning ordinance. An ordinance can regulate the burn operation, such as notification to neighbors and Fire Marshall, requiring a permit and hours allowed to burn. He stated he will look at this issue and bring back a model ordinance for the Board to review.

County Consolidated Collection Sites Supervisor Brown also reported the Board is still receiving complaints about what type of material can be brought to the County's Consolidated Collection sites. The County has posted a list of items that cannot be dropped off at the County's Consolidated Collection Sites due to regulations by the Montgomery Regional Solid Waste Authority (MRSWA).

The Board directed staff to contact MRWSA and request a representative attend a Board of Supervisors meeting to discuss the reasons why certain items cannot be taken to the landfill.

Supervisor Biggs asked staff to address Marty Gordon's comments during public address regarding the eagle located at the old Courthouse. The County Administrator stated that the eagle does need to be refurbished and that a plan to address the refurbishment and location of the eagle needs to be developed. He has already had discussions with Bob Poff with the Montgomery Museum regarding the restoration.

Supervisor Tuck asked fellow Board members if they would support referring to the Planning Commission for review, the need to have an ordinance regarding amateur radio towers and antennas.

R-FY-14-09
REFER TO PLANNING COMMISSION
AMATEUR RADIO ANTENNAS/TOWERS

On a motion by Christopher A. Tuck, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby requests the Montgomery County Planning Commission to review how the County Zoning Ordinance addresses Amateur Radio Towers and Antennas and initiate any proposed amendments to the Zoning Ordinance as to the use and placing of Amateur

Radio Towers and Amateur Radio Antennas and report back to the Board of Supervisors with its findings and proposed changes, if any.
The vote on the forgoing resolution was as follows:

AYE	NAY
Mary W. Biggs	None
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
James D. Politis	

Board Members' Reports continued

Supervisor Tuck addressed the recent surplus properties being sold at auction and proposed that the monies received be allocated for specific projects. He proposed the following:

- $47,000 from the sale of the Texas Hollow Park property be allocated for Parks & Recreation Projects.

- $10,000 from the sale of the Former Plum Creek Greenbox property be allocated for costs for future consolidated collection sites.

- $26,000 from the sale of the N. Franklin Street property be allocated to the Animal Shelter project.

- $208,000 from the sale of the Elliston/Lafayette Elementary School property be allocated to School Capital. A separate resolution will be drafted for transfer of the funds to School Capital.

R-FY-14-10
RESOLUTION DECLARING THE BOARD OF SUPERVISORS INTENT TO ALLOCATE THE MONIES RECEIVED FROM THE AUCTION OF SURPLUS PROPERTY ON JULY 12, 2013

On a motion by Christopher A. Tuck, seconded by Gary D. Creed and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that it is the intent of the Board of Supervisors that funds received from the auction of surplus properties held on July 12, 2013 be allocated as follows:

- $47,000 from the sale of the Texas Hollow Park property be allocated for Parks & Recreation Projects.

- $10,000 from the sale of the Former Plum Creek Greenbox property be allocated for costs for future consolidated collection sites.

- $26,000 from the sale of the N. Franklin Street property be allocated to the Animal Shelter project.

The vote on the forgoing resolution was as follows:

AYE	NAY
Gary D. Creed	Matthew R. Gabriele
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
James D. Politis	

Supervisor Gabriele stated he could not vote in favor of this resolution as he feels it is micromanaging.

Board Members' Reports continued

Supervisor Perkins attended the Social Services Board meeting. She is amazed at all the work the Department of Social Services does. In May 2013 there were 5,017 Medicaid enrollees, 8,001 Medicaid cases and 3,651 requests for SNAP.

Supervisor Politis commented that the Social Services also helps with the VACARES and re-entry program.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, August 12, 2013 at 6:00 p.m. The meeting adjourned at 9:55 p.m.

APPROVED_____ATTEST:_____

James D. Politis
Chair

F. Craig Meadows
County Administrator