

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator  
L. Carol Edmonds, Deputy County Administrator

DATE: September 23, 2013

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. PUBLIC HEARINGS**

**A. SUBJECT: BOARD OF SUPERVISORS**

The following public hearings were advertised pursuant to law in the “BURGS” Section of the Roanoke Times on August 29, 2013 and September 5, 2013:

1. 2025 Montgomery County Comprehensive Plan Amendment  
**SHAH Development (Agent: Gay and Neel, Inc.) requests an amendment to the Montgomery County 2025 Comprehensive Plan to change the policy map designation of approximately 8 acres of the former Elliston-Lafayette Elementary School property located at 5201 Tango Lane** and further identified as Tax Map No. 060-1-A (Parcel ID 070690) from Planned Light Industrial/Commercial to Medium Density Residential or Mixed Use. In addition, the Montgomery County Planning Commission wishes to also consider the following surrounding parcels for amendment from Planned Light Industrial/Commercial to Medium Density Residential or Mixed Use: 9694 Roanoke Rd., Tax #59-A-66 (Parcel ID 020467); 9700 Roanoke Rd., Tax #60-1-1B (Parcel ID 020585); 5221 Tango Ln., Tax #60-1-1C (Parcel ID 003238), 9820 Roanoke Rd., Tax #60-1-1L (Parcel ID 029253); 6120 North Fork Road., Tax #60-1-1F (Parcel ID 015704); and 5216 Tango Ln., Tax #60-1-1D,1E (Parcel ID 013183) in the Shawsville Magisterial District (District C). (TAB A )

2. 2025 Montgomery County Comprehensive Plan Amendment  
**Montgomery County Planning Commission request for an amendment to the 2025 Montgomery County Comprehensive Plan to change the policy map designation of approximately 8.33 acres designation of the former Prices Fork Elementary School property located at 4237 Prices Fork Road and identified as Tax Map No. 052-A 50 (Parcel ID 070688) from Civic in the Prices Fork Village plan to Mixed Use in the Prices Fork Magisterial District (District E). (TAB B )**
  
3. Rezoning Request – Cary Hopper  
**Request by Cary Hopper (Agent: Gay and Neel, Inc.) to rezone approximately 1.606 acres from Agricultural (A-1) to Multiple Family Residential (RM-1), with possible proffered conditions, to allow two multifamily dwelling units in the form of one duplex and one triplex. The property is located 1534 Gallimore Street; identified as Tax Parcel Nos. 090-C 2 5C and 090-C 2 5A, (Account Nos. 130812 and 070735) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Medium Density Residential within the Riner Village Plan with a proposed gross density of four (4) dwelling units per acre. (TAB C )**

**Public Hearings Numbers 4-9 represent minor changes. Number 4 addresses a minor inconsistency in the zoning ordinance and Numbers 5-9 represent small state enabling legislative changes that need to be incorporated into the County Zoning Ordinance.**

4. Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-22  
**An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-22 to clarify that sawmill, temporary use is a by-right use and sawmill is a use allowable by special use permit in C-1 Conservation district. (TAB D )**
  
5. Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-41 (2A)  
**An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-41 (2A) by amending the definition of temporary family health care structure to comply with changes in the state enabling legislation. (TAB E )**
  
6. Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-43(5)  
**An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-43 (5) by adding cemeteries to the list of uses that shall require a minimum ten (10) percent tree canopy plan shown on the final site plan in order to comply with state law change. (TAB F )**

7. Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-51  
**An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-51 to clarify the voting requirements for action taken by the Board of Zoning Appeals. (TAB G )**
8. Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-54(1)  
**An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-54 (1)(d) by adding military installation to the list of places proposed zoning amendments shall be referred to for comment in order to comply with state law change. (TAB H )**
9. Ordinance Amendment – Chapter 10, Entitled Zoning, Section 10-55  
**An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia, by amending Section 10-55 by amending certain procedures before the Board of Zoning Appeals to comply with state law change. (TAB I )**
10. Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-21 through 10-26, Section 10-41 and Section 10-61- Amateur Radio Towers  
**An Ordinance Amending Chapter 10, Entitled Zoning of The Code of The County of Montgomery Virginia By Amending Sections 10-21 through 10-36, Section 10-41 and Section 10-61 by Creating a New Amateur Radio Tower Use Defined as a Structure on which Antenna is Installed for the Purpose of Transmitting and Receiving Amateur Radio Signals allowable by right under certain use limitations in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, Pin Planned Industrial, PUD-COM and PUD-RES Planned Unit Development Districts and allowable by Special Use Permit under certain use limitations in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing Light, PIN Planned Industrial, PUD-COM, RM-1 Multiple Family Residential, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill and PMR Planned Mobile Home Residential Park districts.  
(TAB J )**
11. Ordinance Amendment- Chapter 10, Entitled Zoning, Section 10-21 through 10-36, Section 10-41 and 10-61 – Park and Ride Lots  
**An ordinance amending Chapter 10, entitled Zoning of the Code of the County of Montgomery Virginia by amending Sections 10-21 through 10-36, Section 10-41 and Section 10-61 by amending the definition of park and ride lot to include parking for other short term traveling purposes in addition to work allowable by right under certain use limitations if the lot has fifty or less parking spaces in GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing-Light, PUD-TND Planned Unit Development-Traditional**

Neighborhood Development, Traditional Neighborhood Development Infill, PIN Planned Industrial, PUD-COM Planned Unit Development-Commercial and PUD-RES Planned Unit Development- Residential districts and park and ride lot allowable by special use permit with more than fifty parking spaces in GB General Business, CB Community Business, M-1 Manufacturing, M-L Manufacturing-Light, PUD-TND Planned Unit Development-Traditional Neighborhood Development, Traditional Neighborhood Development Infill, PIN Planned Industrial, PUD-COM Planned Unit Development-Commercial and PUD-RES Planned Unit Development-Residential districts and park and ride lot allowable by special use permit in A-1 Agricultural, C-1 Conservation, R-R Rural Residential, R-1, R-2, R-3 Residential, RM-1 Multiple-Family Residential and PMR Planned Mobile Home Residential Park districts.  
( TAB  K  )

**V. PUBLIC ADDRESS**

**VI. ADDENDUM**

**VII. CONSENT AGENDA**

**VIII. NEW BUSINESS**

**A. SUBJECT: ISSUANCE OF REVENUE BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY FOR THE VIRGINIA TECH FOUNDATION INC.**

**R-FY-14-  
RESOLUTION OF THE BOARD OF SUPERVISORS  
OF MONTGOMERY COUNTY, VIRGINIA APPROVING THE ISSUANCE  
OF REVENUE BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY  
OF MONTGOMERY COUNTY, VIRGINIA FOR THE BENEFIT OF  
VIRGINIA TECH FOUNDATION, INC.**

WHEREAS, The Virginia Tech Foundation, Inc. (the “Foundation”), a nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), has described to the Economic Development Authority of Montgomery County, Virginia (the “Authority”) its plans to finance or refinance various facilities owned or to be owned by or leased to the Foundation or affiliated nonprofit entities controlled by or under common control with the Foundation of benefit to, and in connection with its support of, the Virginia Polytechnic Institute and State University (the “University”) and its programs, located in Montgomery County, Virginia (“Montgomery County”), as well as in Rockbridge County, Virginia, Arlington County, Virginia, the City of Roanoke, Virginia and the City of Alexandria, Virginia; and

WHEREAS, The Foundation has requested that the Authority agree to issue its revenue bonds or other obligations (collectively, the “Bonds”), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), in such amount up to \$48,000,000 as may be necessary to finance or refinance the cost of such facilities and related issuance costs; and

WHEREAS, Proceeds of the Bonds will be used, together with other funds of the Foundation, to pay related costs of issuance and costs of one or more of the following (collectively, the “Projects”):

(a) in Montgomery County, financing or refinancing the (i) acquisition, construction and equipping of certain improvements and related relocation expenses of approximately 35 acres known as the Virginia Tech Dairy Relocation project, located at 5250 Whitethorne Road, Blacksburg, Virginia, owned by the University and leased to the Foundation for use by the University and other tenants primarily for research and related purposes, (ii) acquisition, construction and equipping of the approximately 46,000 square foot facility known as RB 1691, located at 1691 Innovation Drive, Blacksburg, Virginia, owned by the Foundation for use by private tenants primarily as office and research space, (iii) acquisition, construction and equipping of certain retail tenant improvements on the first floor of the approximately 140,000 square foot facility known as the North End Center, located at 300 Turner Street, Blacksburg, Virginia, owned by Turner Street Project LLC, a nonprofit limited liability company (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Foundation), and leased to certain tenants as commercial space, and (iv) acquisition, construction and equipping of certain retail tenant improvements on the first floor of 79,148 square foot facility known as Collegiate Square I, located at 460 Turner Street, Blacksburg, Virginia, owned by CS Shopping Center LLC, a nonprofit limited liability company (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Foundation), for use by the University and other tenants primarily as office and retail space;

(b) in Rockbridge County, Virginia, financing or refinancing the (i) acquisition of approximately 103 acres known as Carr Farm, located on Steeles Fort Road, Steeles Tavern, Virginia, owned by the Foundation for use by the University and other tenants primarily for agricultural research and related purposes, and (ii) acquisition of approximately 143 acres known as Crain/Moore Farm, located on Raphine Lee Highway, Steeles Tavern, Virginia, owned by the Foundation for use by the University and other tenants primarily for agricultural research and related purposes;

(c) in the City of Roanoke, Virginia, financing or refinancing the acquisition of approximately 3.0209 acres, located at 2 Riverside Circle Drive, SW, Roanoke, Virginia, owned by the Foundation for use by the University and other tenants as the Carilion Medical School;

(d) in the City of Alexandria, Virginia, financing or refinancing the acquisition, construction and equipping of the approximately 12,000 square foot facility known as the 601 Prince Street facility, located at 601 Prince Street, Alexandria, Virginia, owned by the Foundation for use by the University for instructional purposes; and

(e) in Arlington County, Virginia, financing or refinancing the acquisition, construction and equipping of certain tenant improvements and startup costs for the Virginia Tech Applied Research Corporation, a non profit corporation affiliated with and operated for the benefit of the University, on the seventh floor of the approximately 145,000 square foot facility known as the Virginia Tech Research Center – Arlington, located at 900 North Glebe Road, Arlington, Virginia, owned by Virginia Tech Research Institute, LLC (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Foundation) for use by the University and other tenants primarily for research and related purposes;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Act sets forth the procedure for such approval; and

WHEREAS, Since the Authority issues bonds on behalf of Montgomery County, certain of the Projects are located in Montgomery County and the Board of Supervisors of Montgomery County (the “Board of Supervisors”) constitutes the highest elected governmental unit of Montgomery County, it is required that the Board of Supervisors approve issuance of the Bonds; and

WHEREAS, Following a joint public hearing held on behalf of Montgomery County and Rockbridge County, Virginia on September 17, 2013, the Authority adopted a resolution (the “Bond Resolution”) recommending and requesting that the Board of Supervisors approve the issuance of the Bonds; and

WHEREAS, A copy of the Bond Resolution and a Fiscal Impact Statement have been filed with the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA:**

**1. Approval of the Bonds.** The Board of Supervisors approves the issuance by the Authority of the Bonds in the aggregate principal amount not to exceed \$48,000,000, for the benefit of the Foundation, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Authority to assist the Foundation in financing or refinancing the Projects.

**2. No Endorsement; Bonds are Limited Obligations.** The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Projects or the Foundation and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall

provide that neither Montgomery County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including Montgomery County and the Authority, shall be pledged thereto.

**3. Effective Date.** This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of Montgomery County, Virginia this 23<sup>rd</sup> day of September, 2013.

ISSUE/PURPOSE: Approve the issuance of bonds by the Economic Development Authority on behalf of the Virginia Tech Foundation, Inc.

JUSTIFICATION: The Virginia Tech Foundation plans to finance or refinance various facilities owned or to be owned by or leased to the Foundation. The Foundation has requested the Economic Development Authority to issue bonds in the amount up to \$48,000,000 as may be necessary to finance or refinance the cost of such facilities and related issuance costs.

See TAB N for a copy of the Economic Development Authority’s resolution.

**B. SUBJECT: SCHOOL OPERATING FUND – CARRYOVER FY 13 YEAR-END BALANCE**

**A-FY-14-  
SCHOOL OPERATING FUND  
CARRYOVER FY 13 YEAR-END BALANCE**

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

09 Transfer to School Operating Fund \$531,779

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

451203 Undesignated Fund Balance \$531,779

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

<u>School Operating</u>	
561000 Instruction	\$288,824
562000 Admin, Attend, & Health	\$10,000
564000 Operations and Maintenance	<u>\$232,955</u>
Total	\$531,779

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

<u>Revenue Account</u>	
451100 Transfer from General Fund	\$531,779

Said resolution re-appropriates school funds remaining at year-end June 30, 2013.

ISSUE/PURPOSE: Re-appropriate funds remaining at year- end for the schools.

JUSTIFICATION: The schools have requested carryover of their unexpended balances. Of these funds to be carried forward, \$146,256 is requested to support two full-time positions and two part-time positions, which MCPS states are for one year only.

This resolution appropriates the remaining balance of \$531,779 for the following:

- Special Education and Nursing \$101,134
- Balance from \$400,000 in maintenance fund 191,500
- Restore 2 ISS aides at middle schools 25,376
- Restore Governor’s Summer School 7,434
- Teacher evaluation software 5,000
- Secondary math coach 60,440
- Elementary instructional specialist 60,440
- Universal screening and assessment tool 36,000
- Expand reflex math subscriptions 3,000
- Flexibility study for Cburg Strand 41,455
- Total \$531,779

TAB O includes a copy of the School’s letter of request

C. SUBJECT: RESOLUTION OF APPRECIATION  
GERARD W. (JERRY) HIGGINS  
NRV REGIONAL WATER AUTHORITY

**R-FY-14-**  
**RESOLUTION OF APPRECIATION**  
**GERARD W. (JERRY) HIGGINS**  
**NRV REGIONAL WATER AUTHORITY**

*WHEREAS, Gerard W. (Jerry) Higgins* has served the citizens of Montgomery County since 1989 as Manager of the Blacksburg-Christiansburg-VPI Water Authority which provides drinking water to approximately 65,000 people in the New River Valley; and

*WHEREAS, Jerry Higgins* received national recognition in 2011 when he was awarded the “Distinguished Public Service Award” given by the American Water Works Association for his outstanding contributions as a volunteer in public service while receiving recognition as a professional in the industry; and

*WHEREAS, Jerry Higgins* has served on the County’s Economic Development Authority and the Montgomery Regional Economic Development Commission; and

*WHEREAS,* The Board of Supervisors recognizes that his consistently thoughtful and thorough consideration while working diligently with Montgomery County and the members of the Blacksburg-Christiansburg-VPI Authority to complete the Joinder Study and establish the NRV Regional Water Authority, along with his integrity and reliability, rightfully earned the respect and trust of this body; and

*WHEREAS, Jerry Higgins* has announced his retirement from the NRV Regional Water Authority effective October 31, 2013.

***NOW, THEREFORE, BE IT RESOLVED,*** By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby extends a unanimous vote of appreciation and gratitude to *Jerry Higgins* for his professional accomplishments and outstanding public service and dedication, and congratulates him upon the grand occasion of his retirement, with sincere best wishes for continued health and happiness.

***BE IT FURTHER RESOLVED,*** That the original of this resolution be presented to *Jerry Higgins* as a testimonial of the high esteem and appreciation in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

## **IX. INTO WORK SESSION**

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

1. Emergency Operations Plan ( TAB P )
2. Consolidated Site Hours of Operation ( TAB Q )
3. State Disability Program Changes ( TAB R )
4. Legislative Priorities for 2014 ( TAB S )

## **X. OUT OF WORK SESSION**

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

## **XI. COUNTY ATTORNEY'S REPORT**

## **XII. COUNTY ADMINISTRATOR'S REPORT**

## **XIII. BOARD MEMBERS' REPORT**

1. Supervisor Creed
2. Supervisor Perkins
3. Supervisor Brown
4. Supervisor Biggs
5. Supervisor Tuck
6. Supervisor Gabriele
7. Supervisor Politis

## **XIV. OTHER BUSINESS**

## **XV. ADJOURNMENT**

### **FUTURE MEETINGS**

Regular Meeting

**Wednesday, October 16, 2013**

6:30 p.m. – Closed Meeting Items

7:30 p.m. Regular Agenda

Adjourned Meeting

Monday, October 28, 2013

6:30 p.m. – Closed Meeting Items

7:30 p.m. Regular Agenda

Regular Meeting

**Wednesday, November 13, 2013**

6:30 p.m. – Closed Meeting Items

7:30 p.m. Regular Agenda

Adjourned Meeting

Monday, November 25, 2013

6:30 p.m. – Closed Meeting Items

7:30 p.m. Regular Agenda

Regular Meeting

Monday, December 16, 2013

6:30 p.m. – Closed Meeting Items

7:30 p.m. Regular Agenda