

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12th DAY OF APRIL, 2010 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Doug Marrs	
	John A. Muffo	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Steve Sandy	-Planning Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT: Gary D. Creed -Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

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

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2009020
2. Project # 2010004

- (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. Community College Board
 2. Community Services Board
 3. Social Services Board

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Gary D. Creed
James D. Politis		
Mary W. Biggs		
Doug MARR		
John A. Muffo		
Annette S. Perkins		

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 foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Gary D. Creed
Mary W. Biggs		
Doug MARR		
John A. Muffo		
William H. Brown		
Annette S. Perkins		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis 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
Doug Marrs
John A. Muffo
William H. Brown
James D. Politis
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

Gary D. Creed

ABSENT DURING MEETING

Gary D. Creed

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION - RESOLUTION OF APPRECIATION TO JUDGE RAY GRUBBS

The Board of Supervisors presented a resolution of appreciation to Judge Ray Grubbs. Judge Grubbs served at the Chief Judge of the Circuit Court for the 27th Judicial District. He was appointed to a judgeship in general district court in 1988 and to the circuit court six years later. Judge Grubbs retired in February 2010.

The Board of Supervisors also presented Judge Grubbs with his office chair from his former office.

PUBLIC HEARING

Proposed Ordinance Designating Certain Real Property Owned by Veterans Memorial of Sunnyside-Tom's Creek, Inc. Exempt from Taxation.

The property is located on the west end of Glade Road in the County of Montgomery, Virginia consisting of .495 acres more particularly described as Parcel ID Number 160068, Tax Map Number 038-A178D. The property is owned and used exclusively by the Veterans Memorial of Sunnyside-Tom's Creek, Inc., and has a current assessed value of \$22,300 with an annual real estate tax liability of \$158.33.

The County Attorney provided a summary of the request for tax exemption by the Veterans Memorial of Sunnyside-Tom's Creek. He explained that the State of Virginia granted localities the authority to exempt from non-profit organizations from paying real estate taxes for property uses for religious, charitable, patriotic, historical, benevolent, cultural or public park or playground purposes.

The Trustees of the Veterans Memorial Association of Sunnyside-Tom's Creek, Inc. requested the Board of Supervisors to grant exempt status for the real property owned by the Veterans Memorial. The Veterans Memorial is a private, non-profit organization. The County Attorney reviewed the application and reported the Veterans Memorial meets all the criteria for consideration of tax exemption.

The Chair opened the public hearing for public comment.

Chuck Shorter, Board Trustee for Veterans Memorial Association of Sunnyside-Tom's Creek, Inc., thanked the Board for their consideration of their request for tax exemption status. Mr. Shorter explained the Veterans Memorial was organized in 2000 and entered into a 99 year lease with the property owner where the memorial is located. The property owner passed away two years ago and the land was deeded over to the Veterans Memorial Association of Sunnyside-Tom's Creek, Inc.,. Since the land is now owned by the Veterans Memorial they are responsible for the property taxes. Mr. Shorter reported they rely entirely on membership dues and donations, which covers the cost of care and maintenance.

Supervisor Brown reported he received an email from Tom Sheppard, who is also a Board Trustee for Veterans Memorial Association of Sunnyside-Tom's Creek, Inc. Mr. Sheppard could

not attend the public hearing tonight and wanted to voice his support for the proposed ordinance designating certain real property owned by the Veterans Memorial exempt from taxation.

Supervisor Brown also commented that the Veterans Memorial Association has put a lot of hard work into constructing and maintaining the memorial. It is a beautiful site that honors the veterans of Montgomery County.

There being no further speakers the public hearing was closed.

PUBLIC ADDRESS

Lois Crismond spoke in opposition to an increase in real estate taxes. Ms. Crismond asked the Board to do what is right for the American people. She stated that many citizens in the County will not be able to afford a real estate tax increase due to paying higher utilities, higher grocery costs, and losing jobs. She believes with the economy as it is, the Board needs to do other things besides raising taxes.

Ms. Crismond also spoke in support of the tax exemption request by Veterans Memorial Association of Sunnyside-Tom's Creek, Inc.

DELEGATIONS

Blacksburg/Christiansburg/Montgomery Area Metropolitan Planning Organization (MPO)

This delegation was postponed and will be scheduled for a future date.

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County as follows:

- Stanley Road (SR 667) – Revenue Sharing Project for minor widening and surface treating existing road. Bids came in lower than estimated and VDOT will award the contract soon with a November 2010 completion date.

Since the project cost came in lower than the estimate, Mr. Clarke advised the Board they could either decide to change the scope of the project to use asphalt instead of just surface treating (tar and gravel) or appropriate the remaining funds to another project.

Supervisor Politis requested the balance remaining in the Stanley Road Project, which will help determine if another project can be done.

- Revenue Sharing Projects: The Board requested VDOT to provide a report on how many Revenue Sharing projects have been completed, how many are left to be completed, and balance remaining for each project in the revenue sharing account. Board members also asked for an update on Yellow Sulphur Road (SR 643) and Craigs Creek Rd. (SR 621). How much work has been done to date on these two roads?
- Peppers Ferry Road (Rt. 114) – VDOT received safety funds for Peppers Ferry Road (Route 114). The project will consist of shoulder work and ditch work starting from the Pulaski County line to the water/sewer treatment plant.
- Bridge Replacement on Rt. 114 – Supervisor Marrs asked if funds were still available for the replacement of the bridge on Route 114. David Clarke reported that monies are still in the State’s Six-Year Primary and Interstate Road Improvement Plan. VDOT is planning to advertise for bids in the Fall of 2010. The construction will start in 2011. The project includes replacing the old bridge and the railroad bridge.
- Mt. Pleasant Road (SR 639) - working on the design for the second phase, included in the Six -Year Secondary Road funds, from the bridge to Lavender Rd (SR 722).
- May 10, 2010 – public hearing on the County’s Six-Year Secondary Road Improvement Plan.
- June 3, 2010 – public hearing on the State’s Six-Year Primary and Interstate Road Improvement Plan. Will be held at the New River Community College.

Virginia Cooperative Extension – Quarterly Report for Montgomery County

Michelle Dickerson, Extension Agent, provided an update on the Extension programs in Montgomery County. Barry Robinson, Horticulture Agent, provided an update on Agriculture and Natural Resources and Dawn Barnes, Family & Consumer Services, gave an update on programs provided by the Family & Consumer Services.

Ms. Dickerson introduced Ellen Stewart, the new Master Gardener Coordinator, who joined Extension in November 2009. Ms. Stewart has started a new master gardener training program and is conducting plant clinics at the Blacksburg Farmers Market.

Ms. Dickerson also reported that the annual Achievement Awards program was held in November 2009. Adult volunteers were recognized for special awards (Helping Hands, Outstanding Volunteer Leader, Friend of and Partner of 4-H). Seventy-nine youths received recognition for project work. Twenty received special awards and 32 youths received the President’s Service Award for over 6,205 hours of community work.

CONSENT AGENDA

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated April 12, 2010 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Gary D. Creed
John A. Muffo		
William H. Brown		
James D. Politis		
Mary W. Biggs		
Annette S. Perkins		

Approval of Minutes

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the minutes dated November 23 and November 30, 2010 were approved

Schedule Public Hearing

R-FY-10-148
SCHEDULE PUBLIC HEARING
CONCERNING THE INTENTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MONTGOMERY, VIRGINIA
TO PROPOSE FOR PASSAGE A RESOLUTION AUTHORIZING
THE ISSUANCE OF A NOT TO EXCEED \$ 8,250,000 GENERAL OBLIGATION
SCHOOL BOND, SERIES 2010 OF THE COUNTY OF MONTGOMERY, VIRGINIA
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY

On a motion by William H. Brown, 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 agrees to schedule a public hearing for May 10, 2010, at 7:15 p.m. or as soon thereafter in the Board Room, Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the following:

General Obligation School Bond – School Capital Projects – Prices Fork
Elementary School

Resolution authorizing the issuance not to exceed \$8,250,000 principal amount of a general obligation school bond of the County of Montgomery, Virginia. The Bond is to be issued for financing capital projects for public school purposes and is to be sold to the Virginia Public School Authority.

Appropriations and Transfers

**A-FY-10-89
COMPREHENSIVE SERVICES ACT
SUPPLEMENTAL APPROPRIATION**

On a motion by William H. Brown, 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, 2010, for the function and in the amount as follows:

510	Comprehensive Services Act	\$549,946
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
02510-424445 Comprehensive Services Act	\$473,437
02510-419108 Recovered Costs	<u>\$ 76,509</u>
Total	\$549,946

Said resolution appropriates funding and recovered costs to pay for services under the state Comprehensive Services Act.

**A-FY-10-90
APPROPRIATION OF SCHOOL BOND PROCEEDS
ELLISTON/LAFAYETTE ELEMENTARY SCHOOL**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ended June 30, 2010, for the function and in the amount as follows:

Elliston/Lafayette Elementary School	\$7,328,469
Cost of Issuance	<u>\$ 36,996</u>
Total	\$7,365,464

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

<u>Revenue Account</u>	
424244 Bond Proceeds – Qualified School Construction Bonds	\$7,365,464

Said resolution appropriates the bond proceeds from the Qualified School Construction Bond issuance for a portion of the construction of the Elliston/Lafayette Elementary School and cost of issuance.

A-FY-10-91
RSVP
FUNDRAISING APPROPRIATION

On a motion by William H. Brown, 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, 2010, for the function and in the amount as follows:

520	Human Services	\$100
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balance	\$100

Said resolution appropriates fundraising monies collected by RSVP in FY 09 that were not appropriated before year-end.

A-FY-10-92
EMERGENCY SERVICES COORDINATOR
APPROPRIATION OF FIRE & RESCUE FUNDS FROM
THE SALE OF SURPLUS VEHICLES FOR THE PURCHASE OF
TWO SUPPLY BUILDINGS

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

110	County Administration (Emergency Services)	\$6,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02 415207	Sale of Surplus Vehicles	\$6,000

Said resolution appropriates surplus funds generated from the sale of two fire and rescue vehicles for the purchase of two climate controlled pre-fabricated concrete structures designed to house electrical supply and radio communications equipment for public safety agencies in Montgomery County.

A-FY-10-93
INTEROPERABLE EMERGENCY
COMMUNICATIONS GRANT PROGRAM

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

911	Outside Agency Grants	\$51,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
434401	Federal Grants	\$51,000

Said resolution appropriates additional Federal grant funding awarded through the 2009 Interoperable Emergency Communications Grant Program for the Consolidated 911 Emergency Communications project.

A-FY-10-94
CUSTOMER PREMISE EQUIPMENT PROJECT
VIRGINIA INFORMATION TECHNOLOGIES AGENCY (VITA) GRANT

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

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

911	Customer Premise Equipment Project	\$745,494
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	State Grants	\$745,494

Said resolution appropriates Virginia Information Technologies Agency funding for the Customer Premise Equipment Project.

A-FY-10-95
SHERIFF
RECOVERED COSTS

On a motion by William H. Brown, 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, 2010, for the function and in the amount as follows:

320	Sheriff County	\$1,367
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$1,367

Said resolution appropriates recovered costs for use by the Sheriff's department.

A-FY-10-96
COUNTY ATTORNEY
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by William H. Brown, seconded by Mary W. Biggs 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	(\$20,000)

<u>TO:</u>		
120	County Attorney	\$20,000

Said resolution transfers appropriated funds from General Contingencies to the County Attorney to cover the cost of professional services.

Agreements

**R-FY-10-149
A RESOLUTION APPROVING LEASE AGREEMENT
FOR TEMPORARY COURTHOUSE PARKING**

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

WHEREAS, The County is currently constructing a new courthouse adjacent to the existing courthouse; and

WHEREAS, During the construction period there will be a temporary loss of parking spaces creating the need for temporary parking; and

WHEREAS, Robert B. Jones, II and Joseph H. Poff, the Owners of Tax Map Number 572-A-239A containing 0.322 acres, located adjacent to Pepper Street near the corner of Pepper Street and First Street, close to the Courthouse (“the Property”) are willing to lease their Property to the County on an annual basis for temporary courthouse parking.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Lease Agreement between Robert B. Jones, II and Joseph H. Poff and the County of Montgomery, Virginia to lease the 0.322 acres, identified as Tax Map Number 527-A-239A, located adjacent to Pepper Street near the corner of Pepper Street and First Street for the purpose of providing temporary Courthouse parking.

BET IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes Annette Perkins, Chair of the Board, to execute the said Lease Agreement on behalf of the County of Montgomery, Virginia.

**R-FY-10-150
A RESOLUTION APPROVING AN AGREEMENT TO
UTILIZE CONSULTANT SUPPORT TO FACILITATE
THE DEVELOPMENT OF URBAN DEVELOPMENT AREAS
AND RELATED LAND USE ORDINANCE CHANGES**

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

WHEREAS, Section 15.2-2223.1 was enacted by the General Assembly mandating that Counties with at least 20,000 residents or a population growth of 15% from the last census be required by July 1, 2011 to amend their Comprehensive Plans to include urban development areas and the principals of new urbanism and traditional neighborhood development; and

WHEREAS, An urban development area is an area designated by the locality to be appropriate for higher density development due to proximity to transportation facilities, the availability of a public or community water and sewer system, or proximity to a city, town, or other developed area; and

WHEREAS, The Commonwealth of Virginia, through its Office of Intermodal Planning and Investment, is offering a grant up to \$150,000 with no local match, subject to the terms and conditions of the Urban Development Area Grant Program Agreement, to be used by counties to pay for consultant services to provide technical assistance in amending the County's Comprehensive Plan to include urban development area(s) and the incorporation of new urbanism principles into the County's zoning and subdivision ordinances; and

WHEREAS, The County of Montgomery has applied for and been awarded an Urban Development Area Grant up to \$150,000 subject to the County entering into the Urban Development Area Grant Program Agreement with the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the acceptance of the Urban Development Area Grant from the Commonwealth of Virginia and approves of the County entering into the Urban Development Area Grant Program Agreement with the Commonwealth of Virginia and further authorizes F. Craig Meadows, County Administrator, to execute the said Grant Agreement on behalf of the County of Montgomery, Virginia.

R-FY-10-151
RESOLUTION ENTERING INTO
FIELD USE AGREEMENTS FOR THE USE OF THE
MCCOY BASEBALL FIELD BY ORGANIZATIONS
THAT OFFER BASEBALL OR SOFTBALL TO COUNTY CITIZENS

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 authorizes the County to enter into an annual agreement with one or more organizations that offer county residents recreational use at the McCoy Baseball Fields ("McCoy Field") for baseball or softball use.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes F. Craig Meadows, County Administrator, to sign the annual agreements on behalf of the County.

Animal Control – Livestock Claim

**R-FY-10-152
LIVESTOCK CLAIM
RASCHID GHORRAHOO**

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Raschid Ghorraho is hereby compensated \$60.00 for the loss of six (6) chickens.

Appointments

**R-FY-10-153
PARKS AND RECREATION COMMISSION
APPOINTMENT – DISTRICT F REPRESENTATIVE**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Larry Alexander**, who resides in District F, to the Parks and Recreation Commission effective April 13, 2010 and expiring April 12, 2013.

**R-FY-10-154
NEW RIVER/MOUNT ROGERS
WORKFORCE INVESTMENT CONSORTIUM BOARD
APPOINT ALTERNATE**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **F. Craig Meadows** as alternate for William H. Brown on the **New River/Mount Rogers Workforce Investment Consortium Board**, effective April 13, 2010 and expiring January 7, 2011.

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.

OLD BUSINESS

ORD-FY-10-23
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING,
SECTIONS 10-21, 10-28, 10-29 AND 10-61 OF THE
CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA
BY ALLOWING A SCHOOL OF SPECIAL INSTRUCTION
BY RIGHT IN THE GENERAL BUSINESS (GB) AND COMMUNITY BUSINESS (CB)
ZONING DISTRICTS AND BY SPECIAL USE PERMIT IN THE AGRICULTURE (A-1)
ZONING DISTRICT AND BY CLARIFYING THAT THE LIST OF SKILLS AND
ACTIVITIES PROVIDED IN THE DEFINITION OF SCHOOL OF SPECIAL
INSTRUCTION IS NOT ALL INCLUSIVE

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, entitled Zoning, Sections 10-21, 10-28, 10-29 and 10-61 of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

Sec. 10-21. A-1 Agricultural District.

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) Boarding house.
- (d) Campground.
- (e) Camp, boarding.
- (f) Civic club.
- (g) Contractor's storage yard.
- (h) Country club.
- (i) Country inn.
- (j) Custom meat cutting, processing and packaging.
- (k) Day care center.
- (l) Disposal facility, landfill.
- (m) Exploratory activities associated with extractive industries.
- (n) Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.
- (o) Game preserve.
- (p) Garden center.

- (q) General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.
- (r) Golf course.
- (s) Golf driving range.
- (t) Grain mill, feed mill.
- (u) Home business.
- (v) Junkyard, automobile graveyard.
- (w) Kennel, commercial (refer to use limitations in subsection 7).
- (x) Landfill (see Disposal facility).
- (y) Livestock market.
- (z) Park, lighted.
- (aa) Playground, lighted.
- (bb) Public utility plant, other.
- (cc) Public utility substations.
- (dd) Public utility plant water or sewer (not including distribution or collection lines).
- (ee) Recreational vehicle park.
- (ff) Recycling collection points.
- (gg) Repair shop, automotive (refer to use limitations in subsection 7).
- (hh) Restaurant, provided gross floor area is two thousand (2,000) square feet or less.
- (ii) Rural resort.
- (jj) Sawmill.
- (kk) Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection 7).
- (ll) Slaughterhouse.
- (mm) Solid waste collection point.
- (nn) Stable, commercial.
- (oo) Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.
- (pp) Structures over forty (40) feet in height.
- (qq) Telecommunications tower, freestanding.
- (rr) Transition house.
- (ss) Flea market (also subject to requirements of article VI of the County Code).
- (tt) Stone engraving and sales.
- (uu) School of Special Instruction.

Sec. 10-28. GB General Business.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Apartment as accessory use, maximum of two (2) per business structure.
- (b) Assembly of electrical, electronic devices, less than three thousand (3,000) square feet floor area.
- (c) Automotive, light truck, sales, service, rental and repair, excluding motor fuel sales.

- (d) Building material sales.
- (e) Business or trade school.
- (f) Cabinet shop, furniture, upholstery, craft industry of less than three thousand (3,000) square feet.
- (g) Cemetery.
- (h) Church.
- (i) Civic club.
- (j) Community center.
- (k) Conference or training center.
- (l) Crematorium.
- (m) Custom meat cutting, processing and sales (excluding slaughtering).
- (n) Day care center.
- (o) Equipment sales and service.
- (p) Financial services.
- (q) Fire, police, rescue facility.
- (r) Funeral home.
- (s) General store, convenience store without motor fuel sales.
- (t) Homeless shelter.
- (u) Hotel, motel.
- (v) Laundromat.
- (w) Library.
- (x) Medical care facility.
- (y) Motor vehicle rentals.
- (z) Office, administrative, business or professional.
- (aa) Park.
- (bb) Park and ride lot.
- (cc) Pet, household.
- (dd) Post office.
- (ee) Printing service.
- (ff) Public utility lines, other distribution or collection facility.
- (gg) Public utility lines, water or sewer.
- (hh) Radio station; excluding tower.
- (ii) Restaurant.
- (jj) Retail sales and services.
- (kk) School.
- (ll) Shopping center.
- (mm) Telecommunication tower, attached.
- (nn) Veterinary practice, animal hospital.
- (oo) Garden center.
- (pp) School of Special Instruction.

Sec. 10-29. CB Community Business.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Apartment as accessory use, maximum of two (2) per business structure.
- (b) Assembly of electrical, electronic devices, less than one thousand two hundred (1,200) square feet floor area.
- (c) Automotive, light truck, sales, service, rental and repair, without motor fuel sales, less than two thousand (2,000) square feet.
- (d) Business or trade school.
- (e) Cabinet shop, furniture, upholstery, craft industry of less than one thousand two hundred (1,200) square feet.
- (f) Cemetery.
- (g) Church.
- (h) Civic club.
- (i) Community center.
- (j) Conference or training center.
- (k) Crematorium.
- (l) Custom meat cutting, processing and sales (excluding slaughtering).
- (m) Day care facility.
- (n) Financial services.
- (o) Fire, police, rescue facility.
- (p) Funeral home.
- (q) General, convenience store less than three thousand (3,000) square feet, without motor fuel sales.
- (r) Homeless shelter.
- (s) Library.
- (t) Medical care facility.
- (u) Garden center.
- (v) Office, administrative, business or professional less than three thousand (3,000) square feet.
- (w) Park, unlighted.
- (x) Park and ride lot, unlighted.
- (y) Pet, household.
- (z) Post office.
- (aa) Printing service.
- (bb) Public utility lines, other.
- (cc) Public utility lines, water or sewer.
- (dd) Restaurant.
- (ee) Retail sales and services less than three thousand (3,000) square feet.
- (ff) Roadside stand.
- (gg) School.
- (hh) School of Special Instruction.
- ~~(hh)~~ (ii) Telecommunication tower, attached.

Section 10-61 Definitions.

School of Special Instruction: A facility for the private instruction of skills or activities not directly related to academic pursuits or employment, which may include, but not be limited to, dance studio, music studio, gymnastics, craft and/or art studios, exercise studio (not having locker or shower facilities and not required to comply with the Virginia Health Spa Act).

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Gary D. Creed
William H. Brown		
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		

NEW BUSINESS

**A-FY-10-97
SCHOOL CAPITAL PROJECTS TRANSFER
ADVANCE FUNDS FOR THE
BLACKSBURG HIGH SCHOOL GYMNASIUM**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

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

FROM:

6616 Prices Fork Elementary School Project (\$500,000)

TO:

6623 Blacksburg High School Gymnasium-Advance \$500,000

Said resolution advances funds from the Prices Fork Elementary School project to the Blacksburg High School Gymnasium project for costs associated with the replacement of the gymnasium.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Gary D. Creed
James D. Politis		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
Annette S. Perkins		

The Chair clarified that the appropriation of \$500,000 to the School System is an advance from the Prices Fork Elementary School and will be reimbursed when the School Board receives the insurance money for the gym roof collapse at the Blacksburg High School.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following items:

- County Employee Health Fair held April 7, 2010 was successful.
- The multi-purpose room on the second floor that was intended for court use is being converted back to a conference/meeting room.
- Upcoming Events/Meetings:
 - o April 14, 2010 – Tour of the new Eastern Montgomery Elementary School
 - o April 19, 2010 – Joint Meeting with the School Board at Christiansburg High School at 6:00 p.m.
 - o April 20, 2010 – Special Board Meeting at 6:00 p.m. to take action on the real estate tax rate and FY 2010-2011 Budget.
 - o April 30, 2010 – Groundbreaking for the new Prices Fork Elementary School at 4:30 p.m.

BOARD MEMBERS' REPORT

Supervisor Marrs asked that the request by the Veterans Memorial Association of Sunnyside-Tom's Creek, Inc. for tax exemption be added to the agenda for the Board's consideration.

ADD TO THE AGENDA – REQUEST BY THE VETERANS MEMORIAL ASSOCIATION OF TOM'S CREEK, INC. FOR TAX EXEMPTION

ORD-FY-10-24
AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY OWNED BY
THE VETERANS MEMORIAL OF SUNNYSIDE - TOM'S CREEK, INC.
EXEMPT FROM TAXATION

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

WHEREAS, The Veterans Memorial of Sunnyside-Tom's Creek, Inc., is a 501(c)(3) non-profit corporation whose purpose is to perpetuate the memory of veterans by creating, constructing and maintaining an appropriate memorial to veterans of the U.S. Armed Forces; and

WHEREAS, The Veterans Memorial of Sunnyside-Tom's Creek, Inc. owns real estate located on the west end of Glade Road in the County of Montgomery, Virginia, identified more particularly as Parcel ID Number 160068, Tax Map Number 038-A178D, consisting of .495 acres where the Veterans Memorial is located; and

WHEREAS, Pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any County, City or Town may by designation or classification exempt from real taxes, by Ordinance, the real property owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural or public park or playground purposes; and

WHEREAS, The Trustees of the Veterans Memorial Association of Sunnyside-Tom's Creek, Inc., have requested the Board of Supervisors for exempt status for the real property owned by the Veterans Memorial Association of Sunnyside-Tom's Creek, Inc., on the west end of Glade Road in the County of Montgomery, Virginia identified more particularly as Parcel ID Number 160068, Tax Map Number 038-A178D, the site of the Veteran's Memorial; and

WHEREAS, In response to this request, the Board of Supervisors of the County of Montgomery, Virginia, has conducted a public hearing, following proper notice, as required by Section 58.1-3651 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, has examined and considered the following factors before the adoption of this Ordinance designating certain real property owned by the Veterans Memorial of Sunnyside Tom's Creek, Inc., as exempt from local taxation:

1. Veteran's Memorial of Sunnyside-Tom's Creek, Inc. is a private, non-profit 501(c)(3) organization that is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to the Veteran's Memorial of Sunnyside-Tom's Creek, Inc., for use at their property located on the west end of Glade Road in the County of Montgomery, Virginia.

3. No directors, officers, trustees or employees of the Veteran's Memorial of Sunnyside-Tom's Creek, Inc., is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, trustee or employee actually renders.
4. No part of the net earnings of the Veteran's Memorial of Sunnyside-Tom's Creek, Inc., inures to the benefit of any individual. A significant portion of the service provided by Veteran's Memorial of Sunnyside –Tom's Creek, Inc., is generated by funds received from donations, contributions or local, state or federal funds.
5. Veteran's Memorial of Sunnyside-Tom's Creek, Inc., provides services for the common good of the public.
6. No part of the activities of the Veteran's Memorial of Sunnyside-Tom's Creek, Inc. involves carrying on propaganda or otherwise attempting to influence legislation. Veteran's Memorial of Sunnyside-Tom's Creek, Inc., does not participate in or intervene in any political campaign on behalf of any candidate for public office.
7. Veteran's Memorial of Sunnyside-Tom's Creek, Inc. has no rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.
8. In 2010, the real property located on the west end of Glade Road in the County of Montgomery, Virginia, identified as Parcel ID Number 160068, Tax Map Number 038-A178D, is assessed at a value of \$22,300 with an annual real estate tax liability of \$158.33.

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

1. The Veteran's Memorial of Sunnyside-Tom's Creek, Inc., a non-profit organization is hereby designated as a charitable, patriotic, historical, and benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. That the real property located on the west end of Glade Road in the County of Montgomery, Virginia consisting of .495 acres more particularly described as Parcel ID Number 160068, Tax Map Number 038-A178D, owned and used by the Veteran's Memorial of Sunnyside-Tom's Creek, Inc., exclusively for charitable, patriotic, historical and benevolent purposes on a non-profit basis is hereby designated to be exempt from taxation by the County of Montgomery, Virginia effective January 1, 2011. The continuance of the exemption shall be contingent on the continued use of the real property in accordance with the purpose for which the Veteran's Memorial of Sunnyside-Tom's Creek, Inc. is designated as a charitable, patriotic, historical and benevolent organization. The exemption shall be effective until the Veteran's Memorial of Sunnyside-Tom's Creek, Inc. no longer qualifies, until the specific use which the exemption is based ceases, or until revoked by the Board of Supervisors of the County of Montgomery, Virginia as provided by law, whichever occurs first.

3. Veteran’s Memorial of Sunnyside-Tom’s Creek, Inc. shall be required to file an application with the County Administrator every three (3) years as a requirement for retention of the exemption granted. The application shall be filed with the County Administrator no later than July 1 of the year preceding the tax year the exemption is sought to be continued. The application shall contain the information required by the Board of Supervisors’ Policy Regarding Applications for Tax Exemption by Designation.

The vote on the foregoing ordinance was as follows:

<u>AYE</u> John A. Muffo Doug Marrs Mary W. Biggs James D. Politis William H. Brown Annette S. Perkins	<u>NAY</u> None	<u>ABSENT</u> Gary D. Creed
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Board Members’ Reports Continued

Supervisor Biggs – School Board Meeting: School Board members discussed the on-going challenges regarding the Blacksburg High School gym roof. Budget issues were also discussed and staff was directed to provide suggestions on retirement incentives as there are positions that still need to be cut.

Supervisor Muffo - Blue Ridge Tourism Brochure: Supervisor Muffo received a call from a concerned constituent regarding the absence of Montgomery County being mentioned in a brochure they picked up at one of the rest stops along I-81. This brochure lists all counties, except Montgomery County, along the I-81 corridor starting at the state line and going beyond Roanoke County. Supervisor Muffo stated this is an embarrassment and would like staff to look into why Montgomery County is not listed.

ADJOURNMENT

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, April 19, 2010 for a joint meeting with the Montgomery County School Board at 6:00 p.m. at Christiansburg High School.

The meeting adjourned at 8:30 p.m.

APPROVED: _____ ATTEST: _____
 Annette S. Perkins F. Craig Meadows
 Chair, Board of Supervisors County Administrator