

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24th DAY OF SEPTEMBER, 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	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT: Annette S. Perkins -Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

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

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

- Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Fairview Home

- (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 Juvenile Detention Commission
 2. Planning Commission

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
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 Gary D. Creed 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:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Annette S. Perkins
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

Mary W. Biggs
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
William H. Brown
James D. Politis

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins

ABSENT DURING MEETING

Annette S. Perkins

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit Amendment – James & Lorilee Tannahill

Request by James C. & Lorilee B. Tannahill to amend a special use permit previously approved on May 23, 2011 (R-FY-11-122) to remove condition #2 requiring the existing parking area to be surfaced to provide a durable and dustless surface. The property is

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located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Acct # 029000) in the Riner Magisterial District (District D). The property currently lies in an area designated as urban Expansion in the 2025 Comprehensive Plan and Business in the Route 177 Corridor Plan. Dari Jenkins, Zoning Administrator, summarized the request. The applicants are requesting the removal of Condition #2 from a Special Use Permit approved on May 23, 2011 allowing them to construct a 40' x 80' addition to an existing heavy truck/heavy equipment repair garage. Condition #2 states that "The existing parking lot shall be surfaced to provide a durable and dustless surface, per section 10 44(22) (c) of the Montgomery County Code prior to the issuance of a certificate of occupancy. The applicants indicate they prefer not to pave the area in question since they believe it will be damaged by the heavy equipment and will frequently need to be repaired.

On September 12, 2012, the Planning Commission recommended approval of the request to amend the Special Use Permit dated May 23, 2011 to remove Condition #2.

Lorilee Tannahill, applicant, stated that they have been in business numerous years and had no problems with the parking area not being paved. She asked the Board to consider their request.

There being no speakers, the public hearing was closed.

Ordinance – Agricultural and Forestal District Renewals

An ordinance to renew the following Agricultural and Forestal District(s) for another eight (8) year term:

District #3 (Little River) is generally located to the east of the boundary between Montgomery and Pulaski Counties and is in the vicinity of Indian Valley Rd. (Rt. 787) and Piney Woods Rd. (Rt. 600). Currently, AFD 3 consists of 13 property owners and approximately 1283.3 acres. The proposed new district would consist of approximately 20 property owners and 1703.76 acres.

District #4 (Silver Lake Rd.) is generally located to the west of the Town of Christiansburg, and is in the vicinity of Silver Lake Road (Route 661). Currently, AFD 4 consists of 8 property owners and approximately 869.8 acres. The proposed new district would consist of approximately 14 property owners and 1504 acres.

District #5 (Riner) is generally located to the north of the Montgomery and Floyd County boundary. This district, which currently encompasses over 7,000 acres, is located in the vicinity of Nolley Rd (SR 679), Union Valley Rd. (SR 669), Rustic Ridge Rd. (SR 616), and Piney Woods (SR 600). Currently, AFD 5 consists of 70 property owners and approximately 7623.63 acres. The proposed new district would consist of approximately 49 property owners and 6490.52 acres.

Steve Sandy, Planning Director, summarized the proposed ordinance. Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state

guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. AFD #3 (Little River, AFD #4 (Silver Lake Road) and AFD #5 (Riner) are all up for renewal for another eight year term, expiring in the year 2020. Each district has a few changes, with some landowners proposing additional acreage and some requesting withdrawal. Some properties were moved from AFD #5 to AFD #4 for better alignment of districts. A chart showing the list of property owners and amount of acreage for each district was provided to the Board of Supervisors.

The AFD Advisory Committee met on August 28, 2012 and unanimously recommended approval of the proposed renewals for all three AFD's.

At their September 12, 2012 meeting, the Planning Commission recommended approval of the proposed renewal for all three AFD's.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Andrea Sharpe-Robinson with Northwest Montgomery Village Foundation spoke in support of the conveyance of the old Prices Fork Elementary School from the Montgomery County Public Schools to the Board of Supervisors. Ms. Sharpe-Robinson asked that the Board start an open line of communication with the Northwest Montgomery Village Foundation regarding their interest in purchasing the property for a community center.

Ms. Sharpe-Robinson also expressed concern that the Board of Supervisors opposes the request for the old Prices Fork Elementary School property to be included in the National Register of Historic Places. She stated that a property included in the Register does not place any restrictions on the property but does allow for tax credits. She urged the Board to withdraw their opposition with the Virginia Department of Historic Resources.

Bennett Teates with Northwest Montgomery Village Foundation showed a video of the NMVF's website (www.NMVF.org). Mr. Teates stated the citizens of the Northwest Montgomery communities have come together in an effort to save the old school and transform it into a village center. He hopes this is the beginning of a dialogue to move forward with their vision to convert the old school into a village center.

Jack Selcovitz commented that every time a tax parcel is exempt from taxation the citizens pay. He believes that the Board of Supervisors should not approve real estate tax exemption for any property unless it is a dire emergency. The Board agreed that vacant school facilities should be sold and put back on the tax rolls as part of constructing new schools in the County.

Mr. Selcovitz also reminded the Board of his request from last budget season to require the School Board to submit an operating budget and a capital budget.

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

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated September 24, 2012 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Annette S. Perkins
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
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 June 25, 2012 and July 2, 2012 were approved.

R-FY-13-26 VACO 2012 ANNUAL MEETING VOTING CREDENTIALS

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes James D. Politis, Chair, to cast its vote at the 2012 Annual Meeting of the Virginia Association of Counties (VACo) on November 13, 2012 and designate Mary W. Biggs as the alternate.

R-FY-13-27 AGENCY ON AGING APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Deena A. Flinchum** to the **New River Valley Agency on Aging** effective October 1, 2012 and expiring September 30, 2013.

R-FY-13-28
AGRICULTURAL AND FORESTAL
DISTRICT (AFD) ADVISORY COMMITTEE
APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Thomas H. Bland, County Assessor**, to the **Agricultural and Forestal District (AFD) Advisory Committee** effective September 25, 2012.

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia 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 such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

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. Roanoke Valley MPO
2. County Capital Needs
3. Allocation of Funds for School Technology and Telephone installation in Building C
4. VDOT Project Administration Agreement and Revenue Sharing Agreement with RWW36, LLC
5. FY 2014 Revenue Sharing Funds

The vote on the forgoing motion was as follows:

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

Roanoke Metropolitan Planning Organization (MPO)

The results of the recently released Urbanized Area Boundaries (UZA's) from the 2010 Census, will have some impact on Montgomery County's transportation planning activities. The UZA for the Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) now extends into a small portion of eastern Montgomery County. As a result, Montgomery County will gain voting membership on the RVAMPO Policy Board.

The area to be included in RVAMPO consists mostly of the areas designated in the Montgomery County Village Plan for eastern Montgomery County and areas around the I-81 Exit 128. The Planning staff and the Montgomery County MPO staff looked at the areas to be included in the RVAMPO. At their November meeting, the RVAMPO will take action on what areas to be included. Any comments need to be submitted by November 1, 2012. Montgomery County has no authority over what areas will be designated into the RVAMPO area.

County Capital Needs

The County Administrator distributed the following report:

PROJECTED UNFUNDED CAPITAL NEEDS FY 2013-FY2023

COUNTY PROJECTS ESTIMATED COST RANGE \$63 MILLION-\$73 MILLION:

Public Safety Estimated Cost Range \$15 million-\$17 million

Fire and Rescue Facilities and Equipment
Fire and Rescue Training Center
Radio Communications Infrastructure and Equipment

County Facilities Estimated Cost Range \$19 million-\$21 million

Animal Shelter and Adoption Center
Libraries
Public Works Facility

Parks and Recreation Estimated Cost Range \$7 million- \$8 million

Existing Parks and Trails
Specialty Parks-pocket parks, skate parks, dog parks, area parks etc.
Challenge Course

Transportation Estimated Cost Range \$10 million -\$12 million

Village Transportation Links
Revenue Sharing

Economic Development Estimated Cost Range \$7 million-\$8 million

Falling Branch Industrial Park
New Industrial Parks

Other Projects Estimated Cost Range \$4 million-\$6 million

Voting Machines
Flood Plain Mitigation
Safe Schools Routes

CASH FUNDED MAINTENANCE ESTIMATED RANGE \$500,000 TO \$750,000

SCHOOL PROJECTS ESTIMATED COST RANGE \$180 MILLION -\$200 MILLION:

Shawsville Middle
Old Christiansburg Middle
Belview Elemementary
Christiansburg Elementary
Gilbert Linkous Elementary
Beeks Elementary
Independence Secondary Building
Christiansburg Primary
Harding Ave. Elementary
Shawsville Elementary
Christiansburg High
Athletic Support Facilities High Schools
Joint School/County Support Facility

CASH FUNDED MAINTENANCE ESTIMATED RANGE \$4 MILLION TO \$5 MILLION

GRAND TOTAL ESTIMATED COST RANGE COUNTY AND SCHOOLS \$243 MILLION-\$273 MILLION

Supervisor Tuck asked if the School Board is considering building a new Christiansburg High School or renovating the existing facility.

The County Administrator replied it was his understanding that the list provided by the Schools is for recapitalization; however, he asserted that ideas and plans can change.

Supervisor Creed stated that Falling Brach Elementary School is not on the list. It was his understanding that Falling Branch was supposed to be expanded before another school in Blacksburg. He asked if Falling Branch is still a priority for the School Board.

Supervisor Tuck is hopeful that the School Board will utilize the current Blacksburg Middle School facility located in Christiansburg for an elementary school to help eliminate overcrowding in the Christiansburg strand.

Supervisor Creed commented that the Board members need to keep in mind that the County will not be able to issue bonds/borrow money for capital needs for at least 10 years.

Supervisor Gabriele thanked the County Administrator for the report and asked if the County had a process in place to determine if and what type of grants are available from the State or Federal Government to help with some of these projects.

The County Administrator replied that county staff is constantly researching for grant opportunities. The County has received grant funding for recreation trails, fire and rescue equipment, and public safety equipment at the Sheriff's Department.

Supervisor Creed suggested the County prepare a report listing the number of grants the County applied for and how many the County was awarded. This report would be helpful to show citizens that the County is constantly looking for funding.

Supervisor Biggs also thanked the County Administrator for the report. She stated she was glad to see that maintenance needs are a priority too. She stated that both the County and Schools need to upkeep maintenance on buildings they have.

Allocation of Funds for School Technology and Telephone Installation in Building C

The County Administrator reported that Supervisor Gabriele, at the last Board meeting, asked for additional discussion on allocation of funds for school technology and telephone installation in Building C for the School Administration Offices. On September 10, 2012, the Board approved the School Board's request to carryover \$434,056 remaining at June 30, 2012. The School Board indicated that \$100,000 of the carryover money will be used toward technology and telephone installation in Building C and \$258,956 will be used to purchase new furniture and cover the cost of the move to Building C.

Supervisor Gabriele suggested that the Board of Supervisors allocate additional funding from the County Capital Reserve fund to the School Board to help insure that School Administration has enough funds to cover the cost of the move and cost for installation of the technology and telephones in Building C. He believes this would be an appropriate use of this money at this time.

Supervisor Tuck commented that he could not support the allocation of additional monies. He stated he did not vote in support of the School Board's request for appropriation of the carryover funding to help cover the School Administration move.

Supervisor Gabriele stated that the School Board estimates the cost for moving is well over the amount that was allocated and is concerned that the Schools will not have sufficient funds to cover the costs of the move. He believes that this may delay the entire move from Junkin Street to the Government Center and keep the Junkin Street property from being vacated in order to be declared surplus.

Supervisor Tuck suggested that the School Board consider using inmate labor to help reduce the cost of moving. After discussion, it was recommended that the Sheriff's office be contacted to see if it was feasible and also contact the School Board to determine if they would be willing to use jail trustees for the move.

After Board discussion, the Board members did not take any action.

RECESS

The Board took a 15 minute recess at 8:30 and reconvened at 8:45 p.m.

VDOT Project Administration Agreement and Revenue Sharing Agreement with RWW36, LLC

Steve Sandy, Planning Director, reported on May 10, 2010, the County approved a request by Roger Woody to rezone property located near the intersection of Meadow Creek Road and Barn Road (at the I-81 Exit 105) to General Business. As a condition of the rezoning, the Developer is required to design and construct the realignment of Meadow Creek Road acceptable to the Virginia Department of Transportation standards in order to provide appropriate access to the proposed development.

As part of the project, the County agreed to applied for revenue sharing funds through VDOT's Revenue Sharing Program to help assist the Developer in funding the Meadow Creek Realignment Improvements conditioned upon the Developer agreeing to pay the County's share of the required match to receive the Revenue Sharing funds. The project is estimated to cost a total of \$1,285,000, with the Developer agreeing to provide \$642,500 and VDOT providing \$642,500. The project breakdown is as follows:

Phase 1 - Preliminary Engineering - \$150,000

- Initial project scoping
- Environmental review
- Approval of plans for R/W acquisition
- Project time line
- Development of plans
- Utility location
- Public meeting
- Project Administration

Phase 2 – Right of Way and Utilities- \$50,000

- Acquisition of R/W
- Temporary easements
- Utility relocation
- Final Plan design
- Approval of plans for construction

- Project Administration

Phase 3 – Construction - \$1,085,000

- Development of contract bid documents
- Advertise and award project
- Construction of project
- Final acceptance by VDOT and project finalization
- Project Administration

The project will be administered locally by Montgomery County. A VDOT Project Administration Agreement and Revenue Sharing Agreement need to be executed in order to proceed with the project. A Resolution approving the Agreements is included on the Board's agenda under New Business for the Board's consideration.

FY 2014 Revenue Sharing Funds

The County Administrator reported that the VDOT forwarded a letter outlining their Revenue Sharing Program for FY 2014. All applications are due by November 1, 2012. The County has not submitted an application over the last several years for revenue sharing monies due to VDOT being behind on completing projects that have been on the revenue sharing list for several years.

If the Board wishes to submit an application for FY 2014 Revenue Sharing funds, the County Administrator asked that they let him know in order to identify roads that could be improved with revenue sharing funds.

Supervisor Creed indicated he would like to include the remainder of Mt. Pleasant Road in order to get it completed. Mt. Pleasant has been upgraded in phases over the course of years and the worst section still needs to be re-constructed.

Supervisor Politis reported that County staff, VDOT, and the Metropolitan Policy Organization (MPO) have been working together to look at alternate paving options to help reduce the cost of paving roads in Montgomery County. At this time he asked Dan Brugh, MPO Executive Director, to update the Board on the "Dirt Glue" option.

Mr. Brugh reported that the MPO has coordinated an effort to provide a demonstration of the dirt glue process to determine if it could be a viable option to paving. A small section of Old Sourwood Road will be used for the demonstration. A company from Pennsylvania has provided the material for a 300 ft. section and has also donated a product called dust bliss, which is sprayed on dirt, gravel roads to cut down dust. VDOT will provide the labor and equipment needed. The dirt glue process converts ordinary dirt into a rock-solid wear surface that rivals asphalt and concrete. Though dirt glue is not as strong as concrete, it is several times stronger than asphalt and capable of producing a rock-solid roadway surface.

Mr. Brugh stated that this test will provide VDOT with results on how durable and long-lasting it will be. Final results will not be known until after the winter months to see how the road fared.

He provided information on the costs associated with the process and reviews from other localities using this process. He reported that Penn State University started using this process ten years ago.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, 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:

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

NEW BUSINESS

R-FY-13-29
RESOLUTION APPROVING VDOT STANDARD PROJECT
ADMINISTRATION AGREEMENT FOR THE
RE-ALIGNMENT OF MEADOW CREEK ROAD
AND THE NEW ROUNDABOUT ON TYLER ROAD

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

WHEREAS, The County of Montgomery, Virginia (“the County”) applied for and received revenue sharing funds through VDOT to assist in the funding of the Meadow Creek Re-Alignment Improvements and the New Roundabout on Tyler Road Project; and

WHEREAS, The County has agreed to locally administer the two Projects which requires the County to agree to enter into the Standard Project Administration Agreement with VDOT; and

WHEREAS, The Montgomery County Board of Supervisors desires to enter into the Standard Project Administration Agreement with VDOT and authorizes F. Craig Meadows, County Administrator, to sign the Agreement with VDOT on behalf of the County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Standard Project Administration Agreement with VDOT to locally administer the Meadow Creek Road Re-Alignment Revenue Sharing Project and the New Roundabout on Tyler Road Revenue Sharing Project and authorizes F. Craig Meadows, County Administrator, to execute the Agreement with VDOT on behalf of the County of Montgomery, Virginia.

The vote on the forgoing resolution was as follows:

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

R-FY-13-30
RESOLUTION ACCEPTING THE CONVEYANCE FROM
THE COUNTY SCHOOL BOARD OF MONTGOMERY COUNTY
OF THE OLD PRICES FORK ELEMENTARY SCHOOL PROPERTY

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

WHEREAS, The County School Board of Montgomery County (the “School Board”) by Resolution declared the Old Prices Fork Elementary School Property (“the Property”) surplus to the needs of the Montgomery County Public Schools as of six (6) months following the occupancy of a new elementary school serving the students attending Prices Fork Elementary and authorized the conveyance of the Property to the Board of Supervisors; and

WHEREAS, It has been more than six months since the students have occupied the new Prices Fork Elementary School; and

WHEREAS, The School Board has requested the Board of Supervisors to be able to use the proceeds if the Board of Supervisors sells the Property to reduce existing school debt or to fund debt service for other capital school construction projects; and

WHEREAS, The Board of Supervisors desires to accept the conveyance of the Old Prices Fork Elementary School Property from the School Board and if the Property is sold to authorize the School Board to use the net proceeds from the sale after the County is reimbursed for it’s costs of selling the Property to reduce existing school debt, fund school debt service or fund other capital school construction projects.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes James D. Politis, Chair, to accept from the School Board on behalf of the Board of Supervisors the conveyance of the Old Prices Fork Elementary School Property; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that should the Board of Supervisors sell the Property, the Board of Supervisors hereby authorizes the School Board, subject to future appropriation, to use the net proceeds from the sale after the County is reimbursed for its costs of selling the Property to be used by the School Board to reduce existing school debt, fund school debt service or fund other capital school construction projects.

The vote on the forgoing resolution was as follows:

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

R-FY-13-31
RESOLUTION SUPPORTING
RESTORATION OF STATE FUNDING FOR
AID TO LOCALITIES

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

WHEREAS, State financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, was \$800 million less in FY12 than in in FY09 and almost \$500 million less in FY13 than in FY09; and

WHEREAS, Counties and cities must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are depleted, and real estate assessments are either stagnant or in decline; and

WHEREAS, The Appropriation Act contains \$50 million in across-the-board cuts to counties and cities for FY13 and \$45 million in FY14, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget (“Local Aid to the Commonwealth”); and

WHEREAS, The reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

WHEREAS, The County of Montgomery does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for state prisoners in local and regional jails; and

WHEREAS, The state budget cuts are not accompanied by reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

WHEREAS, Financial assistance to Montgomery County for state mandated and state-high priority services was reduced by \$408,350 in FY12 and will be reduced another \$344,671 in FY13; and

WHEREAS, Counties and cities will have provided the state with \$270 million by the close of FY13 for this “Local Aid to the Commonwealth” program; and

WHEREAS, These reductions shift state costs to local taxpayers and artificially increases the amount of state surplus revenue; and

WHEREAS, State revenues have continued to recover and the state has experienced a budget surplus for the third consecutive year; and

WHEREAS, Revenue collections for the County of Montgomery continue to reflect the struggling housing market; and

WHEREAS, The state should not shift its share of the costs for mandates and responsibilities to local governments.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia asks Governor Bob McDonnell to submit a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in FY14.

BE IT FURTHER RESOLVED, That the members of the General Assembly support a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in the budget for FY14.

The vote on the forgoing resolution was as follows:

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

R-FY-13-32
RESOLUTION OF SUPPORT
HABITAT FOR HUMANITY
OF THE NEW RIVER VALLEY

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

WHEREAS, Habitat for Humanity is a volunteer organization with the mission of providing safe, quality, affordable homeownership opportunities to low and moderate income families; and

WHEREAS, Habitat for Humanity of the New River Valley serves the counties of Floyd, Giles, Montgomery and Pulaski, and the City of Radford; and

WHEREAS, Habitat for Humanity of the New River Valley plans to build two safe, quality, energy efficient, affordable homes in Montgomery County on Nellie's Cave Road on November 10, 2012; and

WHEREAS, As many as 150 volunteers are committed to the construction including students from Virginia Tech and Radford University, church groups, civic clubs, and others who will give their time and energy to help construct these two houses; and

WHEREAS, The construction of these homes will provide home ownership opportunities for two low and moderate income families in Montgomery County; and

WHEREAS, The construction of these two affordable homes is the result of partnerships between the New River Valley Habitat for Humanity, the Town of Blacksburg, NRV HOME Consortium, ACME Panel and Taylor Hollow Construction, Virginia Tech Department of Building Construction, Virginia Tech School of Architecture & Design, Community Housing Partners, Lanford Brothers Company, SW Lawn & Landscape, Tech Tree Service, L&L Wholesale, and Sign Spot; and

WHEREAS, The Lynchburg Habitat for Humanity and Tom Gerdy have volunteered to lead and support the construction of these two homes; and

WHEREAS, The collective contributions of the work done by these volunteers, businesses, and partners is that Montgomery County and the New River Valley will be a more desirable place to live.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby proclaim November 10, 2012 to be **Habitat for Humanity of the New River Valley NELLIE'S CAVE ROAD HOME BUILD DAY** and encourages all Montgomery County citizens and all of the New River Valley to recognize the importance of affordable housing and to participate with Habitat for Humanity of the New River Valley as it continues to provide safe, quality, energy efficient, affordable home ownership opportunities to low and moderate income families.

The vote on the forgoing resolution was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

- Legislative Priorities for 2013: The County Administrator distributed a copy of the County's Legislative Priorities for 2012 and asked Board members to review the list in order to make any changes for 2013. The Legislative Priorities for 2013 need to be adopted by the Board of Supervisors in October in order to submit them to the Virginia Association of Counties in November and to the County's state legislative representatives.
- NRV Free Adult Dental Care Day: On September 14, 2012, approximately 30 Dentists, 30 Dental Assistants and 28 Dental Hygienists provided free dental services to an estimated 300 citizens who otherwise could not afford dental care. The retail value of these services cost around \$175,000 - \$250,000.

Board members requested a letter be sent to the Dental Aid Partners of the NRV expressing the Board's gratitude and appreciation for all those who helped make the event a possibility. They also expressed their appreciation to all the sponsors of this event.

- Virginia Department of Transportation's FY 2014-2019 Six-Year Improvement Program for Interstate and Primary Roads public meeting will be held in the Salem District on

Wednesday, November 7, 2012 at 6:00 p.m. at the Montgomery County Government Center. VDOT will be holding 9 public meetings across the state. The public meeting will provide citizens the opportunity to address specific issues or projects.

- Upcoming Meetings/Events:

- Employee Service Award Luncheon- September 26, 2012 at 12 Noon
- Joint Meeting with School Board – September 27, 2012 at 6:00 p.m.
- Citizens Academy Graduation – September 27, 2012 at 5:30 p.m.

BOARD MEMBERS' REPORTS

Supervisor Brown – commented that the first County Conversations meeting held in Elliston went well. He believed there was good dialogue between the Board members and citizens. He stated the next three meetings scheduled are as follows:

October 4, 2012	7:00 p.m.	Kipps Elementary School
October 15, 2012	7:00 p.m.	Christiansburg Middle School
October 29, 2012	7:00 p.m.	Blacksburg Library

Special Use Permit Amendment – James & Lorilee Tannahill: Supervisor Brown asked if fellow Board members would consider taking action on the Tannahill's request to amend their SUP approved on May 23, 2011 tonight in order to speed up the process. The Board did not receive any public comment on this request and the Planning Commission recommended approval.

R-FY-13-33
AMEND A SPECIAL USE PERMIT APPROVED
MAY 23, 2011 (R-FY-11-122) BY REMOVING CONDITION #2
REQUIRING THE EXISTING PARKING AREA TO BE SURFACED
TO PROVIDE A DURABLE AND DUSTLESS SURFACE FOR
JAMES C. & LORILEE B. TANNAHILL
FOR THE PURPOSE OF ALLOWING
TRUCK, TRAILER, HEAVY EQUIPMENT SALES, SERVICE & RENTAL
IN A GENERAL BUSINESS (GB) ZONING DISTRICT
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
PARCEL ID 029000, TAX MAP NUMBER 104-A-13A

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by James C. & Lorilee B. Tannahill for a special use permit on approximately one (1) acre parcel in a General Business (GB) zoning district to allow truck, trailer, heavy

equipment sales, service, and rental is found to be consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. This Special Use Permit authorizes use of the property for truck trailer, and heavy equipment repair and service on property located 2397 Tyler Road; identified as Tax Parcel No. 104-A-13A, (Account No. 029000) and shall generally conform to the concept plan included within application materials, revised April 13, 2011 along with all other applicable code requirements.
2. A detailed site plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development. The site plan shall be prepared in conformance with the requirements of Montgomery County Code, Section 10-39, Route 177 Corridor Overlay District.
3. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
4. Any lighting installed on the property shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
5. Disabled trucks, trailers, or heavy equipment shall not be parked or stored on the site longer than 30 days. No more than a total of 15 disabled trucks, trailers, and/or pieces of heavy equipment shall be stored on the site at any given time.
6. Landscaping shall be installed prior to issuance of the certificate of occupancy for the 40' x 80' proposed addition to the existing structure.

The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Parcel ID: 029000) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and further designated as Business in the Route 177 Corridor Plan.

The vote on the forgoing resolution was as follows:

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

Board Members' Reports Continued

Supervisor Biggs agreed that the first County Conservations went well. She expressed her appreciation to staff for an outstanding job.

Supervisor Creed asked if a flag could be displayed on the screens in the Board Chamber during the recital of the Pledge of Allegiance. He believes this will benefit citizens watching the meeting video.

Supervisor Gabriele congratulated county employees who will be receiving service awards this year. He believes the County to have quality and professional staff.

School Board Meeting – Supervisor Gabriele attended the last School Board meeting. An overview of the upcoming FY 2014 budget was provided. Montgomery County is estimating receiving less money from the State and may see less federal funding also.

Supervisor Tuck attended the last **Planning Commission meeting** where the Planning Commission members discussed the request to allow the keeping of chickens in residential zoning districts. Currently the keeping of chickens in residential areas is not allowed. There are several large parcels with 200+ acres zoned residential in the County and the property owner is not allowed to keep chickens. The Planning Commission has requested that if the Board of Supervisors is interested in pursuing this matter further, then the Planning Commission would like a for the Board to formally refer it back to the Planning Commission.

Supervisor Tuck stated personally he would like for the Planning Commission to review this request further. He believes that if a property owner has a large parcel of land they should be able to raise chickens. In land zoned agriculture, property owners are allowed to have 200 chickens per acre.

Supervisor Politis commented that maybe the property owner should consider downzoning from residential to agricultural if they have 200+ acres.

Supervisor Gabriele stated if the Board was going to consider investigating further, then he would recommend staff contacting the Agriculture experts at Virginia Tech to get their opinion.

Board members discussed this request from the size of lots, setbacks, number of chickens that would be allowed and regulations that would be required.

By consensus, the Board of Supervisors referred the request to allow the keeping of chickens in residential areas of Montgomery County to the Planning Commission to review.

Supervisor Politis

Industrial Hemp Farming Act– Supervisor Politis reported that he made a presentation to the Virginia Association of Counties (VACo) Environment and Agricultural Steering Committee regarding his efforts to get the Commonwealth of Virginia to support Congressional action to

adopt the Industrial Hemp Farming Act and grant states the authority to license and regulate the production of hemp as an industrial and agricultural commodity. The Committee voted to support this issue and will forward a resolution of support to the VACo Resolutions Committee to be included on VACo's 2013 Legislative Priorities.

ADJOURNMENT

The Chair declared the meeting adjourned to Thursday, September 27, 2012.

The meeting adjourned at 9:50 p.m.

APPROVED _____	ATTEST: _____
James D. Politis Chair	F. Craig Meadows County Administrator