

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22nd DAY OF NOVEMBER 2010 AT 5:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT: Annette S. Perkins (arrived 5:20 p.m.) -Chair
James D. Politis -Vice Chair
Mary W. Biggs -Supervisors
William H. Brown
Gary D. Creed
Doug Marrs
John A. Muffo
F. Craig Meadows -County Administrator
L. Carol Edmonds -Assistant County Administrator
Martin M. McMahon -County Attorney
Steve Sandy -Planning Director
Ruth L. Richey -Public Information Officer
Vickie L. Swinney -Secretary, Board of Supervisors

CALL TO ORDER

The Vice-Chair called the meeting to order.

INTO WORK SESSION (Multi-Purpose Room First Floor)

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

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

1. Joint Work Session with Planning Commission
 - a. Urban Development Areas: Recap of UDA Legislation & Grant Program Schedule
 - b. Potential Comp Plan and Zoning Ordinance Amendments
 - Comp Plan & Zoning Implementation Objectives
 - Overview of Potential UDA Mapping & Comp Plan Changes
 - Overview of Potential Zoning Changes
 - Next Steps

The vote on the foregoing motion was as follows:

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

Urban Development Areas: Recap of UDA Legislation & Grant Program Schedule

Planning Director Steve Sandy, Milton Herd (Herd Planning & Design, LTD) and Vlad Gavrilovic (Renaissance Planning Group) provided information regarding the Urban Development Areas (UDA). A recap of the UDA legislation and grant program schedule was provided. The Virginia General Assembly adopted legislation requiring localities with 20,000 people or more, and 5% decennial growth rate or an overall 15% decennial growth rate, to adopt UDA's within their comprehensive plans. The purpose of the legislation is to help localities to concentrate development where infrastructure can be provided most efficiently and the need for efficient land use. The deadline for adoption is June 30, 2011.

Montgomery County received a grant from the Virginia Department of Transportation for \$150,000 to hire consultants to help implement the UDA legislation. Mr. Herd and Mr. Gavrilovic have been working with the County since June 2010 providing a policy audit and assessment on how UDA's can be developed. A complete comprehensive plan recommendation will be provided with recommendations for two potential UDA areas.

During the assessment of the County's comprehensive plan two potential UDA's were located, Elliston Village Plan area and the 177 Corridor Area. These two areas will be outlined in the comprehensive plan that will be targeted for development under the UDA principles.

Supervisor Perkins arrived at 5:20 p.m.

Potential Comp Plan and Zoning Ordinance Amendments

With the adoption of Urban Development Area the County should review and revise the zoning ordinance to create mixed use, traditional neighborhood development options that will facilitate compact traditional design of new projects with the UDA's. The revisions should encourage Traditional Neighborhood Development (TND) principles such as, pedestrian-friendly road design, street interconnection, natural area preservation, mixed-use neighborhoods and housing types. Also, the revisions should accommodate for incentives for higher density, incentives for affordable housing, incentives for infill development, conservation design and cluster provisions, and karst overlay district.

Mr. Sandy reported that the consultants will complete a draft comprehensive plan and zoning changes and draft a plan for the 177 Area Plan and the Elliston Area Plan. A public hearing on the implementation of the UDA will be held April – May 2011 with the adoption of the plan in June 2011.

OUT OF WORK SESSION

On a motion by William H. Brown, seconded by Doug Marris and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby ends their Work Session and returns to Regular Session.

The vote on the foregoing motion was as follows:

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

RECESS

The Board took a recess at 6:20 p.m. in order to move the meeting to the Board Chambers. The Board reconvened at 6:45 p.m.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs 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 # 2010-007

- (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. Adjustment & Appeals Board
 - 2. Montgomery Regional Economic Development Commission
 - 3. NRV Economic Development Alliance

The vote on the foregoing motion was as follows:

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

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

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, 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

Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
James D. Politis
Mary W. Biggs
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION

Coal Miner's Loop Trail

The Board of Supervisors recognized Pathways and Greenways, a non-profit organization, who constructed a 1.5 mile loop trail off the Huckleberry Trail. The trail was designed and built by approximately 15 volunteers, who volunteered 1,935 hours to finish the trail project. The Coal Miner's Loop Trail officially opened to the public on November 17, 2010.

PUBLIC HEARINGS

Ordinance Amending Chapter 10, Entitled Zoning, Section 10-41- CONTINUED TO **JANUARY 24, 2011**

An ordinance amending Chapter 10 entitled Zoning, Section 10-41 of the Code of the County of Montgomery, Virginia by allowing a temporary family health care structure as defined by Section 15.2-2292.2 of the Code of Virginia as a permitted accessory structure on any property zoned for a single family detached dwelling owned or occupied by a caregiver as his or her residence.

At their November 10, 2010 meeting, the Planning Commission tabled action on the request to allow staff an opportunity to provide clarification of signage permitted by the proposed amendment.

Ordinance Amending Chapter 10, Entitled Zoning, Section 10-37 CONTINUED TO **JANUARY 24, 2011**

An ordinance amending Chapter 10 Entitled Zoning, Section 10-37 of the Code of the County of Montgomery, Virginia by amending the Flood Damage Prevention Overlay to modify the language of the ordinance as it relates to modification, alteration, repair, reconstruction or improvement of any kind to existing structures located in any floodplain areas to an extent or amount less than fifty (50) percent of its market value.

At their November 10, 2010 meeting, the Planning Commission tabled action on the request to allow staff the opportunity to clarify some conflicting information received regarding Virginia Uniform Statewide Building Code and the International Residential Code.

Ordinance Amending Chapter 10, Entitled Zoning, Section 10-41

An ordinance amending Chapter 10 entitled Zoning, Section 10-41 of the Code of the County of Montgomery, Virginia by defining what parking uses are permitted as an accessory use and what parking uses are only permitted by special use permit in commercial and industrial zoned districts.

Steve Sandy, Planning Director, summarized the proposed ordinance. The following changes are recommended to be added to the zoning ordinance:

Parking uses in the Community and General Business Zoning Districts shall be limited to the personal non-commercial vehicles driven by property owners, tenants who live on premises and their guests, the employees who work on site or the customers who patronize the business and to commercial vehicles weighing less than 5 tons GVW that are owned and associated with the business. The parking or storing of commercial vehicles weighing over 5 ton GVW or semitrailers associated or not associated with the business shall only be permitted pursuant to a special use permit authorized by the Board of Supervisors.

At their November 10, 2010 meeting, the Planning Commission recommended approval of the proposed amendment.

There being no speakers, the public hearing was closed.

Special Use Permit – Bryan & Katie Katz

Request by Bryan J. Katz & Katie R. Katz for a special use permit on 1.653 acres in Community Business (CB) zoning district, with possible conditions, to allow parking of commercial vehicles over five (5) tons. The property is located 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District B). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Belview Village Plan.

Steve Sandy, Planning Director, summarized the special use permit request. The applicants are requesting a special use permit to allow parking of commercial buses over 5 tons on their property located on Peppers Ferry Road. University Travel has their business located at this location and request that they be allowed to park the buses at this location. At their November 10, meeting, the Board of Supervisors approved the rezoning of this property from Agricultural to Community Business to allow for the administrative office for a travel agency with an apartment. This request will allow for the parking of large commercial buses in conjunction with their business.

At their November 10, 2010 meeting, the Planning Commission recommended approval of the request.

Bryan Katz, applicant, was available to answer any questions the Board may have regarding his request.

There being no speakers, the public hearing was closed.

Comprehensive Plan Amendment - Policy Map – Long Hollow, LLC

Montgomery County Planning Commission request for a Comprehensive Plan amendment to change the policy map designation of approximately 63 acres immediately adjacent Ryan Road (Private) from Village Low Density Residential in the Shawsville Village plan to Resource Stewardship for parcel(s) located at 382 Ryan Road also identified as a portion of Tax Parcel Nos. 071-A-21, 071-A-43, 071-A-29, 071-A-22, 071-A-23, 071-A-24, 071-A-28 (Account Nos. 016478, 070209, 016475, 016480, 016476, 016477, 016474); in the Shawsville Magisterial District.

Steve Sandy, Planning Director, explained that the request is to change the policy map designation of approximately 63 acres immediately adjacent Ryan Road (Private) from Village Low Density Residential in the Shawsville Village plan to Resource Stewardship. In October 2010, David Dunkenberger of Long Hollow, LLC, spoke with the Planning Commission about his attempt to preserve 467.15 acres of family owned land by placing it in a conservation easement. In the process of this plan, he realized 63 acres was in an area designated Village Expansion area within the Village of Shawsville. The village expansion prohibits Montgomery County from supporting conservation easement on the entire property. Twice a year Montgomery County can consider changing the designation within the comprehensive plan and outside the twice year policy, if the request is made by the Planning Commission or Board of Supervisors. The Planning Commission proposed removing the property from the Village Expansion so it can be entered into a conservation easement.

At their November 10, 2010 meeting the Planning Commission recommended approval of the amendment to the comprehensive plan policy map.

There being no speakers, the public hearing was closed.

Special Use Permit – B&C Investors, LLC

A request by B&C Investors, LLC for a Special Use Permit (SUP) on approximately 1.84 acres in a General Business (GB) zoning district to allow a contractor's office and storage yard. The property is located at 3913 South Main Street, and is identified as Tax Parcel No(s). 67-A-160A (Acct Nos. 024322), in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan.

Steve Sandy, Planning Director, briefly reviewed the applicant's request for a special use permit to allow a contractor's office and storage yard. Currently the site is occupied by Cardinal Blueprinters, Inc., which is owned by B&C Investors, LLC. The proposed use for a contractor's storage yard and office will entail the addition of a 24' x 60' temporary modular construction office and two to six 8' x 40' storage units for equipment storage. There are no plans for outside storage. The office will be used as a place for the project manager to work and direct operations, as well as storing needed supplies and materials. Employees will meet at the job site rather, therefore, there is no proposed traffic impact to the site.

At their November 10, 2010 meeting, the Planning Commission recommended approval of this request.

Bryan Hilton, property owner, was available to answer any questions.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Eric Thomas encouraged the Board of Supervisors to adopt the School Board resolution requesting the need for new schools in Auburn and a new high school in Blacksburg. Mr. Thomas stressed the citizens of the County have advocated for a new school out of their concern for safety for their children. He asked the Board to do what is right and vote yes.

Jeff Mitchell thanked the Board for their leadership at the last meeting. He also thanked Supervisor Politis for his proposal to move forward on school issues. He believes that this proposal will require cooperation from many people. Mr. Mitchell acknowledged the work the Board of Supervisors has done so far.

Mary Ann Hinshelwood addressed the Board with concerns about the Courthouse Annex building which currently houses the Magistrate's Office. Ms. Hinshelwood spoke of the history of this building and how it is on the historical registry as a historical landmark. It is one of the oldest buildings in Christiansburg. She expressed concerns with the future outcome of this building during the renovation of the Sheriff's Office and Public Safety Building. Ms. Hinshelwood urged the Board to leave the building standing where it is.

Ron Rordam, Mayor of Town of Blacksburg, addressed the Board of Supervisors regarding the Blacksburg High School issues and submitted the following letter and draft resolution of the Town of Blacksburg:

"November 16, 2010

Ms. Annette Perkins
Chair, Montgomery County Board of Supervisors
755 Roanoke Street, Suite 2E
Christiansburg, Virginia 24073

Dear Ms. Perkins:

The Blacksburg Town Council plans to adopt the attached resolution at our meeting on Tuesday, November 23, 2010. The Council wanted to provide it to you in advance, since our next meeting will fall one day after the Board of Supervisor's November 22 meeting where action may be taken on the issue of future school construction in Montgomery County. This proposed resolution recognizes the critical situation Montgomery County currently faces regarding school facilities, advocates providing for a quality education for all students in Montgomery County and offers the Town of Blacksburg's assistance in helping the County to reach these goals.

Moving forward, there are three important issues that will require the involvement of the Blacksburg Town Council. The first is determining the future of the old Blacksburg Middle School property (OBMS). If the option of building a new Blacksburg High School (BHS) is selected, the Town will be involved in two additional items, the future of the BHS property on Patrick Henry Drive and the approval of a Conditional Use Permit for a new BHS on Prices Fork Road.

In all of our discussions regarding the future of OBMS, we have stated that the property is suitable for mixed use development, consistent with the Comprehensive Plan, the Downtown Master Plan, and input from community meetings held in 2008. To generate ideas on how a mixed use project could be developed on this parcel a design competition was originally proposed. In lieu of the design competition, some type of coordinated master planning is needed to ensure that the redevelopment meets the needs of all stakeholders.

A mixed use development in this area should include both residential and non-residential uses. There could also be office and some retail commercial uses to appeal to foot traffic in the area. A civic component to the project is also important. These components should be in a specific proffered plan for the development. Developed in this fashion, the OBMS property will enhance the County's and Town's revenues both in the short and long term.

To assist in moving forward cooperatively, we are developing a set of project principles that we believe are important in the consideration of what mixed use is and how development on the Old Blacksburg Middle School property should occur. We will send you these project design principles separately once completed, which should be by December 8. We recognize the sense of urgency to resolve the future of the OBMS property and stand ready to work with the Board of Supervisors to move this project forward.

If the decision is made to build a new BHS, the future of the existing BHS property will need to be addressed. The existing BHS property on Patrick Henry Drive is located in the R-4 Low Density Residential District. The property is surrounded by a stable single family residential neighborhood and a Town Parks and Recreation complex located across Patrick Henry Drive. Given the character of the neighborhood, it is unlikely that a rezoning to a higher residential density or to a more intensive commercial or office use would be approved.

The options for disposing of this property include selling it for single family residential development or to the Town of Blacksburg (at a fair price) to expand public park offerings to benefit the citizens of Montgomery County. Any other use of the property would not seem to be supported by the Town's Comprehensive Plan, and would likely have very little citizen support. The Town recognizes that the sale of this property is another critical issue if the County decides to build a new BHS on Prices Fork Road. The Town is ready to move quickly to resolve the future of this property if the decision is made to build a new school.

The third issue relates to the potential construction of a new BHS on Prices Fork Road. A new BHS will require a Conditional Use Permit (CUP) from the Town of Blacksburg. Town Council will do everything within its power to expedite the schedule for a CUP for a new high school on

Prices Fork Road. The Town would also like to be involved in the planning process for a potential new facility. This involvement would help in the preparation of a successful CUP application and traffic plans for the school complex; it would also allow us to explore opportunities for shared athletic and recreational facilities on the property similar to other school properties in the Town of Blacksburg.

We understand the complexity of the decisions that the School Board and the Board of Supervisors are facing. As stated in our draft resolution, we encourage you to make the decisions that best provide for a high quality education for all children in Montgomery County. The Town also stands ready to work with the School Board and the Board of Supervisors to assist in any way possible to meet these goals.

Sincerely,

Ron Rordam
Mayor”

Draft Resolution of the Town of Blacksburg

RESOLUTION 11-E-10

A RESOLUTION SUPPORTING THE MONTGOMERY COUNTY BOARD OF SUPERVISORS AND SCHOOL BOARD’S EFFORTS TO PROVIDE HIGH QUALITY EDUCATION FOR ALL CITIZENS OF MONTGOMERY COUNTY

WHEREAS, the Montgomery County School Board (“School Board”) and the Montgomery County Board of Supervisors (“Board of Supervisors”) are tasked with the responsibility of planning and developing educational programs and facilities for all the citizens of Montgomery County;

WHEREAS, the two Boards have been forced by an unexpected crisis to address the issue of the safety and continued viability of the Blacksburg High School facility on Patrick Henry Drive;

WHEREAS, while the Boards face difficult choices and must be mindful of costs, the importance of maintaining Montgomery County’s reputation for excellence in public education cannot be overemphasized;

WHEREAS, safe, modern educational facilities represent an investment in our children and our community; and

WHEREAS, good schools produce tangible economic benefits in the form of a skilled workforce, and also aid in the recruitment of talented scholars and business professionals to the area;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Blacksburg that both the School Board and the Board of Supervisors are respectfully requested to consider all of the benefits associated with providing quality education for all children in Montgomery County.

BE IT FURTHER RESOLVED that the Council stands ready to work with the School Board and the Board of Supervisors, and to assist them in any way possible, in their efforts to meet these goals.

Mr. Rordam stated that the Town of Blacksburg is ready to work with the County and move forward with the old BMS site.

Sheriff Tommy Whitt thanked the Board of Supervisors for the bonus approved for County Employees and Sheriff's Office. He realizes that the County is still in difficult economic times and appreciates all the Board does.

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

ADDENDUM

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the following addendum dated November 22, 2010 was added to the Consent Agenda:

Appropriation & Transfers:

Capital Reserve transfer to County Capital Projects for the engineering and demolition design for the Old Blacksburg Middle School facility.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Gary D. Creed
William H. Brown
James D. Politis
Mary W. Biggs
Doug Marrs
Annette S. Perkins

NAY

None

CONSENT AGENDA

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated November 22, 2010 was approved.

The vote on the foregoing resolution was as follows:

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

**A-FY-11-46
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND**

On a motion by James D. Politis, seconded by John A. Muffo 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, 2011, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$9,998
-----	------------------------	---------

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

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$9,998

Said resolution appropriates Technology Trust fund monies for use by the Clerk of Circuit Court.

**A-FY-11-47
SHERIFF
RECOVERED COSTS**

On a motion by James D. Politis, seconded by John A. Muffo 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, 2011, for the function and in the amount as follows:

320	Sheriff County	\$3,856
-----	----------------	---------

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

<u>Revenue Account</u>	
419108 Recovered Costs	\$3,856

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

A-FY-11-48
TECHNOLOGY RESERVE FUND
CARRYOVER INFORMATION MANAGEMENT SERVICES
FUNDS FROM FY 10

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors approved establishing a Technology Reserve Fund in Fiscal Year 2006 from year end surplus funds from the Information Technology Department's budget; and

WHEREAS, The remaining balance in the Technology Reserve Fund is \$131,493, and the remaining balance in the Information Technology Department's FY 10 budget is \$9,223.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Technology Reserve Fund be increased from \$131,493 to \$140,717 to cover the future costs of technology projects.

A-FY-11-49
COUNTY CAPITAL PROJECTS
TRANSFER FROM CAPITAL RESERVE FUNDS
FOR THE DEMOLITION DESIGN AND ENGINEERING WORK
FOR THE OLD BLACKSBURG MIDDLE SCHOOL

On a motion by James D. Politis, seconded by John A. Muffo 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, 2011, for the function and in the amount as follows:

451209	Transfer to County Capital Projects	\$20,000
--------	-------------------------------------	----------

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

451205	Designated Fund Balance – Capital Reserve	\$20,000
--------	---	----------

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, 2011 for the function and in the amount as follows:

810	Old Blacksburg Middle School	\$20,000
-----	------------------------------	----------

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

451100	Transfer from General Fund	\$20,000
--------	----------------------------	----------

Said resolution appropriates funds from the Capital Reserve for the engineering and design of Old Blacksburg Middle School demolition.

R-FY-11-48
RESOLUTION GRANTING
AMERICAN ELECTRIC POWER
A UTILITY EASEMENT AT THE
NEW PRICES FORK ELEMENTARY SCHOOL SITE

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the conveyance of a utility easement at the new Prices Fork Elementary School property, owned by Montgomery County, located on Prices Fork Rd, Blacksburg, Virginia to American Electric Power in order to provide electrical service to the new school site.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced utility easement to American Electric Power on behalf of the Board of Supervisors.

R-FY-11-49
NEW RIVER VALLEY
EMERGENCY COMMUNICATIONS REGIONAL AUTHORITY
APPOINTMENT

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **F. Craig Meadows** to the **New River Valley Emergency Communications Regional Authority**, and **L. Carol Edmonds** as his alternate, effective January 1, 2011 and expiring December 31, 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.

**R-FY-11-50
WESTERN VIRGINIA REGIONAL JAIL AUTHORITY
APPOINTMENT**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints the following individuals to the Western Virginia Regional Jail Authority effective January 1, 2011 and expiring December 31, 2011:

Sheriff Tommy Whitt	Captain Robert L. Hall (alternate)
Doug Marrs, Board of Supervisors	Gary D. Creed (alternate)
F. Craig Meadows, Staff Member	L. Carol Edmonds (alternate)

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.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

BE IT FURTHER RESOLVED, That all annual appointments to the Western Virginia Regional Jail Authority shall be made by the Board of Supervisors prior to January 1 of the effective year.

NEW BUSINESS

**A-FY-11-50
LEAGUE OF WOMEN VOTERS
TRANSFER FROM GENERAL CONTINGENCIES
2011 FACTS FOR VOTERS BROCHURE**

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

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

FROM:

950 General Contingencies (\$200)

TO:

910 League of Women Voters \$200

Said resolution transfers appropriated funds from General Contingencies to the League of Women Voters as a contribution to help cover the cost for the 2011 Facts for Voters publication.

The vote on the foregoing resolution was as follows:

AYE

William H. Brown
James D. Politis
Mary W. Biggs
Doug MARRS
John A. Muffo
Gary D. Creed
Annette S. Perkins

NAY

None

INTO WORK SESSION

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

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

1. Public Safety Building
2. Proposed Resolution regarding School Capital Needs

The vote on the foregoing motion was as follows:

AYE

James D. Politis
Mary W. Biggs
Doug MARRS
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAY

None

Public Safety Building

The County Administrator provided an update on the Public Safety Building project and requested consensus from the Board to move forward with the design of the building.

The estimated cost of the Public Safety Building and the Jail Renovation is as follows:

Public Safety Building	\$12.6 million
Jail Renovation	<u>\$ 8.1 million</u>
Total	\$20.7 million

The County has a total of \$14 million available for these projects and recommended that the Board move forward with the Public Safety Building first and later consider the jail renovation project. He asked for consensus to move forward with issuing a bid for the building design.

Board members supported the County Administrator's recommendation and by consensus authorized the County Administrator to move forward with issuing a bid for the design work for the Public Safety Building.

Proposed Resolution Regarding School Capital Needs

The Chair distributed copies of the draft resolution regarding school capital needs as proposed by Supervisor Politis at their last meeting. The resolution is just a draft and changes can be made accordingly.

Supervisor Politis commented that there are serious needs for new school facilities and serious need for financing. He stated he proposed at the last meeting to sell the vacant, or soon to be vacant, school facilities to help pay for new schools.

Supervisor Creed stated he has concerns voting on the resolution when they don't know what the costs are going to be. The \$124.5 million is just an estimate and he believes the Board needs to be more realistic as it is the taxpayers who will be footing the bill. The County will have to raise real estate taxes at least 12 cents for just capital debt, this does not include operating expenses. However, if the Board is willing to issue bonds in this amount he thinks that it should be done sooner rather than later in order to get the best interest rate.

Supervisor Marrs stated he has a problem voting on something when they don't know what the cost is. Only an estimate of \$124.5 million has been given.

After discussion regarding the draft resolution and suggestions for changes, a majority of the Board agreed to take action on the final draft.

OUT OF WORK SESSION

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

R-FY-11-51

**A RESOLUTION EXPRESSING THE BOARD OF SUPERVISORS’
SUPPORT FOR THE SCHOOL BOARD’S CRITICAL CAPITAL SCHOOL PROJECTS
IN RINER AND BLACKSBURG**

On a motion by William H. Brown, seconded by John A. Muffo and carried,

WHEREAS, The Montgomery County School Board (“the School Board”) adopted a Resolution and presented the Resolution to the Board of Supervisors of Montgomery County (“the Board of Supervisors”) stating that the School Board declares the replacement of Auburn High School, Auburn Middle School and Blacksburg High School (the three projects together shall be referred to as “the proposed school capital projects”) as critical and urgent projects; and

WHEREAS, The Resolution further stated that the estimated cost to replace Auburn High School, Blacksburg High School and Auburn Middle School was \$124,556,000 and that the School Board would coordinate with the Board of Supervisors to assist in the development of a plan to fund the replacement of these schools; and

WHEREAS, The Board of Supervisors has debated and heard extensive public comment on the School Board Resolution; and

WHEREAS, The Board of Supervisors agrees with the School Board that the replacement of Auburn High School, Blacksburg High School and the renovation and repair of Auburn High School for use by Auburn Middle School (“Auburn Middle School Project”) are critical and urgent projects; and

WHEREAS, It is the Board of Supervisors' responsibility in coordination with the School Board to provide the necessary funding for the construction of the three school facilities; and

WHEREAS, The Board of Supervisors supports the School Board going forward with the replacement of Auburn High School, Blacksburg High School and the Auburn Middle School projects contingent upon those certain conditions and stipulations listed below.

NOW THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby supports the replacement of the Auburn High School, Blacksburg High School and the Auburn Middle School Projects subject to the following stipulations:

1. Since the planning and design phase for Auburn High School has already started, the Board of Supervisors supports the School Board moving forward immediately with finalizing the design process for the new Auburn High School so that the Auburn High School project may be ready for construction as quickly as possible.
2. The Board of Supervisors supports the School Board applying for QSCB non-interest funding from the State of Virginia to be used as a funding source for any or all of the school projects listed above.
3. The Board of Supervisors supports the School Board beginning the design process as soon as possible for a new Blacksburg High School.
4. The start of construction of the proposed school capital projects shall be contingent upon the following:
 - (a) The Town of Blacksburg expressing their support for a mixed use development on the old BMS site so that the money realized from the sale of the old BMS site may be used as a funding source for the proposed school capital projects.
 - (b) The School Board agreeing to surplus the Blacksburg High School site on Patrick Henry Drive to the County so that the County may sell the property and use the proceeds from the sale as a funding source for the proposed school capital projects.
 - (c) The Town of Blacksburg expressing their willingness and support to work with the County on the redevelopment of the Blacksburg High School site on Patrick Henry Drive so that the proceeds realized from the sale of the Blacksburg High School site may be used as a funding source for the proposed school capital projects.
5. The School Board agreeing to express their willingness and support to surplus the Elliston-Lafayette Elementary, Price's Fork Elementary and Shawsville Elementary School properties when these properties are no longer needed for educational purposes so that the proceeds from the future sale of these properties may be used as a funding source

for the Auburn High School, the Blacksburg High School and/or the Auburn Middle School projects.

6. The School Board agrees to use the Insurance proceeds for the Blacksburg High School project and to use the leftover bond proceeds from the Price's Fork and Eastern Montgomery Elementary School projects as a funding source for the Auburn High School, Blacksburg High School and/or Auburn Middle School projects.
7. The County Administrator, working with County staff, the County's financial advisors, and the Board of Supervisors, shall develop a capital funding plan for the replacement of Auburn High School, Blacksburg High School and the Auburn Middle School projects. The capital funding plan shall include the insurance proceeds from the School Board for the collapsed Blacksburg High School gymnasium, proceeds from the sale of surplus school properties (to include old Blacksburg Middle School, Blacksburg High School, Elliston-Lafayette Elementary School, Shawsville Elementary School and old Price's Fork Elementary School), the surplus bond money from the Price's Fork and Eastern Montgomery Elementary school projects, and the issuance of future debt to provide for the remaining proceeds needed to fund the proposed school capital projects. The Board of Supervisors desires that any future debt issuances to pay for these proposed school capital projects is structured in such a way to allow for incremental tax increases over a four to five year period with no projected property tax increase needed to fund these three capital projects until fiscal year FY 2013.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo

Mary W. Biggs

James D. Politis

William H. Brown

Annette S. Perkins

NAY

Doug Marrs

Gary D. Creed

COUNTY ADMINISTRATOR'S REPORT

No report.

BOARD OF SUPERVISORS' REPORTS

Supervisor Creed responded to citizen comments regarding bullying. He stated that before comments are made the facts should be straight. At the joint meeting with the School Board he reported he received an e-mail from a citizen who stated that they felt they were being bullied and believed that the act of bullying was being used by a certain group in order to get what they wanted. Supervisor Creed stated that he was reporting on what was submitted to him and still has the written comment if anyone wanted to see it.

Letter from the Mayor of the Town of Blacksburg – Supervisor Creed addressed concerns he has with the letter from Mayor Ron Rordam regarding the development/sale of the old Blacksburg Middle School site and the Blacksburg High School site located on Patrick Henry Drive.

Supervisor Creed believes that the content of the resolution provides nothing on what the Town is willing to do. The letter from the Mayor gives the Board more of an idea on what the Town wants. Supervisor Creed directed the Board's attention to the statement regarding the importance of a civic component to the project and how a civic component should be included with a specific proffered plan for development. Supervisor Creed believes that the Town should not gouge the system in order to get what they want. The County needs to get the maximum amount of money from the sale of this property.

Supervisor Creed also stated that the Town of Blacksburg's position on the Blacksburg High School site is that it is to remain residential or sold to the Town as a fair price.

Supervisor Creed stated that if the Town of Blacksburg wants a civic building or use of some kind then they should pay the average price of the land value per acre plus the cost of a building. He believes anything less than that will be taking away from the school when they are most vulnerable. Even the County, when they sold the Bethel Elementary School and decided to keep some of the land for recreational use, paid for the land that went back to the Schools. Why should the Town of Blacksburg be any different than the County.

Supervisor Brown complimented the Eighth Grade Civics Class from Auburn Middle School for their letters regarding school issues in the county and videos on political advertisement. He was impressed by the letters and video making skills.

Supervisor Brown commented that he has used the word bullying in his reports as it was used to him when citizens were addressing their concerns. He apologizes if it was misinterpreted any other way. He was only reporting it the way it was sent to him.

Supervisor Marrs reported he was approached by Mr. Katz and Mr. Hilton and asked if the Board would consider voting on their special use permit requests tonight in order to speed up the process on their plans.

The County Attorney stated if the Board decides to take action on the Katz special use permit request tonight then they also will need to take action on the Ordinance Amending the Zoning Ordinance defining what parking uses are permitted as an accessory use and what parking uses are permitted by a special use permit. This Ordinance goes along with the Katz's request.

Board members agreed to take action on all three public hearing items tonight.

ORD-FY-11-07
AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING, SECTION 10-41
OF THE CODE OF COUNTY OF MONTGOMERY, VIRGINIA
BY DEFINING WHAT PARKING USES ARE PERMITTED AS AN ACCESSORY USE
AND WHAT PARKING USES ARE ONLY PERMITTED BY SPECIAL USE PERMIT
IN COMMUNITY AND GENERAL BUSINESS ZONING DISTRICTS

On a motion by James D. Politis, 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 Section 10-41(1) of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 10-41. Supplemental district regulations.

(1) *Accessory uses and structures.*

(a) Accessory uses and structures are permitted in connection with, and incidental and subordinate to a permitted principal use or structure and in compliance with all other provisions of this chapter. Accessory structures shall not exceed eighteen (18) feet in height or twelve hundred (1,200) square feet in area unless authorized by special use permit.

(b) Residential accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

1. Above ground deck.
2. Clothesline.
3. Fence or wall.
4. Freestanding air conditioning unit.
5. Parking for motor vehicles, subject to subsection (14).
6. Patio, porch, gazebo.
7. Pet houses and pens.
8. Play equipment and playhouses.
9. Private garage, carport. Maximum height and area shall be eighteen (18) feet and twelve hundred (1,200) square feet respectively unless authorized by special use permit.
10. Private greenhouse.
11. Private swimming pool.
12. Private tennis court or outdoor recreational court.
13. Radio or satellite antennas, freestanding or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height.
14. Storage shed for personal, noncommercial use, and clearly subordinate to principal structure.

15. Studios and workshops without outdoor display for personal use, and clearly subordinate to principal structure.
16. Accessory dwellings in accord with subsection (2).
17. Solar power panels.
18. Enclosed areas devoted to collection of recyclable materials generated by the principal use.
19. Bus shelter or bus stand.

(c) Commercial and industrial accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

1. Dumpsters and dumpster pads.
2. Emergency power generators.
3. Fence or wall.
4. Freestanding air conditioning unit.
5. Parking uses and structures. **Parking uses in the Community and General Business Zoning Districts shall be limited to the personal non-commercial vehicles driven by property owners, tenants who live on premises and their guests, the employees who work on site or the customers who patronize the business and to commercial vehicles weighing less than 5 tons GVW that are owned and associated with the business. The parking or storing of commercial vehicles weighing over 5 ton GVW or semitrailers associated or not associated with the business shall only be permitted pursuant to a special use permit authorized by the Board of Supervisors.**
6. Recycling facilities, in accord with subsection (7).
7. Storage sheds, clearly subordinate to principal structure.
8. Stormwater management facilities, BMP facilities.
9. Bus shelter or bus stand.
10. Accessory living quarters for watchman, guard or custodian.
11. Sculpture, fountain, etc., clearly subordinate to principal structure.
12. Solar power panels.

(d) Use limitations:

1. Accessory structures shall be located on the same lot as the principal use or structure, except in the A-1 agricultural and C-1 conservation districts.
2. Accessory structures shall be included in the calculations for height, bulk and coverage as required by this chapter.
3. Except as otherwise permitted herein and subject to subsection (8), no accessory use or structure shall be located in a required yard.
4. No accessory use or structure shall create a nuisance or hazard.

5. No accessory use or structure shall be used as a dwelling or for lodging purposes, except for living quarters for guards or custodians as provided for in subsection (c)10 above.
6. Home occupation uses shall comply with the provisions of subsection (4).
7. Accessory uses and structures shall be operated and maintained under the same ownership as the principal use.
8. No accessory uses or structures shall be established until the principal use or structure is established except in the A-1 agricultural and C-1 conservation districts.

The vote on the foregoing ordinance was as follows:

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

**R-FY-11-52
SPECIAL USE PERMIT
BRIAN J. KATZ & KATIE R. KATZ
FOR THE PURPOSE OF ALLOWING PARKING OF
COMMERCIAL VEHICLES OVER FIVE (5) TONS
PARCEL ID 002869, TAX MAP NUMBERS 064-A-92
LOCATED AT 3653 PEPPERS FERRY ROAD**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by Bryan J. Katz & Katie R. Katz for a special use permit to allow parking of commercial vehicles over five (5) tons is consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. This special use permit authorizes parking of up to five (5) commercial vehicles in excess of five (5) tons to be parked outside the property located 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) as an accessory use.
2. A detailed site plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.

3. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
4. Any lighting installed on the property shall be dusk to dawn, shielded fixtures to avoid glare onto adjacent properties and night sky, and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
5. The vehicle storage area on the eastern portion of the property shall have a natural vegetative buffer consistent with a type 3 buffer yard, or equivalent as determined by the Zoning Administrator, excluding structural screening. All other sides shall be required to have a type 2 buffer yard. Tree size shall be in compliance with zoning ordinance requirements.

The property is located at 3653 Peppers Ferry Road, identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District B). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Belview Village Plan.

The vote on the foregoing resolution was as follows:

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

**R-FY-11-53
SPECIAL USE PERMIT
B&C INVESTORS LLC
FOR THE PURPOSE OF ALLOWING A CONTRACTOR’S OFFICE
AND STORAGE YARD - 3913 SOUTH MAIN STREET
PARCEL ID 024322, TAX MAP NUMBERS 064-A-160A**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by B&C Investors LLC for a special use permit to allow a contractor’s office and storage yard is consistent with the County’s Comprehensive Plan and is hereby approved with the following conditions:

1. This special use permit authorizes use of the property for a contractor's office and accessory storage and shall substantially conform to the concept plan submitted on October 1, 2010 included with application materials.
2. A detailed site plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
3. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
4. No more than ten (10) employee vehicles associated with the contractor's office shall be parked on the property at any given time.
5. There shall be no outdoor storage of tools or machinery on the property.
6. The southern portion of the property, which is visible from the Route 460 bypass, shall have a natural vegetative buffer consistent with a type 2 buffer yard requirement or equivalent as determined by the Zoning Administrator. All other sides shall be required to have a type 1 buffer yard. Tree size shall be in compliance with zoning ordinance requirements.
7. Any lighting installed on the property shall be dusk to dawn, shielded fixtures to avoid glare onto adjacent properties and night sky, and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.

The property is located at 3913 South Main Street, and is identified as Tax Parcel No(s). 67-A-160A (Acct Nos. 024322), in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan.

The vote on the foregoing resolution was as follows:

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

Board Members' Reports Continued

Supervisor Biggs thanked Mayor Rordam for the letter from the Blacksburg Town Council and consideration of a resolution at their next council meeting supporting the County and the School Board efforts to provide high quality education of all citizens of Montgomery County.

Congressman Rick Boucher – Supervisor Biggs requested a resolution of appreciation for Congressman Rick Boucher be drafted and included on the next agenda. She also requested a letter on behalf of the Board of Supervisors be sent to Congressman Morgan Griffith supporting him during his term as Congressman for the Ninth District.

By consensus the Board directed the County Administrator to prepare a resolution of appreciation for Congressman Rick Boucher and a letter supporting Congressmen Morgan Griffith.

Supervisor Perkins thanked everyone for moving forward with the school issues and that the County is looking forward to with working with the School and the Town of Blacksburg on all issues at hand.

The Board of Supervisors wished everyone a Happy Thanksgiving.

ADJOURNMENT

The Chair declared the meeting adjourned. The Board adjourned to Monday, December 13, 2010 at 6:00 p.m.

The meeting adjourned at 9:25 p.m.

APPROVED: _____
Annette S. Perkins
Chair, Board of Supervisors

ATTEST: _____
F. Craig Meadows
County Administrator