

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 25th DAY OF FEBRUARY, 2013 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	
	Matthew R. Gabriele	
	Annette S. Perkins	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Ruth 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 Matthew R. Gabriele, seconded by William H. Brown 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 (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. Transportation Safety Commission
 2. Personnel

- (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. Old Blacksburg Middle School Property
 2. Junkin Street Property

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
James D. Politis	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

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

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
James D. Politis	

CERTIFICATION OF CLOSED MEETING

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck 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
Christopher A. Tuck
Matthew R. Gabriele
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 led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARING

Proposed Ordinance Amending Chapter 10, Zoning

Proposed Ordinance Amending Chapter 10, Entitled Zoning, of the Code of the County of Montgomery, Virginia by Amending Sections 10-41 and 10-61 by Allowing the Keeping of up to Six (6) Female Chickens as an Accessory Use to a Single Family Residence in Residential R-1, R-2, R-3 Traditional Neighborhood Design and PUD-Residential Subject to Certain Restrictions and Requirements.

Dari Jenkins, Zoning Administrator, provided a summary of the proposed amendment as follows:

- Staff has been working on possible zoning ordinance amendments to allow chickens on residentially zoned lots.
- Staff has discussed and developed possible ordinance amendments with Dr. Paul Seigel of VT Animal & Poultry Sciences.
- Approximately 522 residentially zoned parcels are greater than 2 acres in size and would benefit from approval of the proposed amendments.
- Proposed amendments would effect 19% of the 2,723 parcels currently zoned residential (R-1, R-2, R-R, TND, & PUD-RES)
- The Planning Commission held a public hearing on January 9, 2013 and recommended denial (by vote of 6-1) of the proposed ordinance amendment to allow “Residential Chicken Keeping”.
- Some concerns were odor, noise, and potential predators/rodents being attracted to the area. One member felt chickens should be allowed in residential districts; however, should be addressed through nuisance law rather than the zoning ordinance.
- There was no public present to speak during the Planning Commission public hearing.
- Staff discussed this item with the Board of Supervisors in Work Session on January 28, 2013.
- The Board of Supervisors voted (4-3) to move forward with advertisement of the proposed ordinance, with two changes:
 - Change the minimum lot size from 1 acre to 2 acres.
 - Change the minimum side yard and rear yard setback from 25 ft. to 50 ft.

Joel Donahue addressed the Board on two issues he feels should be considered. 1. Fairness and Economic Injustice. Every resident should have the right to raise chickens on their property regardless of the lot size. He believes this would create an economic injustice if the County excludes lesser lot sizes. 2. Outdated comprehensive zoning. Mr. Donahue stated that the County’s comprehensive zoning is antiquated and needs to be updated.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Paul Smeal, Parks & Recreation Commission member, addressed the Board regarding the Parks & Recreation programs and budget needs. Mr. Smeal commended the Parks & Recreation staff for providing quality recreational programs for the citizens of Montgomery County. He addressed the need for additional staff in order to expand senior and athletic programs and the need to expand the Frog Pond.

Melissa Jeffords addressed the Board regarding the need for maintenance and repairs on the non-state maintenance portion on Flick Drive (SR 816). Ms. Jeffords stated due to the recent flooding the road is in extreme need of repair. She stated that the residents are in need of help and don't know what to do.

Jack Secolvitz addressed the Board on the upcoming County budget.

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

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated February 25, 2013 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
James D. Politis	

Approval of Minutes

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the minutes dated October 9, 2012 were approved.

Appropriations and Transfers

A-FY-13-65 CIRCUIT COURT –JURIES

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General 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:

210	Circuit Court - Juries	\$21,898
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419122	Jury Reimbursements	\$21,898

Said resolution appropriates the state's portion of jury payments for criminal cases.

A-FY-13-66
FIRE AND RESCUE CAPITAL PROJECTS

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the County Capital Projects 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:

123301CB	Christiansburg Fire Capital Projects	\$450,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451203	Undesignated Fund Balance	\$450,000

Said resolution appropriates undesignated fund balance to cover the cost of a new fire truck for Christiansburg Fire Department.

A-FY-13-67
SCHOOL OPERATING FUND
SUPPLEMENTAL APPROPRIATION

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that 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:

610000	Instruction	\$ 71,614
640000	Operations and Maintenance	<u>\$253,649</u>
	Total	\$325,263

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

<u>Revenue Account:</u>	
Homeless Grant	\$ 25,893
Medicaid Sp. Ed. Reimbursement	\$ 45,721
Universal Service Discounts – E-rate	<u>\$253,649</u>
Total	\$325,263

Said resolution appropriates additional funds for the School Operating Fund.

R-FY-13-85
RESOLUTION AUTHORIZING THE CONVEYANCE OF A
UTILITY EASEMENT TO VERIZON
FOR TELEPHONE SERVICE TO CURRENT SHERIFF’S OFFICE, JAIL,
ANNEX AND PUBLIC SAFETY BUILDING

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

WHEREAS, In order to continue to provide telephone service to the current Sheriff’s Office, jail, and annex during the renovation of the old Courthouse building and provide the necessary redundant service to the new Public Safety Building when it is completed, the County needs to provide Verizon an easement to locate new telephone cables on the County property located at 16 South Franklin Street in Christiansburg; and

WHEREAS, The Board of Supervisors desires to convey the necessary easement to Verizon for telephone service to the current Sheriff’s Office, annex, jail and new Public Service Building.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to convey a utility easement to Verizon across Tax Map Parcel No. 527-A 84, County property located at 16 South Franklin Street in Christiansburg in order to provide telephone service to the current Sheriff’s Office, annex, jail and new Public Safety Building, and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes James D. Politis, Chair, to sign on behalf of the County all the required documents necessary to convey the easement.

NEW BUSINESS

R-FY-13-86

**RESOLUTION AUTHORIZING THE COUNTY'S WITHDRAWAL FROM
THE NEW RIVER VALLEY BENEFITS CONSORTIUM**

On a motion by Annette S. Perkins, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, The County of Montgomery currently provides its employees' health, dental and vision benefit programs through a joint exercise of powers with the New River Valley Benefits Consortium; and

WHEREAS, The Board of Supervisors of the County of Montgomery has determined that providing the County employees' health, dental and vision benefits independently outside of the Consortium is now in the County's best interest; and

WHEREAS, The Board of Supervisors desires to withdraw from the Consortium and no longer jointly participate in obtaining employee health, dental and vision benefits with the Consortium.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County to withdraw from the New River Valley Benefits Consortium effective immediately following the required notice period; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes and instructs the County Administrator to send the required four month notice to the Administrator of the Consortium for the purpose of notifying the Consortium that the County is terminating participation in the benefits program of the Consortium effective the next renewal date of July 1, 2013.

The vote on the forgoing resolution was as follows:

AYE

Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
Annette S. Perkins
William H. Brown
Mary W. Biggs
James D. Politis

NAY

None

R-FY-13-87
RECOGNITION TO 2013 SPECIAL OLYMPICS
GOLD MEDAL WINNER-BEN NORRIS

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

WHEREAS, The Special Olympics World Games are the second largest sporting event in the world; and

WHEREAS, Ben Norris is one of 2,400 athletes from 112 countries who competed in the 2013 Special Olympics World Games held in Pyeong Chang, South Korea January 29-February 3, 2013; and

WHEREAS, Ben Norris was one of only four Virginia athletes on the 151 member Team USA; and

WHEREAS, Ben Norris won a gold medal in the Alpine Skiing Intermediate Super G event, placing first with a winning time of 49 seconds.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia congratulates **Ben Norris** on winning a gold medal at the 2013 Special Olympics World Games.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Ben Norris** and a copy be made a part of the official Minutes of Montgomery County.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Matthew R. Gabriele	None
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
James D. Politis	

R-FY-13-88
RESOLUTION OF APPRECIATION
PARKS AND RECREATION COMMISSION
PAUL SMEAL

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

WHEREAS, Paul L. Smeal served the citizens of Montgomery County as a member of the Parks and Recreation Commission from December 19, 2006 to December 18, 2012; and

WHEREAS, Paul L. Smeal was committed to improving recreational opportunities and contributed significantly in a wide variety of ways during his service on the Parks & Recreation Commission; and

WHEREAS, The County recognizes the excellent and dedicated service that **Paul L. Smeal** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Paul L. Smeal**.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Paul L. Smeal** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
James D. Politis	

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Christopher A. Tuck and carried unanimously,

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

1. FY 2014 Budget Update
2. Shawsville Rescue Squad – Water Leak Issues
3. School Board’s Request- Use of Maintenance Reserve Funds

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
James D. Politis	

FY 2014 Budget Update

Carol Edmonds, Deputy County Administrator, provided an update on the County's FY 2014 Budget. Funding requests above the FY 13 approved budget totals \$6.2 million (County requests \$2.6 million, School request \$3.6 million). Ms. Edmonds reviewed the county requests stating the Staff is prioritizing requests submitted by county departments and outside agencies and that not all requests can be funded or fully funded.

Ms. Edmonds provided the following time-line:

- March 4, 2013 Presentation of the Proposed County FY Budget
- March 11, 2013 Establish Advertised Tax Rates and Budget
- March 12 & 18, 2013 Community Meetings
- March 26, 2013 Public Hearing on Tax Rate and Budget
- April 15, 2013 Adopt Tax Rate and Budget

Shawsville Volunteer Rescue Squad – Water Leak Issues

The County Administrator reported a water leak at the Shawsville Volunteer Rescue Squad building resulted in the need to replace the water line from the water meter to the building for a total cost of \$9,231.00. Shawsville Volunteer Rescue Squad is requesting the County's help in covering this expense.

School Board's Request- Use of Maintenance Reserve Funds

The County Administrator reported the School Board sent a follow-up letter regarding their request of January 10, 2013 for use of the \$400,000 the Board of Supervisors set aside for maintenance at Christiansburg High School in response to the Board of Supervisors requesting additional information on the School Board's request.

The School Board responded that the \$400,000 will address known maintenance needs in school facilities. Cardno TEC also completed the systems and structural analysis of Montgomery County school facilities in January 2013. Cardno TEC identified maintenance needs for the school system over a five-year period and identified a 20 year recapitalization plan for all schools. School staff will prioritize maintenance projects they identified, along with the list Cardno Tec has identified, in order to come up with priority maintenance projects to be completed using the \$400,000.

OUT OF WORK SESSION

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

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

The vote on the forgoing motion was as follows:

AYE

William H. Brown
Mary W. Biggs
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
Annette S. Perkins
James D. Politis

NAY

None

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

- Scheduling Community Conversations in March.
- Regional Economic Summit hosted by Roanoke County is scheduled for February 28, 2013 at the Green Ridge Recreational Center in Roanoke.
- Montgomery County won the Virginia Local Government Management Association (VLGMA) E-Mail Broadcast System Award.

BOARD MEMBERS REPORTS

Supervisor Biggs thanked those who attended the Montgomery-Floyd Regional Library celebration for Mrs. Nannie Hairston at the Christiansburg Library on February 24, 2013. They presented the Board of Supervisors' resolution recognizing Mrs. Hairston for receiving the 2013 **Strong Men and Women in Virginia History** award.

Supervisor Gabriele attended the School Board meeting and encouraged the Board of Supervisors to watch the School Board meeting video. The School Board discussed the upcoming budget and the Park & Ride Lot issues at Falling Branch Elementary School.

Supervisor Gabriele made a motion to allocate the \$400,000 in school maintenance reserve for all the County's schools. Supervisor Biggs seconded the motion.

Supervisor Politis asked if the motion could be amended to state that the funding will go to the School Board .

Supervisor Gabriele amended his motion to state that the Board of Supervisors will allocate the \$400,000 previously set aside for maintenance to the School Board to decide how they best see fit to benefit all county schools. Supervisor Biggs seconded.

A-FY-13-68
SCHOOL CAPITAL PROJECTS
SCHOOL MAINTENANCE

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried,

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, 2013, for the function and in the amount as follows:

451200	Transfer to School Operating Fund	\$400,000
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The source of funds for the foregoing appropriation is as follows:

451205	Designated Fund Balance – Christiansburg High School Maintenance Reserve	\$400,000
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BE IT FURTHER RESOLVED, 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:

564000	Operations and Maintenance	\$400,000
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$400,000
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Said resolution appropriates funds from the Christiansburg High School Facility Maintenance Reserve for maintenance projects as determined by the Montgomery County School Board to benefit all county schools.

The vote on the forgoing resolution was as follows:

AYE

Matthew R. Gabriele
Annette S. Perkins
William H. Brown
Mary W. Biggs
James D. Politis

NAY

Christopher A. Tuck
Gary D. Creed

Board Reports Continued

Supervisor Perkins commented that it is important for citizens to attend the Community Conversations meetings that will be held through-out the County. It is important for the Board of Supervisors to hear from the community.

Social Services Board Meeting was held this morning, February 25, 2013. The Social Services Board will be using one-time carryover funds to make renovations to the reception area at the Health & Human Services building in order to create a more efficient reception area.

Supervisor Biggs also noted the lack of Wi-Fi in the building and she could not use her I-Pad to view the agenda. She believes that an upgrade to the computer system is needed in order to provide Wi-Fi capability to the building. She noted the Social Services Board did not make this request but she took it upon herself to make this noted to fellow Board members that there is a need for Wi-Fi at the Health & Human Services building.

Supervisor Brown commented on how nice the celebration for Nannie Hairston was. On behalf of the Board of Supervisors, Supervisor Biggs presented the Board's resolution of appreciation to Ms. Hairston.

Supervisor Brown believes the County should consider Shawsville Volunteer Rescue Squad's request for funding to help cover the cost of the water leak as reported by the County Administrator. He made a motion to allocate \$9,300 to the Shawsville Volunteer Rescue Squad to cover these expenses. Supervisor Creed seconded Supervisor Brown's motion.

A-FY-13-69
SHAWSVILLE VOLUNTEER RESCUE SQUAD
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

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

<u>FROM:</u>		
950	General Contingencies	(\$9,300)
 <u>TO:</u>		
23302SV	Fire & Rescue	\$9,300

Said resolution transfer funds from General Contingencies to the Shawsville Volunteer Rescue Squad to help cover expenses related to a water line break at the SVRS facility. The transfer is not to exceed \$9,300.

The vote on the forgoing resolution was as follows:

AYE

Mary W. Biggs
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
Annette S. Perkins
William H. Brown
James D. Politis

NAY

None

Board Reports Continued

Supervisor Politis reported the Town of Christiansburg, Montgomery County, New River Valley Metropolitan Planning Organization (NRV-MPO), Virginia Department of Transportation, and the Montgomery County Public Schools are all working together regarding the issues at the Falling Branch Park & Ride Lot and the Falling Branch Elementary School.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, March 4, 2013. The meeting adjourned at 9:25 p.m.

APPROVED _____ ATTEST: _____
James D. Politis F. Craig Meadows
Chair County Administrator