TO: The Honorable Board of Supervisors

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

DATE: October 13, 2015

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

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

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Former Blacksburg High School
2. Former Blacksburg Middle School

(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. Mountain Valley Charitable Foundation –Shawsville Middle School Athletic Facilities

(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. Personnel

III. OUT OF CLOSED MEETING

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

IV. CERTIFICATION OF CLOSED MEETING

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

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PRESENTATIONS, RECOGNITIONS AND AWARDS

A. <u>Virginia Department of Transportation</u>
David Clarke, VDOT, will provide an update on road projects/issues in Montgomery County.

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. INTO WORK SESSION

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

1. Revenue Sharing FY 2017 (TAB **_C_**)

XII. OUT OF WORK SESSION

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

1. Action Following Work Session

XIII. OLD BUSINESS

A. SUBJECT: REZONING SHAH DEVELOPMENT

ORD-FY-16-
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 8.01 ACRES FROM RESIDENTIAL MULTI-FAMILY (RM-1) TO RESIDENTIAL (R-3) COMPACT IN THE SHAWSVILLE MAGISTERIAL DISTRICT (DISTRICT C) LOCATED AT 5201 TANGO LANE. IDENTIFIED FURTHER AS TAX PARCELS NO. 060-1-A, PARCEL ID. NUMBER 070690

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning request is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone approximately 8.01 acres from Residential Multi-family (RM-1) to Residential (R-3) Compact, to allow residential development with the following proffered conditions:

1. ***Conceptual Layout***
   The Property shall be developed in substantial conformance with the conceptual plan prepared by Gay & Neel, dated September 10, 2015 (the "Concept Development Plan").

2. ***Density***
   A maximum density of no more than 5.0 units per acre will be permitted.

3. ***Utilities***
   Site shall be served by Montgomery County Public Service Authority public water and sanitary sewer.

4. ***Site Plan***
   A detailed site plan subdivision 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.

5. ***Trash Receptacles***
   No individual trash receptacles shall be stored where visible from public Rights-of-Way. Community dumpsters will be provided and screened on all four sides.

6. ***Property Management***
   A property management company and/or homeowner's association shall maintain all grounds, including but not limited to grass areas, recreational areas, parking and paved areas, walking trails and stormwater management area.

7. ***Screening***
   A single row of screening trees shall be installed along the two adjacent residential property lines. Trees shall be staggered and no more than 25% of the trees on site will be one species.

8. ***Road Improvements***
   Road improvements and turn lanes will be designed per VDOT requirements. Additionally, a VDOT approved turnaround will be provided at the proposed entrance connection to Old Route 460 (present Route 603)

until such time as turnaround improvements to Route 603 may be negotiated with Montgomery County and the Virginia Department of Transportation. A cul-de-sac is the preferred geometry for the turnaround if practical. Note that curb and gutter shall be installed to allow for reduction in lot width. All roads shall be private per Montgomery County standards.

9. ***Landscaping***

Proposed buffer yard shall be in conformance with the requirements of the zoning ordinance and shall be installed prior to the issuance of a certificate of occupancy. Buffer shall not impede sight distance at the proposed or existing entrances. Landscaping along the Route 11/460 right-of-way frontage shall be in- keeping with the Route 11/460 Corridor plan and include hardy ornamental tree species, such as Crepe Myrtles, arranged in irregular groupings and supplemented by groupings of low evergreen shrubs. No more than 25% of the trees on site will be one species.

10. ***Trail Connectivity***

Prior to the completion of the first eight units, a minimum 8' wide asphalt walking trail will be constructed internal to the road network providing connectivity to the recreation area and will ultimately connect to a 5' wide concrete sidewalk on the road network as shown on the concept plan. At such time as the proposed trail network outlined in the VITL plan is constructed and reaches the site, the project will provide an easement across the site to allow the VITL trail network to traverse the site generally parallel with old route 460 and connect to the site's sidewalk.

11. ***Recreational Areas***

Prior to the completion of the first eight units, a minimum 2,500 square foot tot lot will be constructed with a minimum of a swing-set, slide, and jungle-gym type playground equipment as well as two park benches for recreation use.

12. ***Construction Phasing***

Mass grading of the site will be completed prior to any construction of proposed units. Sanitary sewer, waterlines, and storm drain system infrastructure will be constructed and installed as necessary for each building**.**

13. ***Architectural Design***

A mixture of brick, stone and vinyl siding materials shall be utilized in the construction of the homes to provide a diverse look between the units.

14. ***Fire Hydrants***

A minimum of four fire hydrants will be installed on the site for fire suppression. Hydrants will be installed prior to the completion and sale of homes to ensure compliance with state and local fire code requirements.

15. ***Bus Shelter***
A minimum 5' x 10' bus shelter constructed of durable, architecturally sound materials that will withstand continual exposure to the elements shall be provided at one of the proposed site entrances with the specific location to be determined at a later date.

The subject parcel is located at 5201 Tango Lane; identified as Tax Parcel Nos. 060-1-A, (Parcel ID Nos. 070690) in the Shawsville Magisterial District (District C).

The property lies in an area designated as Village Expansion in the Comprehensive Plan and Mixed Use in the Elliston/Lafayette Village Plan.

This action was commenced upon the application of owners SHAH Development, LLC (Agent: Gay & Neel, Inc).

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE:	Rezone approximately 8.01 acres from Residential Multi-family (RM-1) to Residential (R-3) Compact.
JUSTIFICATION:	SHAH Development, LLC has requested the rezoning change from RM-1 to R-3 in order to change the concept plan from townhomes to single family residential housing. The Planning Commission recommended approval of the rezoning request. See TAB **D** .

B. SUBJECT: ORDINANCE – ALLOW RESIDENTIAL BEE KEEPING

ORD-FY-16-
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTION 10-24, 10-25, 10-26, 10-32.1, 10-35, AND 10-41 RESPECTIVELY BY ALLOWING RESIDENTIAL BEEKEEPING AS A PERMITTED USE UNDER URBAN AGRICULTURE PURSUANT TO CERTAIN RESTRICTION IN THE R-1 RESIDENTIAL, R-2 RESIDENTIAL, R-3 RESIDENTIAL, TRADITIONAL NEIGHBORHOOD DEVELOPMENT INFILL AND PUD-RES PLANNED UNIT DEVELOPMENT DISTRICTS AND BY AMENDING SECTION 10-61 DEFINITIONS BY ADDING A DEFINITION FOR RESIDENTIAL BEEKEEPING AND BY AMENDING DEFINITION OF ANIMAL UNIT TO INCLUDE TWO BEEHIVES

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, entitled Zoning of the Code of the County of the County of Montgomery, Virginia, Sections 10-24, 10-25, 10-26, 10-32.1, 10-35, 10-41 and 10-61 respectively shall be amended and reordained as follows:

Sec. 10-24. - R-1 Residential District.

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

(a) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).

(b) Bed and breakfast homestay.

(c) Church.

(d) Dwelling, single-family.

(e) Home occupation.

(f) Library.

(g) Pet, household.

(h) Public utility lines, other.

(i) Public utility lines, water or sewer.

(j) School.

(k) Telecommunications tower, attached.

<u>(l) Urban Agriculture (subject to the requirement of Section 10-41(19) of the County Zoning Ordinance)</u>

Sec. 10-25. - R-2 Residential District.

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

(a) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).

(b) Bed and breakfast homestay.

(c) Church.

(d) Dwelling, single-family.

(e) Dwelling, two-family.

(f) Home occupation.

(g) Library.

(h) Pet, household.

(i) Public utility lines, other.

(j) Public utility lines, water or sewer.

(k) School.

(l) Telecommunications tower, attached.

(m) Urban Agriculture (subject to the requirement of Section 10-41(19) of the County Zoning Ordinance)

Sec. 10-26. - R-3 Residential District.

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

(a) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).

(b) Church.

(c) Dwelling, single-family.

(d) Dwelling, two-family.

(e) Home occupation.

(f) Library.

(g) Pet, household.

(h) Public utility lines, other.

(i) Public utility lines, water or sewer.

(j) School.

(k) Telecommunications tower, attached.

(l) Urban Agriculture (subject to the requirement of Section 10-41(19) of the County Zoning Ordinance).

Sec. 10-32.1. - Traditional Neighborhood Development Infill District.

(6) *Permitted traditional neighborhood infill district uses by category:*

1. *Commercial uses.*

a. Convenience stores and general stores without fuel sales.

b. Day care center.

c. Financial services.

d. Funeral home.

e. Laundromat.

f. Medical care facility.

g. Mixed use buildings (integrated horizontally or vertically) which include residential and commercial uses.

h. Office, administrative, business or professional, less than twenty thousand (20,000) square feet in size, and no more than ten thousand (10,000) square feet per floor plate.

i. Park and ride lot, of fifty (50) or fewer spaces.

j. Parking areas that are accessory to any permitted or permissible commercial, residential, civic, institutional or open space use.

k. Printing services.

l. Restaurants and outdoor seating associated with Restaurants subject to the provisions of section 11.d, below.

m. Retail Sales and Services, no larger than ten thousand (10,000) square feet in size.

2. *Residential uses.*

a. Single-family detached and attached dwellings, including duplexes, town- houses, row houses;

b. Accessory dwelling units (as defined in Sec. 10-41) associated with single family dwellings;

c. Live/work units that combine a residence and the resident's workplace

d. Home occupation

3. *Civic or institutional uses*.

a. Municipal offices, fire stations, libraries, museums, community meeting facilities, community centers, and post offices;

b. Transit shelters;

c. Civic club;

d. Church;

e. Open Space.

4. *Urban Agriculture (subject to the requirement of Section 10-41(19) of the County Zoning Ordinance).*

Sec. 10-35. - PUD-RES Planned Unit Development-Residential district.

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

(a) Cemetery.

(b) Church.

(c) Civic club.

(d) Conference or training center.

(e) Congregate care facility.

(f) Convenience store, without motor fuel sales.

(g) Day care center.

(h) Dwelling, multifamily (apartment).

(i) Dwelling, single-family.

(j) Dwelling, single-family attached (townhouse).

(k) Dwelling, two-family (duplex).

(l) Financial services.

(m) Fire, police and rescue station.

(n) Funeral home.

(o) Golf course.

(p) Home occupation (new).

(q) Library.

(r) Medical care facility.

(s) Mobile home, Class A.

(t) Nursing home.

(u) Office, administrative, business or professional.

(v) Park, lighted or unlighted.

(w) Park and ride lot, of fifty (50) or fewer spaces.

(x) pet, household.

(y) Playground, lighted or unlighted.

(z) Post office.

(aa) Public facility.

(bb) Public utility lines, other.

(cc) Public utility lines, water or sewer.

(dd) Recreation establishment.

(ee) Recycling collection point.

(ff) Restaurant with gross floor area of less than two thousand (2,000) square feet.

(gg) Retail sales and services.

(hh) School.

(ii) Senior living facility.

(jj) Telecommunication tower, attached.

(kk) Urban Agriculture (subject to the requirement of Section 10-41(19) of the County Zoning Ordinance).

Sec. 10-41. - Supplemental district regulations.

(19) *Urban agriculture*.

(a) Residential chicken keeping as defined in section 10-61 of this chapter, are permitted in the Residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:

1. A minimum lot size of two (2) acres is required.
2. The owner of the chickens must reside on the property on which the chickens are kept.
3. The keeping of male chickens is prohibited.
4. Chickens shall be kept within a predator-resistant coop or chicken enclosure and shall not be allowed to roam free and shall be confined to enclosure/structure.

5. Coops and chicken enclosures shall be located in the rear yard only and shall be setback at least fifty (50) feet from side and rear property lines. Portable coops shall not be utilized.
6. Chicken enclosures shall not exceed ten (10) feet in height.
7. Chicken enclosures shall be well-ventilated and kept in a condition that is conducive to the well-being of chickens at all times.
8. Chickens shall be kept for the household's personal enjoyment only. On-site commercial uses such as selling eggs or chickens for meat shall be prohibited.
9. Provision shall be made for the storage and removal of chicken waste (manure). Such waste shall not create a nuisance or health hazard to adjoining property owners.
10. All feed or other materials intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects, or predators.
11. A zoning permit shall be obtained by the owner of the chickens.
12. Residential chicken keeping shall comply with chapter 3 and chapter 7, article III of the County Code.

(b) Residential beekeeping as defined in section 10-61 of this chapter, are permitted in the Residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:

1. A minimum lot size of one half (1/2) acre is required.
2. A density of two (2) hives per one half (1/2) acre is permitted in residential zoning districts, with an equal number of nucleus hives.
3. Beehives shall be located in the rear yard only and shall be setback at least twenty five (25) feet from side and rear property lines.
4. Water supply for bees. Every person owning, possessing, or keeping any beehive shall maintain, within fifty (50) feet of each beehive, an adequate, accessible, and useable supply of water for the bees.
5. Bees shall be kept for the household's personal use and enjoyment only. On-site commercial uses such as sales of honey, beeswax, or bees shall be prohibited.
6. A zoning permit shall be obtained by the owner of the bees.
7. Residential beekeeping shall comply chapter 7, article III of the County Code.

Sec. 10-61. - Definitions.

Animal unit: The equivalent of one (1) head of beef cattle. For the purposes of this chapter, the following equal one (1) animal unit: one (1) head of beef cattle; one (1) dairy cow; two (2) calves of less than one-year old; one (1) buffalo; one (1) llama; one (1) horse; one (1) mule; five (5) sheep; five (5) goats; two (2) swine; two (2) deer; one hundred (100) chickens; fifty (50) turkeys; three (3) ostriches; two (2) beehives; or one hundred (100) rabbits.

Residential beekeeping: The keeping of beehives in non-agriculturally zoned areas as an accessory use to a single family residence subject to the standards set out in section 10-41(19).

ISSUE/PURPOSE: Adopt Ordinance allowing residential beekeeping .

JUSTIFICATION: The County received a letter from the New River Valley Beekeepers Association requesting the Board of Supervisors to consider amending the County Code to permit beekeeping in residential districts. The Board referred the request to the Planning Commission to review. The Planning Commission recommended approval of residential beekeeping with conditions. TAB **E** .

C. SUBJECT: ORDINANCE – REMOVAL OR DISPOSAL OF TRASH, CUTTING OF GRASS AND WEEDS

ORD-FY-16-

AN ORDINANCE AMENDING CHAPTER 7, ENTITLED OFFENSES – MISCELLANEOUS OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, BY CREATING ARTICLE V, ENTITLED REMOVAL OR DISPOSAL OF TRASH, CUTTING OF GRASS AND WEEDS SECTIONS, 7-85 THROUGH 7-91, MAKING IT ILLEGAL TO ACCUMULATE TRASH AND WEEDS IN EXCESS OF FIFTEEN (15) INCHES ON ANY PARCEL IN AREAS ZONED RESIDENTIAL, BUSINESS, COMMERCIAL OR INDUSTRIAL OR IN AREAS WITHIN THE BOUNDARIES OF PLATTED SUBDIVISIONS

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 7, entitled Offenses-Miscellaneous of the Code of the County of Montgomery, Virginia shall be amended and reordained by adding Article V, entitled Removal or Disposal of Trash, Cutting of Grass and Weeds, Section 7-83 through 7-91 respectively as follows:

ARTICLE V. – REMOVAL OR DISPOSAL OF TRASH, CUTTING OF GRASS AND WEEDS

Section 7-85 Definition.

The following words, terms and phrases when used in this Article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Abatement Cost: The County's cost of labor, equipment, administrative costs and supplies for or the contract price of, and any charges to, the County, with respect to the removal and disposal of grass, weeds or trash from a parcel.

Enforcement Agent: The County Administrator or his designee.

Occupant: Any person age eighteen (18) or older who resides in a single family dwelling, duplex or townhouse, whether or not the person is the lessor. Occupant also means any person who possess and uses commercial, industrial or residential property with permission of or by contract or lease with the Owner.

Owner: The Owner of record of real property.

Owner Agent: Any person appointed or employed by the Owner for the purpose of managing the Owner's real estate.

Parcel: Any real estate or any interest therein, situate, lying and being in the County in areas zoned for residential, business, commercial or industrial uses or in areas within the boundaries of platted subdivisions.

Trash: Abandoned personal property, garbage, refuse, rubbish, litter or debris.

Weed or Weeds; Grass, plants, weeds, poison ivy, poison oak, or any other vegetated growth, other than trees, ornamental shrubbery, flowers, garden vegetables, cultivated crops, hay grown, mowed and stored for animal feed or undisturbed woodland.

Section 7-86 Accumulation of trash or weeds prohibited; duty of Owner and Occupant.

Weeds growing in excess of fifteen (15) inches in height or trash lying on any parcel shall constitute a public nuisance. It shall be unlawful for the Owner and/or Occupant of any parcel to permit weeds of more than fifteen (15) inches in height or the accumulation of trash on any parcel. It shall be the joint and several duty of the Owner and Occupant of any parcel to immediately cut, remove or destroy any and all weeds exceeding fifteen (15) inches in height and to remove trash from the parcel.

Section 7-87 Penalty.

Any Owner or occupant who violates Section 7-86 or any other provisions of this Article shall be subject to a civil penalty of Fifty Dollars ($50.00) for the first violation or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be Two Hundred Dollars ($200.00). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of Three Thousand Dollars ($3,000) in a twelve (12) month period.

Section 7-88 Notice to Remove Weed(s) or Trash.

(a) When the County Administrator or designee determines that a violation of this Article exists with respect to any parcel, the County Administrator or designee shall deliver written notice to the Owner and/or Occupant, via one or more of the following methods:

1. Mail written notice thereof to the Owner, at the Owner's address as determined from public records, via certified mail.

2. Mail written notice thereof to the Occupant, at the address where the violation is observed, via certified mail.
3. Hand deliver written notice to the Owner, Owner's Agent and/or Occupant personally or by posting notice, indicating the date, time and place of personal delivery or posting.

(b) The Notice shall:

1. Set forth the alleged violation of this Article and what needs to be done to remedy the violation
2. Describe the parcel of real property by street address, Tax Map Parcel No. and/or by any other reasonable alternative means.
3. Demand the removal of the weed(s) or trash.
4. Advise that if the weed(s) or trash are not removed within ten (10) calendar days of the delivery, mailing or posting, of the Notice, the County will proceed to remove them, with the costs thereof together with an administrative fee authorized by this Article being specifically assessed against the Owner and the Parcel.
5. Advise that the County's cost together with the administrative fee shall constitute a lien against the property in favor of the County ranking on a parity with liens for unpaid local taxes.
6. Afford the Owner and/or occupant an opportunity to meet with the County Administrator or designee for a hearing on the alleged violation, on the proposed action and the consequences thereof.

(c) The Owner and/or Occupant may request a hearing with the County Administrator or designee, in writing, within the ten (10) calendar day period set forth in the Notice. In the event the Owner and/or Occupant requests a hearing, the County Administrator or designee shall set a hearing and notify the Owner and/or Occupant of the time and location of the hearing, to be held within five (5) days from the date the County Administrator's or designee's receipt of the request for a hearing. The County shall postpone any enforcement action until after the date and time set for the hearing.

Section 7-89 Performance of Work by County.
If the Owner and/or occupant shall fail to complete the abatement of the weed(s) or trash within the time specified in the written notice, the County Administrator or designee may direct the County forces to abate or complete the abatement of the violation. In the alternative, the County Administrator or designee may contract for this work to be done by a private contractor.
Section 7-90 Costs of County Action Constitute Lien on Property; Administrative Fee Authorized.

In any case where the County has delivered written notice to the Owner through one of the methods prescribed above, the costs of any County action to abate a weeds and/or trash violation shall constitute a lien against the parcel. In addition, an administrative fee of One Hundred Fifty Dollars ($150.00) or twenty-

five (25) percent of the cost, whichever is less, but in no event less than Twenty-Five Dollars ($25.00), is hereby ordained to be assessed against the Owner. The cost plus the administrative fee shall constitute a lien against the parcel, ranking on a parity with liens for unpaid local taxes, and are enforceable in the same manner. Such liens may be waived in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the Owner and who has no business association with the Owner. All such liens shall remain a personal obligation of the Owner of the property at the time the liens are imposed.

Section 7-91 Exemptions.
The requirements of this Article shall not have any force and effect within:

a) the corporate limits of the Towns of Blacksburg and Christiansburg;
b) areas used for pastures, under cultivation, active farming operations, forested, or subject to utility transmission;
c) areas where the vegetative growth is regulated under State or Federal laws or programs;
d) any stream buffer required by County ordinance or protected under permanent conservation easement;
e) areas under an approved plan of natural landscaping;
f) property designated through an approved zoning or subdivision plat as open space, green space, conservation or preservation area and that is intended to remain in its natural state;
g) public park lands; or
h) stormwater management facilities such as detention ponds.

ISSUE/PURPOSE:	Adopt Ordinance adding Article V entitled Removal or Disposal of Trash, Cutting of Grass and Weeds, Section 7-83 through 7-91.
JUSTIFICATION:	The Board of Supervisors directed the County Attorney to draft an ordinance requiring property owners to maintain property order of their property.

D. SUBJECT: ABANDONMENT OF FORMER SCHOOL ACCESS ROADS

R-FY-16-

A RESOLUTION ABANDONING SCHOOL ACCESS ROADS FOR THE FORMER IRONTO HEAD START, THE FORMER SHAWSVILLE ELEMENTARY SCHOOL, THE FORMER ELLISTON ELEMENTARY SCHOOL, THE FORMER PRICE'S FORK ELEMENTARY SCHOOL, THE FORMER BETHEL ELEMENTARY SCHOOL AND THE FORMER ELLISTON/LAFAYETTE ELEMENTARY SCHOOL

WHEREAS, A public notice was posted as prescribed under Section 33.2-909, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the sections of road described below from the Secondary System of State Highways; and

WHEREAS, The Commissioner of the Virginia Department of Transportation was provided the prescribed notice of the Board's intent to abandon the subject sections of the roads; and

WHEREAS, After considering all evidence available, this Board is satisfied that no public necessity exist for the continuance of the section of the school access routes as described below:

1. Route 9262, from Route 647 to 0.20 miles north of Route 647, a distance of 0.20 miles, serving the former Ironto Head Start.
2. Route 9263, from Route 11/460 to 0.38 miles west of Route 9263, a distance of 0.38 miles, serving the former Shawsville Elementary School.
3. Route 9265, from Route 631 to 0.12 miles north of Route 631, a distance of 0.12 miles, serving the former Elliston Elementary School.
4. Route 9547, from Route 685 to 0.08 miles east of Route 685, a distance of 0.08 miles, serving the former Price's Fork Elementary School.
5. Route 9658, from Route 177 to 0.07 miles north of Route177, a distance of 0.07 miles, serving the former Bethel Elementary School.
6. Route 9815, from Route 11/460 to .024 miles north of Route 11/460, a distance of 0.24 miles, serving the former Elliston/Lafayette Elementary School.

WHEREAS, Since the School Board of Montgomery County deemed the former school properties surplus, the School Board has likewise deemed the access routes, listed above as no longer necessary to provide access to the facilities.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby abandons the above described sections of road and removes them from the

Secondary System of State Highways, pursuant to Section 33.2-909, Code of Virginia.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

ISSUE/PURPOSE: Abandon former school access roads.

JUSTIFICATION: VDOT notified the County that there were several school access roads for former school facilities that no longer serve a public purpose. VDOT recommended abandoning these roads. TAB **F** .

XIV. NEW BUSINESS

A. SUBJECT: PUBLIC SERVICE AUTHORITY – CONVERSION OF THE AUTHORITY TO A DEPARTMENT WHEN THE GENERAL ASSEMBLY GRANTS THE COUNTY THE AUTHORITY TO REQUIRE MANDATORY CONNECTIONS TO WATER AND SEWAGE SYSTEMS

R-FY-16-

RESOLUTION APPROVING THE REQUEST BY THE MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY FOR THE COUNTY TO PHASE OUT THE AFFAIRS OF THE PUBLIC SERVICE AUTHORITY AND TAKE OVER THE DUTIES AND OBLIGATIONS OF THE AUTHORITY CONDITIONED UPON THE COUNTY FIRST OBTAINING FROM THE GENERAL ASSEMBLY THE POWER TO REQUIRE MANDATORY CONNECTIONS TO WATER AND SEWAGE SYSTEMS

WHEREAS, The Montgomery County Board of Supervisors created the Montgomery County Public Service Authority ("the PSA") to provide water and sewer utility service to the unincorporated areas of the County of Montgomery, Virginia; and

WHEREAS, The PSA has established a water and sewage system serving the citizens living and working in the unincorporated area of the County of Montgomery, Virginia; and

WHEREAS, On August 3, 2015, the Board of the Montgomery County Public Service Authority adopted a Resolution requesting the Board of Supervisors of the County of Montgomery, Virginia to take over the PSA's functions of providing water and sewage service; to assume all the obligations of the PSA; to

acquire all the assets of the PSA and to begin the process of phasing out the affairs of the PSA; and

WHEREAS, The Board of Supervisors desires to take over the functions of the PSA; to assume all the obligations of the PSA; acquire all the assets of the PSA and begin the process of phasing out the affairs of the PSA conditioned upon the County first obtaining authority from the General Assembly to require mandatory connections to water and sewage systems; and

WHEREAS, The PSA has mandatory connection authority under Virginia Water and Waste Authority Act but the County of Montgomery does not and the Board of Supervisors believe that mandatory connection authority is needed before the County takes over the functions of the PSA.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the request by the PSA to take over the functions of the PSA of providing water and sewage service; to assume all the obligations of the PSA; to acquire all the assets of the PSA; and begin the process of phasing out the affairs of the PSA conditioned upon the County first obtaining from the Virginia General Assembly the authority to require mandatory connections to water and sewage systems.

ISSUE/PURPOSE:	Approve the PSA request to take over the function of the PSA upon obtaining from the Virginia General Assembly the authority to require mandatory connections to water and sewage systems.
JUSTIFICATION:	On August 3, 2015, the Board of the Montgomery County Public Service Authority adopted a Resolution requesting the Board of Supervisors of to take over the PSA's functions. This resolution approves the PSA's request and will take over the functions of the PSA upon obtaining from the General Assembly the authority to require mandatory connections to water and sewage systems.

B. SUBJECT: REQUEST THE GOVERNOR TO REQUIRE DEQ TO PROVIDE APPROPRIATE PLAN REVIEW AND CONSTRUCTION OVERSIGHT OF THE MOUNTAIN VALLEY PIPELINE PROJECT AND PROTECT SURFACE AND GROUNDWATER RESOURCES

R-FY-16-

WHEREAS, Pending before the Federal Energy Regulation Commission (FERC) is the proposed Mountain Valley Pipeline (MVP) project, which is proposed to traverse Montgomery County, Virginia; and

WHEREAS, Section 62.1-44.15:55 of the 1950 Code of Virginia, as amended, provides that project specific Erosion and Sediment Control Plans are not required for the construction of linear projects such as interstate gas pipelines, provided the pipeline company files annually with the Department of Environmental Quality (DEQ) general erosion and sediment control standards and specifications; and

WHEREAS, Section 54.1-400 (et seq.) of the 1950 Code of Virginia, as amended, requires that a topographic survey be performed by a duly licensed professional for design projects, and Section 18VAC10-20-382 of the Virginia Administrative Code provides the minimum standards and procedures for surveys determining topography, and the use of unregulated geospatial data does not meet the minimum standards of accuracy required for use by design professionals and may be injurious to the health, safety and welfare of Montgomery County residents; and

WHEREAS, The required amount of land disturbance associated with the MVP project excavation is more than twice the area of all land disturbing activities in a typical year in Montgomery County, and has the potential to cause severe erosion in the County's mountainous terrain; and

WHEREAS, The MVP project is proposed to traverse through highly erodible soils with very steep slopes in Montgomery County, Virginia; and

WHEREAS, Sedimentation caused by accelerated erosion from land-disturbing activities during construction is a significant contributor to pollution of the surface waters of Virginia and the United States; and

WHEREAS, Many Montgomery County citizens rely on untreated groundwater from wells or springs for their domestic water supplies; and

WHEREAS, Karst topography, sinkholes and underground channels capable of carrying sediment and other pollutants are widespread in some areas of the County where the pipeline's construction has been proposed to occur; and

WHEREAS, Without very careful engineering and construction oversight, erosion and sediment from the construction of the proposed Mountain Valley Pipeline could have severe negative consequences for the County's lakes, streams, and rivers, as well as its domestic, agricultural and business water supplies; and

WHEREAS, DEQ has publicly stated that it does not have sufficient resources to provide adequate oversight to linear construction projects, including pipeline projects such as the Mountain Valley Pipeline.

WHEREAS, Section 62.1-44.15:55 of the 1950 Code of Virginia, as amended, provides that the Board may only charge maximum fees of $1,000.00 to cover the costs associated with standard and specification review and approval, project inspections, and compliance; and

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board in consideration of the points made above hereby requests as follows:

1. That the Governor of Virginia provide adequate direction and resources to the Virginia Department of Environmental Quality to execute its role laid out in the Code of Virginia (§62.1-44.15:55(D) to adequately oversee and manage the land disturbing activities and stormwater management associated with the construction of the Mountain Valley Pipeline project, including reviewing plans, conducting inspections, enforcing regulations, and when appropriate, reviewing the project specific plans for the proposed Mountain Valley Pipeline; and

2. That the Virginia Department of Environmental Quality require Erosion and Sediment Control standards and specifications and Stormwater Management Plans for the proposed Mountain Valley Pipeline project that meet all Virginia standards, including Virginia Board of Architects, Professional Engineers, Land Surveyors, and Landscape Architects regulations for project mapping, and that these plans be made available to the public prior to FERC project approval and construction; and

3. That prior to construction, the Virginia Department of Environmental Quality require Mountain Valley Pipeline, LLC officials and third-party inspectors to meet with the County Director of Engineering and Regulatory Compliance or his designee to discuss the implementation of the Erosion and Sediment Control standards and specifications and Stormwater Management Plans for the portion of the MVP project that traverses through Montgomery County.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby directs the County Administrator to transmit this resolution to the Honorable Terry McAuliffe, Governor of Virginia, with copies to the Federal Energy Regulatory Commission (FERC) for inclusion in pre-filing Docket Number PF-15-3-00, Virginia Secretary of Natural Resources Molly Ward, and Virginia Department of Environmental Quality Director David Paylor.

ISSUE/PURPOSE: For the Governor to require the DEQ to provide appropriate plan review and construction oversight of the Mountain Valley Pipeline project to protect surface and groundwater resources.

JUSTIFICATION: In recently published articles the DEQ has indicated that it lacks the necessary personnel and/or funding to provide regulatory oversight to the planning, design and construction of projects such as the Mountain Valley Pipeline project. The absence of plan review and field inspection places Montgomery County citizens and its water resources at risk of damage caused by inadequate control of erosion and sediment during construction. This type of project is exempted under State Code from local ordinances governing land disturbing activities during construction. The County would not be able to adequately respond to citizen inquiries or complaints if sediment was released during project construction. If there is an issue, the County would have no authority to stop the work or require corrective action. Without DEQ taking an active role, there would be no viable remedy for the County to pursue.

C. SUBJECT: LEASE AGREEMENT – NRV EMERGENCY COMMUNICATIONS REGIONAL AUTHORITY

R-FY-16-

RESOLUTION APPROVING THE LEASE AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND THE NEW RIVER VALLEY EMERGENCY COMMUNICATIONS REGIONAL AUTHORITY FOR THE AUTHORITY'S USE OF THE FOURTH FLOOR OF THE COUNTY PUBLIC SAFETY BUILDING

WHEREAS, The County has renovated the old County Courthouse Building located at 1 E. Main Street, Christiansburg, Virginia, transforming that building into the County Public Safety Building; and

WHEREAS, The County has agreed to renovate and lease the fourth floor of the Public Safety Building for use by the New River Valley Emergency Communications Regional Authority ("the Authority"), to locate the Regional 911 Authority Call Center and their offices; and

WHEREAS, The Lease Agreement between the County and the Authority has a lease term of seventeen years with the Authority paying monthly rent and expenses to the County based on the Authority's prorated use of the Public Safety Building and their share of expenses; and

WHEREAS, The Board of Supervisors desire to enter into the Lease Agreement dated October 1, 2015 with the New River Valley Emergency Communications Regional Authority.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Lease Agreement dated October 1, 2015, between the County of Montgomery, Virginia and the New River Valley Emergency Communications Regional Authority for the Authority's use of the Fourth Floor of the County Public Safety Building; and

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Chairman is hereby authorized to sign the Lease Agreement on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Approve the Lease Agreement between the County and New River Valley Emergency Communications Regional Authority.

JUSTIFICATION: See TAB **G** for a copy of the Lease Agreement.

D. SUBJECT: LEGISLATIVE PRIORITIES

R-FY-16-
A RESOLUTION ADOPTING THE
COUNTY'S LEGISLATIVE PRIORITIES
FOR 2016

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports legislation that may be introduced in the 2016 General Assembly session that ends the transfer of state funding shortfalls to localities and the continued shift of services traditionally provided by the state to local government.

The Board further supports legislation that strengthens localities' ability to fund and deliver services to our citizens including:

- ***Ending Unfunded Mandates on Local Government*** by reducing state mandates in proportion to state revenue reductions. Also, shifting the delivery of state services such as transportation should end. **RESPONSIBILITY FOR SECONDARY ROADS SHOULD NOT BE SHIFTED TO LOCALITIES.**

- ***Ending Future State Funding Reductions*** in the two areas where the state has served as a partner with local government: public education and public safety.

- ***Protect Local Governments' Taxing Authority for Current Revenue Sources***. Each General Assembly Session, bills are introduced to eliminate, restrict, or weaken, local governments' ability to levy taxes on its existing revenue sources. Montgomery County asks that our current revenue sources be protected.

- ***Strengthening the Diversity of Local Revenues by Sharing Income Taxes or Other Revenue Sources in Support of Local Services*** by distributing a percentage of individual income tax revenues, providing the authority to levy a local income tax, or allowing other sources to generate revenue locally for locally delivered services.

- ***Strengthening the County's Revenue Base by Enacting Equal Taxing Authority*** by eliminating the distinction in the taxing authority of Virginia's cities and counties.

- ***Power to Levy Tax upon the Sale or Use of Cigarettes.*** Montgomery requests legislation adding Montgomery County to the list of counties who can levy tax upon the sale or use of cigarettes. The revenues generated from the tax imposed shall be used solely for school maintenance and construction.

- ***Recognizing the State's Role in Funding Quality Education*** by fully funding the state Standards of Quality (SOQ), basing teacher pay raises on actual positions, not just SOQ.

- ***Amend Section 58.1-3331 of the Code of Virginia relating to the mandate that owners with less than four residential units shall be given a 45 day notice prior to hearing their appeal of the assessment before the Board of Equalization.*** Montgomery County supports language amending this section to remove the forty five day notice mandate and replace it with a minimum notice period of fifteen days with the option for the landowner to request additional time if needed. The current language creates a scheduling problem for four and six year assessment localities and does not give the landowner the option to have their hearing heard earlier than 45 days.

- ***Providing State Funding for 100% of the Costs of Optical Scan Voting Machines, 100% of the Costs of Electronic Pollbooks and 100% of the Operating Costs of the Electoral Board/General Registrar.***

- ***Strengthen State Funding for public libraries*** *to improve childhood literacy and invigorate STEM focused instruction in Schools. Support the Library of Virginia to strengthen its financial foundation.*

- ***Mandatory Water and Sewer Connections*** Montgomery County requests legislation adding Montgomery County to the list of counties who can require mandatory water and sewer connections pursuant to the authority contained in Section 15.2-2110 of the 1950 Code of Virginia, as amended.

- ***Eliminate Split Voting Precincts in Montgomery County*** Montgomery County requests that technical adjustments be made to the boundaries of House Districts 7, 8, and 12 in Montgomery County in order to eliminate split voting precincts in Montgomery County

- ***Ensuring 100% of Administrative Funds for the Comprehensive Services Act (CSA)*** and increasing state matching share for all CSA costs.

ISSUE/PURPOSE: Adopt the County's Legislative Priorities.
See TAB **H** .

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORT

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

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, October 26, 2015
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting

Regular Meeting
Monday, November 16, 2015
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting

Special Joint Meeting
with Montgomery County School Board
Monday, November 30, 2015
6:00 p.m.

Regular Meeting
Monday, December 14, 2015
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting