AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23rd DAY OF SEPTEMBER, 2013 AT 7:30 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	
	Christopher A. Tuck	
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Steve Phillips	-General Services Manager
	Karen Edmonds	-Human Resources Director
	Steve Sandy	-Planning Director
	Brea Hopkins	-Development Planner
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	F. Craig Meadows	-County Administrator

CALL TO ORDER

The Chair called the meeting to order.

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

2025 Montgomery County Comprehensive Plan Amendment

SHAH Development (Agent: Gay and Neel, Inc.) requests an amendment to the Montgomery County 2025 Comprehensive Plan to change the policy map designation of approximately 8 acres of the former Elliston-Lafayette Elementary School property located at 5201 Tango Lane and further identified as Tax Map No. 060-1-A (Parcel ID 070690) from Planned Light Industrial/Commercial to Medium Density Residential or Mixed Use. In addition, the Montgomery County Planning Commission wishes to also consider the following surrounding parcels for amendment from Planned Light Industrial/Commercial to Medium Density Residential or Mixed Use: 9694 Roanoke Rd., Tax #59-A-66 (Parcel ID 020467); 9700 Roanoke Rd., Tax #60-1-1B (Parcel ID 020585); 5221 Tango Ln., Tax #60-1-1C (Parcel ID 003238), 9820 Roanoke Rd., Tax #60-1-1L (Parcel ID 029253); 6120 North Fork Road., Tax #60-1-1F (Parcel ID 015704); and 5216 Tango Ln., Tax #60-1-1D,1E (Parcel ID 013183) in the Shawsville Magisterial District (District C).

Steve Sandy, Planning Director, provided a summary on the proposed amendment to the Comprehensive Plan. The property is currently designated as Planned Light Industrial/Commercial in the Lafayette Route 11/460 Corridor Plan. The request is to change this designation to Medium Density Residential.

In addition, the Montgomery County Planning Commission expressed their desire to also consider the following surrounding parcels for amendment from Planned Light Industrial/ Commercial to Medium Density Residential or Mixed Use in order to have all the parcels within the same policy map designation:

9694 Roanoke Rd., Tax #59-A-66 (Parcel ID 020467)
9700 Roanoke Rd., Tax #60-1-1B (Parcel ID 020585)
5221Tango Ln., Tax #60-1-1C (Parcel ID 003238)
9820 Roanoke Rd., Tax #60-1-1L (Parcel ID 029253)
6120 North Fork Road., Tax #60-1-1F (Parcel ID 015704)
5216 Tango Ln., Tax #60-1-1D,1E (Parcel ID 013183)

At their September 11, 2013 meeting, the Planning Commission recommended approval of the request.

John Neel, Gay and Neel, Inc., agent for the applicant explained that SHAH Development is seeking a change in the land use designation of the former Elliston-Lafayette Elementary School property that they recently purchased at auction from the County. This property had a land use designation as civic while being used for educational purposes. In 2012, the County designated the future land use as Planned Light Industrial/Commercial; however, SHAH Development believes the Medium Density Residential or Mixed Use will be a better match with the long held residential land uses surrounding the former school property.

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

2025 Montgomery County Comprehensive Plan Amendment

Montgomery County Planning Commission request for an amendment to the 2025 Montgomery County Comprehensive Plan to change the policy map designation of approximately 8.33 acres designation of the former Prices Fork Elementary School property located at 4237 Prices Fork Road and identified as Tax Map No. 052-A 50 (Parcel ID 070688) from Civic in the Prices Fork Village plan to Mixed Use in the Prices Fork Magisterial District

Steve Sandy, Planning Director, reported this request was initiated by the County to change the policy map designation of approximately 8.33 acres designation of the former Prices Fork Elementary School property from Civic to Mixed use. The current zoning is Agriculture (A-1). The property is up for sale and the County believes the property is best suited for mixed use. The request is to change this designation to Mixed Use to allow other uses on the property. The Board of Supervisors is currently reviewing a proposal from a developer to purchase and redevelop the property.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the comprehensive plan amendment to change the future land designation of the property from Civic to Mixed Use.

Bennett Teates addressed the Board regarding the request for the policy map designation from Civic Use to Mixed use. Mr. Teates is on the Northwest Montgomery Village Center Foundation board, which was formed to help convert the old Prices Fork Elementary School facility into a community village center. He asked the Board to consider any changes to the allowable uses on this property to be in keeping with the Prices Fork Village Plan. He also requested that the Board not allow any subsidies on low income housing proposed for this site. Mr. Teates expressed his appreciation to the Board for maintaining the school property while it is vacant.

Heather Pettus expressed her concern with the property being designated as mixed use without knowing the intended use of the property. Ms. Pettus believes the type of development can either make or break the village character. She would like to see the former Prices Fork Elementary School property be included in the historic designation and would like to see this happen before the Board changes the policy map designation.

Andrea Sharpe-Robinson urged the Board to be mindful of what type of development that will go on the former Prices Fork Elementary School site. She asked that they be respectful to the Prices Fork community.

Michelle Bird expressed concerns with the change in the policy map designation to mixed use. She is concerned that the change will not be compatible with the historic nature of the Prices Fork Village. Ms. Bird expressed concern with any low-income housing that may be proposed. She stated that there is already a high percentage of students who get free, or pay reduced lunch prices at Prices Fork Elementary School and if the number of kids increased it would change the dynamics.

Jamie Robertson expressed her concerns about the policy map designation change. She urged the Board to be cautious when reviewing proposed development plans for the former school site. Ms. Robertson asked the Board to consider the community use of the site and hopes any development on this site will be similar to the current use.

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

Rezoning Request – Cary Hopper

Request by Cary Hopper (Agent: Gay and Neel, Inc.) to rezone approximately 1.606 acres from Agricultural (A-1) to Multiple Family Residential (RM-1), with possible proffered conditions, to allow two multifamily dwelling units in the form of one duplex and one triplex. The property is located **1534 Gallimore Street**; identified as Tax Parcel Nos. 090-C 2 5C and 090-C 2 5A, (Account Nos. 130812 and 070735) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Medium Density Residential within the Riner Village Plan with a proposed gross density of four (4) dwelling units per acre.

Steve Sandy, Planning Director, provided a summary on the rezoning request. Mr. Sandy reported that Carry Hopper, owner, recently purchased the property, advertised as a triplex, at auction. Previously the building had been utilized as a church with associated day care. The day care remained after the church abandoned the site; however, a special use permit was never obtained for its continued use. Under the previous ownership, at least two (2) residential units were constructed within the existing building without proper permits. The current Agricultural (A1) zoning would not allow a duplex or triplex to be constructed. Mr. Hopper purchased this property unaware that the property was not zoned properly.

The subject parcel qualifies for rezoning to Residential Multi-Family (RM1) per section 10-28 of the Montgomery County Code and complies with the goals of the Plum Creek Village Plan. Furthermore, the proposed triplex and duplex would be permitted as by-right uses in Residential Multi-Family (RM1) zoning district, according to section 10-27(3) of the zoning ordinance. The proposed zoning changes will not present a significant change in land use compared to the existing surrounding residential uses and would allow the owner to complete the process necessary to bring the existing structure into compliance with building and zoning regulations. Given that the structure was renovated by previous owners to allow residential use without proper permits; if the property is rezoned, the owner will be required to obtain all required permits and make any necessary structural improvements prior to renting the residential units. In addition, a site plan will be required depicting the appropriate parking, landscaping, and buffer yards.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the request.

John Neel with Gay and Neel, Inc., agent for the applicant, provided additional comments. As the Planning Director reported, Mr. Hopper purchased this property at auction, which was listed as a triplex apartment building. Mr. Hopper found after the fact that the building is not in conformance and needs to be rezoned to allow two multifamily dwelling units.

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

The County Attorney reported the following six (6) public hearings represent minor changes. The majority represent small state enabling legislative changes that need to be incorporated into the County Zoning Ordinance:

Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-22

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-22 to clarify that sawmill, temporary use is a by-right use and sawmill is a use allowable by special use permit in C-1 Conservation district.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the proposed amendments.

There being no speakers, the public hearing was closed.

Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-41 (2A)

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-41 (2A) by amending the definition of temporary family health care structure to comply with changes in the state enabling legislation.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the proposed amendments.

There being no speakers, the public hearing was closed.

Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-43(5)

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-43 (5) by adding cemeteries to the list of uses that shall require a minimum ten (10) percent tree canopy plan shown on the final site plan in order to comply with state law change.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the proposed amendments.

There being no speakers, the public hearing was closed.

Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-51

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-51 to clarify the voting requirements for action taken by the Board of Zoning Appeals.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the proposed amendments.

There being no speakers, the public hearing was closed.

Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-54(1)

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-54 (1)(d) by adding military installation to the list of places proposed zoning amendments shall be referred to for comment in order to comply with state law change.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the proposed amendments.

There being no speakers, the public hearing was closed.

Ordinance Amendment – Chapter 10, Entitled Zoning, Section 10-55

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-55 by amending certain procedures before the Board of Zoning Appeals to comply with state law change.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the proposed amendments.

There being no speakers, the public hearing was closed.

Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-21 through 10-26, Section 10-41 and Section 10-61- Amateur Radio Towers

An Ordinance Amending Chapter 10, Entitled Zoning of The Code of The County of Montgomery Virginia By Amending Sections 10-21 through 10-36, Section 10-41 and Section 10-61 by Creating a New Amateur Radio Tower Use Defined as a Structure on which Antenna is Installed for the Purpose of Transmitting and Receiving Amateur Radio Signals allowable by right under certain use limitations in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, Pin Planned Industrial, PUD-COM and PUD-RES Planned Unit Development Districts and allowable by Special Use Permit under certain use limitations in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2,

R-3 Residential, GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, PIN Planned Industrial, PUD-COM, RM-1 Multiple Family Residential, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill and PMR Planned Mobile Home Residential Park districts.

The County Attorney provided a summary on the proposed changes to the Zoning Ordinance pertaining to amateur radio towers.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the proposed amendments.

There being no speakers, the public hearing was closed.

Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-21 through 10-36, Section 10-41 and 10-61 – Park and Ride Lots

An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery Virginia by amending Sections 10-21 through 10-36, Section 10-41 and Section 10-61 by amending the definition of park and ride lot to include parking for other short term traveling purposes in addition to work allowable by right under certain use limitations if the lot has fifty or less parking spaces in GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing-Light, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill, PIN Planned Industrial, PUD-COM Planned Unit Development-Commercial and PUD-RES Planned Unit Development- Residential districts and park and ride lot allowable by special use permit with more than fifty parking spaces in GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing-Light, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill, PIN Planned Industrial, PUD-COM Planned Unit Development-Commercial and PUD-RES Planned Unit Development-Residential districts and park and ride lot allowable by special use permit in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, RM-1 Multiple-Family Residential and PMR Planned Mobile Home Residential Park districts.

The County Attorney provided a summary on the proposed changes.

At their September 11, 2013 meeting, the Planning Commission recommended approval of the ordinance amendment.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Thom Rutledge thanked the Planning Department staff for their help with the application process for SHAH Development in seeking a change in the policy map designation for the former Elliston/Lafayette Elementary School. He also expressed appreciation to the neighbors/property owners near the former school site. Mr. Rutledge asked the Board of Supervisor to consider taking action on SHAH Development's request tonight. The Planning Commission is scheduled to take action at their October 9, 2013 meeting on SHAH's rezoning request and it would help if the policy map designation has been approved beforehand.

Phyllis Albritton addressed the Board regarding Virginia Tech Foundation's request for Revenue Bonds through the Economic Development Authority. She believes that Virginia Tech and the Virginia Tech Foundation should contribute via taxes to help increase the tax base in Montgomery County in order to support education and county services. Montgomery County Public Schools lost $2 million in state monies due to the increase in the composite index.

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

CONSENT AGENDA

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated September 23, 2014 was approved. The vote 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	

Approval of Minutes

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously, the minutes dated April 8 and April 15, 2013 were approved.

Appropriations and Transfers

A-FY-14-34
MONTGOMERY MUSEUM AND
LYRIC THEATRE GRANT

On a motion by William H. Brown, seconded by Gary D. Creed 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:

911	Montgomery Museum Grant		$2,500
	Lyric Grant		$2,500
		Total	$5,000

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

Revenue Account:	
424401 State Grants	$5,000

Said resolution appropriates grant funds received for the Montgomery Museum and Lyric Theatre.

A-FY-14-35
SHERIFF– STREET CRIMES UNIT
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by William H. Brown, seconded by Gary D. Creed 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	($10,200)
TO:		
320	Sheriff County	$10,200

Said resolution transfers funds from General Contingencies to the Sheriff Office to cover the cost to lease office space for the Sheriff's street crimes unit.

R-FY-14-39
ADDITION TO VDOT'S SECONDARY SYSTEM OF STATE HIGHWAYS
NEW LONDON COURT (SR 1146)
STERLING MANOR SUBDIVISION

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

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

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

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

ADDITION:

Subdivision: **Sterling Manor Phase III**

Name of Street:	Length
New London Court (SR 1146)	
From: .05 mi. East	
To: .25 mi. East, a distance of:	0.15 miles.
Recordation Reference: Inst. # 07006676	
Right of Way width (feet) = 50'	

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

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

R-FY-14-40
NEW RIVER/MOUNT ROGERS LOCAL WORKFORCE INVESTMENT BOARD- RECOMMEND APPOINTMENT OF GEORGE F. WILKINS, III

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby recommends that **George F. Wilkins, III** be appointed to the **New River/Mount Rogers Workforce Investment Board** as a business (private sector) representative for Montgomery County, effective September 24, 2013 and expiring September 23, 2016.

NEW BUSINESS

R-FY-14-41
RESOLUTION OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA APPROVING THE ISSUANCE OF REVENUE BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA FOR THE BENEFIT OF VIRGINIA TECH FOUNDATION, INC.

On a motion by Annette S. Perkins, seconded by William H. Brown and carried unanimously,

WHEREAS, The Virginia Tech Foundation, Inc. (the "Foundation"), a nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), has described to the Economic Development Authority of Montgomery County, Virginia (the "Authority") its plans to finance or refinance various facilities owned or to be owned by or leased to the Foundation or affiliated nonprofit entities controlled by or under common control with the Foundation of benefit to, and in connection with its support of, the Virginia Polytechnic Institute and State University (the "University") and its programs, located in Montgomery County, Virginia ("Montgomery County"), as well as in Rockbridge County, Virginia, Arlington County, Virginia, the City of Roanoke, Virginia and the City of Alexandria, Virginia; and

WHEREAS, The Foundation has requested that the Authority agree to issue its revenue bonds or other obligations (collectively, the "Bonds"), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), in such amount up to $48,000,000 as may be necessary to finance or refinance the cost of such facilities and related issuance costs; and

WHEREAS, Proceeds of the Bonds will be used, together with other funds of the Foundation, to pay related costs of issuance and costs of one or more of the following (collectively, the "Projects"):

(a) in Montgomery County, financing or refinancing the (i) acquisition, construction and equipping of certain improvements and related relocation expenses of approximately 35 acres known as the Virginia Tech Dairy Relocation project, located at 5250 Whitethorne Road, Blacksburg, Virginia, owned by the University and leased to the Foundation for use by the University and other tenants primarily for research and related purposes, (ii) acquisition, construction and equipping of the approximately 46,000 square foot facility known as RB 1691, located at 1691 Innovation Drive, Blacksburg, Virginia, owned by the Foundation for use by private tenants primarily as office and research space, (iii) acquisition, construction and equipping of certain retail tenant improvements on the first floor of the approximately 140,000 square foot facility known as the North End Center, located at 300 Turner Street, Blacksburg, Virginia, owned by Turner Street Project LLC, a nonprofit limited liability company (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Foundation), and leased to certain tenants as commercial space, and (iv) acquisition, construction and equipping of certain retail tenant improvements on the first floor of 79,148 square foot facility known as Collegiate Square I, located at 460 Turner Street, Blacksburg, Virginia, owned by CS Shopping Center LLC, a nonprofit limited liability company (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Foundation), for use by the University and other tenants primarily as office and retail space;

(b) in Rockbridge County, Virginia, financing or refinancing the (i) acquisition of approximately 103 acres known as Carr Farm, located on Steeles Fort Road, Steeles Tavern, Virginia, owned by the Foundation for use by the University and other tenants primarily for agricultural research and related purposes, and (ii) acquisition of approximately 143 acres known as Crain/Moore Farm, located on Raphine Lee Highway, Steels Tavern, Virginia, owned by the Foundation for use by the University and other tenants primarily for agricultural research and related purposes;

(c) in the City of Roanoke, Virginia, financing or refinancing the acquisition of approximately 3.0209 acres, located at 2 Riverside Circle Drive, SW, Roanoke, Virginia, owned by the Foundation for use by the University and other tenants as the Carilion Medical School;

(d) in the City of Alexandria, Virginia, financing or refinancing the acquisition, construction and equipping of the approximately 12,000 square foot facility known as the 601 Prince Street facility, located at 601 Prince Street, Alexandria, Virginia, owned by the Foundation for use by the University for instructional purposes; and

(e) in Arlington County, Virginia, financing or refinancing the acquisition, construction and equipping of certain tenant improvements and startup costs for the Virginia Tech Applied Research Corporation, a non-profit corporation affiliated with and operated for the benefit of the University, on the seventh floor of the approximately 145,000 square foot facility known as the Virginia Tech Research Center – Arlington, located at 900 North Glebe Road, Arlington, Virginia, owned by Virginia Tech Research

Institute, LLC (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Foundation) for use by the University and other tenants primarily for research and related purposes;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Act sets forth the procedure for such approval; and

WHEREAS, Since the Authority issues bonds on behalf of Montgomery County, certain of the Projects are located in Montgomery County and the Board of Supervisors of Montgomery County (the "Board of Supervisors") constitutes the highest elected governmental unit of Montgomery County, it is required that the Board of Supervisors approve issuance of the Bonds; and

WHEREAS, Following a joint public hearing held on behalf of Montgomery County and Rockbridge County, Virginia on September 17, 2013, the Authority adopted a resolution (the "Bond Resolution") recommending and requesting that the Board of Supervisors approve the issuance of the Bonds; and

WHEREAS, A copy of the Bond Resolution and a Fiscal Impact Statement have been filed with the Board of Supervisors.

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

1. Approval of the Bonds. The Board of Supervisors approves the issuance by the Authority of the Bonds in the aggregate principal amount not to exceed $48,000,000, for the benefit of the Foundation, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Authority to assist the Foundation in financing or refinancing the Projects.

2. No Endorsement; Bonds are Limited Obligations. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Projects or the Foundation and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither Montgomery County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including Montgomery County and the Authority, shall be pledged thereto.

3. Effective Date. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of Montgomery County, Virginia this 23rd day of September, 2013.

The vote on the forgoing resolution was as follows:

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

School Request to Carryover FY 13 Year End Balance

Supervisor Tuck requested additional information on the School Board's request to carryover year end funds remaining at June 39, 2013. He believed that the School Board normally uses any remaining funds at year end to cover one-time maintenance items. He also noted that the School Board reported they need $2 million a year just for maintenance expenses and he needs to understand why the remaining funds are being requested to be used for personnel and other on-going expenses, not one-time expense.

School Superintendent Brenda Blackburn explained their request for use of funds remaining at year end. She reported that the math coach position is to help provide additional math instruction to the students. The three county high schools have received an AP warning in math. The request appropriates the remaining balance of $531,779 for the following:

• Special Education and Nursing	$101,134
• Balance from $400,000 in maintenance fund	191,500
• Restore 2 ISS aides at middle schools	25,376
• Restore Governor's Summer School	7,434
• Teacher evaluation software	5,000
• Secondary math coach	60,440
• Elementary instructional specialist	60,440
• Universal screening and assessment tool	36,000
• Expand reflex math subscriptions	3,000
• Flexibility study for Cburg Strand	41,455
Total	$531,779

A-FY-14-36
SCHOOL OPERATING FUND
CARRYOVER FY 13 YEAR-END BALANCE

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

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

09	Transfer to School Operating Fund	$531,779

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

451203	Undesignated Fund Balance	$531,779

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

School Operating		
561000	Instruction	$288,824
562000	Admin, Attend, & Health	$10,000
564000	Operations and Maintenance	$232,955
	Total	$531,779

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

Revenue Account		
451100	Transfer from General Fund	$531,779

Said resolution re-appropriates school funds remaining at year-end June 30, 2013.

The vote on the forgoing resolution was as follows:

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

Supervisor Tuck explained he voted no due to the fact that the School Board reported the need of $2 million a year for maintenance and all of the remaining FY 13 funds are being requested to be appropriated back into the school operating fund.

R-FY-14-42
RESOLUTION OF APPRECIATION
GERARD W. (JERRY) HIGGINS
NRV REGIONAL WATER AUTHORITY

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, Gerard W. (Jerry) Higgins has served the citizens of Montgomery County since 1989 as Manager of the Blacksburg-Christiansburg-VPI Water Authority which provides drinking water to approximately 65,000 people in the New River Valley; and

WHEREAS, Jerry Higgins received national recognition in 2011 when he was awarded the "Distinguished Public Service Award" given by the American Water Works Association for his outstanding contributions as a volunteer in public service while receiving recognition as a professional in the industry; and

WHEREAS, Jerry Higgins has served on the County's Economic Development Authority and the Montgomery Regional Economic Development Commission; and

WHEREAS, The Board of Supervisors recognizes that his consistently thoughtful and thorough consideration while working diligently with Montgomery County and the members of the Blacksburg-Christiansburg-VPI Authority to complete the Joinder Study and establish the NRV Regional Water Authority, along with his integrity and reliability, rightfully earned the respect and trust of this body; and

WHEREAS, Jerry Higgins has announced his retirement from the NRV Regional Water Authority effective October 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby extends a unanimous vote of appreciation and gratitude to ***Jerry Higgins*** for his professional accomplishments and outstanding public service and dedication, and congratulates him upon the grand occasion of his retirement, with sincere best wishes for continued health and happiness.

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

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	

RECESS

The Board of Supervisors took a ten minute recess at 9:10 p.m. and reconvened at 9:20 p.m.

INTO WORK SESSION

On a motion by Christopher A. Tuck, 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. Emergency Operations Plan
2. Consolidated Site Hours of Operation
3. State Disability Program Changes
4. Legislative Priorities for 2014

The vote on the forgoing motion 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	

Emergency Operations Plan

The Deputy County Administrator reported that the Code of Virginia requires each jurisdiction to prepare and keep current a local emergency operations plan. Every four years, each local agency is to conduct a comprehensive review and revision of its emergency operations plan to ensure the plan remains current. The County's Emergency Operations Plan was last adopted in 2009. The County's Emergency Services Coordinator reviewed the County's Emergency Operations Plan and has made revisions in order to incorporate recommendations of the Virginia Department of Emergency Management, the National Response Framework, the National Incident Management System, and the Incident Command System. A resolution to adopt the revised Emergency Operations Plan will be added to the next agenda.

Consolidated Site Hours of Operation

The Deputy County Administrator reported the Board of Supervisors requested additional information regarding the possibility of reducing the hours of operation at the County's Consolidated Collection Sites. The Board has discussed the possibility of replacing the greenbox site located in Alleghany Springs with a manned consolidated site. An analysis of the hours of operation was conducted, which will be presented by the Budget Manager, Marc Magruder.

Marc Magruder reported the County operates ten (10) staffed consolidated collection sites throughout the County. The County also operates one greenbox site in Alleghany Springs. In the past, hours were reduced on selected holidays to contain costs. Recently, a more detailed analysis was conducted to determine the amount of savings that would be possible under different scenarios of reduced site hours. Currently, the total budget for part-time staffing the ten sites is $447,750.

After discussions with General Services Staff – seven options for reduced hours were analyzed as follows:

Option 1 – current schedule with no changes

Option 2 – close all day Tues & Wed at all sites (lowest volume days)

Option 3 – Close all afternoons during the week at all sites

Option 4 – Open six hours per day everyday of the week at all sites

Option 5 – close all day Tues & Wed – except high volume sites (Plum Creek & Riner)

Option 6 – Close all afternoons during the week except high volume sites (Plum Creek & Riner)

Option 7 – Open six hours per day everyday of the week - except high volume sites (Plum Creek & Riner)

Options	Hours	Cost	Savings
Option 1 - Current Schedule	37,710	$447,750	$ -
Option 2 - Close All Day Tues & Wed	26,050	309,305	$ 138,445
Option 3 - Close Afternoons During the Week	23,440	278,315	$ 169,435
Option 4 - Open 6 Hours Per Day Everyday	21,360	253,618	$ 194,132
Option 5 - Close Tues & Wed - Except High Vol	28,382	336,994	$110,756
Option 6 - Close Afternoons - Except High Vol	26,294	312,202	$ 135,548
Option 7 - Open 6 Hours Per Day Everyday - Except High Volume	24,630	292,445	$ 155,305

Mr. Magruder stated should the Board elect to reduce site hours it is staff's recommendation to have a trial period to determine if further adjustments are necessary.

Following a lengthy discussion, the Board determined that a manned consolidated site is needed in the Alleghany Springs area and that reducing the hours at the County's consolidated sites is not a viable option at this time. The Board requested additional information on the cost to construct a consolidated site in the Alleghany Springs area and the cost savings if the consolidated sites were closed on additional holidays.

State Disability Program Changes

Karen Edmonds, Human Resources Director, presented information pertaining to the changes to the State Disability Program. Lawmakers have made numerous changes over the past several years to the Virginia Retirement System (VRS). The most recent change affecting localities involves changes to the Disability Program currently provided through VRS. Changes in the State Code affect not only the Disability Program but mandated extended medical leave.

In 2012, General Assembly established a VRS Hybrid Pension Plan for employees hired after January 1, 2014 (excluding sworn officers), creating a third class of employees. The three classes of employees are as follows:

Plan 1 Long-term employees
Plan 2 Employees hired after July 1, 2010
Plan 3 Employees hired after January 1, 2014

For Hybrid employees, the law requires a local disability program (short-term and long-term) be provided since the VRS Disability Retirement provided to current employees is not available to this new group of employees. Hybrid Plan employees must be covered by a Virginia Local Disability Program (VLDP) through VRS or a comparable program. Localities may opt-out of the VRS program and implement a comparable program. The decision to opt-out of the VRS program is irrevocable.

Ms. Edmonds provided a comparison of the Hybrid plan and the cost to implement the plan through several disability programs offered.

It is staff's recommendation to opt-out of the VRS Disability Program and select a disability program through the VACorp, for the following reasons:

- Cost is significantly less and leads to future flexibility.
- VACorp will help guide the County through the process.
- VACorp already has the County's Workers' Compensation coverage which is a part of our disability program.

Ms. Edmonds reported that if the Board should choose to opt-out of the VRS plan a resolution is needed by October 16, 2013. A resolution to participate in the VACorp program is also needed on the same date.

Legislative Priorities for 2014

The Deputy County Administrator reported it is time to draft the County's legislative priorities for 2014. A resolution approving the legislative priorities for 2014 will need to be adopted no later than October 2014. A copy of the priorities will be forwarded to the Virginia Association of Counties and the County's state legislators. Staff recommends the following 2014 Legislative Priorities

- ***Ending Unfunded Mandates on Local Government*** by reducing state mandates in proportion to state revenue reductions. Also, shifting the delivery of state services such as transportation should end. **RESPONSIBILITY FOR SECONDARY ROADS SHOULD NOT BE SHIFTED TO LOCALITIES.**

- ***Ending Future State Funding Reductions*** in the two areas where the state has served as a partner with local government: public education and public safety.

- ***Strengthening the Diversity of Local Revenues by Sharing Income Taxes or Other Revenue Sources in Support of Local Services*** by distributing a percentage of individual income tax revenues, providing the authority to levy a local income tax, or allowing other sources to generate revenue locally for locally delivered services.

- ***Strengthening the County's Revenue Base by Enacting Equal Taxing Authority*** by eliminating the distinction in the taxing authority of Virginia's cities and counties.

- ***Recognizing the State's Role in Funding Quality Education*** by fully funding the state Standards of Quality (SOQ), basing teacher pay raises on actual positions, not just SOQ.

- ***Ensuring 100% of Administrative Funds for the Comprehensive Services Act (CSA)*** and increasing state matching share for all CSA costs.

- ***Providing State Funding for 100% of the Costs of Optical Scan Voting Machines, 100% of the Costs of Electronic Pollbooks and 100% of the Operating Costs of the Electoral Board/General Registrar.***

- ***Increasing State Aid to Library System*** and ensuring no new cuts in state aid to the library system.

- ***Processing and Marketing of Industrial Hemp*** Montgomery County supports efforts by all levels of government to allow cultivation, processing and marketing of industrial hemp.

- ***Mandatory Water and Sewer Connections*** Montgomery County requests legislation adding Montgomery County to the list of counties who can require mandatory water and sewer connections pursuant to the authority contained in Section 15.2-2110 of the 1950 Code of Virginia, as amended.

- ***Eliminate Split Voting Precincts in Montgomery County*** Montgomery County requests that technical adjustments be made to the boundaries of House Districts 7, 8, and 12 in Montgomery County in order to eliminate split voting precincts in Montgomery County.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by William H. Brown 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
Matthew R. Gabriele	None
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
James D. Politis	

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reminded the Board of upcoming meetings as follows:

- October 21, 2013 – VDOT Public Meeting on Southgate Design
- November 21, 2013 – Legislative Dinner Meeting
- December 10, 2013 – Joint Meeting with the School Board

BOARD MEMBERS REPORTS

Supervisor Creed asked fellow Board members to consider voting on SHAH Development's request to change the policy map designation for the former Elliston-Lafayette Elementary School and seven parcels adjoining the school property.

ORD-FY-14-03
AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN, ELLISTON-LAFAYETTE VILLAGE PLAN AND THE LAFAYETTE ROUTE 11/460 CORRIDOR PLAN LAND USE POLICY MAP DESIGNATION OF SEVEN (7) PARCELS TOTALING APPROXIMATELY 23.65 ACRES LOCATED IN THE SHAWSVILLE MAGISTERIAL DISTRICT, IN THE AREA BOUNDED BY US ROUTE 460 (ROANOKE ROAD), NORTH FORK ROAD (ROUTE 603) AND THE NORFOLK SOUTHERN RAILROAD TRACKS, FROM PLANNED LIGHT INDUSTRIAL/COMMERCIAL TO MIXED USE.

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

BE IT ORDAINED That the Board of Supervisors of Montgomery County, Virginia hereby finds that the proposed amendments to the Montgomery County 2025 Comprehensive Plan – Elliston-Lafayette Village Plan and Route 11/460 Corridor Plan Land Use Policy Map meet the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Route 11/460 Corridor Plan Land Use Policy Map of those certain tracts or parcels of land is hereby amended from the designation of Planned Light Industrial/ Commercial to Mixed Use.

This action was commenced upon the application of SHAH Development, LLC (Agent: Gay and Neel, Inc.).

The properties are further identified as Tax Map Parcel Nos. 059-A-66, 060-1-1B, 060-1A, 060-1-1L, 060-1-1C, 060-1-1D, 1E and 060-1-1F (Acct. Nos. 020467, 020585, 070690, 029253, 003238, 013183 and 015704), in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the forgoing resolution was as follows:

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

Supervisor Biggs commented for the record that she voted yes because she approves of the request but does not believe in the process of taking action the same night that the Board holds a public hearing.

Supervisor Gabriele commented he voted no due to the timing issue. The request to vote on this issue was done towards the end of the meeting and the majority of the citizens attending the public hearing have already left. He believes a policy needs to be put in place to address Board members requesting action items to be voted on during Board reports. Need a protocol on when Board members can make a motion on items not on the agenda. Too many times fellow Board members are asked to take action on items at the end of the meeting after the public has left.

Chair Politis stated the proper time to do this is after a public hearing or during the Addendum section on the agenda, not during Board reports.

Supervisor Biggs also asked for Planning staff to remind rezoning/SUP applicants of the process. It is Board protocol to hold a public hearing and take action at the next meeting. She understands that the Board does break protocol in emergency situations; however, it is becoming more frequent for the applicant to ask their Supervisor to consider voting on their application the same night as the public hearing.

Board Reports Continued

Supervisor Politis left the meeting at 11:05 p.m.

Supervisor Perkins reminded Board members of the upcoming dedication and open house for the new Blacksburg High School and new Auburn High School.

- October 6, 2013 at 2:00 p.m. – BHS
- October 13, 2013 at 3:00 p.m. – AHS

Supervisor Gabriele asked staff to look at the financial impact of adding an additional maternity leave benefits for employees. He believes by allowing employees to take paid maternity leave so they don't have to use their annual or sick leave days will help attract and retain employees.

Supervisor Biggs also asked staff to look into the costs to provide paid employee leave for elderly care. Supervisor Gabriele stated he wanted to keep the two issues separate. His main goal is paid maternity leave.

Supervisor Biggs expressed concern with the late Board meetings and asked staff if the Board agendas can be balanced so there is not too many public hearings, delegations and work session items on the same agenda.

ADJOURNMENT

The Vice-Chair declared the meeting adjourned to Wednesday, October 16, 2013 at 6:00 p.m. The meeting adjourned at 11:20 p.m.

APPROVED_____ ATTEST:_____

James D. Politis
Chair

F. Craig Meadows
County Administrator