AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 15TH DAY OF DECEMBER, 2014 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Christopher A. Tuck	
	M. Todd King	
	Matthew R. Gabriele	
	Annette S. Perkins	(arrived at 6:15 p.m.)
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Neal Turner	-Emergency Services Coordinator
	Karen Edmonds	-Director of Human Resources
	Dari Jenkins	-Zoning Administrator
	Ruth Richey	-Public Information Officer
	Brea Hopkins	-Planner
	Vickie Swinney	-Secretary Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Matthew R. Gabriele, seconded by Gary D. Creed 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 (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. NRV Economic Development Alliance
2. Planning Commission
3. Planning District Commission

(7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probably 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. Luna
2. Backcountry.com

(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. Former Blacksburg Middle School Property

The vote on the foregoing motion was as follows:

AYE	NAY	ABSENT DURING VOTE
Matthew R. Gabriele	None	Annette S. Perkins (arrived at 6:15 p.m.)
Gary D. Creed		
Christopher A. Tuck		
Mary W. Biggs		
M. Todd King		
William H. Brown		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby ends their Closed Meeting to return to Regular Session. The vote was as follows:

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

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by M. Todd King 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
M. Todd King
Annette S. Perkins
Gary D. Creed
Matthew R. Gabriele
Christopher A. Tuck
William H. Brown

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.

PRESENTATION

Montgomery County Employee Retirees

The Board of Supervisors recognized the following 2014 County employee retirees:

Betty L. Page	County Administration	35 years
Gary L. Chandler	Sheriff's Department	32 years

Also recognized, but not present were:

William J. Saunders, II	Sheriff's Department	28 years
David C. Barnett	General Services	28 years
Karen C. Martin	Christiansburg Library	30 years

DELEGATIONS

Dialogue on Race Representatives from the Issue Group on Income Gap & Employment of the Dialogue on Race made the following presentation to the Board of Supervisors:

Ban the Box: What it is and Why it Matters

What is Ban the Box?

- Doing away with (banning) the check box on employment applications that asks individuals whether they have ever been convicted of a crime
- Ban-the-box laws require hiring managers to put off asking about a candidate's criminal history until after an interview has been conducted or a provisional job offer has been extended
- The box, if kept, "becomes a broad brush that eliminates further contact with an employer and prevents individuals from becoming employed" (Mr. Ted Edlich, CEO, Total Action for Progress (TAP) in Roanoke)
- Once the hiring official is prepared to offer the applicant a job or when he/she is a finalist for the open position, a criminal background check could be initiated as opposed to at the very beginning of the process
- Worth considering –
  - In 1996 only 50% of HR managers used background checks; in 2003 over 80% did; in 2009 over 92% did
  - The use of criminal records checks may result in a Title VII issue: "…For a plaintiff to succeed in challenging an employer's criminal records policy under Title VII's disparate impact provision she does not need to show the employer intended to discriminate. Instead she must establish that the employer's consideration of criminal history information has disproportionate adverse impact on a group protected by Title VII."

How does the Process Work?

- The applicant is able to explain
  - the nature of the crime
  - how long ago it was committed
  - when incarceration ended
  - successful rehabilitation efforts and certifications if available
- The applicant is given an opportunity to review the records to determine their accuracy
- The hiring official adheres to federal Equal Employment Opportunity Commission guidelines and does not make negative decisions when the crime is unrelated to the job duties.

Key Facts to Consider

- Nearly 1 in 4 adults in the US has a conviction history (+70 million)
- Of the 700,000 people released from state prisons, over 75% will not have a job a year after release
- A criminal record reduces likelihood of callback or employment by 50%
- The "box" discourages people from applying
- If hiring discrimination occurs, it most probably (76%) will occur at first interaction (e.g., job application)

Relationship to Race

- In 2008 there were an estimated 2.4 million people in U.S. jails and prisons – the disproportionate majority of whom (over 2/3) are people of color
- African Americans make up roughly 13% of the U.S. population, but are 40% of its prisoners

Economic Costs

- According to a recent report by VERA Institute of Justice, the cost to incarcerate an average daily population of 29,792 in Virginia was $748.6 million in fiscal year 2010
  - It costs just over $25,000 per year to house one prisoner in Virginia
  - Although several factors affect recidivism, studies have shown that the single largest determinant of re-arrest and re-conviction is whether an individual is able to find employment after release
- Virginia releases approximately 13,000 ex-offenders into society each year
- 2006 study of help-wanted ads in Virginia: of 192,000 positions listed, only 16,000 (8.23%) were open to hiring an applicant with a record

Potential Economic Benefits

- Putting 100 incarcerated people back to work would
  - Increase their lifetime earnings by $55 million
  - Increase income tax contributions by $1.9 million
  - Save nearly $2.5 million by keeping them out of the criminal justice system
- Resources exist to support re-entry programs (e.g., The National Reentry Resource Program, a project of the Council of State Governments Justice Center)

Evidence that the Program Works from Durham, NC

- Since the Ban the Box initiative began in 2011, the overall proportion of people with criminal records hired by the City of Durham has increased nearly 7 fold
- More important, no increase in workplace crime in either the city or the county government has occurred, and no employee has been fired because of illegal activity

Rural Counties – Cumberland County, NC

- More and more rural counties are considering this important initiative. For example, Cumberland County, NC changed its hiring policy in September 2011. The Assistant county manager for human resources said,
  - "We wanted to make sure we're diligent in considering applicants and that their qualifications are considered first and foremost. With this process, they get to the interview and they have the opportunity to explain any issues they've had in their past"

Virginia Localities that have Banned the Box

Alexandria	Norfolk
Arlington County	Petersburg
Charlottesville	Portsmouth
Danville	Richmond
Fairfax County	Roanoke
Fredericksburg	Virginia Beach
Newport News	

Our Request

- ▪Remove the box from the county's applications, where possible
- ▪Require any contractor or consultant hired by the county to follow this process
- ▪Make a public statement to encourage other employers to Ban the Box

Following the presentation there was discussion by the Board, and it was consensus of the Board that the County Administrator draft a resolution banning the box on county employment applications and bring it back to the next meeting for the Board's consideration.

PUBLIC HEARINGS

The Chair announced that the request by Betty Robertson Payne for a Special Use Permit on 9.6 acres in an A1 zoning district to allow a contractor's storage yard had been withdrawn by the applicant.

Variable Width Permanent Pedestrian Access Easement – Town of Christiansburg

The Town of Christiansburg has requested a variable width permanent pedestrian access easement across a portion of County property, Tax Parcel # 527(A)-84, the former Crowgey property, beside the old Courthouse.

The County Attorney reviewed the request from the Town of Christiansburg for an access easement for a public sidewalk and pedestrian access along a small area commonly known as the former Crowgey property which the county bought as part of the courthouse property for the new courthouse. The easement is for the town to be able to put in and maintain a sidewalk and pedestrian access. Since there is no known opposition to the request, it is listed on the agenda under New Business for the Board's consideration.

There being no speakers either for or against the request, the public hearing was closed.

Special Use Permit- John A. Barr, Jr. and Kelly Burdette

A request by John A. Barr Jr. and Kelly Burdette for an amendment to a Special Use Permit (SUP) on approximately 57.139 acres in an Agricultural (A1) zoning district approved May 10, 2010 for a kennel and 2 (two) detached accessory structures over 1200 square ft. to revise condition 3(b) allowing an increase in the permitted area and height of one of the accessory structures. The proposed structure will increase in area from 1,680 square ft. to 3,600 square ft. and from 20 ft. to 24 ft. in height. The property is located at 490 Craig Creek Road and is identified as Tax Parcel No. 015- A 1 (Account No. 002518) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

Zoning Administrator Dari Jenkins reported that the Planning Commission met on December 10, 2014 and reviewed the request and felt that the application meets the requirements of the Comprehensive Plan and recommended approval of the SUP with the following revised conditions:

1. Kennel operations shall be limited to the breeding, raising, and selling of dogs and/or puppies owned by the property owner.

2. A yearly kennel license for no more than 50 dogs shall be obtained as required by Montgomery County Code.

3. The proposed accessory structures as shown on ~~"Sketch Showing Proposed House & Kennel" prepared by Berkman Land Surveying, dated February 24, 2010 (Job No. 09093)~~ Plat Showing Existing House & Proposed Kennel & Garage" prepared by Berkman Land Surveying, dated October 10, 2011 (Job No. 09093) shall be limited in size as follows:
   -Building 1 shall not exceed 3,600 square feet in area and 27 ft. in overall height.
   -Building 2 shall not exceed ~~1,680~~ 3,600 square feet in area and ~~20~~ 27 in overall height.

4. Accessory structures shall be used for personal and kennel use only. Retail sales and/or other commercial activities shall not be permitted.

5. The accessory property owners were notified in compliance with the Code of Virginia and Section 10-52(3) of the Montgomery County Code. Staff has not received any inquiries regarding the proposed amendment to the Special Use Permit (SUP) and there were no public comments during the hearing.

John A. Barr, Jr., applicant, spoke on behalf of his request, pointing out that if the two original buildings are combined, in size it would still only increase by approximately 600 square feet.

Supervisor Chris Tuck asked if Board members would have a problem if this request was listed under New Business for consideration by the Board since there had been no opposition. This sparked a discussion about inconsistency in the approval process. It was suggested that this would be an appropriate subject to discuss at the Board's next extended work session.

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

Rezoning and Special Use Permit-NRVP&P LLC Properties

A request by NRVP&P LLC Properties for a Rezoning and Special Use Permit (SUP) on approximately 5.917 acres in a General Business (GB) zoning district to allow a recycling facility. The property is located at 3431 Radford Road and is identified as Tax Parcel No. 90-4-1A, 90-5-1,2,3,4,5,6,7, 90-5-40, 40A and 40B. (Account No. 011646, 019273, 019274, 019275, 019276, 019277, 014110, 014148, 015706, 014011 and 014149) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and Mixed Use in the Prices Fork Village Plan.

The Zoning Administrator explained that the owner's current recycling facility will be relocated from 2700 Radford Road to this site at 3431 Radford Road and will utilize existing buildings previously used for automobile sales and repair. The proposed site will provide much safer access for recycling customers and allow queuing of customer vehicles without creating a hazard within the VDoT right-of-way. All recyclables will be unloaded, sorted and stored inside the repurposed structures until a truckload is available for shipment. The applicant is currently operating at 2700 Radford Road and if this request is approved, the SUP at 200 Radford Road will abandoned.

The proposed recycling facility will utilize and improve one of the four existing commercial entrances to Radford Road; the remaining three entrances to Radford Road will be closed. The owner initially indicated that he may close the existing commercial entrance to Testerman Drive (SR 792). However, our Emergency Services Coordinator suggested that Mr. Phillips keep the entrance on Testerman Drive with a locked gate as a secondary access for fire and rescue vehicles in case of an emergency. The applicant expects the traffic volume will be significantly less than the site experienced as an automobile dealership.

Planning staff received one call related to the request, from a lady that was concerned about people putting things in the stream, but she did not leave her name or contact information.

The Planning Commission conducted a public hearing on December 10, 2014, and voted to recommend approval of the request, with 15 conditions.

Brenda Jean Tyler, who lives on Gantt Drive, asked if this would increase the traffic flow on Gantt Drive. The applicant responded that he does not anticipate additional traffic on Gantt Drive. The facility that will be accessed off Gantt Drive will be the facility for repair of company-owned vehicles and will not be used by customers.

Ray Dadeblean also lives on Gantt Drive, and said he understands the company applied for a high voltage line and asked what would be the purpose of a high voltage line. His main concern is whether the trucks that would come and load the recycled material would be entering and exiting from Radford Road, or if they would be entering into the building from one side and exiting the building from the other side.

Kendall Clay, attorney for the applicant, explained that there was no request for a high voltage line, there was a request for a 3-phase current which is required for some of the compacting that would be done in the facility. He also explained that the tractor trailers would come in the same entrance the customers would, and the outgoing material would be loaded at the loading dock behind the building, and trucks taking the material out would follow the same pattern as customers bringing materials to the site.

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

Special Use Permit - Request Withdrawn by the applicant
A request by Betty Robertson Payne (Armsey Living Trust) and DCI/Shires, Inc. (Agent) for a Special Use Permit for approximately 9.6 acres in an Agriculture (A1) zoning district to allow a contractor's storage yard. The property is located on the south side of McCoy Road (SR 718) identified as Tax Parcel No. 051-5 4,5,6,7, (Acct. No. 014147, 04146 and 016146, in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Village Expansion in the Comprehensive Plan and Mixed Use in the Prices Fork Village Plant.

The Chair announced that the Special Use Permit request to allow a contractor's storage yard was withdrawn by the applicant, and anyone present who had come to address the Board about this request was welcome to speak at this time.

No one stepped forward to speak.

PUBLIC ADDRESS

David Sisson, Big Spring Drive in Elliston-as the volunteer head baseball coach at the Day Spring Christian Academy in Blacksburg, and speaking on behalf of the school, Mr. Sisson asked that the Board of Supervisors permit the school to once again use the baseball facilities at the Shawsville Middle School. He asked that the Board allow them the use of the facilities for at least five years, each spring from March 1st through May15th . They would use the fields on Mondays, Tuesdays, Thursdays, and Fridays and occasionally on Saturday mornings. Their desire is to make the field one of the better fields in the County. They have already cleared out

all the brush since the school district stopped using the field this summer, and plan to implement some of the following improvements as time and finances permit:

✓Add an outfield warning track to warn the players they are approaching the outfield fence
✓To add a fence catch around the field to prevent injuries as well
✓Paint the dug outs
✓Repair the scoreboard
✓Landscape the hillside between the field and Route 460
✓Finally, if funds become available to add lights to the field.

Supervisor Matt Gabriele asked if this matter could be added to a work session agenda.

The County Administrator suggested that the Board schedule a work session right before the PSA's first meeting in January to talk about the issue and also to continue the discussion of larger issues in the Shawsville area with the current middle school properties and the elementary school property and that staff needs a clear direction from the Board as to how they want to move forward.

Rachel Kennedy 1320 Jennelle Road in Blacksburg-wanted the Board to know that she is the person who sent the e-mail about the bees and wanted to talk briefly about the two small bee hives on her property. The Town has advised her that her property is zoned R2 and told her the bees have to be moved by the end of the month. The Town told her she had the right to appeal, but she cannot pay the $260 to appeal and the co-owner of the bees is out of town until June. She said she will move the bees but she just needs more time.

The Chair explained to Ms. Kennedy that this is an ordinance and if she is doing something that is in violation of the local code, the Board of Supervisors cannot give her an extension to keep violating the local code. He also pointed out that there are some people close to Ms. Kennedy that are allergic to bee stings and this is creating a problem. The County Attorney suggested that Ms. Kennedy contact the County's Zoning Administrator, who is empowered by the Board of Supervisors and state law to enforce the zoning ordinance, and talk with her and maybe come up with some reasonable extension of time. The County is willing to work with people if they are working toward solving the issue.

Margaret Smith 4425 Old Rough Road in Riner – Ms. Smith addressed the Board about a strategic plan for agriculture, and Agritourism in particular. A little over a year ago, Montgomery County joined with Giles and Pulaski Counties to come up with a strategic plan for agriculture and Agritourism. Ms. Smith is on a steering committee as a producer (she lives on a farm in Riner and also has a few cattle). This came about with two grants that have been awarded to the counties, one is a community block grant which focuses on low-income jobs and the other one is a grant from VDoT for Agritourism, and the two together have caused some confusion, so they ended up getting a consultant. Ms. Smith provided copies to the Board of the mission statement the consultants included in the proposed strategic plan. She asked the Board to read it carefully and be sure it is what they want. It reads as follows:

"Tri-County Agritourism Strategic Plan
A strategic plan that helps the tri-county area focus on agricultural development incorporating the needs of traditional commodity based farming (beef cattle and forestry) with emerging new agriculture opportunities (Agritourism, grapes and wineries, and value added production and marketing). This plan will combine the skills and resources of the public sector with the realities

and needs of the farming community to enhance profitability, sustainability, and quality of life for future generations".

There being no further speakers, the Public Address Session was closed.

ADD TO AGENDA-ADDENDUM

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously, the following two items were added to the agenda under New Business:

Special Use Permit-John A. Barr, Jr. and Kelly Burdette
A request by John A. Barr Jr. and Kelly Burdette for an amendment to a Special Use Permit (SUP) on approximately 57.139 acres in an Agricultural (A1) zoning district approved May 10, 2010 for a kennel and 2 (two) detached accessory structures over 1200 square ft. to revise condition 3(b) allowing an increase in the permitted area and height of one of the accessory structures.

Resolution Agreeing to Undertake an Unbinding Moral Obligation for the Economic Development Authority of Montgomery County, Virginia
For the EDA to enter into a Lease Agreement with Luna Innovation, Inc. whereby the EDA agrees to construct and upfit office space in the Technology Manufacturing Building in the Blacksburg Industrial Park in order to lease 41,500 sq. ft. in the building to Luna

The vote on the foregoing motion was as follows:

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

CONSENT AGENDA

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously, the Consent Agenda dated December 15, 2014 was approved. The vote was as follows:

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

Approval of Minutes

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously, the Minutes dated September 8 and September 22, 2014 were approved.

Appropriations

A-FY-15-55
STATE FLEXIBLE CUT FOR 2015
CORRECTION OF STATE ERROR

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck 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, 2015 for the function and in the amount as follows:

Revenue Account		
02 422103	Motor Vehicle Carrier Tax	$ 4,513
02510 424445	Comprehensive Services Act	($4,513)
	Total Revenue	$ 0

Said resolution appropriates motor vehicle carrier tax funds and reduces Comprehensive Services Act funds to correct the mistake made by the state regarding the reduction in state aid to localities for FY 2015.

A-FY-15-56
PUBLIC HEALTH DEPARTMENT

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck 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, 2015 for the function and in the amount as follows:

530 Public Health Department $10,672

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

Revenue Account	
451203 Undesignated Fund Balance	$10,672

Said resolution appropriates fund balance to match the State's contribution to the County Health Department.

Appointments

R-FY-15-50
WESTERN VIRGINIA
EMERGENCY MEDICAL SERVICES COUNCIL

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **Joe Coyle** to the **Western Virginia Emergency Medical Services Council** and re-appoints **Robert Heins** as his alternate, effective January 1, 2015 and expiring December 31, 2017.

OLD BUSINESS

ORD-FY-15-07
An Ordinance Amending Chapter 3, Entitled Animals of the Code of the County of Montgomery, Virginia by Amending Section 3-50 through 3-55 and By Adding Section 3-56 in Order to Comply With State Law Changes Concerning Dangerous and Vicious Dogs Enabling Legislation

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 3, entitled Animals Section 3-50 through 3-56 shall be amended, added and reordained as follows:

Sec. 3-50. – ~~Definitions~~Control of dangerous dogs.

For the purpose of this article ~~the following words and phrases~~ dangerous dog shall have the meaning~~s~~ respectively ascribed ~~to them~~ by this section.

Dangerous dog means a canine or canine crossbreed that has bitten, attacked or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat~~, however,~~. ~~w~~When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines based on the totality of the evidence before it that the dog is not dangerous or a threat to the community.

~~*Vicious dog* means a canine or canine crossbreed that has:~~

~~(1) Killed a person;~~

~~(2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health or serious impairment of a bodily function; or~~

~~(3) Continued to exhibit the behavior that resulted in a previous finding by a court or on or before July 1, 2006 by an animal control officer as authorized by the provisions of section 3-51(b) that it is a dangerous dog, provided that its owner has been given notice of that finding.~~

Sec. 3-51. - Finding of dangerous ~~or vicious~~ dog.

(a) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within Montgomery County is a dangerous dog ~~or vicious dog~~ shall apply to a magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the Montgomery County General District Court at a specified time. The summons shall advise the owner or custodian of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he or she shall contact the local animal control officer and inform him or her of the location of the dog and the relevant facts pertaining to his or her belief that the dog is dangerous ~~or vicious~~. The animal control officer shall confine the animal until such time as evidence shall be heard and verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, the animal control officer may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered.

(b) The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this article ~~and to pay any impound fees to the County of Montgomery for confining the animal until the hearing. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia, § 3.2-6562, as amended~~. The court upon finding the animal to be a dangerous ~~or vicious~~ dog, may order the owner, custodian or harborer thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The Court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner.

Sec. 3-52. - Dangerous dog certificate.

(a) The owner of any animal found to be a dangerous dog shall, within ~~ten (10)~~ forty-five (45) days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of ~~fifty~~ one hundred fifty dollars (~~$50.00~~150.00). The animal control officer shall provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, ~~A~~all certificates obtained pursuant to this article shall be updated and renewed annually for ~~the same~~ a fee of eighty-five dollars ($85.00) and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.

(b) All certificates or renewals thereof required to be obtained under this article shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence that:

(1) The animal has been neutered or spayed and has a current rabies vaccination;

(2) The animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed;

(3) The owner has liability insurance coverage, to the value of at least one hundred thousand dollars ($100,000.00) that covers animal bites. The owner may obtain and maintain a bond in surety in lieu of liability insurance to the value of at least one hundred thousand dollars ($100,000.00);

(4) The owner's residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and

(5) The owner has permanently identified the animal by means of ~~a tattoo on the inside thigh or by~~ electronic implantation.

(c) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this article.

Sec. 3-53. - Requirements for dangerous dogs.

(a) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. ~~The structure shall be designed to provide the animal with shelter from the elements of nature.~~ While so confined within the structure, the animal shall be provided for according to Section 3.2-6503 of the 1950 Code of Virginia, as amended.

(b) When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(c) After an animal has been found to be a dangerous dog, the animal's owner shall immediately upon learning of same cause the animal control officer to be notified if the animal:

(1) Is loose or unconfined;

(2) Bites a person or attacks another animal; or

(3) Is sold, given away or dies.

(d) Any owner of a dangerous dog who relocated to a new address shall, within ten (10) days of relocating, provide written notice to the animal control officer as to where the animal has been moved and notify the appropriate animal control officer where the animal has been moved if that address is outside of Montgomery County.

(e) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under Code of Virginia, § 3.2-6542, within forty-five (45) days of such a finding by the court of competent jurisdiction. The owner shall also cause the animal control officer to be promptly notified of (i) the names, addresses, and telephone number of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) ~~tattoo or~~ chip identification information ~~or such~~; (vi) proof of insurance or a surety bond; and (vii) the death of the dog.

Sec. 3-54. - Exemptions.

(a) No canine or canine crossbreed shall be found to be a dangerous dog ~~or vicious dog~~ solely because it is a particular breed nor is the ownership of a particular breed of canine or canine crossbreed be prohibited.

(b) No animal shall be found to be a dangerous dog ~~or vicious dog~~ if the threat, injury or damage was sustained by a person who was:

(1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;

(2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or

(3) Provoking, tormenting or physically abusing the animal or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.

(c) No police dog which was engaged in the performance of its duties at the time of the acts complained of shall be found to be a dangerous dog ~~or a vicious dog~~.

(d) No animal which, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person or its owner's or custodian's property, shall be found to be a dangerous dog ~~or a vicious dog~~.

Sec. 3-55. - Penalties.

The owner of any animal which has been found to be a dangerous dog, who willfully fails to comply with the requirements of this article shall be guilty of a class 1 misdemeanor ~~and the animal which has been found to be a dangerous dog may be ordered by the court to be euthanized in accordance with the provisions of Code of Virginia, § 3.2-6562, as amended or ordered removed from the county and prohibited from returning to the county. Any animal which has been found to be a dangerous dog and ordered removed from the county which is later found in the county shall be ordered by the court to be euthanized immediately.~~ Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this article, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The Court, through its contempt powers, may compel the owner, custodian, or harborer of the animal to produce the animal.

Upon conviction, the Court may (i) order the dangerous dog to be disposed of by animal control pursuant to §3.2-6562 of the 1950 Code of Virginia, as amended, or (ii) grant the owner up to forty-five (45) days to comply with the requirements of this article, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the Court, the Court shall order the dangerous dog to be disposed of by animal control pursuant to §3.2-6562 of the 1950 Code of Virginia, as amended. The Court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

Any owner or custodian of a canine or canine crossbred or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this article when such declaration arose out of a separate

and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this article, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.

Sec. 3-56. – Vicious Dogs.

(a) As used in this section:

"Serious injury" means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

"Vicious dog" means a canine or canine crossbreed that has (i) killed a person, (ii) inflicted serious injury to a person, or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

(b) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a vicious dog shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harborer of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of §3.2-6562 of the 1950 Code of Virginia, as amended. The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harborer thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of. The procedure for appeal and trial shall be the same as provided by law for misdemeanors.

(c) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass

upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a vicious dog.

The vote on the foregoing ordinance was as follows:

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

NEW BUSINESS

R-FY-15-51
RESOLUTION APPROVING THE CONVEYANCE OF A VARIABLE WIDTH PERMANENT PEDESTRIAN ACCESS EASEMENT TO THE TOWN OF CHRISTIANSBURG ON COUNTY OWNED PROPERTY 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, TAX MAP NO 527-(A)-84

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

WHEREAS, The Town of Christiansburg has requested the Board of Supervisor of the County of Montgomery, Virginia to convey a variable width permanent pedestrian access easement along County property located at 100 East Main Street, Christiansburg,Virginia,Tax Map No. 527-(A)-84, as depicted on the attached Deed of Easement and Exhibit Plat entitled "Plat Showing A Variable Width Permanent Pedestrian Access Easement Across A Portion Of Tax Parcels 524-(A)-84" in order to construct and maintain a pedestrian sidewalk; and

WHEREAS, The Board of Supervisors is willing to convey the easement to the Town of Christiansburg; and

WHEREAS, A public hearing on this proposed conveyance was held on Monday, December 15, 2014, pursuant to Section 15.2-1800 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to convey the variable width permanent pedestrian access easement to the Town of Christiansburg on County Property located at 100 East Main Street, Christiansburg, Virginia, Tax Map No. 527-(A)-84; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes William Brown, Chair, to sign the Easement and any other documents necessary to convey the easement and right-of-way to the Town of Christiansburg.

The vote on the foregoing resolution was as follows:

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

Deed of Easement to Town of Christiansburg

Prepared by:
Theresa Fontana (#79597)
Town Attorney, Town of Christiansburg
GUYNN & DILLON, P.C.
415 South College Avenue
Salem, VA 24153

Tax Map No. 527 - (A) – 84
Consideration $0

EXEMPTED FROM STATE AND LOCAL RECORDATION TAXES UNDER SECTION 58.1-811(A)(3) AND 58.1-811(C)(4), CODE OF VIRGINIA (1950) AS AMENDED.

THIS DEED OF EASEMENT, is made and entered into this 15th day of December, 2014, by and between MONTGOMERY COUNTY, VIRGINIA , a political subdivision of the Commonwealth of Virginia, "Grantor", and the TOWN OF CHRISTIANSBURG, VIRGINIA, a municipal corporation organized pursuant to the laws of the Commonwealth of Virginia, "Grantee", with an address of 100 East Main Street, Christiansburg, Virginia 24073.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars ($10.00) cash in hand paid by the Grantee to Grantor, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee, its successors and assigns, with covenants of right to convey, quiet possession, and further assurances, a permanent easement for construction, operation, and maintenance of a public sidewalk and/or pedestrian way upon and across the lands and property of the Grantor, as follows, to-wit:

> **An access easement for a public sidewalk or other pedestrian way situated in the Town of Christiansburg, Virginia, designated as "Variable Width Permanent Pedestrian Access Easement" on the attached exhibit entitled, "Plat Showing A Variable Width Permanent Access Easement Across A Portion Of Tax Parcels 527-(A)-84," dated October 22, 2014, prepared by Ralph O. Clements, L.S., of Gay and Neel, Inc., marked "Exhibit A."**

The easement is located on the property of the Grantor consisting of approximately 4.005 acres, as shown on the plat entitled "Boundary Line Adjustment Plat of Tax Maps 527(A)84, 527(A)103 and Boundary Line Vacation of Tax Maps 527(A)85, 527(A)86, 527(A)87, 527(A)88, 527(A)89, 527(A)90, 527(A)91, (27(A)95, 527(A)96, 527(A)97, 527(A)98 and 52(A)104, for the Board of Supervisors of Montgomery County, Virginia, dated October 22, 2009, prepared by Eric Galen Gentry, L.S., of Thompson & Litton, and recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia, as Instrument Number 2009011222.

IT IS AGREED between the parties hereto that it shall be Grantee's right and sole responsibility to construct, lay, maintain, repair, improve, replace, alter, and remove at will the public sidewalk and to clear all plants, trees, or shrubs and other obstructions, if any, in and along the said sidewalk or pedestrian way, or adjacent thereto, that may in any way endanger or interfere with the proper use of the same. No physical obstructions shall be placed within the easement at any time.

This conveyance is made expressly subject to all unexpired restrictions, reservations, and easements of record, if any, constituting constructive notice.

WITNESS the following signatures and seals:

GRANTOR:
MONTGOMERY COUNTY, VIRGINIA

_____
By: William Brown, Chair

APPROVED AS TO FORM:

_____
Martin M. McMahon, County Attorney

COMMONWEALTH OF VIRGINIA
COUNTY OF MONTGOMERY, to wit

The foregoing instrument was acknowledged before me on this 15th day of December, 2014, by William Brown, Chair, on behalf of Montgomery County, Virginia, Grantor.

_____
Notary Public:
My commission expires: _____
Registration Number: _____

The foregoing Deed is hereby accepted pursuant to Virginia Code § 15.2-1803.

GRANTEE:
TOWN OF CHRISTIANSBURG, VIRGINIA

_____
By: Barry D. Helms, Town Manager

APPROVED AS TO FORM:

_____
Theresa J. Fontana, Town Attorney

COMMONWEALTH OF VIRGINIA
COUNTY OF MONTGOMERY, to wit

The foregoing instrument was acknowledged before me on this _____ day of December, 2014, by Barry D. Helms, Town Manager, on behalf of the Town of Christiansburg, Virginia, Grantee.

_____
Notary Public:
My commission expires: _____
Registration Number: _____

R-FY-15-52
RESOLUTION APPROVING THE LEASE AGREEMENT BY AND BETWEEN THE BLACKSBURG VFD TRAINING GROUNDS, LLC AND THE COUNTY OF MONTGOMERY FOR THE PURPOSE OF ESTABLISHING A COMPREHENSIVE FIRE TRAINING CENTER

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

WHEREAS, The Blacksburg VFD Training Grounds, LLC owns an 11.58 acre parcel of land on Merrimac Road in the County of Montgomery, Virginia; and

WHEREAS, The Blacksburg VFD Training Grounds, LLC and the County of Montgomery, Virginia are interested in entering into a Lease Agreement whereby the County uses the premises, with the assistance from Blacksburg VFD Training Grounds, LLC to establish a Comprehensive Fire Training Center for use by all Volunteer Fire Departments in the County of Montgomery; and

WHEREAS, The County desires to enter into a twenty-year lease with Blacksburg VFD Training Center, LLC pursuant to the terms and conditions of the attached Lease Agreement dated December 15, 2014.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the attached Lease Agreement by and between the Blacksburg VFD Training Grounds, LLC and the County of Montgomery, Virginia, dated December 15, 2014.

BE IT FURTHER RESOLVED, By the Board of Supervisors that William H. Brown, Chair, is hereby authorized to execute the Lease Agreement on behalf of the County of Montgomery.

The vote on the foregoing resolution was as follows:

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

Lease Agreement

THIS LEASE AGREEMENT, made this 15th day of December 2014, by and between **BLACKSBURG VFD TRAINING GROUNDS, LLC**, a Virginia Limited Liability Company, Grantor; hereinafter referred to as "**Lessor**", whose address is 407 Hubbard Street, Blacksburg, Virginia 24060 and the **COUNTY OF MONTGOMERY, VIRGINIA**, Grantee, hereinafter referred to as "**Lessee**", whose address is 755 Roanoke Street, Christiansburg, Virginia, 24060.

W I T N E S S E T H:

WHEREAS, the Lessor agrees to lease to Lessee and Lessee agrees to lease from Lessor, subject to the terms and conditions set forth in this Lease Agreement the following described premises owned by the Lessor for the purpose of locating a comprehensive Fire Training Center for use by all the Voluntary Fire Departments within Montgomery County, Virginia:

All that certain lot or parcel of land, with all improvements thereon and appurtenances thereunto belonging, situate, lying and being in the Prices Fork Magisterial District of Montgomery County, Virginia, more particularly described as follows:

BEING 11.580 acres, as shown on the plat entitled "Plat of Boundary Line Adjustment for Milton W. Reed", prepared by Roberts Engineering, Inc., dated August 9, 2007, a copy of which is of record in the Clerk's Office of the Circuit Court of Montgomery County, Virginia in Plat Book 27, at Page 271 and to which plat reference is made for a more particular description of the property herein leased.

Tax Map ID/Parcel Nos.: 070896 and 140670
Tax Map Nos.: 53-2 26 and 314-A 1 A

NOW, THEREFORE in consideration of the premises and the mutual covenants contained herein, the parties hereby agree as follows:

1) The term of this Lease shall be for a period of twenty (20) years commencing on December 15, 2014 and ending on December 15, 2034. The Lessee shall have the unilateral right to terminate this Lease at any time during the term of this Lease by providing written notice to Lessor. The parties may extend the Lease Term by mutual agreement.

2) The Lessee shall pay as rent the sum of Zero Dollars ($0) per month. The Lessor agrees that all utilities shall be in the name of Blacksburg Volunteer Fire Training Ground, LLC and be paid by Lessor.

3) The Lessee shall use the premises, with assistance from the Lessor, for the purpose of establishing a Comprehensive Fire Training Center for use by all the Voluntary Fire Departments within the County of Montgomery and other Emergency Service Agencies. The existing buildings and other structures on the premises may be used as training props. The Lessee may also construct or locate for fire training purposes other burn training structures such as an approved Department of Fire Programs "burn building" on the premises.

4) The Lessor and Lessee shall be jointly and equally responsible for any and all repairs and maintenance of the premises including all structures on the premises being used as burn training structures.

5) Lessor shall be responsible for all real estate taxes and other State, County, or local assessments that may come due. The Lessor shall furnish proof of such payments upon Lessee's written request.

6) Montgomery County shall be responsible for the payment of hazard insurance premiums on the property. Montgomery County shall obtain insurance coverage on the property in an amount and with coverage acceptable to both Lessee and Lessor listing the Lessor as an additional insured.

7) Lessee agrees upon termination of the Lease to leave the premises in as good a condition as the Lessee found them, normal wear and tear excepted. Any structures added to the property during the term of this Lease such as a training "burn building", shall be conveyed to the Lessor at the end of the Lease term or sooner if agreed to by the parties.

8) Lessee shall not assign this Lease or sub-let the premises or any part thereof without written consent from the Lessor.

9) Either part hereto shall have the right to have this Lease recorded at their own expense.

10) In the event of a material breach of this Lease Agreement by either party, the non-breaching party may take any action or pursue any remedy permitted by law.

WITNESS the following signatures and seals:

BLACKSBURG VFD TRAINING GROUNDS, LLC
By:_____
Managing Member

COUNTY OF MONTGOMERY, VIRGINIA

By:_____
William H. Brown, Chair

STATE OF VIRGINIA,
CITY/COUNTY OF_____, to-wit:
The foregoing instrument bearing date of _____, was acknowledged before me this ____ day of _____, 2014, by _____, Managing Member of Blacksburg VFD Training Grounds, LLC.

My commission expires:
Registration number:

_____
Notary Public

STATE OF VIRGINIA,
CITY/COUNTY OF MONTGOMERY, to-wit:

The foregoing instrument bearing date of _____, was acknowledged before me this ____ day of _____, 2014 by William H. Brown, Chair, Montgomery County Board of Supervisors, County of Montgomery, Virginia.

My commission expires:
Registration number:

_____

Notary Public

R-FY-15-53
RESOLUTION SUPPORTING THE PROPOSED DESIGN FOR THE RELOCATION OF THE INTERSTATE 81 EXIT 118 FALLING BRANCH PARK AND RIDE FACILITY

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

WHEREAS, The Virginia Department of Transportation (VDoT) plans to relocate the Interstate 81 Exit 118 Falling Branch Park and Ride Facility; and

WHEREAS, On October 30, 2014 a design public hearing was held at Falling Branch Elementary School, with VDoT attending, to present the proposed scope of work to include approximately 299 parking spaces, sidewalk, lighting, bus shelters, and other bicycle and handicap accommodations; and

WHEREAS, Twenty-three citizens attended the October 30th design public hearing; and

WHEREAS, VDoT recommends that the major design features shown at the October 30th design public hearing be approved; and

WHEREAS, The Interstate 81 Exit 118 Falling Branch Park and Ride Relocation and proposed limited access changes which include shifting and providing a break to maximize the future use of the site and surplus VDoT property; and

WHEREAS, The Interstate 81 Exit 118 Falling Branch Park and Ride Relocation project is identified in the VDoT Six-Year Improvement Plan for FY 2015 – 2020 as VDoT Project No. 9999-060-809, P101, M501, UPC 105518 with projected allocations identified to cover the anticipated project costs.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby supports the design for the relocation of the Interstate 81 Exit 118 Falling Branch Park and Ride Facility; and

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

The vote on the foregoing resolution was as follows:

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

R-FY-15-54
RESOLUTION RECOGNIZING THE
AUBURN HIGH SCHOOL
GIRLS VOLLEYBALL TEAM
STATE CHAMPIONS

On a motion by M. Todd King, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit; and

WHEREAS, Athletic competition enhances the moral and physical development of the young people in Montgomery County, preparing them for the future by instilling in them the value of teamwork, a sense of fair play, and competition; and

WHEREAS, On November 22, 2014 the ***Auburn High School*** Girls Volleyball Team, the ***Eagles***, won the Group A, Division 1, State Championship; and

WHEREAS, This is ***Auburn High School's*** third consecutive state championship, winning in 2012, 2013 and 2014; and

WHEREAS, The Board of Supervisors desires to publically recognize and pay tribute to those young people who, achieving outstanding success in an athletic competition, have inspired and brought pride to their school and Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board of Supervisors finds it appropriate to acknowledge and applaud the ***Auburn High School Eagles*** Girls Volleyball Team for winning the Group A, Division 1, State Championship which exemplifies their remarkable athletic talents and serves as an example of the exceptional quality of the youth of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the ***Auburn High School Eagles*** and that a copy be a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

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

R-FY-15-55
PROCLAMATION
MATT HAGAN-NATIONAL HOT ROD ASSOCIATION
2014 WORLD CHAMPION

On a motion by M. Todd King, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Matt Hagan is a lifelong resident of Montgomery County and a graduate of Auburn High School; and

WHEREAS, Matt Hagan now manages the family's 500-acre cattle farm in Riner where he lives with his wife Rachel and their two children; and

WHEREAS, In addition to managing this 500-acre cattle farm ***Matt Hagan*** competes in the National Hot Rod Association's Full Throttle Drag Racing Series; and

WHEREAS, Matt Hagan first competed in the National Hot Rod Association's (NHRA), Full Throttle Drag Racing Series in 2008, which includes Funny Car, a drag racing car class; and

WHEREAS, In 2009 he raced in his first full season in the NHRA Full Throttle Drag Racing Series, posting runner-up finishes in Las Vegas and Charlotte; and

WHEREAS, In 2010 he finished second for the championship in the NHRA Full Throttle Drag Racing Funny Car competition; and

WHEREAS, During qualifying at a meet in Charlotte in September 2011, he became the first Funny Car driver in history to crack the four-second barrier, recording a blistering 3.995 seconds in a 1000' event; and

WHEREAS, In 2011 ***Matt Hagan*** won the NHRA Full Throttle Drag Racing Series World Championship in Pomona, California; and

WHEREAS, On November 16, 2014 ***Matt Hagan*** won the 2014 NHRA Full Throttle Drag Racing Series World Championship in Pomona, California; and

WHEREAS, It is fitting to recognize and share in the excitement for such a dedicated and exceptional athlete who engages in one of the most challenging and demanding tests of physical skill.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors recognizes and congratulates ***Matt Hagan*** for his unparalleled accomplishment in winning the 2014 NHRA Full Throttle Drag Racing World Championship making him a two-time NRHA Funny Car Champion.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Matt Hagan*** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

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

R-FY-15-57
RESOLUTION AMENDING A SPECIAL USE PERMIT APPROVED MAY 10, 2010 (R-FY-10-168) ALLOWING FOR A KENNEL OPERATION AND 2 (TWO) DETACHED ACCESSORY STRUCTURES OVER 1200 SQUARE FT. 24 FT. IN HEIGHT TO REVISE CONDITION 3(B) BY ALLOWING AN INCREASE IN THE PERMITTED AREA AND HEIGHT OF ONE OF THE ACCESSORY STRUCTURES 490 CRAIG CREEK ROAD PARCEL ID 002518, TAX MAP NUMBER 015-A-1 JOHN A. BARR JR. AND KELLY BURDETTE

On a motion by Mary W. Biggs, seconded M. Todd King and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by **John A. Barr Jr. and Kelly Burdette** to amend a Special Use Permit (SUP) on approximately 57.139 acres in an Agricultural (A1) zoning district approved May 10, 2010 allowing for a kennel operation and two detached accessory structures over 1200 square ft. by revising condition 3(b) allowing for an increase in the permitted area and height of one of the accessory structures is hereby found to be consistent with the County's Comprehensive Plan and is approved subject to the following conditions:

1. Kennel operations shall be limited to the breeding, raising, and selling of dogs and/or puppies owned by the property owner.
2. A yearly kennel license for no more than 50 dogs shall be obtained as required by Montgomery County Code.
3. The proposed accessory structures as shown on plat entitled "Plat Showing Existing House & Proposed Kennel & Garage" prepared by Berkman Land Surveying, dated October 10, 2011 (Job No. 09093) shall be no larger than as follows:
   - Building 1 shall not exceed 3,600 square feet in area and 27 ft. in overall height.
   - Building 2 shall not exceed 3,600 square feet in area and 27 ft. in overall height.
4. Accessory structures shall be used for personal and kennel use only. Retail sales and/or other commercial activities other than the kennel operation shall not be permitted.
5. The accessory structures shall not be used as a dwelling, accessory or otherwise without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

The property is located at 490 Craig Creek Road and is identified as Tax Parcel No. 015- A-1 (Account No. 002518) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

The vote on the foregoing resolution was as follows:

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

R-FY-14-56
RESOLUTION OF THE BOARD OF SUPERVISORS AGREEING TO UNDERTAKE A NON-BINDING MORAL OBLIGATION FOR THE ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA

On a motion by Christopher A. Tuck, seconded by M. Todd King and carried unanimously,

WHEREAS, The Economic Development Authority of Montgomery County, Virginia ("EDA") proposes to enter into a Lease Agreement with Luna Innovation, Inc. ("Luna") whereby the EDA agrees to construct and upfit Office space in the Technology Manufacturing Building (the "Building") in the Blacksburg Industrial Park, in order to lease 41,500 sq. ft. in the Building to Luna; and

WHEREAS, The required construction and up-fit of the Building is proposed to cost the EDA One Million One Hundred Thousand Dollars with the monthly debt service to be paid by monthly lease payments to be made by Luna pursuant to the Lease Agreement and from other future tenants in the Building; and

WHEREAS, The EDA has secured One Million One Hundred Thousand Dollars in financing from the Bank of Floyd ("the Financing") conditioned upon the Board of Supervisors first agreeing to be morally obligated to re-pay the Financing should the EDA fail to make the required payments to the Bank of Floyd; and

WHEREAS, The Board of Supervisors recognizes that having Luna agree to keep their business operation in the Building and sign a ten year lease extension to remain in the Building promotes economic development in the County and the Board of Supervisors desires to support the EDA in its efforts to finance the upfit required under the Lease Agreement with Luna by agreeing to enter into a Support Agreement with the EDA; and

WHEREAS, Section 15.2-953 of the Code of Virginia 1950, as amended, provides that any locality may appropriate money to an economic development authority for the purpose of promoting economic development.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby agrees:

1. Should the County receive written notice from the EDA that Luna has defaulted or otherwise vacated the Building and the EDA is no longer receiving rent payments from Luna that were intended to cover the loan payments owed under the Bank of Floyd Financing, the Board of Supervisors hereby agrees to undertake a non-binding moral obligation, in such manner that is consistent with both the Constitution and laws of the Commonwealth of Virginia, to appropriate money to the EDA sufficient to make up any deficiency and allow the EDA to continue to make its loan payments required under the Bank of Floyd. The Board of Supervisors, while recognizing that it is not hereby empowered to make any binding commitment to make such appropriation in future fiscal years, hereby states its intent to make such appropriations in future fiscal years and hereby recommends that future Boards do likewise.

2. Nothing herein contained is or shall be deemed to be a lending of the full faith and credit of the County of Montgomery to the EDA, to the Bank of Floyd or to any other person or entity and nothing herein contained is or shall be deemed to be a pledge of the full faith and credit or the taxing power of the County of Montgomery nor shall anything herein contained legally bind or obligate the Board of Supervisors to appropriate funds for the purpose described herein.

3. To enter into a Support Agreement between the County of Montgomery, Virginia, and the Economic Development Authority of Montgomery County, Virginia with terms consistent with the Board of Supervisors' stated intentions under this Resolution and authorizes William Brown, Chair, to execute the Support Agreement on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

Mountain Valley Pipeline (MVP) will hold an open house on Thursday, December 18th beginning at 5:30 p.m. at the Days Inn in Blacksburg. This is a requirement of the Federal Energy Regulatory Commission (FERC) process. The County Administrator plans to attend the

open house meeting. Hopefully the MVP representatives will have some helpful information for residents and other interested parties.

Retirement Karen Edmonds, our Human Resources Director who has been the County's HR Director for a number of years, is retiring at the end of this month. A reception is planned for Friday from 1:30-3:00 p.m. in one of the multi-purpose rooms. The County Administrator invited Board members to stop by if they had the opportunity. County Administration is in the process of setting up interviews for Karen's replacement, and hopefully will be moving forward with that in the days ahead.

Employee Christmas Luncheon The County Administrator reminded the Board of the Employee Christmas Luncheon on Wednesday, December 17th 11:30 a.m. – 1:30 p.m., and hopes Board members will be able to attend.

BOARD MEMBERS' REPORTS

Supervisor Matt Gabriele wished everyone a happy holiday.

Supervisor Gabriele attended the Economic Development Commission (EDC) annual luncheon a couple of weeks ago. John Overton from Christiansburg will be the new Chair of the EDC.

Supervisor Gabriele asked the status of the Board's all-day work session. The County Administrator advised that he would be sending an e-mail to the BoS in the next day or two with a draft agenda, to make sure nothing is left off that members of the Board want to discuss. The all-day work session is scheduled for Friday, January 16th beginning at 8:30 a.m. and in all likelihood will be held at the Government Center. The County offices will be closed that day so the building will be fairly quiet. Supervisor Gabriele asked that policies for how board meetings are conducted be added to the agenda. Not only the addenda, but also for public comment, where the Board seems to be a little flexible when some people they give extra time to and answer questions, and other people we tend to cut off. Supervisor Gabriele would rather it be more consistent and equitable in how it is done.

Supervisor Gabriele brought the Board's attention to an e-mail he sent that was spurred by an article he read in the *Roanoke Times* about state employees in Virginia, that a shocking percentage of them are below federal poverty line just based on state wages. Thanks to the information the Deputy County Administrator got together, the County is not so bad, but we do have seven employees who fall below the 100% of the poverty line, and if they are a family of four, he would like to see the Board, at some point talk about finding a way to raise that minimum above the poverty level. If we do have an employee here who does have a family and is living below the poverty level, we should be paying him more. Supervisor Gabriele asked that staff provide information about what the cost would be just to raise that minimum salary and maybe have a stated policy of this Board to make sure that our wages will never fall below the federal poverty line.

Supervisor Todd King reported that he and Supervisor Chris Tuck attended the Christiansburg Rescue Squad banquet, and he and the County Administrator attended the Riner Rescue Squad banquet; both were very enjoyable. At Supervisor King's request, the Christiansburg Rescue Squad provided some statistics: For the year to date, they had 471 calls, only 7 of which had to be turned over to another agency; had 23 mutual aid calls; member of the year is Nick Colson, life member of the year is Kelly Walters, junior member of the year is Nick Colson, Jr., active

member with the most calls is Logan Underwood. Logan ran 198 of the 471 calls. Life member with most calls was Kelly Walters. Speaking as a volunteer himself, Supervisor King said he appreciates everything that all of the volunteers do. He apologized that he was unable to attend the Elliston and Shawsville events because he had already committed to attend the Christiansburg event.

Supervisor King reported on his visit to the site on Radford Road where the owner has applied for rezoning and special use permit to allow a recycling facility in order to relocate the facility from 2684 to 3431 Radford Road. There will be only one entrance in and out on Radford Road (Route 11). In the evening the traffic will sometimes back up while waiting to get into the recycling facility at its current location. Supervisor King believes it will be an asset to the area, and it gets the traffic off of Route 11.

Supervisor Gary Creed attended the Shawsville Rescue Squad banquet at the Farmhouse Restaurant. He reported that Shawsville Rescue Squad owns their own building and the building is in very bad shape. Not only is the building in bad shape, the upstairs where the men sleep when they're on car are not good. The Rescue Squad asked Supervisor Creed to bring this up to the Board and see if the Board would be willing to give them some help in one of the following options: 1) One is take the building, they are willing to sign it over, or 2) Funds to keep the building maintained. Supervisor Creed stressed the fact that the Shawsville Rescue Squad is in dire need of help.

The Chair recalled that a couple of months after the Board of Supervisors passed a resolution to formulate a study group for the Riner area, Chief John Akers talked to him about having a study group for their area (Shawsville). The problem was that the County owns the facility in Riner, but does not own the facility in Shawsville, so they are trying to figure out how they can put a study group together. The fact that they would sign the building and property over to the County will give them another avenue to look at helping them, with the blessings of the Board of Supervisors.

Supervisor Annette Perkins attended the Fairview Home Board meeting on Thursday. She will attend a meeting of the Social Services Board on Wednesday prior to the employee luncheon at the Government Center. Sharing with everyone that this is her favorite time of year, Supervisor Perkins wished everyone happy holidays and hopes everyone enjoys family and any trips that may be planned.

Supervisor Perkins wanted the Board to know ahead of time that she will be unable to attend the all-day work session on January 16th. She has to get her husband to a doctor's appointment at the Veterans Administration. She asked that notes be taken at the work session so she can be kept up to date.

Supervisor Mary Biggs also wished everyone a happy holiday season, including staff and volunteers and citizens and Board members. She asked the Chair to give her regards to the employees at their holiday luncheon because she will be working that day and will not be able to attend.

Supervisor Biggs attended the New River Community Services Board meeting. Rosemary Sullivan will continue as the interim director for the foreseeable future, which seems to be working very well.

So the citizens in our county will know, the Board of Supervisors did hold their legislative dinner with three of our legislators on December 8th. Senators Edwards and Smith and Delegate Rush attended the legislative dinner. The Board of Supervisors made it clear to them that Montgomery County needs any help they could give in trying to proceed with a timely budget, trying to be held harmless from state cuts if at all possible, and try to advocate for our county and our citizens.

Delegate Yost attended the last Greater Montgomery Liaison meeting, with Blacksburg hosting. So it did provide an opportunity to let him know that Montgomery County needs his help, and it gave Delegate Yost a chance to talk about what he thought would be happening at the state level.

Supervisor Biggs attended the County/School Liaison meeting on December 7th. The meeting involved a discussion where Wendell Jones got to tell everyone about his relocation to California and everyone wished him well in his new job. Other discussions included surplus school properties update, shared services update which seems to be making progress with our county payroll and accounts payable and combining those functions together with the schools. The budget outlook was discussed and we shared what we had heard from the legislators.

Supervisor Chris Tuck The December 10th Planning Commission meeting included a public hearing on the request for a special use permit for a contractors storage yard on McCoy Road at the intersection of Keisters Branch Road. There were approximately fifty people there in opposition of the request, and there were a lot of folks with signed petitions. This request was scheduled to come before the Board of Supervisors earlier in this meeting, but the request was withdrawn by the applicant prior to this meeting. During the past three years that Supervisor Tuck has served on the Planning Commission, the December 10th meeting was probably the most well attended.

Supervisor Tuck reported on the Christiansburg Rescue Squad dinner that he and Supervisor King attended. After all the awards had been given out and everyone was getting up to leave, there was a lady there and she raised her hand and asked to speak; she said that she was just there to thank the Christiansburg Rescue Squad. Her father has dementia and continually kept calling the rescue squad with various emergencies and they would come out and try to address them, over and over and over again. One lady who came out there just told him as she patted his hand "if you need us again, you just call". She talked about that kind of commitment and the impact those volunteers have on everyone's lives, and it was a very touching moment. With that being said, Supervisor Tuck wished everyone a merry Christmas and told everyone that he looks forward working with them next year.

Supervisor Bill Brown, referring to the Board's last meeting and the gentleman that came before the Board, Scott Noonkester, and requested that the Board rename a section of Prices Fork Road in honor of his father, James Noonkester, asked if it was the consensus of the Board to look at something further, or to do nothing and let the matter drop. With the many rural roads we have in Montgomery County and how many former members of the boards of supervisors that we have, we probably could rename all the roads in the county after a supervisor. Supervisor Brown's personal opinion is that if that door is open, then it is wide open. So whatever the consensus of the Board is, it will be the Board's decision.

Following discussion by the Board, there was no consensus to move forward on the request. It was suggested that the residents of the community may want to do something to honor Mr. Noonkester in a different way.

Ronnie Martin, Executive Director of the NRV Workforce Investment Board, plans to retire effective January 31st, but will continue on a part time basis. Marty Holliday will become the Executive Director effective February 1st. The WIA Consortium Board had a skill gaps analysis for the thirteen participating counties, but in order to continue to have access to that information, the thirteen localities will probably be asked to contribute approximately $400 a year. The Mt. Rogers and New River Valley planning districts will also be asked to contribute. Workforce Development contracted with Virginia Tech to keep the information updated.

Supervisor Brown asked that a resolution of appreciation be prepared for School Board Chairman Wendell Jones to recognize his service to the County.

Supervisor Brown wished everyone the very best during the holiday season.

ADJOURNMENT

Chair Brown adjourned the meeting to January 5, 2015 at 6:00 p.m.

The meeting adjourned at 10:10 p.m.

APPROVED:_____ ATTEST:_____

William H. Brown
Chair

F. Craig Meadows
County Administrator

AT SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 5TH DAY OF JANUARY, 2015 AT 6:00 P.M. IN MULTI-PURPOSE ROOM #2, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Matthew R. Gabriele	
	M. Todd King	
	Annette S. Perkins (arrived at 6:10 p.m.)	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Ruth Richey	-Public Information Officer
	Mitchell Haugh	-Parks & Recreation Director

CALL TO ORDER

The Chair called the meeting to order.

INTO WORK SESSION

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

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

1. Eastern Montgomery Recreational Fields

The vote on the forgoing motion was as follows:

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

The Board was provided a map showing the location and use of recreations fields in eastern Montgomery County as follows:

<u>Eastern Montgomery High School</u>

Parks & Recreation uses the football field for recreation football games. The fields are maintained by the Schools.

Eastern Montgomery Elementary School

Parks & Recreation uses the tee ball and coach pitch fields. They maintain the fields and collect the trash.

Old Shawsville Middle School Fields

Parks & Recreation uses the softball and baseball field and provides field maintenance.

Shawsville Middle School

Parks & Recreation uses the football field for practice for eight weeks. They cut the grass and mark the field for practice. The baseball field is used and maintained by Day Spring Academy for their baseball program.

OUT OF WORK SESSION

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

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, January 12, 2015 at 6:00 p.m. The meeting adjourned at 7:53 p.m.

APPROVED_____ATTEST:_____

William H. Brown
Chair

F. Craig Meadows
County Administrator

AT REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12TH DAY OF JANUARY, 2015 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Matthew R. Gabriele	
	M. Todd King	
	Annette S. Perkins	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Dari Jenkins	-Zoning Administrator
	Ruth Richey	-Public Information Officer
	Marc Magruder	-Budget Manager
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Christopher A. Tuck	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

REMOVE FROM CLOSED MEETING

The Chair announced that the following item will be removed from Closed Meeting:

(5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2014-047

INTO CLOSED MEETING

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 Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (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. Economic Development Authority

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT
Gary D. Creed	None	Christopher A. Tuck
M. Todd King		
Mary W. Biggs		
Annette S. Perkins		
Matthew R. Gabriele		
William H. Brown		

The County Administrator took over the proceeding of the meeting until the election of the Chair for 2015.

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Annette S. Perkins 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
Annette S. Perkins
Matthew R. Gabriele
Gary D. Creed
M. Todd King
William H. Brown

NAYS
None

ABSENT DURING VOTE
Christopher A. Tuck

ABSENT DURING MEETING
Christopher A. Tuck

INVOCATION

A moment of silence was led by the County Administrator.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ELECTION OF CHAIR

The County Administrator opened the floor for nominations. Supervisor Biggs nominated Supervisor Bill Brown for Chair for calendar year 2015. There were no further nominations, the County Administrator closed the nominations.

R-FY-15-58
ELECTION OF CHAIR
CALENDAR YEAR 2015

On a motion by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That **William H. Brown** be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2015 or until a successor is elected.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
Annette S. Perkins	None	Christopher A. Tuck
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
William H. Brown		

The County Administrator turned over the meeting to the Chair to officiate the remainder of the meeting.

ELECTION OF VICE-CHAIR

Chair Brown opened the floor for nominations. Supervisor Gabriele nominated Supervisor Mary Biggs for Vice-Chair for calendar year 2015. There were no further nominations, the Chair closed the nominations.

R-FY-15-59
ELECTION OF VICE-CHAIR
CALENDAR YEAR 2015

On a motion by Matthew R. Gabriele and carried unanimously,

BE IT RESOLVED, That **Mary W. Biggs** be and hereby is, elected as Vice-Chair of the Montgomery County Board of Supervisors for the calendar year 2015 or until a successor is elected.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
Matthew R. Gabriele	None	Christopher A. Tuck
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
Annette S. Perkins		
William H. Brown		

ORGANIZATIONAL MATTERS

R-FY-15-60
SELECTION OF REGULAR MEETING DATE

On a motion by Matthew R. Gabriele, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2015 shall be the 2nd and 4th Monday of each month. The closed session portion of the meeting shall begin at 6:00 p.m., if closed session is required, or at a time prior to or after 6:00 p.m. as notified by the County Administrator, otherwise the meeting shall begin at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

BE IT FURTHER RESOLVED, That should the Chairman declare that the weather or other conditions are such that it is hazardous for members to attend the regular meeting, the regular meeting shall be continued to the following Monday. The continuance of the regular meeting shall be communicated to the members of the Board and the press as promptly as possible.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
Gary D. Creed	None	Christopher A. Tuck
M. Todd King		
Mary W. Biggs		
Annette S. Perkins		
Matthew R. Gabriele		
William H. Brown		

R-FY-15-61
RULES OF ORDER AND
PARLIAMENTARY PROCEDURES

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Rules of Order and Parliamentary Procedures for calendar year 2015.

RULES OF ORDER

Rule 1 The current edition of ***Roberts Rules of Order*** shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.

Rule 2 The Board may ***temporarily suspend*** any of its rules by a vote of two-thirds of the members present.

Rule 3 No ordinance or resolution ***appropriating money exceeding the sum of $500***, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.

Rule 4 Items requiring Board action not on the Board's agenda that are proper for Board consideration may be added during the meeting under the Addendum portion of the Agenda by a motion to Amend the Agenda, followed by a second and majority vote of the Board.

Rule 5 ***Discussion of Agenda items*** will occur only after a motion is made.

Rule 6 In any case in which there shall be a ***tie vote*** of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.

Rule 7 When any motion, resolution, or ordinance has been ***once acted upon*** by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.

Rule 8 A motion to ***reconsider*** a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.

Rule 9 When the Board wishes to ***annul some action it has previously taken***, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.

Rule 10 The County Administrator is hereby authorized to prepare for each meeting a ***consent agenda*** for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.

Rule 11 Any member of the Board may request to have any item ***removed from the consent agenda***. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.

Rule 12 A single motion and roll call vote in favor thereof shall approve all items remaining on the ***consent agenda***.

Rule 13 The County Administrator is hereby authorized to ***provide agendas*** for future Board meetings to those individuals, businesses, or organizations who desire to receive same.

Rule 14 An individual, business or organization shall request the County Administrator on a calendar year basis to ***mail such agendas*** to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.

Rule 15 The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds $500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.

Rule 16 Individual speakers will be limited to 5 minutes to address the Board during the public address and the public hearing portions of the meeting. ***Applicants and/or agents of land use issues will be limited to 15 minutes to address the Board during the public hearing portion of the meeting.***

Rule 17 Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.

Rule 18 The **Board Member report** portion of the Agenda is intended to provide Board Members an opportunity to provide updates and information of a general interest to fellow Board Members, staff and the General Public.

Rule 19 Motions for **tabling** an item shall include conditions for removal from the table.

Rule 20 Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.

Rule 21 Appointments of individual members of the Board of Supervisors for yearly **appointments** to various Boards, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year), unless the appointment to a Board, Commission, or Committee needs to be made by the Board prior to January 1 of the effective year in which case the appointment will be made prior to the end of the year to be effective January 1, of the following year.

Rule 22 On final vote on any ordinance or resolution, the name of each member voting and how he/she voted shall be recorded.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
M. Todd King	None	Christopher A. Tuck
Mary W. Biggs		
Annette S. Perkins		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

R-FY-15-62
CODE OF ETHICS AND
STANDARDS OF CONDUCT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Code of Ethics and Standards of Conduct for calendar year 2015.

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.

2. Be loyal to moral principles and the interests of the citizens of the county.

3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.

4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.

5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.

6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.

8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.

9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.

10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.

11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.

12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.

13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.

14. Review orally and in public session at the annual organizational meeting each of these principles.

15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.

17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.

18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.

2. Pay all taxes due to the county, state, or national government.

3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.

4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.

5. Make a conscientious effort to be well prepared for each meeting.

6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.

7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.

8. Maintain an attitude of courtesy and consideration toward all colleagues.

9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.

10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.

11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
Mary W. Biggs	None	Christopher A. Tuck
Annette S. Perkins		
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
William H. Brown		

PUBLIC HEARING

Fiscal Year 2015-2016 County Budget

The purpose of this public hearing is to gather citizen comments on the upcoming 2015-2016 fiscal year budget.

The County Administrator stated that this public hearing is to receive citizen comments on the upcoming budget process.

Barbara Skinner expressed her concerns with the proposed Montgomery County Public School budget. It appears that the Superintendent of MCPS will present a "needs-based" budget around $108 million. Ms. Skinner stated that there are numerous studies that show that more money does not necessarily lead to better achievement. A recent research conducted by Andrew J. Coulson from the Cato Institute shows that in Virginia a large increase in education spending between 1972 and 2012 has resulted in flat achievement on SAT scores. Ms. Skinner also provided a copy of her editorial in the Roanoke Times entitled "MCPS: How much 'bang for the buck" for taxpayers? The editorial is based on the Center for American Progress report that evaluates school spending per student and levels of student achievement. The report isn't advocating for less spending, but rather for better and more strategic spending. Ms. Skinner stated that along with these studies and the efficiency report on MCPS leads her to believe that the County needs better and smarter budgets for education rather than more money.

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

PUBLIC ADDRESS

Betsy Duane requested the Board's assistance to resolve two problems that continue to have a negative impact on the use and enjoyment of her family's property on Mount Pleasant Road in Shawsville. Ms. Duane stated that that there is a landfill operation located on Mount Pleasant Road at the intersection of Archer Road. For more than 18 months her family has endured almost constant construction/noise and truck traffic due to excavation and material being dumped in this property. There has been destruction of the road surfaces on Mount Pleasant and Archer Road. She believes regulations need to be in place to prohibit this sort of business activity on land zoned specifically for agriculture. Ms. Duncan also expressed concern with a proposed Pig Farm and Slaughterhouse Operation near her property. A professionally printed sign at the entrance of the landfill announcing the opening of a pig farm has been posted. She is concerned about the size of the planned farm, its proximity to water and contamination from the farm, and potential commercial aspects in an A-1 zoned area where parcels are not larger than 5 acres. Ms. Duncan expressed concerns that a neighboring pig farm will lower her property value and ability to sell her property.

Cindy Turner expressed her appreciation to the Montgomery County law enforcement officers for their service. She recognized the families of the law enforcement, who have to spend time apart due to their job. Ms. Turner also thanked the Board of Supervisors for supporting the purchase of body cameras for the Montgomery County Sheriff's Department.

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

CONSENT AGENDA

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated January 12, 2015 was approved. The vote was as follows:

AYE	NAY	ABSENT
Matthew R. Gabriele	None	Christopher A. Tuck
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
Annette S. Perkins		
William H. Brown		

Approval of Minutes

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously, the minutes dated October 6, 2014 were approved.

Appropriations and Transfers

A-FY-15-57
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM

On a motion by Matthew R. Gabriele, 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, 2015, for the function and in the amount as follows:

200 Commonwealth's Attorney $1,130

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

Revenue Account

419104 Confiscations $1,130

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

A-FY-15-58
ECONOMIC DEVELOPMENT
REIMBURSEMENT

On a motion by Matthew R. Gabriele, 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, 2015, for the function and in the amount as follows:

451209 Transfer to County Capital Projects $10,675

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

451203 Undesignated Fund Balance $10,675

BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2015 for the function and in the amount as follows:

810 Economic Development Capital Projects $10,675

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

451100 Transfer from General Fund $10,675

Said resolution appropriates funds from Fund Balance to County Capital projects to cover the costs of reimbursing the Economic Development Authority (EDA) for expenses associated with the surplus of County properties. These funds will be recovered from the sales proceeds of these properties.

A-FY-15-59
FIRE PROGRAM FUND

On a motion by Matthew R. Gabriele, 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, 2015 for the function and in the amount as follows:

23311 Fire Program Fund Distribution $83,065

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

Revenue Account		
424401	Fire Program Fund Distribution	$83,065

Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

A-FY-15-60
SHERIFF
RECOVERED COSTS

On a motion by Matthew R. Gabriele, 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, 2015, for the function and in the amount as follows:

320	Sheriff County	$23,559
321	Sheriff County	$ 713
322	Sheriff Project Lifesaver	$ 1,310
	Total	$25,582

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

Revenue Account		
419108	Recovered Costs	$23,559
419104	Confiscations	$ 713
424401	Project Lifesaver	$ 1,310
	Total	$25,582

Said resolution appropriates recovered costs, confiscations, and Project Lifesaver funds.

County Policy

R-FY-15-63
RESOLUTION UPDATING THE
SPONSORSHIP POLICY FOR
NATIONAL CHAMPIONSHIP EVENTS

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

WHEREAS, By resolution dated August 27, 2007 the Board of Supervisors established a sponsorship policy for teams or individuals who reside in Montgomery County and request sponsorship to participate in national championship events; and

WHEREAS, The Board desires to increase the support provided to teams who attain this level of achievement.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby amends and re-establishes their sponsorship policy for national championship events, as follows:

1. Teams must be affiliated with leagues which are located in Montgomery County.

2. To be eligible for sponsorship teams or individuals must reside in Montgomery County, win a state tournament qualifier whereby the winning team/individual receives an automatic bid to a national championship tournament. Typical programs which conduct national championship tournaments are Dixie, Pony, Little League, AAU, USSA, and ASA as example**s** of national recreational leagues which provide for national qualifier tournaments.

3. The Board of Supervisors will provide a maximum of a $100 sponsorship for individuals, and between $500 and $1500 for teams, depending upon the amount of sponsorship provided by other municipalities, payable to the recreational leagues, to help defray the expense of participating in a national championship and representing Montgomery County at the national level.

Appointments

R-FY-15-64
MONTGOMERY REGIONAL ECONOMIC DEVELOPMENT COMMISSION (EDC)- APPOINT REPRESENTATIVE FOR NEW RIVER COMMUNITY COLLEGE

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **Angie Covey** as New River Community College representative to the **Montgomery Regional Economic Development Commission** effective January 1, 2015 and expiring December 31, 2017.

R-FY-15-65
PLANNING COMMISSION

APPOINT BRYAN RICE

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Bryan Rice** to the **Montgomery County Planning Commission** effective January 13, 2015 and expiring September 9, 2017.

Said appointment fills the unexpired term of Francis Lau, resigned.

OLD BUSINESS

ORD-FY-15-08
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 0.473 ACRES, FROM AGRICULTURAL (A1) TO GENERAL BUSINESS (GB) TAX PARCEL NO 90-5-40 AND THE GRANTING OF A SPECIAL USE PERMIT TO ALLOW A RECYCLING FACILITY ON APPROXIMATELY 4.442 ACRES TAX PARCELS NOS. 90-4-1A, 2A, 90-5-1, 2, 3, 4, 5, 6, 7, 90-5-40, 40A AND 40B; LOCATED AT 3431 RADFORD ROAD, CHRISTIANSBURG, VA NRVP&P LLC PROPERTIES

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning and special use permit request is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone approximately 0.473 acres of tax parcel 90-5-40 from Agricultural (A1) to General Business (GB), and the granting of a Special Use Permit (SUP) on approximately 4.442 acres, tax parcels Nos. 90-4-1A,2A, 90-5-1,2,3,4,5,6,7, 90-5-40,40A and 40B in a General Business (GB) District, with the parameters of the rezoning and SUP all shown more particularly on the attached Exhibit Plat entitled "Exhibit 7A-Lot Line Adjustments Map NRVP&P LLC Properties Montgomery County, Virginia, dated December 2, 2014", prepared by Draper Aden Associates, to allow a recycling facility subject to the following conditions:

1. The operation of the Recycling Center shall be in accordance with the provisions of the Zoning Ordinance. This permit shall automatically expire if the business ceases to operate for a period of two years or more per Section 10-54(3)(j)2.
2. The applicant shall obtain the appropriate commercial entrance permits and approvals from the Virginia Department of Transportation (VDOT) and provide a copy to the County staff.
3. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.

4. All collection and storage of materials shall be conducted inside the building identified as 3431 Radford Road.
5. At all times, the property shall be kept free of litter and devoid of loose materials from the recycling operation.
6. The applicant shall not accept or process any municipal, commercial, industrial, medical, or hazardous solid waste, as defined by the Department of Environmental Quality (DEQ).
7. The applicant shall not accept or process any material, the disposal of which would violate applicable federal or state laws, rules, regulations, permits or requirements in effect at the time or place of disposal.
8. A site plan shall be developed for approval in accordance with the concept plan entitled "Exhibit 7A – Lot Line Adjustment Map" and "Exhibit 7B – Proposed Improvements Map", dated December 2, 2014 and prepared by Draper Aden Associates. Approval of a site plan is required prior to obtaining a building permit and or issuance of a Certificate of Occupancy for the change in use.
9. No storage containers used for shipping purposes, or truck compartments or trailers shall be stored or otherwise used on the premises.
10. There shall be no outside storage. Materials received at the site shall be stored within the existing structures until a truckload is available for shipment.
11. Exterior lighting shall comply with Section 10-46(9) of the Montgomery County Code.
12. Signage for the site shall be compliant with Section 10-45 of the Montgomery County Code. Banners and/or other signage shall not be installed or mounted on any fence.
13. Occupancy of the security residence shall be limited to no more than four (4) unrelated and six (6) total occupants within the dwelling.
14. As a condition of receiving approval to allow a recycling center at 3431 Radford Road, the owner agrees to submit a letter withdrawing/vacating the Special Use Permit in effect at 2700 Radford Road.
15. Site shall be substantially in conformance with the concept plan submitted with the application materials dated December 2, 2014.

The subject parcel is located at 3431 Radford Road and identified as Tax Parcels No. 90-4-1A, 2A, 90-5-1,2,3,4,5,6,7, 90-5-40, 40A and 40B; Account No. 011646, 019273, 019274, 019275, 019276, 019277, 014010, 014148, 015706, 014011 and 014149 in the Riner Magisterial District (District D).

The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and Mixed Use in the Plum Creek Village Plan.

This action was commenced upon the application of Montgomery County Board of Supervisors and NRVP&P LLC Properties (Agent: Kendall Clay, Attorney).

This ordinance shall take effect upon adoption.

The vote on the forgoing ordinance was as follows:

AYE	NAY	ABSENT
Gary D. Creed	None	Christopher A. Tuck
Mary W. Biggs		
Annette S. Perkins		
Matthew R. Gabriele		
M. Todd King		
William H. Brown		

NEW BUSINESS

R-FY-15-66
BOARD OF SUPERVISORS ANNUAL APPOINTMENTS TO BOARDS AND COMMISSIONS FOR 2015

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representative to the indicated boards and commissions, effective January 1, 2015 and expiring December 31, 2015:

Board/Commission	Supervisor
AFD Advisory Board	Christopher A. Tuck
Chamber of Commerce Liaison	William H. Brown (Chair) Mary W. Biggs (Vice-Chair)
County/School Liaison	F. Craig Meadows (County Administrator) William H. Brown (Chair)
Economic Development Alliance (NRV)	F. Craig Meadows (County Administrator) Annette S. Perkins (Chair or Designee)
Economic Development Commission (Montgomery Regional)	Matthew R. Gabriele
Fairview District Home Board	Annette S. Perkins M. Todd King (Alternate)
Fairview Home, Inc. Board of Directors	L. Carol Edmonds (County Admin/Designee)
Legislative Liaison	Mary W. Biggs
Library Board Liaison	Mary W. Biggs

Metropolitan Planning Organization (MPO)	Annette S. Perkins (Board Member) Matthew R. Gabriele (Alternate) F. Craig Meadows (County Administrator)
Montgomery County Improvement Council (MCIC)	Christopher A. Tuck
Parks & Recreation Commission Liaison	Gary D. Creed
Planning Commission Liaison	Christopher A. Tuck Mary W. Biggs (Alternate)
Road Viewers Board	All Board Members
Transportation Safety Commission	Gary D. Creed
Virginia Tech Liaison	F. Craig Meadows (County Administrator)

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

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

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
M. Todd King	None	Christopher A. Tuck
Mary W. Biggs		
Annette S. Perkins		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

Supervisor Perkins noted that she is the County's representative on the Department of Social Services Board and will not be able to continue to serve the remainder of her term, which expires on December 31, 2015. Supervisor King stated he is willing to serve the remainder of Supervisor Perkins' term. A resolution to appoint Supervisor King to the Department of Social Services Board will be on the January 26, 2015 agenda.

R-FY-15-67
RESOLUTION OF SUPPORT FOR CHANGING THE NAME OF THE NEW RIVER VALLEY PLANNING DISTRICT COMMISSION TO THE NEW RIVER VALLEY REGIONAL COMMISSION

On a motion by Matthew R. Gabriele, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The New River Valley Planning District Commission was established by the local governments within the region on September 15, 1969 and chartered the Commission with the aforementioned name; and

WHEREAS, The Commission conducted an assessment of the agency in 2012 which identified eight implementation priorities, one of which included changing the name to the New River Valley Regional Commission; and

WHEREAS, The Commission Board of Directors conducted a vote that secured unanimous support at their meeting on October 23, 2014 to pursue changing the name to the New River Valley Regional Commission; and

WHEREAS, Changing the name of the Commission necessitates an amendment to the Commission's Charter which must secure a majority of affirmative support from its members (8 out of 14) to be implemented; and

WHEREAS, The Commission is seeking unanimous support from its members to change the name; and

WHEREAS, The Commission is pursuing the name change to better reflect the overall mission and actions of the agency as a regional body serving the New River Valley, while recognizing the Commission routinely provides services beyond planning to its members, and the name Planning District Commission is often mistaken for local government Planning Commissions; and

WHEREAS, The purpose and function of the Commission will remain unchanged, while the new name offers better alignment with the intended purpose/function of regional collaboration, convening, visioning and service delivery.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia fully supports the New River Valley Planning District Commission changing the name of the agency to the New River Valley Regional Commission.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
Mary W. Biggs	None	Christopher A. Tuck
Annette S. Perkins		
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
William H. Brown		

R-FY-15-68
RESOLUTION OF APPRECIATION
MONTGOMERY COUNTY SCHOOL BOARD
B. WENDELL JONES

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

WHEREAS, B. Wendell Jones has faithfully served as a member of the Montgomery County School Board from January 1, 2004 through December 31, 2014; and

WHEREAS, B. Wendell Jones served as Vice-Chair in 2005 and 2006 and as Chair from 2008-2014; and

WHEREAS, His eleven years of service to Montgomery County Public Schools was during a time which saw the construction of a new Blacksburg High School, Prices Fork Elementary School, Eastern Montgomery Elementary School, Auburn High School, and renovation of the old Auburn High School for Auburn Middle School; and

WHEREAS, His years of service have been marked by his dedication to the interests of the students who attend the Montgomery County Public Schools and the members of the Board of Supervisors recognize the enormous responsibility undertaken by members of the Montgomery County School Board.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***B. Wendell Jones*** for his outstanding public service.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***B. Wendell Jones*** 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	ABSENT
Annette S. Perkins	None	Christopher A. Tuck
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
William H. Brown		

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following items:

- Cigarette Tax: Delegate Yost will be introducing a bill that adds Montgomery and Pulaski Counties to the list of counties authorized to impose a local cigarette tax and requires that the revenue from such tax in those counties be used solely for school maintenance and construction. Pulaski County had requested this and Delegate Yost recommended that Montgomery County be included.

- SB 753, Trooper Andrew Fox Memorial Bridge: The County Administrator received information that Senator Charles Carrico introduced SB 753 requesting the designation of the New River Bridge on Interstate 81 in Montgomery and Pulaski Counties the "Trooper Andrew Fox Memorial Bridge". According to the Code of Virginia, localities or private individuals are responsible for paying the costs associated with naming a bridge. Therefore, Montgomery and Pulaski Counties will share the costs of the sign, installation, and maintenance. The County Administrator stated he submitted an e-mail to Senator Carrico's office requesting information as to who requested this.

- Mandatory sewer and water connections: Senator John Edwards will introduce the bill this year that adds Montgomery County to the list of localities that may require connections to their water and sewer systems by owners of property that can be served by the systems. In 2014 this bill was introduced in the House side. Senator Edwards believes it may have a better chance of getting approved if introduced in the Senate side.

- Mountain Valley Pipeline: U.S. Representative Morgan Griffith's office called and reported they received Montgomery County's resolution regarding the proposed Mountain Valley Pipeline and are aware of the County's concerns.

BOARD MEMBERS REPORTS

Supervisor Creed believes the County needs to have restrictions on the raising of pigs/hogs in residential areas. The County Administrator stated he will research the issue.

Supervisor King expressed his appreciation to the Montgomery County Public Schools for allowing the Riner Volunteer Fire Department and Rescue Squad to conduct training exercises at the old Auburn Middle School.

Riner Volunteer Fire Department Annual Oyster Dinner will be held Saturday, February 7, 2015 at Auburn Elementary School from 4-7 p.m.

Supervisor Biggs thanked fellow Board members for electing her Vice-Chair for 2015.

Human Relations Council requested information on how to submit a budget request for FY 2016. In the past they received county funding and would like to get back on the County's list for funding.

The Deputy County Administrator reported that the Human Relations Council from FY 2001-FY 2011 received $1,500 per year. In FY 2011, the Human Relations Council reported they were going through a re-organization and has not submitted a budget request since. The Deputy County Administrator stated that all budget requests were due in December; however, she will get with the Finance Department to forward a budget packet to the Human Relations Council.

Supervisor Gabriele reported the Economic Development Commission and the Montgomery Tourism Development Council did not meet in December due to the holidays. The Montgomery Tourism Development Council will make a presentation to the Board of Supervisors at the Board's January 26, 2015 meeting on the Regional Tourism Program.

Supervisor Brown thanked fellow Board members for electing him Chair for 2015. He reminded Board members of the all-day work session scheduled for Friday, January 15, 2015.

ADJOURNMENT

The Chair declared the meeting adjourned to Friday, January 16, 2015 at 8:30 a.m. for an all-day work session. The meeting adjourned at 8:10 p.m.

Supervisor Tuck arrived at the meeting at 8:10 p.m. He expressed his apologies for not attending the meeting; however, he has just got back into town.

APPROVED_____ATTEST:_____

William H. Brown	F. Craig Meadows
Chair	County Administrator

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 16TH DAY OF JANUARY, 2015 AT 8:30 A.M. IN THE COUNTY ADMINISTRATION SUITE, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Matthew R. Gabriele	
	M. Todd King	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
ABSENT:	Annette S. Perkins	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

NEW BUSINESS

R-FY-15-69
RESOLUTION DESIGNATING
CONSTITUTIONAL OFFICER WEEK
JANUARY 18-24, 2015

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

WHEREAS, Article VII, Section 1, of the Virginia Constitution provides for the direct election of local officials charged with the critically important duties of maintenance of public records, operation of the circuit courts, prosecution of criminals, protection of public safety, and the administration and collection of local revenues; and

WHEREAS, Montgomery County's Clerk of the Circuit Court, Commissioner of the Revenue, Commonwealth's Attorney, Sheriff, and Treasurer continue a tradition of local administration of government functions that predates the American Revolution; and

WHEREAS, These Constitutional Officers, their deputies and employees who serve in their offices, provide the people of Montgomery County with a direct link to their government at the local level, unfiltered by bureaucracy and responsive to citizens; needs; and

WHEREAS, The Constitutional Officers embody Thomas Jefferson's ideal form of representative democracy which provides for direct accountability to the people by virtue of the people's right to vote for their Constitutional Officers.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby designates the week of January 18-24, 2015 as ***Constitutional Officer Week*** in Montgomery County to coincide with the Commonwealth's designation of ***Constitutional Officer Week in Virginia***.

BE IT FURTHER RESOLVED, That the Board of Supervisors urges its citizens to familiarize themselves with the services provided by their Constitutional Officers.

BE IT FURTHER RESOLVED, That the County Administrator as Clerk of the Board of Supervisors transmit copies of this Resolution to the Honorable Erica Williams, the Honorable Helen Royal, the Honorable Mary Pettitt, the Honorable J.T. "Tommy" Whitt, and the Honorable Richard Shelton with appreciation and respect for their service to the citizens of Montgomery County.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
Gary D. Creed	None	Annette S. Perkins
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
William H. Brown		

INTO WORK SESSION

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

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

1. Discussion of General Items of County Interest

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT
M. Todd King	None	Annette S. Perkins
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

OUT OF WORK SESSION

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

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, January 26, 2015 at 6:00 p.m. The meeting adjourned at 3:09 p.m.

APPROVED_____ATTEST:_____

William H. Brown
Chair

F. Craig Meadows
County Administrator