AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13th DAY OF FEBRUARY, 2012 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Matthew R. Gabriele	
	Annette S. Perkins	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, 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 (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 # 2012-008

(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. New Courthouse Property

(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
2. Juvenile Detention Commission
3. Library Board
4. Parks & Recreation Commission
5. Western Virginia Emergency Medical Services Council

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

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

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

The vote on the foregoing motion was as follows:

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

CERTIFICATION OF CLOSED MEETING

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

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Virginia Department Of Transportation

David Clarke, VDOT Residency Administrator, updated the Board on several road projects and maintenance projects in the County. He reported that bids for the bridge replacement on Blue Springs Road (SR 613) has been advertised and expects the construction work to start this summer. The road will have to be closed on the Montgomery County side in order to replace the bridge and motorists will have to use the Pulaski County side entrance to access the road.

Supervisor Perkins asked if VDOT could do anything about the congestion on Rt. 11/460 due to the blasting on I-81 and traffic being detoured to Rt. 11/460. She has received numerous e-mails expressing concerns about motorists not stopping for school buses and the safety hazards of trying to exit or enter the road. Supervisor Perkins stated she didn't know what could be done since all the interstate traffic had to be detoured, but this is a safety concern.

Mr. Clarke stated he would forward Supervisor Perkins' concerns to VDOT's District Office.

Montgomery County Sheriff's Department

Sheriff Whitt addressed the Board regarding the move of the Montgomery County Task Force to a new location due to the current location being renovated for the School Administration office. He requested funding in the amount of $1,600.00 to help cover the set up costs for phone lines and IT equipment at the new location.

Sheriff Whitt also addressed Supervisor Perkins' concerns regarding the congestion on Rt. 11/460 due to detouring traffic off I-81 onto Rt. 11/460 when VDOT is blasting on I-81. He stated the Sheriff's office has also received numerous complaints about the safety issues related to the congestion. He has received most of the complaints when the Schools have early release. The school buses have a difficult time getting onto Rt. 11/460 and motorists are not stopping and going around the school buses at the school bus stops. Sheriff Whitt also stated that the large tractor trailers have always had difficulty traveling up Christiansburg Mountain due to the steep grade, but are having more of a difficult time due to the slow traffic. This causes the trucks to

overheat and breakdown. He stated that the Sheriff's Office has been looking to see if there is a grant available that can be used to help increase the patrol in this area. He is also working with the School Transportation Department to get a list of scheduled school bus stops along the Rt. 11/460 in order to have increased patrol during these times. Sheriff Whitt stated it would be helpful if VDOT could provide a heavy duty wrecker to be available during the closing of the interstate to help clear up the tractor trailer breakdowns on Rt. 11/460 in order to move traffic more quickly.

Presentation of Montgomery County School Board Budget for FY 2012-2013

Joe Ivers, School Board Vice Chair, provided opening remarks on the School Board's FY 2013 Budget. Mr. Ivers thanked the Board for their efforts in supporting education in Montgomery County. He stated these are difficult times and with the financial burden being shifted from the state to the localities, which he believes is wrong, has created a tremendous burden on Montgomery County. He stated that the MCPS has lost 35 positions in the last 3 years and there are 16 positions on the block to be eliminated in FY 13. The School Board took the position to say no and kept the 16 positions in the budget. Mr. Ivers commented that the budget includes a 1% step salary increase. He reported that there are 100+ school employees earning less than $25,000 annually and beginning teachers on the first step earn less than $29,000 after deductions. There are 60 school employees that are living at poverty level.

Mr. Ivers stated that it takes courage for the School Board to vote on the proposed budget for the schools and takes courage to do the right thing.

Brenda Blackburn, School Superintendent, provided additional remarks. Ms. Blackburn stated the FY 2012-2013 budget is a needs-based budget that signifies the bare minimum expenses the school division needs to maintain a quality education. The preliminary 2012-2013 operating budget for Montgomery County Public Schools has the school division operating at a 2007 funding level, with 2012 expenses. The preliminary budget includes a potential shortfall of $7.1 million.

MCPS will lose $5.2 million in revenue based on the Governor's Proposed Budget.

- **$1.9 million** - The division will receive $1.9 million LESS from the Commonwealth of Virginia. The state has determined that Montgomery County can pay more towards education. This determination is based on the local composite index, which increased as county real estate values increased. Historically, the state has had a safety net for divisions that had this great of a change in their composite index. However, the Governor proposes to remove that safety net this year.

- **$3.3 million** - Governor McDonnell has proposed a significant increase to the employer contribution rate for all employees in the Virginia Retirement System. This will cost MCPS $2.7 million. - Governor McDonnell proposed an increase to the retiree health insurance credit that will cost MCPS more than $500,000. - Governor McDonnell's proposed budget almost doubles the group life insurance rate and will cost the division almost $140,000.

MCPS will also lose $1.2 million of federal job stimulus funds. Sixteen positions were saved in 2009 using these funds and the current proposed budget for MCPS includes a reduction of 16 full time positions.

Walt Shannon, Assistant Superintendent, presented more detailed information on the FY 2013 Budget as to the projected revenues and projected expenditures. The budget being presented to the Board of Supervisors totals $96,795,821. This represents a $5,515,018 increase from the FY 2012 budget of $91,280,803.

The Board thanked Mr. Ivers, Ms. Blackburn and Walt Shannon for their presentation.

ADD TO THE AGENDA

Supervisor Biggs asked that Board members consider Sheriff Whitt's request for funding to help cover the cost of telephone and IT expenses when the Task Force moves out of the Government Center.

A-FY-12-58
SHERIFF - TASK FORCE
TRANSFER FROM GENERAL CONTINGENCIES

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

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

FROM:		
950	General Contingencies	($1,965)
TO:		
320	Sheriff- County	$1,965

Said resolution transfers funds from General Contingencies to the Sheriff's Department to cover the telephone/IT set up for the Montgomery County Task Force.

The vote on the foregoing motion was as follows:

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

RECESS

The Board took a 15 minute recess at 8:25 p.m. and reconvened at 8:40 p.m.

PUBLIC ADDRESS

Sue Farrar with the Montgomery Museum addressed the Board with a request for an additional $5,000 in the FY 2013 budget to help cover the cost to replace the 160 year old roof on the Montgomery Museum building. Ms. Farrar stated that the Museum will be holding fundraisers and accepting donations.

Nancy Miller, Treasurer for the Montgomery Museum, also asked the Board to consider increasing the Montgomery Museum budget allocation by an additional $5,000 to help with the roof replacement.

Bill Stephenson urged the Board to look at ways to cut the budget instead of increasing real estate taxes. Mr. Stephenson stated that the national and local economies are bad and taxpayers have to trim their budgets. He also believes the Schools should be expected to cut and submit a realistic budget.

Matthew Cheedle believes that the County took the most expensive route by approving three capital improvement projects at the same time. Mr. Cheedle suggested that salary reductions be made by percentages according to salaries for the Board of Supervisors, top administrative staff, and county employees. He believes that the real estate tax rate needs to remain steady and the Board should cut spending before raising taxes.

Barbara Skinner addressed the Board regarding the MCPS budget. Ms. Skinner submitted her comments which included reports and graphs related to school spending, class sizes and student performance. She reported that 88% of the MCPS operating budget goes to personnel expenses. According to one report, study after study has shown that common wisdom of improving education with more money and smaller class sizes has not worked. Ms. Skinner urged the Board to establish a Citizens Budget/Spending Oversight Committee made up of members of the community with contributions from business and academic arenas.

Catherine Kincaid opposed a real estate tax increase. Ms. Kincaid stated she is tired of hearing the excuses that the budget problems are the state's fault and that Montgomery County needs to be dealing with what's going on in Montgomery County. She suggested several cuts and possible savings for the MCPS such as eliminating the $500,000 requested for new furniture when the School Administration moves into the Government Center, expensive trips for teachers, School Board retreats, Board of Supervisors annual conference to the Homestead, and making school employees pay a share for their health insurance. Ms. Kincaid believes the Board of Supervisors needs to provide an oversight of funding to the Schools.

John Brown spoke in opposition to a real estate tax increase. Mr. Brown believes the County needs to tighten their belt just like the citizens have to do. He suggested that the County increase the meal tax so all citizens can help pay not just the property owners. To give tax breaks to business in order for them to come to Montgomery County. He stated he owns three houses and he will pay an additional $2,500 in real estate taxes if the proposed increase in approved.

Dharmendra Patel speaking on behalf of the Hotel Association, stated he understands the County's needs but an increase on the real estate tax rate will affect businesses in the County. He will be looking at $30,000-$50,000 increase in taxes. Mr. Patel stated hotel revenues are down due to the economy and hotel owners have to make cuts and lay off employees.

Mike Patel, owner of Roadway Inn, expressed concerns with an increase in real estate tax rate. Mr. Patel spoke about the economic downturn for hotel businesses. He does not understand how the School Board can increase their budget without having the revenue. Business owners don't have the luxury to increase their budgets without the revenue.

Manas Ranjam, owner of the new Holiday Inn on Peppers Ferry Road, urged the Board of Supervisors to look how increasing the real estate tax rate will impact businesses in the County.

John Whitmore with Occupy Blacksburg spoke in support of the School Board budget. He encouraged everyone to contact their state legislators to ask for their help from the state.

Barbara Middleton , a retired teacher, spoke in support of education and teachers but could not support a tax increase. Ms. Middleton stated retirees, elderly, and those on a fixed income are finding it hard to make ends meet. She believes that the County will see more foreclosures in the area if the real estate tax rate is increased and urged the Board to make cuts.

Roger Moore spoke in opposition to a real estate tax rate increase. Mr. Moore stated that citizens are being taxed to death already and urged the Board to find other means to raise revenue besides the real estate tax.

Jack Selcovitz spoke in opposition to any tax increase. Mr. Selcovitz has asked repeatedly for the Board of Supervisors and School Board to prepare a capital budget separate from the operating budget. He stated that the Board has abdicated their fiduciary responsibility. He stated a voter referendum should have been put before the citizens of Montgomery County on the $120 million bond issued for the capital projects. Mr. Selcovitz believes there should be more accountability from the School Board and questioned why the Board of Supervisors has not required this.

John Gill spoke in opposition to a real estate tax rate increase and School Board budget. Mr. Gill expressed concerns with how the School Board allocated $800,000 for teacher bonuses last year and came up short in funding for their maintenance. Mr. Gill also talked about teacher salaries, benefits, and classroom size.

Steve Bodtke expressed concerns with higher taxes. Mr. Bodtke stated that citizens don't spend what they don't have and don't have the means to raise revenue; therefore, the County should not spend what they don't have. He addressed the impact of a high real estate tax rate increase on the current value of houses. There will be a low demand for houses on the market and more foreclosures. Mr. Bodtke also stated that the big box stores can absorb an increase but small businesses cannot.

Duane French hopes that the Board can reach a compromise when deciding on how much to raise the real estate tax rate. Mr. French understands that some expenses such as utilities have gone up and the School Board is requesting additional funding. He stated that the cost per student spending in Montgomery County is $9,600 while a private school spends $6,000 per student. He stated an increase in the real estate tax rate will impact everyone, including businesses. He believes there is money to be cut from the budget.

Andrew Mike , with Occupy Blacksburg, believes that the School Board budget is based on what they need, not what they expect. He believes that if the school system in not properly funded we will wake up one day with no public education. He expressed concerns about how the State is pushing for more virtual classrooms and has no interest in public education.

Starflower O'Sullivan , with Occupy Blacksburg, expressed her support for the School Board's budget. Ms. O'Sullivan understands the difficulty the Board of Supervisors had in developing a budget, especially when the State continues to make mandates on the localities without providing the funding for them.

Mike O'Sullivan, with Occupy Blacksburg, expressed his support for the School Board's budget. Mr. O'Sullivan stated that the County should work together to lobby for tax code changes. He believes the State is not properly taxing corporations. He stated that there is a perception that Occupy Blacksburg is all about raising taxes but they are for properly taxing corporations and businesses that can afford to pay.

Roger Woody, a business man, spoke in opposition to a real estate tax rate increase. Mr. Woody stated a tax increase would hurt his business as he is not making a profit now. He believes that the Board of Supervisors approved building new schools in a time that is not economical to do so. He believes that buildings do not educate children, that teachers do.

Chris Symanoskie spoke in opposition to a real estate tax increase and proposed budget. Mr. Symanoskie believes cuts can be made and stated citizens can't give anymore.

James Lyons expressed concerns with the proposed real estate tax rate increase of 12 cent. Mr. Lyons is torn on the right thing to do. He believes in quality education and what is good for Montgomery County but as a realtor he will see how a 12 cent real estate tax increase will impact the housing market.

Stephanie Gilmore spoke in support of the School Board budget. Ms. Gilmore stated she lives on a fixed income; however, she believes that education should be funded. She used to live in California who at one time funded education properly and had the best education. When they

started cutting education funds the system started to crumble. Ms. Gilmore also read a statement from Leslie Howard, who could not attend the meeting tonight, supporting the School Board's budget.

Andrea Tiwan expressed concerns with a 12 cent real estate tax increase. There are a lot of people in the County that are financially hurting and cannot afford a large increase in their taxes. Ms. Tiwan believes education is paramount and funding is needed. She urged the Board to adopt the lowest tax rate possible

Connie Froggatt spoke in support of the School Board budget and increase in the County's real estate tax rate. Ms. Froggatt stated that the schools are facing severe budget cuts from the state. Parents are seeing an increase each year in fees and supplies for their children. Numerous teachers have stated they are willing to forgo salary increases this year in order to save the 16 positions that will be eliminated due to the federal stimulus money ending. This is a sacrifice and compromise on their part.

Sharon Duncan as a member of the Special Education Advisory Board and as a parent of a special needs child, she expressed concerns with funding for the Special Education Department in Montgomery County. Ms. Duncan stated that funding for Special Education has not increased in years but the cost keeps rising. She stressed if not for the commitment of the teachers she does not know how the school would meet all their mandates. Ms. Duncan urged the Board to work closely on the school budget to take care of the people who take care of the children.

Katherine Davis stated as a teacher and a parent that the important thing to remember is that the children should not pay for the mistakes the legislators make in Richmond. Ms. Davis stated she cares less about the proposed salary increase but cares more about the elimination of the 16 positions within the school system. She stated that the school system is already losing high level teaching positions for AP classes and that one of the positions that will be eliminated teaches five AP classes.

Debra Scanland spoke in support of the school budget. Ms. Scanland is a part-time lunch aid and stated people don't understand what they do. She believes that children need the best education that the County can offer.

Ray Scott stated he is appalled that the School Board submitted a budget to the Board of Supervisors that is not balanced. As a prior business owne,r if any of his employees submitted a needs based budget with a deficit of $8 million, he would send it back. He urged the Board to ask the School Board for a balanced budget.

Brendon Roope expressed concerns with an increase in the real estate tax rate. The elderly make up a large percentage of county residents and those who are property owners will be hurting. Mr. Roope believes there are cuts to be made, such as positions that were funded by the federal stimulus money.

Bill Murray spoke in opposition to a tax increase. Mr. Murray believes raising the real estate tax rate is not the solution; that higher taxes will cause citizens to move out of the county and then there won't be anybody to pay the higher taxes. Mr. Murray believes that school spending is out of control and the county cannot afford to keep increasing the school's budget every year. He also expressed his concerns that the County did not allow the voters the opportunity to vote on issuing debt for school construction through a bond referendum.

Phyllis Albritton , School Board member, stated she is fascinated by what is going on at the state level. The composite index increased in Montgomery County, therefore reducing the amount of state funds. Montgomery County is being punished economically by the state as the county cannot tax federal or state owned land. She often wonders if the state wants localities to reduce public schools and offer more private or charter schools. Ms. Albritton urged all citizens to contact their state legislators to urge them to not cut education funding.

Jim Wessel introduced his mother, Mary, who is one of the faces of the elderly that will be hurt by a real estate tax rate increase. Mr. Wessel stated it cannot be argued that a 10 cent increase is a done deal to pay the increase in school debt for the new schools being constructed. He stated everyone would like to support the children but the elderly cannot keep taking tax increases.

Irma Cox, a dairy farmer, expressed her concerns with a real estate tax increase and how it will impact her business.

Kelly Pleasant, Montgomery County Education Association, spoke in support of education and the School Board's budget. Ms. Pleasant also expressed her dismay at the way some of the adults acted at the meeting tonight and is glad her students weren't here to see it.

Jeremy Perfater spoke in opposition to a real estate tax increase. Mr. Perfater stated he has a small farm and any type of increase would hurt.

Frank Symanoskie could not attend the meeting and requested his comments sent via e-mail to the Board of Supervisors be added to the record. Mr. Symanoskie opposes a real estate tax rate increase. He requested the Board to demonstrate their commitment to our trust, we demand that the board defer any tax increase no less than a year and until the nation's economy has recovered from the present record deep recession and the threat of national financial collapse is resolved. This should give the Board time to complete the many policy and budget process changes needed to make financially responsible decisions on behalf of, and with the mandate of, the citizens of Montgomery County.

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

RECESS

The Board took a 15 minute recess at 10:35 p.m. and reconvened at 10:50 p.m.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated February 13, 2012 was approved.

The vote on the foregoing motion was as follows:

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

Approval of Minutes

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the minutes dated August 22, September 12, September 26, October 3, and October 11, 2011 were approved.

Schedule Public Hearing

R-FY-12-84
SCHEDULE JOINT PUBLIC HEARING WITH VDOT
6 YEAR SECONDARY ROAD IMPROVEMENT PLAN

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a joint public hearing for **Monday, March 12, 2012** at 7:00 p.m. or soon thereafter, in the Board Chambers located on the Second Floor in the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the proposed **Six-Year Secondary Road Improvement Plan** for Montgomery County for Fiscal Years 2012/13 through 2017-18 and on the establishment of priorities for the 2012-2013 budget year. Rural Addition requests will also be received at this public hearing.

BE IT FURTHER RESOLVED, That the Virginia Department of Transportation will assure proper advertising of said public hearing.

Appropriations and Transfers

A-FY-12-59
CLERK OF CIRCUIT COURT
RECORD PRESERVATION GRANT

On a motion by Mary W. Biggs, seconded by William H. Brown 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, 2012, for the function and in the amount as follows:

250	Clerk of Circuit Court	$1,752

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

Revenue Account

22511 424401	Record Preservation Grant	$1,752

Said resolution appropriates grant funds to be used to restore record books.

A-FY-12-60
SHERIFF
RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by William H. Brown 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, 2012, for the function and in the amount as follows:

310	Sheriff Comp Board	$ 761
320	Sheriff County	$19,602
322	Sheriff Project Lifesaver	$ 160
	Total	$20,523

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

Revenue Account

419108	Recovered Costs	$20,363
424401	Project Lifesaver	$ 160
	Total	$20,523

Said resolution appropriates recovered costs and Project Lifesaver funds for use by the Sheriff's Office.

R-FY-12-85
A RESOLUTION ACCEPTING A VARIABLE WIDTH PUBLIC UTILITY EASEMENT DEDICATED BY THE TOWN OF BLACKSBURG FOR THE NEW BLACKSBURG HIGH SCHOOL PROJECT

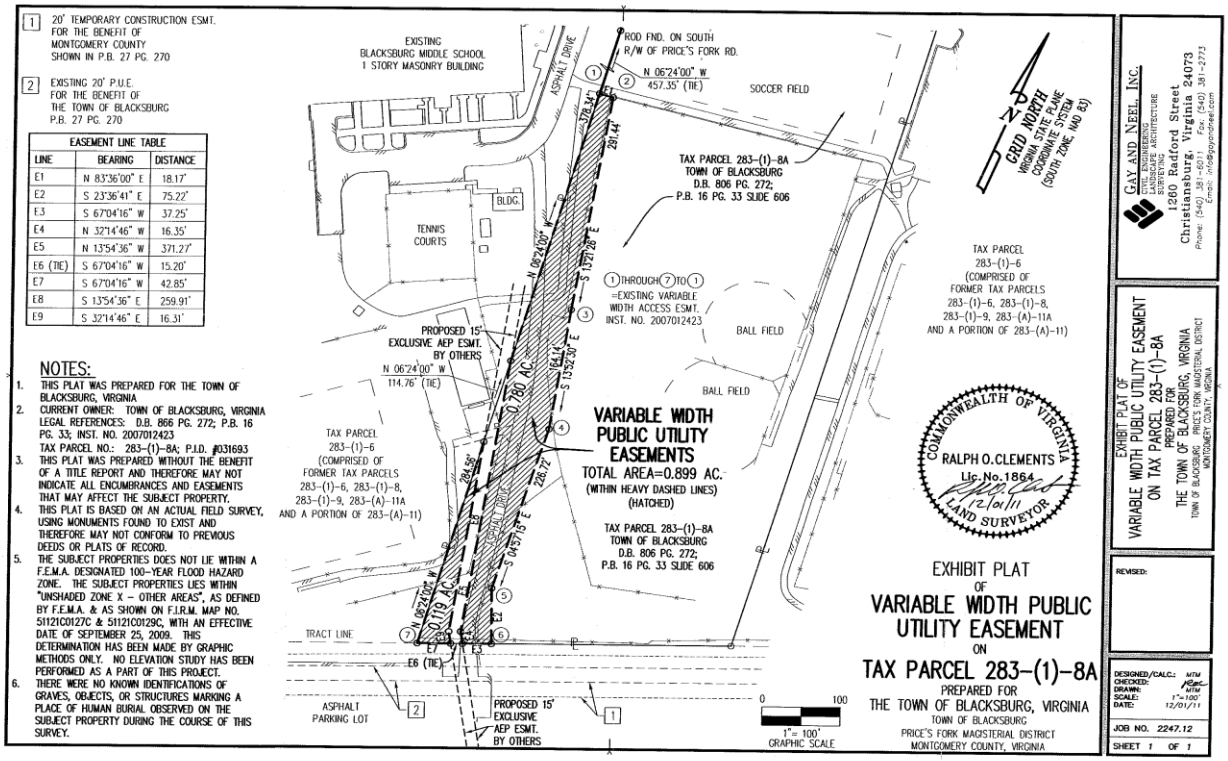
On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Town of Blacksburg is dedicating to the County a variable width public utility easement for the new Blacksburg High School construction project shown more particularly on the attached plat entitled "Exhibit Plat of Variable Width Public Utility Easement on Tax parcel 283-(1)-8A Prepared for the Town of Blacksburg Prices Fork Magisterial District Montgomery County, Virginia", dated 12/1/11 (the "Exhibit Plat"), a copy of which is made a part of this Resolution; and

WHEREAS, The Board of Supervisors agrees to accept the dedication of the Easement and authorizes the Chair, James D. Politis, to execute the Deed on behalf of the County for the purpose of accepting the dedication.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to accept the public utility easement to be dedicated by the Town of Blacksburg as shown on the attached Exhibit Plat for the New Blacksburg High School Project and authorizes James D. Politis, Chair, to execute the Deed of Easement on behalf of the County as evidence of the County's acceptance.

"Exhibit Plat" shown below



R-FY-12-86
CITIZEN TELEPHONE COOPERATIVE
PUBLIC UTILITY EASEMENT
AT THE NEW AUBURN HIGH SCHOOL SITE

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

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the conveyance of a utility easement at the new Auburn High School site, owned by Montgomery County, located at 4315 Riner Road, Riner, Virginia to Citizens Telephone Cooperative in order to provide telecommunications service to the new Auburn High School.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced utility easement to Citizens Telephone Cooperative on behalf of the Board of Supervisors.

R-FY-12-87
A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT
BETWEEN THE COUNTY AND
THE MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY
CONCERNING THE AUTHORITY'S PARTICIPATION IN
THE COUNTY PERSONNEL POLICIES

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

WHEREAS, The Montgomery County Public Service Authority ("the Authority") has elected to have its employees participate in the County's personnel policies subject to the terms and conditions of the attached Memorandum of Agreement, a copy of which is hereby made a part of this Resolution; and

WHEREAS, The Board of Supervisors of the County of Montgomery has reviewed the attached Memorandum of Agreement and the Board agrees with the terms and conditions contained in the Agreement.

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 Memorandum of Agreement that explains the terms and conditions which the Authority agrees to follow the County Personnel Policies and authorizes F. Craig Meadows, County Administrator and James D. Politis, Chair, to sign the Memorandum of Agreement on behalf of the County.

MEMORANDUM OF AGREEMENT

It is hereby agreed by the Board of Supervisors, PSA Board of Directors, County Administrator and the Director of the Public Service Authority:

1. In accordance with Section 1.4.B. of the Montgomery County Personnel Policies Manual, the Public Service Authority and its employees have elected to participate in the County's personnel policies subject to the terms and condition of this Memorandum of Agreement.

2. It is understood and agreed as outlined herein that the Public Service Authority will follow and be guided by the Montgomery County Personnel Policies Manual authorized and approved by the Board of Supervisors' subject to any additional personnel policies adopted by the PSA Board that may conflict with the County Manual.

3. The PSA Board of Directors reserve the right to adopt additional personnel policies for the PSA that may modify or conflict with the County personnel policies due to the unique nature of PSA operations. When a conflict arises between the County Personnel Manual and any additional personnel policies adopted by the PSA Board the additional personnel policies shall apply to the PSA employees.

4. The PSA Director administers the personnel policies for the PSA and shall have all the same authority and responsibilities over the PSA employees as the County Administrator has over County employees as identified in the County Personnel Policy Manual.

James D. Politis	2-16-2012
Chair, Montgomery County Board of Supervisors	Date Signed
Gary D. Creed	2-17-2012
Chair, Montgomery County Public Service Authority	Date Signed
F. Craig Meadows	2-16-2012
County Administrator	Date Signed
Robert Fronk	2-17-2012
PSA Director	Date Signed

R-FY-12-88
RESOLUTION AUTHORIZING THE RINER VOLUNTEER FIRE DEPARTMENT TO TRADE A SURPLUS BRUSH TRUCK TO THE NEWPORT VOLUNTEER FIRE DEPARTMENT FOR TWO SURPLUS SCHOOL BUSES TO BE USED FOR TRAINING

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

WHEREAS, The Riner Volunteer Fire Department has deemed their 1990 Ford F350 4x4 Brush Truck ("the Brush Truck") as surplus property; and

WHEREAS, The Newport Volunteer Fire Department has an interest in acquiring the Brush Truck from the Riner Volunteer Fire Department; and

WHEREAS, The Newport Volunteer Fire Department has offered to trade a 1997 and a 1999 Blue Bird School Bus to the Riner Volunteer Fire Department for the Brush Truck; and

WHEREAS, The Riner Volunteer Fire Department is requesting permission from the Board of Supervisors to trade the Brush Truck for the two school buses that will be used by the Fire Department for training; and

WHEREAS, The Board of Supervisors is in agreement with Riner Volunteer Fire Department trading the Brush Truck for the two school buses.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the Riner Volunteer Fire Department to trade their surplus 1990 F350 4x4 Ford Brush Truck to the Newport Volunteer Fire Department for two school buses to be used by the Riner Volunteer Fire Department for training.

AMEND THE AGENDA

On a motion by Christopher A. Tuck, seconded by Mary W. Biggs and carried unanimously, the Board amended the agenda to move Item # B under New Business, Resolution of Appreciation – Malvin "Pug" Wells to be considered before Old Business.

The vote on the forgoing motion was as follows:

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

R-FY-12-89
RESOLUTION OF APPRECIATION
MALVIN L. "PUG" WELLS
ELLISTON VOLUNTEER FIRE DEPARTMENT

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

WHEREAS, Malvin L. Wells has served the citizens of Montgomery County and the Community of Elliston as a member of the Elliston Volunteer Fire Department for 55 years and has served as Chief for 48 years; and

WHEREAS, Malvin L. Wells was a founding member of the Elliston Volunteer Fire Department in 1957; and

WHEREAS, Malvin L. Wells was a founding member of the New River Valley Swift Water Rescue & Recovery and has served as its Co-Chairman; and

WHEREAS, Malvin L. Wells has served on the Montgomery-Blacksburg Local Emergency Planning Committee (LEPC) for 22 years and has served as Chairman and Vice Chairman; and

WHEREAS, Malvin L. Wells served on the Montgomery County Towing Advisory Board for 7 years; and

WHEREAS, Malvin L. Wells has served on the Planning Commission for a total of 31 years and has served as Chairman, Vice Chairman and Secretary; and

WHEREAS, Malvin L. Wells has served on the Transportation Safety Commission for a total of 13 years; and

WHEREAS, Malvin L. Wells is a 50-year member of the Montgomery Fire & Rescue Association, having served as Secretary and currently serving as Chairman; and

WHEREAS, Malvin L. Wells has served on the Virginia Fire Service Council for 15 years; and

WHEREAS, Malvin L. Wells received the Pat Cupp & Ward Teel Blacksburg Rotary Club Citizen of the year in Montgomery County in 2007; and

WHEREAS, Malvin L. Wells has announced his retirement from the Elliston Volunteer Fire Department and it is fitting and proper that the dedication and outstanding accomplishments of ***Malvin L. Wells*** be recognized appropriately.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the members of this body commend ***Malvin L. Wells*** for the 55 years of effective, unselfish and dedicated services he has rendered to the citizens of

Montgomery County, and extend to him their utmost appreciation for his having so truly defined for others the meaning of public service; congratulate him upon the occasion of his retirement; and offer to him their most sincere best wishes for continued health and happiness.

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

The vote on the forgoing resolution was as follows:

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

OLD BUSINESS

ORD-FY-12-12
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, BY AMENDING SECTION 10-45 SIGN REGULATIONS BY INCREASING THE ALLOWABLE SIZE OF TEMPORARY CONTRACTOR SIGNS FROM TWELVE (12) SQUARE FEET TO THIRTY-TWO (32) SQUARE FEET AND BY INCREASING THE MAXIMUM ALLOWABLE SIZE OF POLITICAL CAMPAIGN SIGNS FROM TWELVE (12) SQUARE FEET TO THIRTY-TWO (32) SQUARE FEET ON ANY PRIVATELY OWNED LOT OR PARCEL

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

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, of the Code of the County of Montgomery, Virginia shall be amended and reordained by amending Section 10-45 Sign Regulations as follows:

Sec. 10-45. Sign Regulations.

(a) *General provisions*.

(1) *Purpose.* The purpose of these regulations is to regulate all signs placed for exterior observance, thus ensuring the conservation of property values, the consideration of the character of the various communities, the protection of safety and welfare of pedestrians and wheeled traffic, the provision of convenience to citizens and the

encouragement of economic development. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein is intended to be an integral but accessory and subordinate part of the principal use of land or building.

These regulations are intended to promote signs that are appropriate to the activity to which they pertain and are constructed and maintained in a structurally sound and attractive condition.

The regulations of this chapter are not intended to interfere with, abrogate or annul any law of the state relating to outdoor advertising or to prevent application of the county's higher/stricter regulations.

(2) Permits required. A sign permit is required prior to the display and erection of any sign unless it is excepted in subsection (3).

(3) Permits not required.

a. Signs of a constituted governmental body, including traffic signs and signals, directional signs and regulatory signs.

b. National or state flags or flags of other political units or of any civic, charitable, educational, philanthropic or similar group or movement; provided, that no freestanding pole shall be erected in the public right-of-way or be within five (5) feet of a service drive, travel lane or adjoining street.

c. Legal devices or warnings at railroad crossings.

d. Freestanding signs or signs attached to a structure or tree, no more than one and one-half (1 1/2) square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the existence or danger of such, when placed on the periphery of the property or at a location where the warning is necessary.

e. Directional signs.

f. The changing of messages on marquees and the repair of an existing permitted sign.

g. Temporary signs as defined and as specified herein may be used in every zoning district unless otherwise prohibited:

1. One (1) contractor's sign per job site, no more than ~~twelve (12)~~ ***thirty-two (32)*** square feet in area, located on the property on which the work is being done.

2. One (1) real estate sign per lot, advertising the sale, rental or lease of the premises, or part of the premises on which the sign is displayed, no more than twelve (12) square feet in area.

3. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

~~4. Political campaign signs, no more than twelve (12) square feet in area, on any privately owned lot or parcel.~~

~~5.~~***4*** Temporary signs, no more than twelve (12) square feet, announcing a campaign drive or an event of a civic, philanthropic, educational or religious organization; provided, that the sponsoring organization shall ensure proper and prompt removal of such sign within five (5) days after drive or event.

~~6.~~***5*** Temporary signs, no more than twelve (12) square feet in area, featuring such announcements as "Grand Opening," "Under New Management" or "Going Out of Business"; provided they are displayed for no longer than thirty (30) days and removed on the thirty-first day.

~~7.~~***6*** Window signs advertising weekly specials or special services offered for a limited time by a business establishment and then promptly removed.

h. Political campaign signs, no more than ~~twelve (12)~~ thirty-two (32) square feet in area, on any privately owned lot or parcel.

(4) Prohibited signs. All signs not specifically permitted are prohibited, including, but not limited to, the following:

a. Moving signs of which all or any parts move by any means, including, but not limited to, rotating signs, propellers, discs and such, but excluding pennants and signs indicating time and temperature. This prohibition shall not apply to the hands of a clock, a weathervane or flags as provided in subsection (3) or to LED/Changeable Message signs as provided in subsection (11).

b. Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement to stop or cautions of the existence of danger or which is a copy of, imitation of or which for any reason is likely to be confused with any sign displayed or authorized by a public authority.

c. Any nonshielded illumination of a sign within two hundred (200) feet of an A-1, C-1, R or PD-RES district.

d. Illuminated tubing or strings of lights solely for the purpose of illumination, except when displayed as decorations during the months of November through January. This includes any lighting arrangement which outlines any portion of a building or structure by exposed tubing or strings of light.

e. Any sign that violates any provision of the Montgomery County Code, Buildings and Structures or the Virginia Uniform Statewide Building Code.

f. Any sign that is attached to a tree, except official notices or announcements as provided in subsection (3).

g. Any sign that is attached to a utility pole, rock, curbstone, sidewalk, lamppost, hydrant, bridge, highway marker or other signs, except official notices or announcements as provided in subsection (3).

h. Any sign that projects beyond a lot line.

i. Any sign not meeting sign setback regulations or within any public right-of-way.

j. Any sign that overhangs and has a minimum clearance of less than ten (10) feet above a walkway or fifteen (15) feet above a driveway, alley or travel lane.

k. Any sign located in the vision triangle formed by any two (2) intersecting streets, or of a commercial entrance and a public street as regulated by section 10-41(11) provisions.

l. Roof signs.

m. Any sign erected to a height higher than the maximum building height allowed in the respective zoning district.

n. Any sign which projects more than four (4) feet from the building to which it is attached, or extends above the roof line.

(5) *Measurement of sign area, allowable sign area.*

a. Measurements of sign area: The area of a sign shall be that contained within the outside measurement of the perimeter of the display area of the sign, the total area of which is in the smallest square or squares, rectangle or rectangles, triangle or triangles which will contain the entire sign including lighting but excluding supports or sign background whether lighted or not. The area of a sign with two (2) sign faces shall be computed according to the following:

1. If the sign faces are separated by an interior angle of forty-five (45) degrees or greater, all faces shall be included in computing the area of the sign.

2. If the sign faces are separated by an interior angle that is less than forty-five (45) degrees, the area of one (1) face shall be used when the two (2) faces are equal in area. The area of the larger face shall be used when the two (2) faces are unequal in area.

3. If the sign faces are parallel to one another, the area of one (1) face shall be used when the interior distance or space between the two (2) faces is eighteen (18) inches or less. The area of all faces shall be used when the interior distance or space between the two (2) faces is greater than eighteen (18) inches.

b. Measurement of allowable sign area: Supports, uprights or structures on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions. In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

(6) *Nonconforming signs.*

a. No nonconforming sign shall be enlarged or be worded so as to advertise or identify any use other than that in effect at the time it became a nonconforming sign.

b. Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. Such signs shall not be enlarged, extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into conformance with current ordinance.

c. Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign; provided, however, that no nonconforming sign which has been declared by the zoning administrator to be unsafe because of its physical condition, as provided for in this chapter, shall be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable regulations.

d. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform to the provisions of this article.

e. If a nonconforming sign is removed, the subsequent erection of a sign shall be in accordance with the provisions of this article.

f. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its replacement value may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed except for a sign which would be in accordance with the provisions of this article.

g. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its appraised value may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed except for a sign which would be in accordance with the provisions of this article.

h. A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

i. A nonconforming sign shall be subject to the removal provisions of section 10-47. In addition, a nonconforming sign shall be removed if the structure to which it is accessory is demolished or destroyed to an extent exceeding fifty (50) percent of its appraised value.

j. The ownership of the sign or the property on which the sign is located shall not, in and of itself, affect the status of a nonconforming sign.

(7) *Setback*. Minimum setback from public right-of-way for all signs shall be ten (10) feet. Signs are not permitted in required side yards.

(8) *Maximum height.* Signs shall not be greater in height than the building upon which it is mounted. If freestanding and at existing grade, then signs shall not be greater than twelve (12) feet in height. Signs not at existing grade shall not exceed twelve (12) feet in height if ground mounted or fifteen (15) feet if pole mounted, inclusive of berm, above edge of pavement adjacent to such sign. In cases where normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower. If the land is uneven, an average elevation will be used at the base of the sign. Signs on penthouses, cooling towers or other rooftop appendages are prohibited.

(9) *Lighting*. All lighting for signs shall not cause a glare onto adjacent properties or oncoming traffic.

(10) *Monument signs.* The base of a monument sign is the structure or apparent structure in direct contact with the ground that supports or appears to support the message portion of a monument sign. All monument signs shall have a minimum base height of eighteen (18) inches and a maximum of four (4) feet. The width of the base shall not exceed twice the height of the total structure and shall not extend more than one (1) foot beyond either outside edge of the message portion of the sign. The minimum width of the base shall be one-half the width of the message portion of the sign.

(11) *LED/changeable message.* For signs with changeable message panels or zip tracks, the changeable message area of the sign shall meet the following requirements:

a. The message shall not change more frequently than once every five (5) seconds, entry and exit modes shall be consistent for all frames, with the exception of signs that indicate the temperature or time by digital displays.

b. The message shall have no image(s) and/or message(s) which continually, intermittently or regularly change, flash, blink, flicker, or flutter.

c. The changeable message area of the sign shall not exceed twenty-five percent (25%) of the total sign area, except for gasoline price signs which shall not exceed seventy-five percent (75%) of the total sign area.

(b) *Permitted signs by use and district.*

(1) *Number of signs, aggregate sign area*. Except for business and general advertising signs or unless otherwise provided, these regulations shall be interpreted to permit one (1) sign for each permitted use on the lot or premises. For business and general advertising signs, these regulations shall be interpreted as the maximum aggregate area of such signs permitted on the lot or premises subject to the following requirements:

a. No more than one (1) freestanding sign shall be erected on any one (1) lot or premises with the exception of shopping centers, mixed-use developments, business parks.

b. Where two (2) or more individual businesses share a common lot or premises it is the responsibility of the property owner to allocate sign sizes in conformance with the maximum aggregate area requirements listed within the sign matrix at subsection (b)(2), following herein.

(2) *Sign matrix.* The following sign matrix indicates the type and maximum aggregate sign area (in square feet) of signs permitted in each zoning district. With the exception of special districts, if the sign matrix gives no numerical value, then the indicated type of sign is not permitted in the indicated zoning district:

	Zoning District										
Sign	**C-1**	**A-1**	**R-R**	**R-1, R-2**	**R-3**	**RM-1**	**CB, GB**	**M-1, M-L**	**PIN, PMR, RSE and All PUD****	**TND-I**	**TND PUD**
Business		20	20				50*	50		40	40
Church	50	50	50	50			50			40	40
Identification	6	6	6	6	6	6	6	6	6	6	6
Home occupation	4	4	4	4	4				4	4	4
General advertising							100*	300			
Location/direction	4	4				10	10	10		4	4
Directory						24	24	24		24	24
Farm identification	25	25	25								
Residential project***		24	24	24	24	24				24	24
Temporary	6	6	6	6	6	6	32	32	6		
Portable							32	32			

* If there are no general advertising signs on the premises, then the maximum aggregate area of all business signs permitted is increased to one hundred fifty (150) square feet.

** Size and type of signs will be as for most similar base district or variations as determined by the board of supervisors at time of rezoning and incorporated in approved development plans.

*** Residential project to include subdivision, multifamily housing and planned mobile home park signs.

(3) Supplementary sign regulations.

a. *Shopping centers*: In addition to all other permitted signs shopping centers may have wall signs to identify tenants subject to the following:

   1. Permitted wall signage size shall not include permitted business locations signs of ten (10) square feet or less;

   2. For walls up to one thousand (1,000) square feet, one (1) wall sign per tenant shall be permitted provided the maximum size of the permitted wall signs shall not exceed twenty (20) square feet.

   3. For walls greater than one thousand (1,000) square feet and up to six thousand (6,000) square feet, the maximum size of the permitted wall signs shall be the cumulative of either five (5) percent of the area of the wall or two hundred (200) square feet, whichever is smaller; or

   4. For walls over six thousand (6,000) square feet , the maximum size of the permitted wall signs shall be the cumulative of either two hundred (200) square feet plus two (2) percent of the area of the wall over six thousand (6,000) square feet or three hundred (300) square feet, whichever is smaller;

   5. No more than one (1) freestanding sign shall be erected for each abutting public street frontage in a shopping center;

b. Medical facilities: In addition to other permitted signs, medical facilities approved with a special use permit may be permitted a business sign with aggregate area of one hundred (100) square feet and both identification and location/directions signs with sign areas of twenty-four (24) square feet each.

c. *Subdivision, multifamily housing, planned mobile home park*: One (1) sign per principal street entrance to a development (not to exceed two (2) signs per development) shall be permitted with a aggregate sign area not to exceed twenty-four (24) square feet and a maximum height not to exceed eight (8) feet.

d. *CB or GB district sign area bonus*: A twenty (20) percent sign area bonus may be permitted in CB or GB districts in specific instances where two (2) or more businesses on separate lots existing at time of adoption of this chapter: (1) decrease the number of signs otherwise allowed through sharing, and (2) assure that a decrease occurs in the number of entrances to the primary highway already existing or permitted.

e. *Mixed-use developments & business parks*: Properties or establishments located within mixed use development or business park shall be permitted the following:

   1. One (1) monument sign per each principal entrance identifying the occupants in addition to an allowed freestanding sign. Each sign shall have a minimum base height of eighteen (18) inches and a maximum of four (4) feet. The width of the base shall not exceed twice the height of the total structure and shall not extend more than one (1) foot beyond either outside edge of the message portion of the sign. The minimum width of the base shall be one-half the width of the message portion of the sign.

2. Developments located on a single parcel with three (3) or more separate occupants shall be permitted a twenty (20) percent sign area bonus to be allocated toward wall or monument signs.

f. Signs for semipublic use, community signs, subdivision signs, and signs for church, chapel, synagogue, temple or other place of worship. One (1) off-premise sign is permitted per subdivision, community, or use subject to the following requirements:

1. The sign shall not exceed 24 square feet in area.

2. A perpetual easement shall be recorded and a copy submitted to the zoning administrator prior to the issuance of a sign permit. The easement shall identify the entity responsible for maintaining the sign per subsection (d).

(c) Administration.

(1) *Permit requirements:* Except as otherwise provided herein, no sign shall be erected, altered, refaced or relocated unless a sign permit has been approved by the zoning administrator.

(2) *Application:* The application for a sign permit shall be filed with the zoning administrator on forms furnished by the county. The application shall contain the identification and address of the property on which the sign is to be erected; the name and address of the sign owner and of the sign erector; drawings showing the design, dimensions and location on the building/site of the sign; and such other pertinent information as the zoning administrator may require to ensure compliance with the provisions of this chapter and other applicable ordinances of the county.

(3) *Permit expiration:* A sign permit shall expire and become null and void if the sign is not erected within a period of twelve (12) months from the date of the permit. In the event the sign is not erected within the twelve-month period, an application for extension of an additional six-month period may be made to the zoning administrator. Such an extension may be granted if the proposed sign is in accordance with current applicable regulations. If the proposed sign is not in accordance, the application for an extension shall be denied.

(4) *Issuance:* Sign permits shall be issued by the zoning administrator.

(5) *Fee:* A fee, as established according to Section 10-52 shall be paid prior to the issuance of a sign permit. Under no circumstances are permit fees refundable.

(6) *Permit number:* Any sign erected under permit shall indicate in the lower right hand corner of the sign the number of the permit. The permit number shall be so affixed that it is legible from the ground.

(7) Special use permits:

a. The BZA may grant a special use permit to allow an increase in the height of a sign where, in its opinion, the provisions of this article would cause a hardship by virtue of topography. The purpose of such a permit shall be to allow as much, but not more, visibility as the sign would have if located on level ground.

b. The BZA may grant a special use permit to allow an increase in sign area where, in its opinion, the provisions of this article would cause a hardship by virtue of the size of the development, topography of the parcel, or other physical limitations that would restrict the visibility of the sign.

c. The BZA or the board of supervisors, as part of an approving action for a special use permit, may impose stricter sign requirements as condition of approval.

(d) Maintenance and removal.

(1) All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code.

(2) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

(3) The building official may cause to have removed or repaired immediately without written notice any sign which, in the building official's opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof.

(4) Any sign which is obsolete, because of discontinuance of the subject's activity or any other reason which would cause the sign to be obsolete, shall be removed within thirty (30) days.

(5) Any sign located on property which becomes vacant and is unoccupied for a period of two (2) years or more shall be deemed abandoned. An abandoned sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign, the zoning administrator shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator may initiate such action as may be necessary to gain compliance with this provision.

The vote on the foregoing ordinance was as follows:

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

ORD-FY-12-13

AN ORDINANCE AMENDING THE FEE SCHEDULE FOR PLANNING AND ZONING FILINGS BY ESTABLISHING FEES TO FILE REQUESTS FOR REZONING TO TND-PUD AND TND-I ZONING DISTRICTS AND FOR FILING FOR A SUBDIVISION VARIANCE AND BY INCORPORATING THE CURRENT FEE SCHEDULE FOR AFD ADDITIONS AND RENEWALS

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

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the following amendments to the Fee Schedule for Planning and Zoning filings:

MONTGOMERY COUNTY, VA
PLANNING AND ZONING FEE SCHEDULE

Application/Permit Type	**Fee**	
Rezoning *(to)*		
A-1	$375	
R-R, R-1, R-2	$500	+ $20/acre or portion thereof
R-3, RM-1	$625	+ $25/acre or portion thereof
GB, CB	$750	+ $30/acre or portion thereof
ML, M-1	$875	+ $35/acre or portion thereof
PUD-Res, PUD-Com, PIN, PMR,**TND-PUD**	$1000	+ $40/acre or portion thereof
TND-I	**$375**	
Special Use Permits	$500	
Telecommunications Tower	$2500	
Automobile Graveyard	$1250	
Extractive Industry	$1250	
Change in proffered conditions	$500	+ $20/acre or portion thereof
Comprehensive Plan Amendment	$500	
Variance Request - BZA	$500	
Appeal of Zoning Administrator's decision - BZA	$250	
Subdivision Sign Fee (per BOS Resolution 5-28-1991)	$160 per intersection	
Sign Permit	$40	
General Advertising (Billboard)	$375	
Zoning Permit	$10	
Subdivision Review Fees		
Major Subdivision	$250 per plat + $20 per lot over 5	
Minor Subdivision	$100 per plat + $10 per lot over 5	
Family Subdivision	$50	
Boundary Line Adjustment	$45	
Boundary Line Adjustment with vacation	Same as Minor Subdivision	
Variance Request – BOS	**$500**	

AFD Additions & Renewals**	**$20 per property owner (multiple applicants)** **$50 per property owner (single applicant)**
Site Plan Review	$300 + $20/acre or portion thereof
Zoning Confirmation Letter	$125
DMV Certification Letter	$40
Technology Fee	2% of base fees minimum $10

When a joint application/permit is sought for both a rezoning and a special use permit, only the higher fee shall be charged.

Applicant must pay all legal advertisement fees. Staff will prepare ad for the applicant and deliver ad to ~~**The Roanoke Times**~~ **newspaper(s) of local circulation**. Applicant is responsible for contacting and paying ~~**The Roanoke Times**~~ **the newspaper** for the advertisement. If the applicant is a private citizen, not a business, the applicant must set up payment for the ad prior to the deadline date stated on the advertisement notice. *If payment is not made to* ~~**The Roanoke Times**~~ ***to the newspaper*** *prior to the deadline date, the ad will not be run and the application will not be heard at the scheduled hearing.*

****AFD Renewals & Additions – Properties that are under a permanent conservation easement are exempt from this fee.**
Application/permit fees are non-refundable regardless of whether the application/permit is approved, denied or withdrawn.

This Ordinance shall take effect immediately.

The vote on the forgoing ordinance was as follows:

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

NEW BUSINESS

R-FY-12-90
RESOLUTION OF SUPPORT
FOR OPERATION OF AN AIR AMBULANCE SYSTEM
IN MONTGOMERY COUNTY, VA

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

WHEREAS, Carilion Life-Guard 11 is a division within the Carilion Patient Transportation Services system and is located on the campus of the Carilion New River Valley Medical Center (CNRVMC), with the helipad and hanger located in the southeast area of the campus; and

WHEREAS, Med-Trans Corporation d/b/a Carilion Clinic Life-Guard will be the operating provider of services, with corporate offices located at 2871 Lake Vista Dr. Suite 150 Lewisville, Texas 75067; and

WHEREAS, Med-Trans Corporation teams up with medical centers, emergency service providers and communities to design a safe and effective emergency air medical program, with a vision to establish a network of mutually supporting air medical services in areas where these services will greatly contribute to the enhancement of emergency medical care; and

WHEREAS, The cooperative relationship with Carilion Clinic Life-Guard 11 is exceptional with all agencies in the New River Valley, and their continued operation in Montgomery County offers our citizens fast and efficient air ambulance transport when necessary; and

WHEREAS, Sec. 15.2-955 of the Code of Virginia and 12VAC5-31-420 requires approval by the local governing body for the establishment of certain rescue emergency services organizations.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors supports the operation of an air ambulance system in Montgomery County and located on the campus of Carilion New River Valley Medical Center located at 2900 Lamb Circle, Christiansburg, Virginia 24073, with the helipad and hanger located on the campus in the southeast area.

The vote on the forgoing resolution was as follows:

AYE	NAY
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	

Matthew R. Gabriele
James D. Politis

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

New Courthouse Furniture: The following information is provided in response to Board members' questions about furniture purchased for the courts over the past fives years:

Court Furniture Purchases 2007-2011
In the past five years a total of $23,501 has been spent on furniture, filing cabinets and smaller items for the courts. The chart below provides the details:

Furniture for Court Offices- FY 2007-2011

Circuit Court	$ 989	CHAIR FOR JUDGE
General District	$ 422	CHAIRS
	$ 6,308	6 DESKS
	$ 4,642	FURNITURE FOR JUDGE
	$ 3,135	STATIONARY FILING CABINETS
	$ 3,115	MISCELLANEOUS SMALLER ITEMS
	$ 17,622	TOTAL
Juvenile and Domestic	$ 895	5 CHAIRS
	$ 3,995	4 DESKS AND CHAIRS
	$ 4,890	TOTAL

• Funding for furniture in the J&D court came from either their existing budget or surplus funds remaining at year end.

• A specific appropriation was made for General District court furniture in the amount of $6,520 by Board resolution dated July 23, 2007 which specified that "The furniture will be used when the office temporarily relocates to the Government Center and will be used in the renovated Courthouse". An appropriation was made in response to a letter sent from Judge Duncan dated July 11,2007 which also indicated it would continue to be used in the Courthouse.

• At that time, the plan was to renovate the existing Courthouse and the furniture would be returned to the renovated space.

The County Administrator reported that all of the furniture purchased in the last five years will be used for either the new courthouse or public safety building.

BOARD OF SUPERVISORS' REPORTS

Supervisor Creed received a complaint from a citizen regarding a neighbor keeping pigs in a pen 20-30 feet from his house. The animal pen is closer to his house than the neighbor's house. Supervisor Creed asked if the Board could make a zoning amendment to make it a requirement for property owners to keep their animals penned up so many feet away from their neighbors property.

Board members discussed this, and had questions in regards to what is the definition of a pen, acreage of property, limited restrictions in different zoning districts, etc. The Board agreed to refer this matter to the Planning Commission to review and make a recommendation.

R-FY-12-91
A RESOLUTION REQUESTING THE PLANNING COMMISSION TO STUDY THE USE OF OUTDOOR OPEN AIR PENS FOR THE KEEPING OF PETS OR OTHER LIVESTOCK AND ADVISE WHETHER AMENDMENTS TO THE ZONING ORDINANCE ARE WARRANTED TO REGULATE THIS USE

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

WHEREAS, The Board of Supervisors has received inquiries from a few property owners asking whether the County Zoning Ordinance regulates how close outdoor open air pens for keeping pets or livestock may be placed to adjoining property lines; and

WHEREAS, There are currently no regulations within the County Zoning Ordinance that regulates where outdoor open air pens for keeping pets or livestock may be placed in relation to adjoining properties; and

WHEREAS, The Board of Supervisors desires for the Planning Commission to look at the use of outdoor open air pens for keeping pets or livestock and advise the Board of Supervisors whether amendments to the Zoning Ordinance should be considered regulating how close these outdoor open air pens may be placed to adjoining property owners.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby requests the Montgomery County Planning Commission to look at the use of outdoor open air pens for keeping pets or livestock and advise the Board of Supervisors if any changes or amendments should be made to the County Zoning Ordinance regulating how close these pens may be placed to adjoining property lines.

The vote on the foregoing resolution was as follows:

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

Board Members' Reports Continued:

Supervisor Gabriele reported the School Board at their last meeting had a public hearing on their FY 2013 budget and discussed the school redistricting study.

Virginia Tech graduate students of Professor Marmagas are undertaking a project on environmental health in the New River Valley. Three issues to be studied are public health, implications of the intermodal facility, and air quality. A presentation on their research will be given on April 18, 2012.

Supervisor Brown stated that the Northwest Montgomery Village Center Foundation has contacted him about the old Prices Fork Elementary School. They have expressed their desire to have the opportunity to be the first on the list to purchase the school facility. Representatives from the Foundation will be contacting each of the Board members to outline their plan.

Supervisor Biggs thanked the County Administrator for the information on the increased jail population at the County's local jail and at the Western Virginia Regional Jail.

VACo/VML Legislative Day was held February 9, 2012 in Richmond. Several Board members and the County Administrator attended. Meetings were held with Senators Edwards and Smith and with Delegates Habeeb, Rush and Yost to discuss the County's legislative priorities and concerns. She believes a post-legislative meeting with the County's legislators would be beneficial.

Supervisor Politis asked if the County could review the Zoning Ordinance related to public parking requirements for businesses. Several businesses have expressed concerns about the requirement that the parking areas are to be paved, which may be too much of an expense in today's economy.

R-FY-12-92
RESOLUTION REQUESTING THE PLANNING COMMISSION TO STUDY THE OFF-STREET PARKING AND LOADING SURFACING REQUIREMENTS IN SECTION 10-44 OF MONTGOMERY COUNTY CODE AND ADVISE IF AN AMENDMENT(S) TO THE ZONING ORDINANCE IS WARRANTED

On a motion by Annette S. Perkins, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, Section 10-44 of the Montgomery County Zoning Ordinance requires off-street parking and loading areas for various use categories; and

WHEREAS, Subsection 2e of section 10-44 requires that any public off-street parking area be surfaced to provide a durable and dustless surface equivalent to a minimum treatment of prime and double seal; and

WHEREAS, Small business owners have experienced increased development costs and financial burden due to the requirements that apply to all non-residential uses and have requested flexibility in Section 10-44(2)(e) to allow different types of surfaces for various use types in the commercial and industrial zoning districts; and

WHEREAS, The Board of Supervisors desires for the Planning Commission and Planning staff to look at the current zoning limitation on off-street parking and loading areas in all districts and advise the Board of Supervisors if any changes or amendments to the current zoning requirements for surfacing off-street parking and loading areas are warranted.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby requests the Montgomery County Planning Commission to look at the current zoning limitations on surfacing off-street parking and loading areas in all zoning districts and advise the Board of Supervisors if any changes or amendments to the current zoning requirements for surfacing off-street parking and loading areas are warranted.

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

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, February 27, 2012 at 6:00 p.m.

The vote on the foregoing motion was as follows:

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

The Board adjourned at 11:20 p.m.

APPROVED: _____ ATTEST: _____

James D. Politis
Chair

F. Craig Meadows
County Administrator