

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 16TH DAY OF DECEMBER, 2013 AT 7:00 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	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Karen Edmonds	-Human Resources Director
	Ruth 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 Matthew R. Gabriele, 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 (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. Old Prices Fork Elementary School Property

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

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

ADDENDUM

On a motion by Christopher A. Tuck, seconded by Annette S. Perkins and carried unanimously, the following addenda were added to New Business:

- Resolution to Approve the Sale of the Former Prices Fork Elementary School Property
- Resolution to grant a utility easement across the Christiansburg Middle School Property

The vote on the foregoing 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	

PUBLIC HEARINGS

Proposed Intent to Abandon a Portion of Elliott Creek Road

Intent to abandon a 1.54 mile portion of Elliott Creek Road (SR 675) heading east from the intersection with Craigs Mountain Road (SR 674) pursuant to Section 33.1-151 of the 1950 Code of Virginia.

Steve Sandy, Planning Director, provided an overview of the request to abandon a portion of Elliott Creek Road. The County received a letter from Karen Dodson Whitt requesting the Board of Supervisors to consider the abandonment of a portion of Elliott Creek Road beginning at the intersection of Craigs Mountain Road and Elliott Creek Road continuing 1.54 miles east along Elliott Creek Road. Ms. Whitt is the sole property owner on both sides of Elliott Creek for the 1.54 miles. Ms. Whitt has stated in her request that Elliott Creek Road has seen little to no road maintenance from VDOT and is concerned with the gradual deterioration of the road. The road has blind curves and in places only one vehicle can travel the road.

The County Attorney explained the process for consideration of abandonment or discontinuance of a secondary road.

Karen Whitt provided a video presentation showing the condition of the road and pointing out the number of blind curves, steep drop-offs and locations where only one vehicle can travel, which forces the other vehicle to back up if they happen to cross paths. Ms. Whitt reported that Elliott Creek Road is a dead-end road with no other houses other than her own and does not understand why motorists are going down the road. She expressed concerns with the safety of the motorists that are traveling the road, especially at night and also expressed concern about the partying and vandalism. She reported that there have been numerous times when strangers shows up at her door asking for help because their vehicle has gotten stuck. Ms. Whitt reported the .04 mile at the end of the road towards Split Rail Road was discontinued in 1979 and is now overgrown and not passable by vehicles. This portion is also being included in her request for abandonment.

Kara Dodson spoke in support of the abandonment of a portion of Elliott Creek Road. Ms. Dodson confirmed that Ms. Whitt owns land on both sides of the road and sees no need for people to be traveling a dead-end road. She stated that there are a number of people who use this road for recreational purposes but there are a number of people who also have ill intentions when traveling this road.

Emma Jackson spoke in support of the abandonment of a portion of Elliott Creek Road. Ms. Jackson stated she owns property at the end of Split Rail Road and Elliott Creek Road and has not seen any maintenance on the road.

Mary Ann Capp spoke in opposition to this request. Ms. Capp submitted a petition with 54 signatures as follows:

There is a small, historic, rural community located in Montgomery County VA formerly known as Harless, and now known as Sugar Grove. It at one time had a Post Office, a one room Sugar Grove School , a Church and a Cannery a dairy farm, tomato and bean farm, and butchering trough. Elliott Creek was the waterway that supported the community. Elliott Creek Road connects communities from Riner, to Rogers, to Sugar Grove to Alleghany Springs and runs along Elliott Creek, a very scenic area. Children from Alleghany Springs walked to Sugar Grove to go to the one- room school. Below is a petition declaration to keep the Elliott Creek Road as a public way for the public good as it has historical, recreational and cultural value to the county and the citizens.

PETITION

WHEREAS, Elliott Creek Road located in Montgomery County VA is a public way with historical significance as a connector road through many rural communities. Many have traveled it throughout history from Alleghany Springs to Harless, now known as Sugar Grove Community and on to Rogers or Riner.

WHEREAS, the property adjacent to the road bed along its length are separate parcels of property and although currently owned by the same owner have unique title histories that would need to be examined to determine other private rights of way to cemeteries or other parcels that would be adversely impacted.

WHEREAS, the citizens of the community and greater Montgomery County area continue to use the Elliott Creek Road for recreational activities today which includes: exercise walking, horseback riding, bicycle riding, fishing, geo-caching, "Sunday drive" touring and high school cross country team training.

WHEREAS, Elliott Creek Road serves as a potential evacuation route from this isolated mountainous community in the event of a forest fire or other emergency or disaster if the Craigs Mountain Road is ever blocked as by fallen trees, ice or landslides.

WHEREAS, emergency response is dispatched to the first available station this community may be served by Elliston, Riner and Christiansburg Stations.

WHEREAS, the Appalachian Power Electric utility service feeds this community via lines running parallel to the north portion of Elliott Creek Road from the substation in Alleghany Springs

WHEREAS, the Tourism Initiative and tourism potential would be adversely impacted by disenfranchising the horseback riders, mountain bikers, cross country teams and fishing interests.

WHEREAS, the initiatives of the county to mitigate transportation pressures and enhance economic opportunities would be adversely effected by the closing of a public road.

WHEREAS, the value of this public way would be an extreme financial loss to the County considering acquisition costs for rights of ways are extremely costly and value based on footage.

WE THE PEOPLE, hereby sign below to **OPPOSE** to the closing of any portion of the Elliott Creek Road and request that the Montgomery County Board of Supervisors grant this petition to keep open the public way of Elliott Creek Road.

Ms. Capps also submitted a copy of the Code of Virginia, Section 33.1-151 Abandonment of road, landing, or crossing; procedure, that outlines the process. She stated that the request to abandon Elliott Creek Road does not meet the requirements outlined in the State Code. Ms. Capp urged the Board to deny this request.

Richard Rittenhouse spoke in opposition to the request to abandon a portion of Elliott Creek Road. Mr. Rittenhouse objects to valuable property being turned into a private road and if need arises in the future where the road is needed for public use again it will cost millions to buy back the right-of-way and bring it back up to VDOT standards.

Michael Abraham spoke in opposition to the request to abandon a portion of Elliott Creek Road. Mr. Abraham stated that the request does not meet the majority of the conditions that must be met in order to consider a abandonment of a road.

Joel Donahue expressed concern with the request for abandonment. Mr. Donahue believes it will hurt the County's comprehensive and transportation planning. He stated it is easy to abandon a road but difficult to reverse the decision if the road is ever needed as a public right-of-way in the future.

Tacy Newall spoke in opposition to the request to abandon a portion of Elliott Creek Road. Ms. Newall stated one of the reasons given to abandon is due to VDOT not maintaining the road. She stated the County should challenge VDOT to start maintaining the road as it is a state maintained public road. Ms. Newall submitted the following petition with ten signatures:

There is a small, historic, rural community located in Montgomery County VA formerly known as Harless, and now known as Sugar Grove. It at one time had a Post Office, a one room Sugar Grove School , a Church and a Cannery, a dairy farm, tomato and bean farm, and butchering trough. Elliott Creek was the waterway that supported the community. Alongside of Elliott Creek runs the road from Alleghany Springs, now known as Split Rail Road and Elliott Creek Road. It was a primary route since it was flat and easy to traverse as the mountain was too steep and a treacherous. Children from Alleghany Springs walked to Sugar Grove to go to the one room school.

The Sugar Grove Community was a hub of activity as the roads connected to the communities of Alleghany Springs, Rogers, Huffville/Pilot, and to Christiansburg to the North. People came from, as far away as Bluefield WV, on the train to Cambria to get to Sugar Grove to pick huckleberries. Some other commerce was beans, tomatoes, hogs and dairy.

As cars replaced horses, the community became more isolated. Isolation leads to poverty in many Appalachian communities and this Sugar Grove Community is likely to suffer a similar fate. Property values remain some of the lowest in the county.

A motion has been brought forward by Gary Creed, District C Supervisor to close a public road in this community. This is a declaration to keep the Elliott Creek Road as a public thru way for the public good as it has historical, recreational and cultural and real value to the county and the citizens.

PETITION

WHEREAS, Elliott Creek Road located in Montgomery County VA is a public way with historical significance as a connector road to the Community of Alleghany Springs to Harless, now known as Sugar Grove Community and many have traveled it from Alleghany Springs to attend the old Sugar Grove School.

WHEREAS, the property adjacent to the road bed along its length are separate parcels of property and although currently owned by the same owner have unique title histories that would need to be examined to determine other private rights of way to cemeteries or other parcels that would be adversely impacted.

WHEREAS, the citizens of the community and greater Montgomery County area continue to use the Elliott Creek Road for recreational activities today which includes: exercise walking, horseback riding, bicycle riding, fishing, geo-caching, "Sunday drive" touring and high school cross country team training.

WHEREAS, Elliott Creek Road serves as a potential evacuation route from this isolated mountainous community in the event of a forest fire or other emergency or disaster if the Craigs Mountain Road is ever blocked as by fallen trees, ice or landslides.

WHEREAS, emergency response is dispatched to the first available station this community may be served by Elliston, Riner and Christiansburg Stations.

WHEREAS, the Appalachian Power Electric utility service feeds this community via lines running parallel to the north portion of Elliott Creek Road from the substation in Alleghany Springs.

WHEREAS, the Tourism Initiative and tourism potential would be adversely impacted by disenfranchising the horseback riders, mountain bikers, cross country teams and fishing interests.

WHEREAS, the rights to use a public way would be stripped away from the citizens, for the benefit of one party.

WHEREAS, the initiatives of the county to mitigate transportation pressures and enhance economic opportunities would be adversely effected by the closing of a public road.

WHEREAS, the value of this public way would be an extreme financial loss to the County considering the acquisition costs for rights of ways are extremely costly and value based on footage.

WE THE PEOPLE, hereby sign below to OPPOSE the closing of any portion of the Elliott Creek Road and pray that the Montgomery County Board of Supervisors grant this petition to keep open the public way of Elliott Creek Road.

Greg Hale stated he owns a 100 acre farm near Elliott Creek Road and while he understands Ms. Whitt's reason to abandon a portion of Elliott Creek road he cannot support the abandonment. He stated that there is still a use for the road and suggested making it a greenway.

Susan Grey spoke in support of the abandonment of a portion of Elliott Creek Road. Ms. Grey stated that it would be a wise move to approve this request. She stated that this road is not used to drive from Alleghany Springs to Sugar Grove.

Judy Rogers spoke in opposition to the request to abandon a portion of Elliott Creek Road. Ms. Rogers stated there is an historic value to this road and beautiful greenway.

The Board will schedule a work session on the request to abandon a portion of Elliott Creek Road for an upcoming meeting.

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

Proposed Ordinance Authorizing the Operation of Golf Carts and Utility Vehicles

Proposed Ordinance Authorizing the Operation of Golf Carts and Utility Vehicles on Warm Hearth Drive and Litton Lane within the Warm Hearth Village.

The County Attorney reported that the County received a request from Warm Hearth Village to allow the operation of golf carts and utility vehicles on Warm Hearth Drive and Litton Lane within the Warm Hearth Village. According to the President of Warm Heath Village, they have historically used golf carts for transportation around the Village. With the opening of the Village Center earlier this year, they have increased the utilization of golf carts to include regular intra-Village resident transportation, in addition to the use by maintenance and marketing staff members. Dan Brugh, Executive Director for MPO, was asked to review the request and provide a recommendation back to staff. He reported that the request is consistent with the bicycle/pedestrian plan that VDOT currently has in place and that State law allows the Board of Supervisors to designate roads for use by golf carts if seven requirements are met. One of the requirements requires the locality to be responsible for installing and maintaining the appropriate signage, which can be passed on to the requesting party. Mr. Brugh recommended approval of the use of golf carts/utility vehicles on Warm Hearth Drive and Litton Lane.

A copy of the proposed ordinance was provided to the Board for review. The County Attorney explained that the ordinance does state that Warm Hearth shall be responsible for the installation and the continued maintenance of any signs pertaining to the operation of golf carts or utility vehicles on the designated roads in the Warm Hearth Village.

Ferne Moschella, President and CEO of Warm Hearth Village, thanked the Board for considering their request. Ms. Moschella stated they have three primary needs for use of golf carts/utility vehicles within the Village; 1) Transportation of Residents; 2) Maintenance and Grounds Crews; and 3) provide tours of Warm Hearth Village.

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

Proposed Conveyance of a 20' Stormwater Management Easement – Christiansburg Middle School

Proposed conveyance of a 20' stormwater management easement across a portion of the Christiansburg Middle School property located at 1205 Buffalo Street, N.W. Christiansburg, for the benefit of the adjacent property owner, B&B Storage, LLC.

The County Attorney provided a brief overview of the proposed request for a 20' stormwater management easement across a portion of the Christiansburg Middle School for B&B Storage, LLC. The applicant desires to use the existing detention pond located on the Christiansburg Middle School property in order for stormwater to drain from the proposed Wynwood Estates Subdivision. There will be no adverse effects on the detention pond as stormwater from the property already flows across the CMS property. The applicant will be enhancing the existing detention pond with upgrades.

Bryan Rice, applicant, was available to answer any questions the Board may have on the request. Mr. Rice stated that they will be placing pipes underground from the Wynwood Estates Subdivision to the detention pond in order for stormwater to flow directly to the detention pond. Mr. Rice asked the Board to consider taking action on their request at the meeting tonight in order to start the work now and not have to wait until the next Board of Supervisors meeting.

Joel Donahue spoke in support of the stormwater easement across a portion of Christiansburg Middle School. Mr. Donahue stated the applicant will provide an upgrade and will improve the drainage process. The installation of pipes will slow the flow of stormwater to the detention pond, thus stopping flooding that may occur from heavy rains.

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

Proposed Ordinance Amending the Joint Tourism Agreement

Proposed Ordinance Changing the Requirement for Appointing Members to the Tourism Development Council and the Process for Reviewing Tax Revenues Provided in the Organizational Cooperative Agreement between Montgomery County and the Towns of Blacksburg and Christiansburg for the Creation and Implementation of the Joint Tourism Program.

The County Administrator provided a brief overview of the proposed changes to the Joint Tourism Agreement. There are only a few minor changes as follows:

- Amend the Budget Process: The Director of Tourism will prepare an annual work plan and budget for tourism expenditures and shall present them to the Operating Board. Before, the budget had to approve by the Operating Board. The budget shall be presented to the respective governing bodies as part of its annual budgeting process.

- Add to the Agreement: At the end of each fiscal year for which funds were appropriated each party shall determine the actual Additional Lodging Tax Revenues that were actually received. If revenues exceed its estimated revenues then the party shall request its governing body to appropriate the excess for use by the tourism program. If the actual revenues are less than estimated then that party may credit the shortfall against the amounts due for following years.
- Amend Membership Appointments: The Tourism Operating Board, after consultation with respective governing body, shall appoint the five remaining board members instead of the governing body. (The MTDC consists of nine members, one each from Montgomery County, Town of Blacksburg, Town of Christiansburg, and the Chamber of Commerce. The remaining five shall be owners, operators, or employees from local hotels, restaurants, and attractions.)

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

David Beasley expressed concern with the number of large commercial vehicles hauling fill material to land at the end of Mt. Pleasant Road. Mr. Beasley stated the trucks operate 7 days a week and at all hours of the day and night and up to 50-70 trucks per day. He asked the Board's help to limit the number of times and hours that the trucks can run.

Marty Gordon expressed his appreciation to both Supervisor Jim Politis, whose term ends December 31, 2013 and to Planning Director Steve Sandy, who resigned to take a missionary job in Uganda, Africa. Mr. Gordon reported on several issues as follows:

- Speeding on Merrimac Road: With the paving completed on Merrimac the number of speeders increased. He will be submitting a petition requesting the speed limit be lowered to 35 mph. He thanked the Sheriff's Office for patrolling this road. Mr. Gordon stated the shoulders need to be widened to accommodate bikers.
- Eagle Statue at the old Courthouse: Mr. Gordon requested the Board to allocate funds to repair the Eagle Statue in order to preserve history. He stressed the need to protect the Eagle during the renovation of the Courthouse for a public safety building.

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

CONSENT AGENDA

On a motion by Matthew R. Gabriele, seconded by Annette S. Perkins and carried unanimously, the Consent Agenda dated December 16, 2013 was approved with Item # C-3, Capital Transfer to County Capital Projects for the Alleghany Springs Consolidated Site removed from the Consent Agenda and added to New Business. The vote was as follows:

AYE

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

NAY

None

Approval of Minutes

On a motion by Matthew R. Gabriele, seconded by Annette S. Perkins and carried unanimously, the minutes dated June 24, 2013 were approved.

Schedule Public Hearing

**R-FY-14-66
RESOLUTION SCHEDULING A PUBLIC HEARING
ON A PROPOSED ORDINANCE AMENDING CHAPTER 3,
ENTITLED ANIMALS, OF THE CODE OF THE COUNTY OF MONTGOMERY,
VIRGINIA IN ORDER TO COMPLY WITH STATE LAW CHANGES CONCERNING
DANGEROUS AND VICIOUS DOGS ENABLING LEGISLATION**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby agrees to schedule a public hearing for Monday, January 13, 2014 at 7:30 p.m. or as soon thereafter, in the Board Chambers of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia for the purpose of receiving comments on the proposed Ordinance Amending Chapter 3, Entitled Animals, of the Code of the County of Montgomery, Virginia in order to comply with State Law Changes Concerning Dangerous and Vicious Dogs Enabling Legislation.

Appropriations and Transfers

**A-FY-14-60
SHERIFF
RECOVERED COSTS AND
FY 13 CARRYOVER**

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

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

320 Sheriff County \$104,621

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

<u>Revenue Account</u>	
419108 Recovered Costs	\$ 16,431
451205 Designated Fund Balance	<u>\$ 88,190</u>
Total	\$104,621

Said resolution appropriates recovered costs for use by the Sheriff's department and carries forward the balance remaining in the Forfeited Asset Sharing program as of June 30, 2013.

**A-FY-14-61
COUNTY FY 13
CARRYFOWARD REQUEST**

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

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

100	Board of Supervisors	\$24,660
140	Information Technology	\$6,000
152	Assessment	\$2,400
170	Registrar	\$1,983
180	Internal Services	\$133,946
200	Commonwealth Attorney	\$55,000
210	Circuit Court	\$6,601
220	General District Court	\$750
250	Clerk of Court	\$17,822
400	General Services	\$6,961
710	Regional Library	\$31,436
800	Planning & GIS	\$14,430
451209	Transfer to County Capital Projects	<u>\$86,703</u>
	Total	\$388,692

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

<u>Revenue Account</u>	
02 451203	Undesignated Fund Balance \$388,692

BE IT FURTHER RESOLVED, That the County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

700	Parks and Recreation	\$86,703
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$86,703
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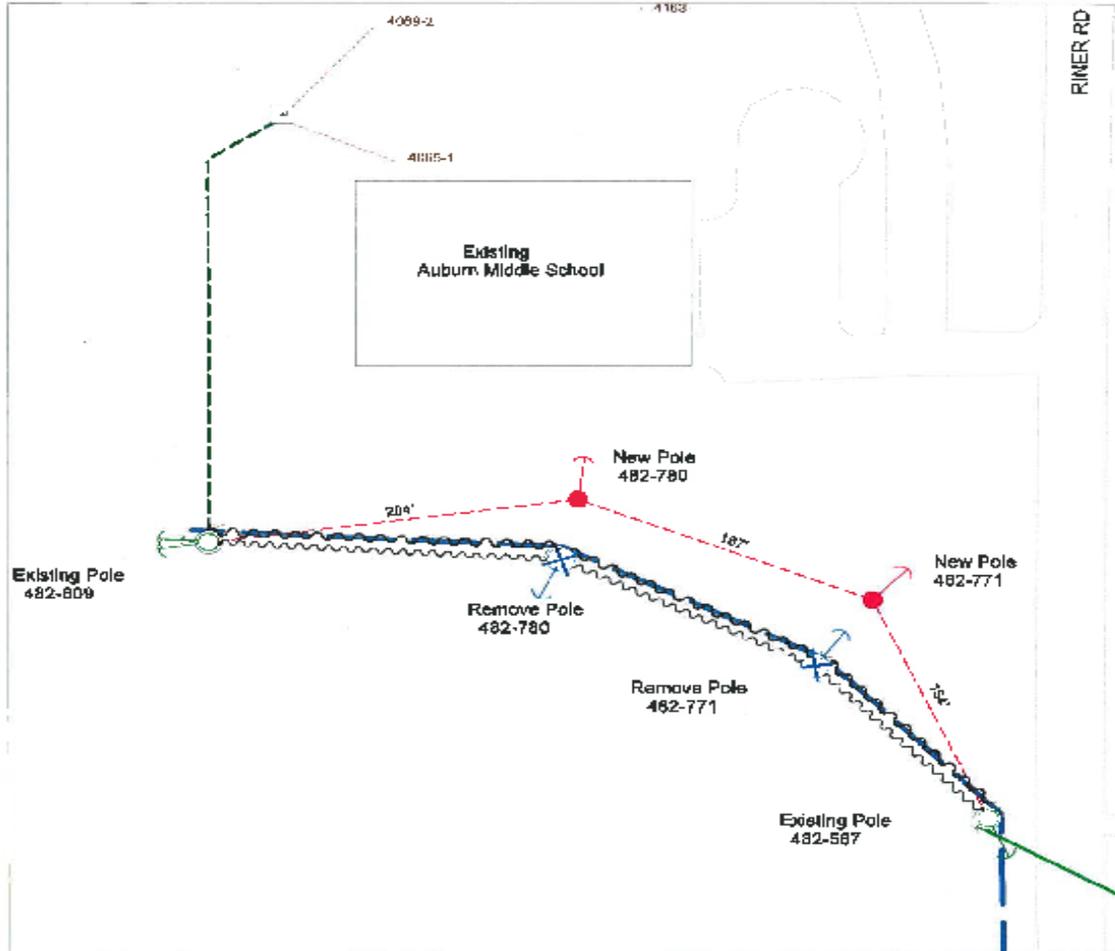
Said resolution appropriates amounts recommended to be carried forward for use in the current year.

R-FY-14-67
A RESOLUTION APPROVING THE CONVEYANCE OF
A TEMPORARY EASEMENT TO AMERICAN ELECTRIC POWER
FOR THE RELOCATION OF EXISTING OVERHEAD POWER LINE
SERVING AUBURN MIDDLE SCHOOL

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

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to convey American Electric Power a Temporary Easement on the Auburn Campus as shown on the attached sketch entitled "AMS Temporary Relocation" dated 12/4/2013 in order to accommodate the relocation of an existing overhead power line currently serving the Auburn Middle School; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes James D. Politis, Chair, to execute the Temporary Easement on behalf of the Board of Supervisors of the County of Montgomery, Virginia.



An LD-Pro® Worksketch

Date Requested: 12/04/2013 Buckal Truck?: Y
 Date Required: 12/09/2013 Truck to Site?: Y

Job Name: Branch and Associates Inc. "AMB Temporary Relocation"		4 WD?: N	
Location: 4089 River Road, River, VA.		County: Montgomery	
Division: AP	District: Christiansburg	Crew HQ: Christiansburg Const	Station No.:
WR#: 51625516	WCW:	Sta/Circuit Name:	Circuit No.:
JJ Proposal(s):		Voltage:	Map: 3/80
RWW: 13-420-05		Phases:	Disc: 482-B4
Relocate Existing O/H Power Line serving Mobile Classrooms		Date: 12/4/2013	Print #:
		Drawn By: WAYNE QUEEN	Page: 1 of 1

R-FY-14-68
EMERGENCY SERVICES DIRECTOR
RE-APPOINT F. CRAIG MEADOWS

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **F. Craig Meadows as Director of Emergency Services** effective January 1, 2014 and expiring December 31, 2014.

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

R-FY-14-69
MONTGOMERY REGIONAL ECONOMIC
DEVELOPMENT COMMISSION
RE-APPOINT MICHAEL B. MILLER

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **Michael B. Miller** to the **Montgomery Regional Economic Development Commission** effective January 1, 2014 and expiring December 31, 2016.

R-FY-14-70
NEW RIVER VALLEY ECONOMIC
DEVELOPMENT ALLIANCE
RE-APPOINT JOHN PHILLIPS

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **John S. Phillips** as Montgomery County's at-large (private sector) representative to the **New River Valley Economic Development Alliance** effective January 1, 2014 and expiring December 31, 2014.

NEW BUSINESS

**R-FY-14-71
A RESOLUTION APPROVING THE PURCHASE OF
TAX MAP PARCEL NO. 104-(A)-10C FROM
SHAH DEVELOPMENT, LLC FOR
THE EXPANSION OF THE COUNTY'S MOTOR MILE PARK**

On a motion by Gary D. Creed, 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 approves the Real Estate Sales Agreement between the County of Montgomery and SHAH Development, LLC, dated December 16, 2013, for the purchase by the County of Tax Map Parcel Number 104-(A)-10C from SHAH Development, LLC for the expansion of the County's Motor Mile Park; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes the Chair, James D. Politis, to execute the Real Estate Sales Agreement and the Deed accepting the Property on behalf of the County of Montgomery, Virginia and execute any other documents required to close the transaction.

The vote on the foregoing resolution was as follows:

AYE

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

NAY

None

**R-FY-14-72
A RESOLUTION APPROVING THE ACCEPTANCE OF THE DONATION OF
TAX MAP PARCEL NO. 104-(A)-10B FROM
SHAH DEVELOPMENT, LLC FOR
THE EXPANSION OF THE COUNTY'S MOTOR MILE PARK**

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Donation Agreement between the County of Montgomery and SHAH Development, LLC, dated December 16, 2013, for the donation by SHAH Development, LLC of Tax Map Parcel Number 104-(A)-10B to the County for the expansion of the County's Motor Mile Park; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes the Chair, James D. Politis, to execute the Donation Agreement and the Deed accepting the Property on behalf of the County of Montgomery, Virginia and execute any other documents required to finalize the donation.

The vote on the foregoing resolution was as follows:

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

A-FY-14-62
CAPITAL RESERVE TRANSFER TO COUNTY CAPITAL PROJECTS
FOR THE MOTOR MILE LAND PURCHASE

On a motion by Gary D. Creed, 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, 2014, for the function and in the amount as follows:

451209	Transfer to County Capital Projects	\$415,000
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The source of funds for the foregoing appropriation is as follows:

451205	Designated Fund Balance – Capital Reserve	\$415,000
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BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

700	Parks and Recreation Capital Projects	\$415,000
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$415,000
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Said resolution appropriates funds from the Capital Reserve to the County Capital Project Fund to cover the costs of purchasing land for Motor Mile Park.

The vote on the foregoing resolution was as follows:

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

R-FY-14-73
REVISIONS TO THE COUNTY'S
PERSONNEL POLICY AND PROCEDURES

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

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves and authorizes the changes to the County's Personnel Policies and Procedures dated January 2014.

The vote on the foregoing resolution was as follows:

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

A-FY-14-63
COUNTY CAPITAL PROJECTS

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

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

451209 Transfer to County Capital Projects	\$2,000,000
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The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$2,000,000
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BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

12	County Capital Projects	\$2,000,000
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$2,000,000
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Said resolution appropriates funds from undesignated fund balance to the County Capital Projects Fund.

The vote on the foregoing resolution was as follows:

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

A-FY-14-64
SCHOOL CAPITAL PROJECTS

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, 2014, for the function and in the amount as follows:

451201	Transfer to School Capital Projects	\$3,000,000
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The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$3,000,000
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BE IT FURTHER RESOLVED, The School Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

19	School Capital Projects	\$3,000,000
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$3,000,000
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Said resolution appropriates funds from undesignated fund balance to School capital projects.

The vote on the foregoing resolution was as follows:

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

R-FY-14-74
RESOLUTION OF APPRECIATION
MAYOR RICHARD BALLENGEE

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

WHEREAS, Richard Ballengee has served the citizens of Christiansburg since he was elected to serve as a member of the Christiansburg Town Council in 1996 and served on the Town Council through 2004; and

WHEREAS, Richard Ballengee was elected and served as Mayor of Christiansburg from 2006 through 2013; and

WHEREAS, Richard Ballengee's outstanding leadership contributed to the rapid growth and increased prosperity experienced by the Christiansburg community which has evolved into a dynamic retail hub for the New River Valley; and

WHEREAS, Accomplishments during his years as a member of the Christiansburg Town Council and as Christiansburg's Mayor, included the Christiansburg Aquatic Center, Council 2020 Vision, Joinder Study/Montgomery County joining the NRV Water Authority, establishment of a regional 911 Authority, the Harkrader Sports Complex, Expansion of the Huckleberry Trail, and numerous water and sewer infrastructure improvements; and

WHEREAS, The members of this body, and in particular those who worked closely with him on so many local government matters, recognize that his thoughtful and thorough consideration of issues rightfully earned the respect and trust of this body; and

WHEREAS, Richard Ballengee has announced his retirement from public service, and it is fitting and proper that he be recognized for his dedication and leadership to the Montgomery County and Christiansburg community.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to **Richard Ballengee** for his outstanding dedication to the Christiansburg community and the citizens of Montgomery County, and congratulate him upon the occasion of his retirement; and offer sincere best wishes for continued health and happiness.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Richard Ballengee** and that a copy be a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

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

R-FY-14-75
RESOLUTION CONVEYING
A 20' STORMWATER MANAGEMENT EASEMENT
TO B&B STORAGE, LLC ACROSS THE
CHRISTIANSBURG MIDDLE SCHOOL PROPERTY

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby conveys a 20' Stormwater Management Easement to B&B Storage, LLC across the Christiansburg Middle School Property located at

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes the Board Chair to execute any documents necessary for the conveyance of the easement.

The vote on the foregoing resolution was as follows:

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

A-FY-14-65
CAPITAL RESERVE TRANSFER TO COUNTY CAPITAL PROJECTS
FOR THE ALLEGHANY SPRINGS CONSOLIDATED SITE

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

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

451209	Transfer to County Capital Projects	\$83,000
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The source of funds for the foregoing appropriation is as follows:

451205	Designated Fund Balance – Capital Reserve	\$83,000
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BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

400	Alleghany Springs Consolidated Site Project	\$83,000
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$83,000
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Said resolution appropriates funds from the Capital Reserve to the County Capital Projects Fund to cover the costs of establishing a full service consolidated site in the Alleghany Springs area.

The vote on the foregoing resolution was as follows:

AYE

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

NAY

Matthew R. Gabriele

R-FY-14-76
RESOLUTION APPROVING THE SALE OF THE
FORMER PRICES FORK ELEMENTARY SCHOOL PROPERTY

On a motion by William H. Brown, seconded by Matthew R. Gabriele and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the proposed Real Estate Purchase and Sale Agreement dated December 16, 2013, by and between Taylor Hollow Management, LLC and the Montgomery County Board of Supervisors for the conveyance by the County of the former Prices Fork Elementary School property located on Prices Fork Road in the County of Montgomery.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby authorizes the Board Chair to sign the Real Estate Purchase and Sale Agreement and all other documents on behalf of the County required to convey the property at closing.

The vote on the foregoing resolution was as follows:

AYE

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

NAY

None

RECESS

The Board took a ten minute recess at 9:40 p.m. and reconvened at 9:50 p.m.

INTO WORK SESSION

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

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

1. On Campus Polling Precinct

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

Virginia Tech On-Campus Polling Precinct

The County Attorney reported that County staff, Registrar, Virginia Tech and the Virginia Tech Student Government Association have been working together to find a location for an on-campus polling place at Virginia Tech. In the meantime, County staff has been mapping out potential precincts. Proposed changes to the voting precincts A-2, A-3, E-1, E-3, F-1, F-2, and G-1 and creating a new F-3 voting precinct on VT Campus. A draft chart outlining the proposed precinct changes for the VT Campus and surrounding areas is shown below:

PROPOSED PRECINCT CHANGES FOR VT CAMPUS & SURROUNDING AREA (DRAFT)

Note: Precinct changes must comply with US Census block boundaries

Precinct population counts based on 2010 Census

12-Dec-13

Precinct	Current	Revised
A-1	3,113	3,113
A-2	5,307	4,485
A-3	5,083	5,468
B-1	649	649
B-2	5,564	5,564
B-3	2,867	2,867
B-4	4,297	4,297
C-1	4,839	4,839
C-2	3,174	3,174
C-3	1,294	1,294
C-4	4,183	4,183
D-1	2,068	2,068
D-2	2,941	2,941
D-3	3,567	3,567
D-4	1,538	1,538
D-5	3,409	3,409
E-1	4,410	4,955
E-2	2,515	2,515
E-3	6,538	5,950
F-1	6,864	5,553
F-2	6,647	6,127
F-3	0	2,535
G-1	5,958	5,734
G-2	7,552	7,552
Total	94,377	94,377

District	Current Population	Revised Population
A	13,503	13,066
B	13,377	13,377
C	13,490	13,490
D	13,523	13,523
E	13,463	13,420
F	13,511	14,215
G	13,510	13,286
Total	94,377	94,377

VT Dorms in revised precincts:	
	Ambler Johnston Hall
	Campbell Hall
	Cochrane Hall
	Harper Hall
	Hilcrest Hall
	Lee Hall
	New Hall East
	New Hall West
	O'Shaughnessy Hall
	Payne Hall
	Peddrew-Yates Hall
	Pritchard Hall
	Slusher Hall
E-3	Special Purpose Housing Bldg A
	Special Purpose Housing Bldg B
	Special Purpose Housing Bldg C
	Special Purpose Housing Bldg D
	Special Purpose Housing Bldg E
	Special Purpose Housing Bldg F
	Special Purpose Housing Bldg G
	Special Purpose Housing Bldg H
	Special Purpose Housing Bldg I
	Special Purpose Housing Bldg J
	Special Purpose Housing Bldg KL
	Special Purpose Housing Bldg MN
	Special Purpose Housing Bldg OP
	Special Purpose Housing Bldg QR
F-3	Barringer Hall
	Brodie Hall
	Eggleston Hall
	Johnson Hall
	Miles Hall
	Monteith Hall
	Newman Hall
	Rasche Hall
	Thomas Hall
	Vawter Hall

*15 citizens counted in 2010 census (total: 94,392) were found to be in Floyd County

Jared Meyers and Spencer Lobik with Virginia Tech Student Government Association were in attendance. Mr. Meyers discussed the issues they had with student voting during the 2012 Presidential Election. The polling place at the Virginia Tech/Montgomery Regional Airport did not accommodate the large number of student voters. Many voters stood in line 2 hours or longer in the cold, which discouraged voting. Mr. Lobik believes having a polling precinct on-campus will help provide voting in a timely manner and increase the number of student voters.

He thanked the Board of Supervisors, Registrar and County staff in supporting the need for an on-campus polling precinct.

The County Attorney reported after a location has been decided upon and approved by Virginia Tech then the County will have to hold a public hearing on the proposed changes.

OUT OF WORK SESSION

On a motion by Annette S. Perkins, 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 foregoing motion was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following items:

- Passenger Rail Services in the Roanoke/New River Valley: Attended a meeting with local government officials and VDOT about the proposed passenger rail service. It is estimated that Roanoke will receive passenger rail in 2017 and the New River Valley five to 10 years after.
- Courthouse Eagle: There is continued discussion on restoring the Eagle and where the Eagle should be located, at the new courthouse or public safety building.
- The County Administrator expressed his appreciation to Chair Politis for his service to the citizens of Montgomery County and stated it was a pleasure and honor to work with him. He wished Chair Politis all the best for the future.

BOARD MEMBERS' REPORTS

All Board members expressed their appreciation to Supervisor Politis for serving on the Board of Supervisors and his leadership. They wished him the best for the future.

Supervisor Gabriele received an e-mail requesting the County look into having a dog park at the Mid-County Park. Supervisor Gabriele stated it seems like a good idea and asked County staff to look into the feasibility of establishing a dog park.

Supervisor Creed commented on David Beasley's remarks in Public Address regarding the commercial vehicles coming in and out of Mt. Pleasant Road. Supervisor Creed stated he has received complaints about the jake brakes at 2:00 or 3:00 a.m. He stated the residents are upset with the timing of the vehicles traveling in and out and asked staff to see if the County can limit the hours of operation.

Supervisor Brown attended the Western Virginia Regional Jail Authority meeting where he brought up the idea of a community garden. WVRJA members thought the idea was a good one; however, they expressed concern that the Jail did not have an extra part-time employee to guard the inmates while working outside. If the Bar Association is willing to help cover the cost of a part-time guard then they could possibly start a community garden.

Supervisor Biggs received a call from a citizen who asked if guardrails could be installed on Brush Mountain Road at a section where there is a steep dropoff. During the last inclement weather event the resident slid off the road and stopped only six feet from the dropoff.

NRV Community Services - Susan Baker, Executive Director, submitted her resignation citing family and health issues at the December 5, 2014 CSB meeting. Rosemary Sullivan was appointed Interim Executive Director. The CSB also provided information regarding their process for Emergency Custody Orders. Each CSB and locality has different processes and procedures. The NRVCSB has established a policy where personnel keep calling providers until a bed is found.

Local Government Transition Council - Supervisors Biggs reported she was invited to serve on Governor Terry McAuliffe's Local Government Transition Council. Supervisor Biggs asked if the Board would support her serving on the Council and for the County to reimburse her for expenses arising from attendance at committee meetings. A resolution will be added to the next agenda for consideration.

Supervisor Tuck attended the Christiansburg Fire Department Awards Dinner where Neal Turner was inducted into the Hall of Fame. Supervisor Tuck expressed appreciation to all the volunteers who spend an abundant amount of time in training and answering calls for the citizens of Montgomery County.

Supervisor Politis thanked fellow Board members, present and past, for supporting him while serving the County on the Board of Supervisors.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, January 13, 2014 at 6:00 p.m. The meeting adjourned at 11:00 p.m.

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