

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14TH DAY OF NOVEMBER, 2012 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Matthew R. Gabriele	
	Annette S. Perkins	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

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

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

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Parks and Recreation Commission
 2. Planning Commission

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</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 Mary W. Biggs, seconded by William H. Brown 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>
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 Matthew R. Gabriele, seconded by Gary D. Creed 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.

DELEGATION

David Clark, VDOT Resident Administrator, provided an update on road issues/projects in Montgomery County. Mr. Clarke reported that VDOT is preparing for the winter months such as preparing the non-paved roads for winter grading.

Mr. Clarke reported on the following roads:

- Alleghany Springs Road (SR 637): project is almost complete. This project is being funded by Revenue Sharing funds.
- Old Sourwood Road (SR 717): The polymer dirt glue material is holding up well so far. VDOT will evaluate the road over the winter months to see how the road fairs during inclement weather.

The Chair thanked Mr. Clarke for coming to the Board meeting.

PUBLIC HEARINGS

Ordinance Amendment – Tax Exemption and Deferrals for the Elderly and Disabled

A Proposed Ordinance Amending Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia Entitled Tax Exemption and Deferrals for Elderly and Handicapped by increasing the income limits

The County Attorney explained that the proposed ordinance moderately increases the income limits in order to offset the increase in social security benefits in 2013. This increase is proposed so existing residents will not see a decrease in relief.

There being no speakers, the public hearing was closed.

Ordinance Amendment – Joint Tourism Program Agreement

Proposed Ordinance Amending Section 2, Entitled Oversight of the Organizational Cooperative Agreement Between Montgomery County and the Towns of Blacksburg and Christiansburg for the Creation and Implementation of the Joint Tourism Program to Clarify the Roles of the Operating Board and the Director of Tourism.

The County Administrator explained that the proposed ordinance amends a section of the Joint Tourism Agreement to clarify the role of the Operating Board, which consists of the Montgomery County Administrator and the Mayors of the Towns of Blacksburg and Christiansburg, and the role of the Director of Tourism.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

John Anderson recognized the Registrar's Office and poll workers in Montgomery County. Mr. Anderson stated that poll workers work 16 hour days and do an outstanding job and should be recognized. He also believes the Electoral Board and Registrar deserves everyone's respect. Mr. Anderson stated he worked the polls the last five years at the B-4 precinct located at the Christiansburg Recreational Center and they did not receive any complaints this past election. He understands there were some complaints about long lines at other polling precincts and he recognizes the need for more voting machines, larger space, and additional trained staff but all of these take additional funding.

Shelby Cole addressed the Board regarding citizens' concerns about long lines and voters being asked for a picture ID during the recent presidential election. Ms. Cole is the Chief Officer at the C-1 Polling Precinct and discussed the strenuous training all poll workers receive. She believes the issues with the long lines at the polling precincts which the majority of the voters are students may have been that students waited until after 4 p.m. to vote, which resulted in longer lines.

George Newcomb addressed the Board about maintenance issues at Christiansburg High School. Mr. Newcomb volunteers with the music and drama departments and has done so for the past 25 years. He spoke of the great need to replace the stage lighting and rigging system and the safety concerns with the old system.

Peggy Eaton addressed the Board about maintenance issues at Christiansburg High School. Ms. Eaton explained she had three boys who graduated from CHS and has a grandson who attends CHS now. She stated the stage lighting, ladder system with safety cage, and auditorium seats need replacing. She suggested that the auditorium seats at the old Blacksburg High School could be used to replace the ones at CHS. New seats for CHS were quoted at \$135,000.

Andrew Bradshaw, Christiansburg High School Senior Class President, addressed his concerns about safety issues at the Christiansburg High School. Mr. Bradshaw stated there is a need for new student lockers and replacement sidewalks. He urged the Board to help provide the necessary funds to cover the costs of replacement of all items mentioned tonight.

Charles DeHart addressed issues at the E-3 Polling Precinct, located at the Airport. Mr. DeHart, Chief Officer at E-3, informed the Board that there were long lines at E-3; however, the majority of the voters were freshman students who never voted in Montgomery County before, therefore, the check in took longer. He did not receive or hear of any complaints from the voters who had to wait 2-3 hours.

Cord Hall addressed the Board about maintenance issues at Christiansburg High School. Mr. Hall stated that there is no indication what the School Board's future plans are regarding CHS, either replacing or refurbishing the facilities. In the meantime, funds are needed to address several maintenance issues at the school. Mr. Hall also stated that CHS is the only high school in the County that does not have a girls' softball field. All practices and games have to be held off campus. He asked if the Board could also consider providing funding to construct a softball field at the Christiansburg High School.

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 November 14, 2012 was approved. The vote was as follows:

AYE

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

NAY

None

Approval of Minutes

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the minutes dated July 23, July 30, and August 13, 2012 were approved.

Appropriations and Transfers

**A-FY-13-41
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND**

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, 2013, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$54,986
-----	------------------------	----------

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

<u>Revenue Account</u>		
02251-423100	Technology Trust Fund	\$54,986

Said resolution appropriates Technology Trust fund monies to cover information technology support.

**A-FY-13-42
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, 2013, for the function and in the amount as follows:

320	Sheriff County	\$21,344
322	Sheriff Project Lifesaver	<u>\$ 285</u>
	Total	\$21,629

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

<u>Revenue Account</u>		
419108	Recovered Costs	\$21,344
424401	Project Lifesaver	<u>\$ 285</u>
	Total	\$21,629

Said resolution appropriates additional revenue received from recovered costs and Project Lifesaver funds.

**A-FY-13-43
SHERIFF
DMV GRANTS**

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, 2013, for the function and in the amount as follows:

321	Sheriff Grants	\$13,250
-----	----------------	----------

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

<u>Revenue Account</u>	
424401 State Grants	\$13,250

Said resolution appropriates monies from two DMV grants.

**ORD-FY-13-06
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-4) SILVER LAKE RD.
CONSISTING OF APPROXIMATELY 1688.8 ACRES
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
WITHIN MONTGOMERY COUNTY, VIRGINIA**

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

WHEREAS, Childress Farms, Inc., Floyd Childress Jr., William Chrisman, Curtis Crockett, Linda Crockett, Todd Linkous and Chelista Linkous, Philip Nolen, William McPeak, James Charlton, Archie Cromer, Jr. and Ruth Cromer, James Page, Grayson Page, Jon Michael Payne, Dellas and Janis Young, and Charlton Cromer; have filed applications for the renewal of AFD-4, which Agricultural and Forestal District was created by an ordinance adopted on the 27th day of October, 1980; renewed by an ordinance adopted on the 25th day of October, 2004; and

WHEREAS, The existing AFD-4 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on August 28, 2012; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 28, 2012, July 5, 2012, August 30, 2012, and September 6, 2012, in The Roanoke Times, The Burgs section, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on September 12, 2012; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 14, 2012; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on September 24, 2012.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
2. That this Agricultural and Forestal District, AFD-4, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2020, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
3. That said District as renewed shall consist of approximately 1688.8 acres in the Silver Lake Rd. Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL	OWNER	ACRES	STATUS	OUTLIER
003388, 130056, 130057	CHILDRESS FARMS INC	472.56	AFD 4 Renewal	NO
021935	FLOYD CHILDRESS JR	7.214	AFD 4 Renewal	NO
003423, 003425	WILLIAM CHRISMAN	130.50	AFD 4 Renewal	NO
032136	CURTIS CROCKETT	36.571	AFD 4 Renewal	NO
004337	LINDA CROCKETT	95.4604	AFD 4 Renewal	NO
011704	TODD LINKOUS	14.228	AFD 4 Renewal	NO
011082	TODD AND CHELISTA LINKOUS	0.46	AFD 4 Renewal	NO
032135	PHILLIP NOLEN ET AL	112.84	AFD 4 Renewal	NO

001423	MCPEAKE WILLIAM D	131	AFD 5 to AFD 4	YES
001424	MCPEAKE WILLIAM D	64	AFD 5 to AFD 4	YES
003342	CHARLTON JAMES	72.87	AFD 5 to AFD 4	NO
004387	CROMER ARCHIE E JR	9.182	AFD 5 to AFD 4	NO
014003	PAGE JAMES C	25.96	AFD 5 to AFD 4	NO
019286	PAGE GRAYSON FRANKLIN	67.63	AFD 5 to AFD 4	NO
021644	YOUNG DELLAS A & JANIS C LE	65.68	AFD 5 to AFD 4	YES
021645	YOUNG DELLAS A & JANIS C LE	8.37	AFD 5 to AFD 4	YES
021936	CROMER ARCHIE E JR & RUTH C LE	10.2	AFD 5 to AFD 4	NO
021937	CROMER CHARLTON A	16.635	AFD 5 to AFD 4	NO
023766	PAGE JAMES CASTLE	111.117	AFD 5 to AFD 4	NO
150537	CROMER CHARLTON A	45.795	AFD 5 to AFD 4	NO
160321	CROMER CHARLTON A	5.868	AFD 5 to AFD 4	NO
003413	PAYNE JON MICHAEL	141.34	AFD 5 to AFD 4	NO
014141	PAYNE JON MICHAEL	9.45	AFD 5 to AFD 4	NO
014143	PAYNE JON MICHAEL	34	AFD 5 to AFD 4	NO
Total Acreage (Renewals, Transfers, and Outlying Properties) for 2012-2020 term			1688.8 acres	

4. That the “outlier parcels”, denoted in the listing shown above are specifically included in AFD 4 (Silver Lake Rd.), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County.
5. That these parcels may qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
6. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
7. That lawful termination of any owner’s association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
8. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.

9. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
10. That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption and replace ORD-FY-13-04 adopted on October 9, 2012.

ORD-FY-13-07
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-5) RINER.
CONSISTING OF APPROXIMATELY 6414.6 ACRES
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
WITHIN MONTGOMERY COUNTY, VIRGINIA

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

WHEREAS, Richard and Alice Alley, Jefferson and Anne Armistead, Edward and Judith Baker, Michael Bishop, Darrell and Karen Bowman, Robert and Judy Bowman, Sherry and Allen Burke, Larry Chandler, Brenda and James Clarke, Wilbert and Donald Cox, Five Points Ltd. Partnership, George B. Hall, Darin and Tabitha Greear, Sherry and Dwayne Hall, Gregory and Susan Hale, Linda Alice Hall, Elizabeth Hylton, Kenneth Hylton, Janice H. Mileski Rev. Trust, Barry Kemp, Michael and Kathryn Kenley, David Kittinger, Danny and Donna Layne, George Lucas, Phillip and Jennifer McClellan, Robert and Susan Miller, Julia Milton, Joshua and Kimberly Mitcham, Robert and Amelie Mitchell, Robert Mitchell and Melissa Rice, Mary and Bryce North, Edwin Keith Phillips Rev. Trust, Phillips Family Trust, Oscar E. Phillips Heirs, Robert Phillips, Glazier and Carol Piland, Karen K. Poff, Sandra Prillaman et al, Frank and Linda Quesenberry, Quince Farm, Jospeh and Debra Reed, Donald Robinson and Donald Robinson, Jr., Clifford Scholds and Sheree Ammirata, James R. Shelton, St. Mary Investments LLC, Laura Ellen Teany, Henry and Frances Tieleman, and Winters Living Trust; have filed applications for the renewal of AFD-5 on July 18, 2012, which Agricultural and Forestal District was created by an ordinance adopted on the 2nd day of March, 1981; renewed by an ordinance adopted on the 25th day of October, 2004; and

WHEREAS, The existing AFD-5 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on August 28, 2012; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 28, 2012, July 5, 2012, August 30, 2012, and September 6, 2012, in The Roanoke Times, The Burgs section, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on September 12, 2012; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 14, 2012; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on September 24, 2012.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
2. That this Agricultural and Forestal District, AFD-5, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2020, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
3. That said District as renewed shall consist of approximately 6414.6 acres in the Riner Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL	OWNER(S)	ACRES	NOTES	OUTLIER
000603	ALLEY RICHARD S & ALLEY ALICE H	8.2009	Renewal	NO
007821	ARMISTEAD JEFFERSON D & ARMISTEAD ANNE	31.042	Renewal	NO
100452	BAKER EDWARD A & BAKER JUDITH	148.8269	Renewal	NO
000591	BAKER EDWARD A & BAKER JUDITH	34.5	Addition	NO
001664	BISHOP MICHAEL DAVID	10.4	Renewal	NO

001665	BISHOP MICHAEL DAVID	50.5	Renewal	NO
001733	BISHOP MICHAEL DAVID	137.25	Renewal	NO
031122	BISHOP MICHAEL DAVID	57.804	Renewal	NO
032307	BISHOP MICHAEL DAVID	29.25	Renewal	NO
140389	BOWMAN DARRELL S & BOWMAN KAREN E	26.703	Renewal	NO
140390	BOWMAN ROBERT R & BOWMAN JUDY N	17	Renewal	NO
019798	BOWMAN ROBERT R & BOWMAN JUDY N	144.31	Addition	NO
013594	BURKE ALLAN C & BURKE SHERRY B	0.096	Renewal	NO
006283	BURKE ALLAN C & BURKE SHERRY B	29.384	Addition	NO
140087	CHANDLER LARRY SCOTT	23.8	Renewal	NO
140089	CHESSER CLARKE BRENDA & CLARKE JAMES W	24.237	Renewal	NO
021661	COX WILBERT W & COX DONALD J	65.975	Renewal	NO
130788	FEATHER J F C/O ALLAN C BURKE	0.5	Renewal	NO
018268	FIVE POINTS LIMITED PARTNERSHIP	8	Renewal	NO
018275	FIVE POINTS LIMITED PARTNERSHIP	71.578	Renewal	NO
007866	GEORGE B HALL FARM LLC	106	Renewal	NO
007867	GEORGE B HALL FARM LLC	46	Renewal	NO
007870	GEORGE B HALL FARM LLC	154.548	Renewal	NO
015608	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	1.297	Renewal	NO
140571	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	112.51	Renewal	NO
007517, 150100	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	333.3429	Addition	NO
140085	HALE DWAYNE D & HALE SHERRY S	21.506	Renewal	NO
014290	HALE GREGORY C & HALE SUSAN D	93.671	Renewal	NO
016996	HALL LINDA ALICE & C/O LINDA H KEITH	15	Renewal	NO
016999	HALL LINDA ALICE & C/O LINDA H KEITH	55.081	Renewal	NO
009458	HYLTON ELIZABETH AFTON	243.08	Renewal	NO
130222	HYLTON KENNETH RAY	72.7	Renewal	NO

140161	JANICE H MILESKI REV TRUST C/O JANICE H MILESKI TRUSTEE	13.423	Renewal	NO
140086	KEMP BARRY C	21.686	Renewal	NO
031664	KENLEY MICHAEL C & KENLEY KATHRYN P	6.0998	Renewal	YES
031039	KITTINGER DAVID T	156.212	Renewal	NO
009078	KITTINGER DAVID T	6.9824	Addition	NO
003305	LAYNE DANNY T & LAYNE DONNA B	71.844	Renewal	YES
011544	LUCAS GEORGE K ETAL	452.08	Renewal	NO
030710	LUCAS GEORGE K	5.22	Renewal	NO
130786	MCCLELLAN PHILLIP W & MILLER- MCCLELLAN JENNIFER L	53.7438	Renewal	NO
012728	MILLER ROBERT K & MILLER SUSAN M	136.42	Renewal	YES
019111	MILLER ROBERT K	79.457	Addition	NO
018589	MILTON JULIA S	259	Renewal	NO
018597	MILTON JULIA S	552.5	Renewal	NO
160253	MITCHAM JOSHUA ALLAN & MITCHAM KIMBERLY M	4.3386	Renewal	YES
012839	MITCHELL ROBERT DRAYTON & MITCHELL AMELIE EWBANK	22.5	Renewal	NO
012840	MITCHELL ROBERT DRAYTON & MITCHELL AMELIE EWBANK	211.3514	Renewal	YES
027600	MITCHELL ROBERT DRAYTON & MELISSA RICE	9	Renewal	YES
025434	NORTH BRYCE EDWARD C/O MARY NORTH	50	Renewal	NO
013626	NORTH MARY HAYNE BALDWIN	35	Renewal	NO
016997	NORTH MARY HAYNE BALDWIN	47.972	Renewal	NO
010170	PHILLIP EDWIN KEITH REV TR C/O CHILDRESS FARMS	94.589	Renewal	NO
014354	PHILLIPS FAMILY TRUST KENNETH W PHILLIPS TRUSTEE	53.893	Renewal	NO
014449	PHILLIPS OSCAR E C/O BURNITA P DAILEY	67.4	Renewal	YES
014448	PHILLIPS OSCAR E HEIRS C/O BURNITA P DAILEY	172.148	Renewal	YES

014434, 014435, 029927	PHILLIPS, ROBERT A.	374.05	Addition	YES
013598	PILAND GLAZIER B & PILAND CAROL S	10.561	Renewal	NO
010171	POFF KAREN KEITH C/O CHILDRESS FARMS	77.78	Renewal	NO
012633	PRILLAMAN SANDRA M CARMAN MILES STEELE	126.174	Renewal	NO
016402	PRILLAMAN SANDRA M ETAL	172.91	Renewal	NO
010157	QUESENBERRY FRANK E & QUESENBERRY LINDA G	24.923	Renewal	YES
019036	QUINCE FARM LLC C/O ROBERT L PRICE	81.088	Renewal	NO
016993	REED JOSEPH D & REED DEBORA S	2	Renewal	NO
016994	REED JOSEPH D & REED DEBORA S	1	Renewal	NO
016995	REED JOSEPH D & REED DEBORA S	19	Renewal	NO
016998	REED JOSEPH D & REED DEBORA S	69.304	Renewal	NO
006928	ROBINSON DONALD R & ROBINSON DONALD R JR	69.905	Renewal	NO
130787	ROBINSON DONALD R & ROBINSON DONALD R JR	47.1626	Renewal	NO
013599	SCHOLD S CLIFFORD JR & AMMIRATA SHEREE B	60.4831	Renewal	NO
017022	SHELTON JAMES R	148.083	Renewal	NO
021961	SHELTON JAMES ROBERT	1.78	Renewal	NO
130909	ST MARY INVESTMENTS LLC	23.4239	Renewal	NO
140132	ST MARY INVESTMENTS LLC	53.7249	Renewal	NO
000723	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	51.12	Renewal	YES
019104	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	111.462	Renewal	YES
019107	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	6.3	Renewal	YES
019407	TIELEMAN HENRY W & TIELEMAN FRANCES E	11	Renewal	YES
019408	TIELEMAN HENRY W & TIELEMAN FRANCES E	62	Renewal	NO

013596	WINTERS LIVING TRUST C/O RAYMOND E JR & ANN S WINTERS TRS	25	Renewal	NO
013597	WINTERS LIVING TRUST C/O RAYMOND E WINTERS JR ETAL TRS	27.389	Renewal	NO
TOTAL ACREAGE FOR 2012-2020 (RENEWALS, ADDITIONS, AND OUTLYING PARCELS)		6414.6 acres		

4. That the “outlier parcels”, denoted in the listing shown above are specifically included in AFD 5 (Riner), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County.
5. That these parcels may qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
6. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
7. That lawful termination of any owner’s association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
8. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
9. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
10. That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption and replace ORD-FY-13-05 adopted on October 9, 2012.

OLD BUSINESS

R-FY-13-49

A RESOLUTION APPROVING THE TERMS OF A JOINDER AGREEMENT AND A WATER AGREEMENT AND PROVIDING THAT MONTGOMERY COUNTY, VIRGINIA JOIN THE BLACKSBURG-CHRISTIANSBURG-VPI WATER AUTHORITY (THE “AUTHORITY”) IN ACCORDANCE WITH VIRGINIA CODE §15.2-5112.

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

WHEREAS, The Town Council of the Town of Blacksburg, Virginia (“Blacksburg”), the Town Council of the Town of Christiansburg, Virginia (“Christiansburg”), and the Board of Visitors of Virginia Polytechnic Institute and State University (“Virginia Tech”) have determined or will determine concurrently that it is in the best interests of their citizens, administration, staff, students, and faculty that Montgomery County join and become a member of the Authority pursuant to the provisions of the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended (“the Act”), and

WHEREAS, The Board of Supervisors desires to approve of Montgomery County becoming a member of the Authority by the adoption of this resolution concurrently with resolutions adopted or to be adopted by Blacksburg, Christiansburg, and Virginia Tech, and a public hearing has been held in accordance with the requirements of §§ 15.2-5104 and 15.2-5112 of the Act.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia as follows:

1. Approval of the Joinder Agreement. The Board of Supervisors hereby determines that it is in the best interests of the citizens of Montgomery County that Montgomery County enter into a Joinder Agreement among Blacksburg, Christiansburg, Virginia Tech, Montgomery County, and the Authority dated as of _____201_ (the “Joinder Agreement”) and that Montgomery County join and become a member of the Authority and hereby authorizes and directs the Chairman and the Clerk of the Board of Supervisors to execute and deliver the Joinder Agreement substantially in the form presented to this meeting, with such minor revisions and adjustments as the Chairman shall approve, and to execute and file with the State Corporation Commission the Amended and Restated Articles of Incorporation of the Blacksburg-Christiansburg-V.P.I. Water Authority contained in Section 4 of this Resolution substantially in the form contained in this Resolution, with such minor revisions and adjustments as the Chairman shall approve.

2. Approval of the Water Agreement. The Board of Supervisors hereby determines that it is in the best interests of the citizens of Montgomery County that Montgomery County enter into an Amended and Restated Water Agreement among Blacksburg, Christiansburg, Virginia Tech, Montgomery County, the Authority, and the Montgomery County Public Service

Authority dated as of _____, 201_ (the “Water Agreement”) and hereby authorizes and directs the Chairman and the Clerk of the Board of Supervisors to execute and deliver the Water Agreement substantially in the form presented to this meeting, with such minor revisions and adjustments as the Chairman shall approve.

3. Appointment and Confirmation of Members. The County hereby appoints the following person to serve the following term on the Board of the Authority:

Name	Address	Term of Office	
		beginning	ending

4. Amended and Restated Articles of Incorporation. The Board of Supervisors does hereby FIND as a matter of fact that inclusion in the Amended and Restated Articles of Incorporation of the Authority of preliminary estimates of capital costs, proposals for specific projects to be undertaken by the Authority, and preliminary estimates of initial rates is impractical. The Amended and Restated Articles of Incorporation of the Blacksburg-Christiansburg-V.P.I. Water Authority are hereby amended and restated as follows:

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF THE
BLACKSBURG-CHRISTIANSBURG-V.P.I. WATER AUTHORITY**

The Board of Visitors of Virginia Polytechnic Institute and State University, the Town Council of the Town of Blacksburg, the Town Council of the Town of Christiansburg, and the Board of Supervisors of Montgomery County, Virginia, have, by concurrent resolutions, adopted the following Amended and Restated Articles of Incorporation of the Blacksburg-Christiansburg-V.P.I. Water Authority, pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended)(“Act”).

ARTICLE I

The name of the Authority shall be the NRV Regional Water Authority and the address of its principal office is 3515 Peppers Ferry Road, Radford, Virginia 24141.

ARTICLE II

The names of the political subdivisions participating in the NRV Regional Water Authority (the “Authority”) are Virginia Polytechnic Institute and State University, the Town of Blacksburg, the Town of Christiansburg, and Montgomery County, Virginia (collectively, the

“Members”), each of which hereby acknowledges, covenants, and agrees that these Amended and Restated Articles of Incorporation shall not be further amended or changed without the express agreement of each of the governing bodies of each of the participating political subdivisions.

ARTICLE III

The Board of the Authority shall consist of six board members. The names, addresses, and terms of office of the initial board members of the reconstituted Board of the NRV Regional Water Authority are as follows:

	Name	Address	Term of Office beginning	ending
1.				
2.				
3.				
4.				
5.				
6.				

The governing body of each participating political subdivision has initially appointed the number of board members set forth opposite its name below:

Montgomery County – One, for a term of 4 years

Virginia Polytechnic Institute and State University – One, for a term of 3 years

Town of Blacksburg – One, for a term of 2 years

Town of Christiansburg - One, for a term of 1 year

The fifth and sixth initial Board Members have been chosen by the initial four Board Members for initial terms of one (1) year. In the event either of the fifth and sixth Board Members chosen by the initial four Board Members retires or otherwise vacates his seat as a Board Member, the number of Board Members shall be reduced to five.

Upon the expiration of the term of any initial Board Member chosen by the initial four Board Members, the remaining Board Members shall elect a successor. Upon the expiration of the term of any of the initial four Board Members chosen by one of the participating political subdivisions, such political subdivision shall promptly choose a successor.

The participating political subdivision will appoint successors to fulfill the terms of Board Members appointed by such participating subdivision who die, resign, or are disqualified.

After the initial terms, each Board Member shall be appointed for a four-year term and shall serve until a successor is appointed and qualified. Each Board Member shall have a vote and when required by law or when requested by any Board Member, such vote shall be recorded by “yeas” or “nays.”

Each board member shall be reimbursed by the Authority for the amount of actual expenses incurred in the performance of Authority duties.

ARTICLE IV

The purposes for which the Authority is being reorganized are to exercise all the powers granted to the Authority to acquire, finance, construct, operate, manage, and maintain a wholesale water treatment and transmission system and related facilities for the purpose of selling water wholesale to its Members pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the 1950 Code of Virginia, as amended (the “Act”). The Authority shall have all of the rights, powers, and duties of an authority under the Act.

It is not practicable to set forth herein information regarding preliminary estimates of capital costs, proposals for specific projects to be undertaken, or initial rates for the proposed projects.

ARTICLE V

The Authority shall provide water to its Members.

ARTICLE VI

The Authority shall cause an annual audit of its books and records to be made by the State Auditor of Public Accounts or by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.

ARTICLE VII

The term of existence of the Authority shall be 50 years from the effective date of the Members' resolutions authorizing these Amended and Restated Articles.

IN WITNESS WHEREOF the Board of Supervisors of Montgomery County, the Town Council of the Town of Blacksburg, Virginia, the Town Council of the Town of Christiansburg, Virginia, the Board of Visitors of Virginia Polytechnic Institute and State University, and the Board of Directors of the Blacksburg-Christiansburg-V.P.I. Water Authority have caused these Amended and Restated Articles of Incorporation to be executed in their respective names, and their respective seals have been affixed hereto and attested by the respective secretaries and clerks of each.

5. Action to Be Taken. The appropriate officers of Montgomery County shall take all action necessary or convenient to file and otherwise cause the Amended and Restated Articles of Incorporation to become effective.

6. Effective immediately. This resolution shall take effect immediately upon its adoption.

The vote on the forgoing resolution was as follows:

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

NEW BUSINESS

**A-FY-13-44
LEAGUE OF WOMEN VOTERS
TRANSFER FROM GENERAL CONTINGENCIES
2013 FACTS FOR VOTERS BROCHURE**

On a motion by Mary W. Biggs, seconded by Christopher A. Tuck 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:

<u>FROM:</u>		
950	General Contingencies	(\$200)
<u>TO:</u>		
910	League of Women Voters	\$200

Said resolution provides funds to the League of Women Voters for the 2013 Facts for Voters brochure.

The vote on the forgoing resolution was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

- Ribbon cutting for the new Courthouse was held November 7, 2012 with a great turnout.
- VACo's Annual Conference was held November 11-13, 2012. The County Administrator and Supervisors Politis, Perkins and Biggs attended.
- The Montgomery County Employee United Way Campaign kicked off today with a goal of raising \$5,000.

BOARD MEMBERS REPORTS

Supervisor Creed announced area churches in Elliston/Shawsville will be holding a community singing food drive on November 24, 2012 at 4:00 p.m. at the Big Spring Elliston Church to benefit the Shawsville Food Pantry.

Supervisor Gabriele reported on the following:

- The Planning Commission has a vacancy in District G. The County will be advertising this vacancy.
- Reminder that the last community meeting, County Conversations, will be held Wednesday, November 28, 2012 at the Blacksburg Library.
- Upcoming FY 2013-2014 Budget: Suggested holding charrette style meetings to get public input on the FY 2014 budget.
- School Board discussed upcoming budget challenges that include increasing class sizes, increasing health insurance costs, and consolidation of schools.
- November Election Concerns/Issues: Supervisor Gabriele stated concerns/issues were brought to his attention regarding how the election process was handled in the County. There were issues regarding the request for photo identification, lack of poll books at voting sites, long lines and voters at the E-3 Precinct waited 2-3 hours to vote. Supervisor Gabriele will provide a written report to the County Administrator on concerns and issues regarding the November Election he received from citizens. He requested that this report be forwarded to the Electoral Board/Registrar.

Supervisor Tuck made the following presentation on the short term capital improvement needs for Christiansburg High School (CHS):

- The Montgomery County School Board provided a capital maintenance list for CHS totaling \$1.1 million as follows:

				Estimated Costs	Running Total
CHS	Replace Roof Over Business Classrooms Area	Summer 2013	Funded -In Process	\$126,500.00	\$126,500
CHS	Renovate/Replace Toilet Partitions In Restrooms Not Addressed By ADA Upgrade		Complete	\$43,000.00	\$169,500
CHS	Replace Gym Entrance Doors			\$60,000.00	\$229,500
CHS	Replace Lockers			\$300,000.00	\$529,500
CHS	Remove Mounds In Front of Building			\$52,000.00	\$581,500
CHS	Replace Auditorium Seats			\$135,000.00	\$716,500
CHS	Add Fire Devices to Family and Consumer Sciences Kitchen		In Process	\$2,500.00	\$719,000
CHS	Replace Baseball Field Bleachers			\$15,000.00	\$734,000
CHS	Build Softball Field on Campus			\$135,000.00	\$869,000
CHS	Install Ladder Safety Cages for Stages			\$3,000.00	\$872,000
CHS	Replace Stage Lighting/Rigging			\$50,000.00	\$922,000
CHS	Replace Fire Alarm Panel (Design and Investigation)			\$200,000.00	\$1,122,000
CHS	Remove and Replace 600 SF of Horizontal Concrete Flatwork (Sidewalk)			\$6,203.00	\$1,128,203

Supervisor Tuck presented pictures of the auditorium seats that need replacing, the sidewalk located in the front of the school that needs replacing, the condition of the stage lighting and the ladder system. He also addressed the need for a girls' softball field. The softball team has to practice and play off site.

Supervisor Tuck proposed allocating \$400,000 to address the short-term maintenance needs at CHS until the School Board can determine if the high school needs to be replaced or refurbished.

Supervisor Tuck made a motion, seconded by Supervisor Creed, to allocate \$400,000 in a reserve fund to address short-term maintenance needs at Christiansburg High School.

Supervisor Gabriele made a friendly amendment to allocate up to \$500,000 to set aside in a School Capital Improvement fund to allow for the School Board to use these funds for other school maintenance needs other than CHS. Supervisor Tuck agreed to the amendment only if \$400,000 was earmarked for CHS and \$100,000 to other schools. Supervisor Gabriele withdrew his motion.

Several Board members expressed concern that the School Board has not requested any funding at this time from the Board of Supervisors for maintenance needs at school facilities. They felt that it was not proper protocol to approve funds without first discussing this with the School

Board. It was noted that the School Board has requested a list of maintenance needs at all school facilities from their staff and the School Board should receive it within the next few months.

All Board members agreed there are maintenance issues that need addressing at county school facilities, as well as county facilities. Board members also stated that there are concerns with safety issues at all school facilities, not just with Christiansburg High School, and asked what happens if other schools come before the Board with the same request. Supervisor Gabriele suggested that the School Board be invited to bring any pressing needs for any other school issues to the Board of Supervisors.

The Board directed the County Administrator to contact the School Superintendent to inform her about the Board's decision and the request made by citizens to address maintenance issues at Christiansburg High School.

After discussion, the Chair called for the vote.

R-FY-13-50
RESOLUTION ESTABLISHING A SCHOOL IMPROVEMENT RESERVE FOR
CHRISTIANSBURG HIGH SCHOOL

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

WHEREAS, On November 14, 2012, citizens presented to the Board of Supervisors a list of desired improvements needed at the Christiansburg High School ("CHS") facility as well as a need for a girls' softball field on campus at CHS; and

WHEREAS, Recognizing that these concerns are School Board issues, the Board of Supervisors however wants to be proactive and assist the School Board by making funding available should the School Board desire to address these improvements; and

WHEREAS, With the long term future of the CHS facility not yet determined by the School Board and with the financial reality that no significant capital improvements will be done at CHS in the near future, the Board of Supervisors is interested in funding short-term improvements at CHS by making one time monies available to the School Board through the establishment of the CHS Improvement Reserve; and

WHEREAS, The Board of Supervisors desires to make funds available to the School Board upon the School Board's request and the future appropriation by the Board of Supervisors from the CHS Improvement Reserve of \$400,000 to address the improvement needs at CHS.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby instructs the County Administrator to establish a Christiansburg High School Improvement Reserve using one time undesignated monies in the amount of \$400,000 to be made available at the request of the School Board upon future appropriation by the Board of Supervisors to address specific improvement needs at CHS.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby further instructs that the County Administrator notify the School Superintendent that this Improvement Reserve Fund has been established and is available upon request from the School Board to address specific improvement needs at CHS.

The vote on the forgoing resolution was as follows:

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

Supervisor Biggs stated for the record that she supports addressing the safety issues at Christiansburg High School; however, she also recognizes the safety issues at other county school facilities and county facilities as well. She does not know if \$400,000 is the exact amount of funding needed or if additional funds are needed to address the issues that were brought up tonight, if so, what happens then. Supervisor Biggs also stated that she is not comfortable with the way the Board of Supervisors is going about this without first discussing it with the School Board.

Board Reports' Continued

Supervisor Brown wished everyone a Happy Veteran's Day. He stated this is a day for all to remember those who served before and serving now for their country.

Supervisor Biggs attended the Annual VACo Conference. Jack Miller from Middlesex County was elected VACo's President for 2013. Gary Tanner from Appomattox County was elected to the Board of Directors representing Region 10. Supervisor Biggs reported a workshop on Tax Restructuring was held and there was some discussion on creating a working group to keep abreast of this issue.

Supervisor Perkins attended the Annual VACo Conference. The Honorable Ric Brown, Virginia Secretary of Finance, gave a presentation on local funding issues.

Supervisor Politis attended the Annual VACo Conference. He served on VACo's Environmental and Agriculture Steering Committee and Transportation Steering Committee for 2012. Supervisor Politis reported that during the Transportation Steering Committee meeting there were still discussion about the possibility of the State turning over maintenance of secondary roads to localities.

He also reported that all Counties voted to add the Industrial Hemp Farming Act to VACo's 2013 Legislative Program as recommended by the Resolutions Committee as follows:

“VACo urges 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 which, in turn, will open markets for farmers, manufacturers, businesses and entrepreneurs in the emerging and growing hemp industry.”

Supervisor Politis asked fellow Board members for permission to send a letter to all the Counties thanking them for their support in getting the Industrial Farming Act on the 2013 Legislative Program. He would like to ask the County Boards of Supervisors in each county to also send a separate letter of support.

By consensus, the Board supported Supervisor Politis in sending out thank you letters.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, November 26, 2012. The meeting adjourned at 8:40 p.m.

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