

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14<sup>th</sup> DAY OF FEBRUARY, 2011 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins (arrived 6:15 p.m.)	
	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
	Jamie MacLean	-Planner
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by William H. Brown, seconded by John A. Muffo 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 # 2011-004 (formally Project #2010-007)

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

- 1. Joinder Study with the Blacksburg, Christiansburg, VPI Water Authority

- (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. New River Valley Planning District Commission

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		

Supervisor Perkins arrived at 6:15 p.m.

**OUT OF CLOSED MEETING - 7:35 p.m.**

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

### **CERTIFICATION OF CLOSED MEETING**

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

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

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

#### **NAYS**

None

#### **ABSENT DURING VOTE**

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Presentation of Montgomery County School Board Budget for FY 2011-2012

Wat Hopkins, Montgomery County School Board Member, provided opening remarks on the presentation of the School Board budget for FY 2011-2012. Mr. Hopkins stated that the School Board and Board of Supervisors have faced challenging times and thanked the Board of Supervisors for their support.

Brenda Blackburn, MCPS Superintendent, presented the Montgomery County School Board's budget for FY 2011-2012. Ms. Blackburn commented that the economy continues to impact budget planning and prior year cuts have put the MCPS budget at the FY 2007-2008 budget level. She stated that the FY 12 budget is a no thrills budget. The total request is \$93,460,328, an increase of \$4,580,247 from FY11. Of this amount, an increase of \$3,385,002 is the total county request.

Key Points of MCPS Budget Request:

Operating Budget:

- \$396,257 -Operating Costs for Temporary BHS, BMS, ISS and Rivendell
- \$400,000 - Engineering Inspections of All Facilities
- \$1,000,000 - Capital Projects
  - \$300,000 - Additional Needs at Temporary BHS and BMS
  - \$300,000 - Additional Needs for Repairs from Fire and Building Inspection Findings (the rules have changed since the BHS gym failure)
  - \$400,000 - Roofing Repairs System Wide - Phase 1
- \$500,000 - Technology Improvements

Operating Budget Request Totals \$2,296,257, which \$1.4 million is directly or indirectly related to the collapse of the BHS gym. The remainder of the Operations Budget increase (\$900,000) is for roof repairs and technology.

### Compensation Request:

- VRS Contribution Rate Increase of \$1.5 million, or 3.2 % increase
- Health Insurance Cost Increase of \$790,000 (to continue employee only paid by division)
- Salary Increase averaging 1.6%

The compensation requests are offset by reduction of 16.8 fulltime equivalent positions and \$750,000 in Federal Jobs Stimulus Funds.

The MCPS Budget incorporates the cuts made in 2009-2010 and 2010-2011, which is equivalent to 35 teacher positions. There is a 50% reduction in textbook budget, 30% to 54% reduction in supply and equipment categories and 10% reduction in field trips. These cuts have not been restored in the 2011-2012 Budget adopted by the School Board. Ms. Blackburn explained tht the request for an additional \$3.4 million restores just 37% of the budget reductions made the last two previous years.

Ms. Blackburn stated that there are two major drivers on the request for additional funding in the FY 12 Budget as follows:

1. Facility issues due to the BHS gymnasium collapse = \$1.4 million
2. Virginia Retirement System additional funding = \$1.9 million

At this time Ms. Blackburn turned the presentation over to Katie Miano, MCPS Finance Department, who provided additional statistical information and summarized the budget book.

### **Virginia Department of Transportation**

David Clarke, VDOT Maintenance Manger, updated the Board of Supervisors on road issues/concerns in Montgomery County. VDOT has mainly been dealing with weather related issues. Mr. Clarke reported that VDOT is working on Craig Creek Road (SR 621), which is part of the County's Revenue Sharing project.

Walnut Springs Road: In response to a request from Supervisor Creed at the January 10, 2011 meeting, Mr. Clarke reported that the end of Walnut Springs Road is not state maintained. According to the subdivision plat, the last 50-100 feet of the road was never taken into the system.

Supervisor Creed asked if constructing a left out only turn was feasible. Mr. Clarke replied that a left out only turn would be beneficial and would have to be approved by the Commonwealth Transportation Board. Supervisor Creed asked if Mr. Clarke could meet him at Walnut Springs Road to determine what could be done.

Alleghany Springs Road – Bridge Replacement: Supervisor Creed stated that due to the replacement of the bridge on Alleghany Springs Road, a portion of the road will be temporarily closed to motorists during construction. Supervisor Creed received several requests asking if VDOT could meet with the residents to explain the project. Also to determine the possibility of

using a through way to Boners Run Road so the road will not be completed closed off. Mr. Clarke replied it could be possible if they get permission from the landowner.

### **Montgomery County - StormReady Community**

Neal Turner, Montgomery County Emergency Services Coordinator, made a presentation on Montgomery County's recent designation as a StormReady Community. Montgomery County was declared StormReady on November 8, 2010 by the National Weather Service.

Mr. Turner introduced Jamie MacLean, Montgomery County Development Planner, who helped with the process in getting the StormReady designation.

The County's StormReady status means that Montgomery County has developed an action plan in the case of severe weather. To be declared officially StormReady, a county or community must meet the following criteria:

- Establish a 24-hour warning point and emergency operations center
- Must have more than one method of receiving severe weather forecasts and warnings and ways to alert the public of severe weather
- A system must be created that monitors local weather conditions
- The importance of public readiness must be promoted through community seminars
- A formal hazardous weather plan must be developed to include training severe weather spotters and holding practice exercises

Mr. Turner presented the Board of Supervisors with one of the StormReady signs, which will be placed throughout the County in eight strategically locations.

The Board of Supervisors commended Mr. Turner and Ms. MacLean on their hard work and dedication in making Montgomery County a StormReady community.

### **PUBLIC ADDRESS**

Kenneth Dupin addressed the Board in support of the County's Ordinance which adds Section 10-41 (2A), temporary family health care structures.

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

### **CONSENT AGENDA**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated February 14, 2011 was approved.

The vote on the foregoing resolution was as follows:

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

### **Approval of Minutes**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated September 13, 2010 were approved.

### **R-FY-11-72 SCHEDULE JOINT PUBLIC HEARING WITH VDOT 6 YEAR SECONDARY ROAD IMPROVEMENT PLAN**

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 schedules a public hearing for **Monday, March 14, 2011** at 7:15 p.m. or soon thereafter, in the Board Chambers located on the Second Floor in the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the proposed **Six-Year Secondary Road Improvement Plan** for Montgomery County for Fiscal Years 2011/12 through 2016-17 and on the establishment of priorities for the 2011-2012 budget year. Rural Addition requests will also be received at this public hearing.

BE IT FURTHER RESOLVED, That the Virginia Department of Transportation will assure proper advertising of said public hearing.

### **A-FY-11-63 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING PROGRAM**

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

200 Commonwealth's Attorney \$784

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

Revenue Account

419104 Confiscations \$784

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-11-64  
CLERK OF CIRCUIT COURT  
TECHNOLOGY TRUST FUND**

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

251 Clerk of Circuit Court \$242

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

Revenue Account

02250-423100 Shared Expenses \$242

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

**A-FY-11-65  
RSVP – APPROPRIATION OF  
DONATIONS AND FUNDRAISING**

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

520 Human Services \$7,405

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

<u>Revenue Account</u>		
25202-416158	Donations RSVP	\$7,405

Said resolution appropriates donations and fundraising monies for use by RSVP.

**A-FY-11-66  
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, 2011, for the function and in the amount as follows:

320	Sheriff County	\$30,948
321	Sheriff Grants	\$11,250
322	Sheriff – Project Lifesaver	<u>\$ 170</u>
	Total	\$42,368

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

<u>Revenue Account</u>		
419108	Recovered Costs	\$ 1,048
424401	State Grants	\$11,250
424401	Project Life Saver	\$ 170
424404	Confiscations	<u>\$29,900</u>
	Total	\$42,368

Said resolution appropriates recovered costs, DMV grant funds, Project Lifesaver funds, and confiscations.

**A-FY-11-67  
ECONOMIC DEVELOPMENT**

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

810 Economic Development \$21,308

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

Revenue Account

02 411ARE 2011A Real Estate \$21,308

Said resolution appropriates funds to Economic Development for incentive payments.

**A-FY-11-68  
CAPITAL RESERVE TRANSFER TO  
COUNTY CAPITAL PROJECTS  
OLD BLACKSBURG MIDDLE SCHOOL  
ASBESTOS REMOVAL**

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

451209 Transfer to County Capital Projects \$18,358

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

451205 Designated Fund Balance – Capital Reserve \$18,358

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 \$18,358

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

451100 Transfer from General Fund \$18,358

Said resolution appropriates funds from the Capital Reserve to County Capital Projects to cover the additional asbestos removal at Old Blacksburg Middle School.

**A-FY-11-69  
GENERAL SERVICES  
CAPITAL RESERVE 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, 2011, for the function and in the amount as follows:

400 General Services \$70,000

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

451205 Designated Fund Balance – Capital Reserve \$70,000

Said resolution appropriates funds from the Capital Reserve for the one-time cost of a preliminary structural assessment of existing County facilities.

**R-FY-11-73  
MONTGOMERY COUNTY  
ECONOMIC DEVELOPMENT AUTHORITY  
REAPPOINT TODD MURRAY**

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 reappoints **Todd Murray** to the **Economic Development Authority** effective February 27, 2011 and expiring February 26, 2015.

**R-FY-11-74  
MONTGOMERY COUNTY  
ECONOMIC DEVELOPMENT AUTHORITY  
REAPPOINT ALLAN M. BOOKOUT**

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 reappoints **Allan M. Bookout** to the **Economic Development Authority** effective February 27, 2011 and expiring February 26, 2015.

**R-FY-11-75  
COMMUNITY CORRECTIONS AND  
PRETRIAL SERVICES  
REAPPOINT BUDDY J. SMITH, JR.**

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 reappoints **Buddy J. Smith, Jr.**, Lieutenant, Montgomery County Jail, to the **New River Community Corrections and Pretrial Services** effective February 24, 2011 and expiring February 23, 2013.

**R-FY-11-76**  
**PARKS AND RECREATION COMMISSION**  
**REAPPOINT NORMA LAWSON**

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 reappoints **Norma Lawson**, who resides in District C, to the **Parks and Recreation Commission** effective February 26, 2011 and expiring February 25, 2014.

**OLD BUSINESS**

**R-FY-11-77**  
**SPECIAL USE PERMIT**  
**WILLIAM MARK KING**  
**FOR THE PURPOSE OF ALLOWING A CONTRACTOR'S STORAGE YARD**  
**3070 SEVEN MILE TREE RD IN THE RINER MAGISTERIAL DISTRICT**

On a motion by William H. Brown, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by William Mark King for a special use permit to allow a contractor's 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 storage yard and shall conform to the site plan included within application materials submitted October 28, 2010, and "Proposed Contractor's Storage Yard Area and Property Line Buffer map" prepared by Montgomery County GIS, dated January 13, 2011. No retail sales of any nature shall be permitted on the property.
2. No more than four (4) employee vehicles, associated with employees of the business who do not reside on the premises, shall be parked on the property at any given time.
3. The contractor's storage yard shall not be open to the public and shall create no exterior impacts including noise, vibration, glare, odors, or electrical interference, beyond limits allowed in the Montgomery County Code.

4. Equipment and vehicles stored on the property shall be in good working condition at all times and shall be owned or leased by the property owner or property owner's excavation company. No more than fifteen (15) pieces of said equipment and/or vehicles associated with the business shall be on the property at any given time.
5. Hours of operation shall be limited to 6:00 am through 9:00 pm except for snow removal preparation and/or periods of inclement weather.
6. No trash, litter or debris shall accumulate or be stored on the property.
7. There shall be no outdoor storage of materials, tools, etc.
8. Storage of all excavation equipment and machinery shall be screened from view of adjacent properties.
9. 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.
10. A buffer shall be maintained consisting of mature evergreen vegetation and existing privacy fence (along Cupp property), on the south, west, and northern boundaries, as shown on the 2008 Montgomery County Aerial Photography and concept plan dated October 28, 2010 (aerial photo map attached). Replacement of buffer, if necessary, shall be completed within thirty (30) days (season permitting). Tree size associated with replacement of existing evergreen buffer shall be in compliance with zoning ordinance requirements.
11. A natural vegetative buffer shall be provided, consisting at a minimum of one row of White Pine (or equivalent evergreen screening tree) with a minimum of thirteen (13) trees, equal space apart, on the eastern boundary and on the portion of the southern boundary where no evergreen vegetative buffer currently exists to mitigate possible negative effects on the view shed for Interstate I-81, and properties identified as tax map # 105-A-16 (Oscar Phillips) and 105-10-2 (Lillian Cupp), account # 014448 and 023215 (see "Proposed Contractor's Storage Yard Area and Property Line Buffer map" prepared by Montgomery County GIS, dated January 13, 2011). Trees shall be a minimum of 6' tall at planting, and plantings shall be completed by May 15, 2011.

The property is located at 3070 Seven Mile Tree Rd., and is identified as Tax Parcel No(s). 104-1-12 (Acct Nos.023225), in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

The vote on the foregoing resolution was as follows:

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

**ORD-FY-11-09**  
**AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING,  
ARTICLE VI OF SECTION 10-37 FLOOD DAMAGE PREVENTION OVERLAY  
OF THE COUNTY OF MONTGOMERY, VIRGINIA BY REQUIRING  
THAT ANY MODIFICATION, ALTERATION, REPAIR, RECONSTRUCTION OR  
IMPROVEMENT OF ANY KIND TO A STRUCTURE LOCATED IN THE  
FLOODPLAIN THAT AMOUNTS TO LESS THAN FIFTY (50) PERCENT OF THE  
STRUCTURE MARKET VALUE SHALL BE CONSTRUCTED IN COMPLIANCE  
WITH SECTION 10-37, THE FLOOD DAMAGE PREVENTION OVERLAY**

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

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Article VI of Section 10-37 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 10-37. Flood damage prevention overlay.**

Article VI--Existing Structures in Floodplain Areas

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions but which is not in conformity with these provisions may be continued subject to the following conditions:

1. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard emergency practices that the proposed expansion would not result in any increase in the base flood elevation.
2. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less

than fifty (50) percent of its market value shall be undertaken only in compliance with this Chapter and conform to the VA USBC.

3. The modifications, alterations, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this chapter and shall require the entire structure to conform to the VA USBC.

The vote on the foregoing ordinance was as follows:

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

**ORD-FY-11-10**  
**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 15.2-2292.1 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**

On a motion by Mary W. Biggs, seconded by John A. Muffo 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 of the Code of the County of Montgomery, Virginia, shall be amended and reordained by adding Section 10-41 (2A) as follows:

**(2A) Temporary Family Health Care Structures.**

Notwithstanding any other provision one temporary family health care structure, as a permitted accessory dwelling may be placed on any property zoned for a single family detached dwelling owned or occupied by a caregiver as his or her residence subject to the following:

1. The temporary family health care structure (the structure) shall be limited to one (1) occupant who shall be the mentally or physically impaired person.

2. The structure shall have a maximum gross floor area of three hundred (300) square feet.
3. The structure shall comply with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code.
4. The structure shall not be placed on a permanent foundation.
5. The structure shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
6. No signage that advertises or promotes the structure shall be permitted on the structure or elsewhere on the property.
7. Written certification verifying the status of the mentally or physically impaired occupant of the structure shall be provided by a physician licensed by the Commonwealth.
8. Evidence of compliance with this Section must be provided annually on the anniversary date of the initial zoning approval, including a current written certification by a physician licensed by the Commonwealth.
9. The structure shall be removed within thirty (30) days after the mentally or physically impaired person is no longer receiving or no longer in need of the assistance for which the structure was provided.

For Purposes of this Section *Temporary Family Health Care Structure* shall mean a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, (caregiver and mentally or physically impaired are defined in §15.2-2292.1 of the Code of Virginia) that is primarily assembled at a location other than its site of installation.

The vote on the foregoing ordinance was as follows:

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

## NEW BUSINESS

**R-FY-11-78  
DESIGNATE A PORTION OF US 460 IN  
MONTGOMERY COUNTY THE  
"WILLIAM PRESTON MEMORIAL HIGHWAY"**

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

WHEREAS, Colonel William Preston served as a member of the House of Burgesses and was the county lieutenant, sheriff, coroner and surveyor for Fincastle County; and

WHEREAS, In 1776 when Montgomery County was formed, Colonel Preston was appointed as county lieutenant and had almost total authority over the new county's affairs; and

WHEREAS, In 1774 Colonel Preston sought to bring the commerce and wealth of Tidewater Virginia westward by building the Historic Smithfield Plantation which was considered one of the most elegant and sophisticated houses west of the Blue Ridge Mountains; and

WHEREAS, During his lifetime, Colonel Preston fought for the freedom of the people in this area and the ability to begin the great migration westward; and

WHEREAS, From his lineage, either through direct descendant or by marriage, sprang three governors of Virginia and numerous statesmen, congressmen and senators; and

WHEREAS, What better way to recognize his importance and many contributions to this area than dedicating a portion of US 460, the road that runs in front of his former plantation, to him and his legacy, a road that is also the same route by which settlers moved west; and

WHEREAS, By this recognition we continue to tell the story of one of Montgomery County's earliest and foremost patriots.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors requests the Commonwealth Transportation Board to designate the portion of US 460 from the Giles/Montgomery County line to Southgate Drive as "William Preston Memorial Highway".

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Honorable John Edwards, the Honorable Ralph Smith, the Honorable Dave Nutter and the Honorable Jim Shuler to seek their assistance and support of this request before the Commonwealth Transportation Board.

The vote on the foregoing resolution was as follows:

AYE

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

NAY

None

**R-FY-11-79**  
**RESOLUTION OF APPRECIATION**  
**PARKS & RECREATION COMMISSION**  
**SUSAN M. MILLER**

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

*WHEREAS, Susan M. Miller* has served the citizens of Montgomery County on the Parks and Recreation Commission from January 2005 through January 2011; and

*WHEREAS, Susan M. Miller* served as Chair of the Parks and Recreation Commission from January 2007 through the end of 2010; and

*WHEREAS,* The County recognizes the outstanding and dedicated service that *Susan M. Miller* has rendered the citizens of Montgomery County.

*NOW, THEREFORE, BE IT RESOLVED,* The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Susan M. Miller**.

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

The vote on the foregoing resolution was as follows:

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

**INTO WORK SESSION**

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

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

1. Riner Rescue Squad

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	
Annette S. Perkins	
William H. Brown	
James D. Politis	

### **Riner Volunteer Rescue Squad**

Emergency Services Coordinator Neal Turner made a presentation on the establishment of the Riner Volunteer Rescue Squad (RVRS). Since 2004, RVRS has operated as a substation of the Christiansburg Volunteer Rescue Squad with the plan to become an independent squad. On June 28, 2010, the Board of Supervisors adopted a resolution approving the establishment of RVRS. An Advisory Committee was formed to help with this process.

Mr. Turner recognized the Committee members for their dedication and time to help make RVRS an independent station as follows: Darin Greer, Joe Wade, Sidra Jones, Holly Sparrer, Sue Thacker, Mike Ness, and Mike Moles.

Mr. Turner also recognized Ex Officio members as follows:

- Kelly Walters – Captain Christiansburg Rescue Squad
- Jim Politis – Montgomery County Board of Supervisors, District D
- Bill Brown – Montgomery County Board of Supervisors, District E and Fire & Rescue Commission Representative
- Neal Turner – Emergency Services Coordinator

Mr. Turner provided information as to the process of becoming an independent squad and informed the Board that they have received a Certificate of Incorporation. They have filed the necessary paperwork for their IRS designation, and application with the Office of Emergency Medical Services. They hope to have independent status by March 2011.

### **OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins 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>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
James D. Politis	

### **COUNTY ATTORNEY'S REPORT**

The County Attorney reported on the Redistricting Process. According to the 2010 US Census Bureau, Montgomery County's population has increased to 94,392 citizens. The County's seven voting districts will be divided by the 2010 total so that each district will serve 13,045 people. District B, which includes most of Christiansburg, had the most growth and around 2,000 citizens will be moved to other districts. Districts A, C, E, F, will gain around 500 citizens during the redistricting process.

A new voting precinct will be created to handle the increase in voters in District E. Voting Precinct E-1, St. Michaels Luthern Church, has over 5,000 voters and according to state law, no one precinct shall have more than 5,000 voters, therefore, the precinct will be split. The new voting precinct E-3 location is yet to be determined. Voting precinct E-1 may move to the new Prices Fork Elementary School when completed.

The County Attorney stated that a preliminary redistricting plan will be drafted and after feedback from the Board, and interest groups such as, the League of Women Voters and Human Rights groups.

### **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator reported on the following items:

- Thanked the County Attorney and staff for working on the redistricting process.
- Montgomery Tourism Agreement has been approved by the Town of Christiansburg and the Town of Blacksburg is reviewing.
- Will attend the Virginia Municipal League conference on Wednesday and Thursday of this week.

### **BOARD MEMBERS' REPORTS**

**Supervisor Creed** asked if the resolution (R-FY-11-26) adopted by the Board of Supervisors on September 13, 2010 requesting the Montgomery County School Board to repair the Blacksburg High School was sent to the School Board. He is hearing that the School Board never received the resolution.

The Secretary to the Board of Supervisors responded that the resolution was e-mailed to the Superintendent of the School Board with a hard copy mailed.

**Supervisor Marrs** announced he will not be seeking re-election to Board of Supervisors for District B. He stated it has been a distinct privilege to serve on the Board of Supervisors for two terms and thanked the citizens for electing him.

**ADJOURNMENT**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, February 28, 2011 at 6:00 p.m.

The vote on the foregoing motion was as follows:

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

The meeting adjourned at 9:05 p.m.

APPROVED: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
James D. Politis F. Craig Meadows  
Chair, Board of Supervisors County Administrator