

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11TH DAY OF MARCH, 2013 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:

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
Martin M. McMahon	-County Attorney
Angie Hill	-Financial & Management Services Director
Marc Magruder	-Budget Manager
Steve Sandy	-Planning Director
Ruth Richey	-Public Information Officer
Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT:	James D. Politis	-Chair
	L. Carol Edmonds	-Deputy County Administrator

CALL TO ORDER

The Vice-Chair called the meeting to order.

AMENDMENT TO THE AGENDA

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the Board of Supervisors amended the March 11, 2013 Agenda by removing “Old Business - Revenue Recovery, Christiansburg Rescue Squad”

The vote on the foregoing motion was as follows:

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

INTO CLOSED MEETING

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

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

Section 2.2-3711 (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

(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. Community Services Board
- 2. Economic Development Authority
- 3. Planning Commission

The vote on the forgoing motion was as follows:

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

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Mary W. Biggs 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>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Gary D. Creed 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

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

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

INVOCATION

A moment of silence was led by the Vice-Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATION

Virginia Department Of Transportation

David Clarke, VDOT, provided an update on road projects/issues in Montgomery County. Mr. Clarke informed the Board that VDOT is still busy with storm cleanup across the county. There are numerous roads that were flooded that need attention and still a lot of debris that needs clearing.

Mr. Clarke reported VDOT will start their spring paving soon and will provide a list of roads in Montgomery County that will be paved.

The joint public hearing for the Six-Year Plan for Secondary Roads in Montgomery County is scheduled for the Board of Supervisors April 8, 2013 meeting.

Supervisor Tuck asked for an update on the polypaving (dirt glue) project on Old Sourwood Road (SR 717). Mr. Clarke stated the road has held up during the winter season rather well and VDOT will continue to monitor the road during the spring season.

Supervisor Creed commended VDOT on their work in getting roads that needed repairing during the recent storms. He had a lot of roads in his district that were damaged/flooded, etc.

PUBLIC ADDRESS

Sharon Brockman spoke against another real estate tax rate increase. Ms. Brockman believes it takes guts to propose another increase this year. She stated the County yielded an extra \$2 million last year from the windfall and with the new growth as predicted should provide the County with the revenue needed for this year.

Jack Selcovitz spoke in opposition of a tax increase for FY 2014. Mr. Selcovitz believes the County needs to stop spending and that the taxpayers need a break from tax increases. He believes that the County has enough in reserves to help with future capital needs.

Erma Cox spoke in opposition in a tax increase. Ms. Cox asked the Board to consider the small businesses and farmers in the County and how they are hurt by any tax increase. She urged the Board to reduce spending.

Roger Averhart stated he is against any increase in taxes and urged the Board to cut unnecessary spending. Mr. Averhart stated the Board should consider citizens on a fixed income and not let Virginia Tech be the driving force in spending. He also expressed frustration regarding surplus school property not being sold, such as, the old Blacksburg Middle School property.

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

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated March 11, 2013 was approved. The vote was as follows:

The vote on the forgoing motion was as follows:

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

Appropriations and Transfers

A-FY-13-70 SHERIFF – RECOVERED COSTS

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

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

320	Sheriff County	\$5,121
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$5,121

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

R-FY-13-89
RESOLUTION APPROVING THE
EXTENSION AND AMENDMENT OF THE APCO AGREEMENT
FOR ELECTRIC GENERAL SERVICE BETWEEN APCO AND LOCAL
GOVERNMENT AND OTHER POLITICAL SUBDIVISIONS

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors approves the Extension and Amendment of the Appalachian Power Company Agreement for Electric General Service between APCo and Montgomery County, Virginia.

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.

R-FY-13-90
NEW RIVER VALLEY ECONOMIC DEVELOPMENT ALLIANCE
REAPPOINTMENT – JOHN S. PHILLIPS

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **John S. Phillips** as Montgomery County's at-large (private sector) representative to the **New River Valley Economic Development Alliance** effective January 1, 2013 and expiring December 31, 2013.

R-FY-13-91
PARKS AND RECREATION COMMISSION
RE-APPOINTMENT – ROBIN STIDHAM

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **Robin Stidham**, who resides in District B, to the **Parks and Recreation Commission** effective March 23, 2013 and expiring March 22, 2016.

R-FY-13-92
PARKS AND RECREATION COMMISSION
RE-APPOINTMENT – SHARON WILLIAMS

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **Sharon Williams** as an at-large representative, to the **Parks and Recreation Commission** effective March 23, 2013 and expiring March 22, 2016.

R-FY-13-93
TRANSPORTATION SAFETY COMMISSION
APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Roger Burnett** to the Transportation Safety Commission effective March 23, 2013 and expiring March 22, 2016.

INTO WORK SESSION

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

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

1. HOME Consortium Agreement
2. FY 2014 Budget

The vote on the forgoing motion was as follows:

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

HOME Consortium Agreement

Steve Sandy, Planning Director, provided a presentation on the HOME Consortium Agreement that is up for renewal. On June 26, 2006, the Board of Supervisors agreed to participate in a HOME Consortium in order to tap into federal funding for affordable housing projects benefiting low and moderate income residents in the New River Valley. Montgomery County's

participation is necessary to enable the Towns of Blacksburg and Christiansburg to also participate. The following localities enter into a Cooperation Agreement, renewable every three years: Counties of Floyd, Giles, Pulaski, Montgomery, the City of Radford, and the Towns of Blacksburg, Christiansburg, Glyn Lyn, Pearisburg, and Pulaski.

The current Cooperation Agreement expires on June 30, 2013. The new Agreement shall cover a period of three years beginning July 1, 2013 and ending June 20, 2016. If the Board desires to renew, a resolution renewing the Montgomery County's participation in the New River Valley HOME Consortium for an additional three years will be added to the Board's agenda for consideration.

FY 2014 Budget

The County Administrator stated the purpose of the budget work session tonight is to establish an advertised real estate tax rate, advertised personal property tax rate, and an advertised budget. The Board can set a tax rate lower than the advertised rate but cannot set it at a higher. If the Board wants to adopt a higher tax rate than advertised, then they will have to re-advertise the rate and hold an additional public hearing.

The Board discussed the proposed FY 2014 Budget. Each member shared their concerns and issues. Some Board members believed that the County should not be raising taxes due to the large tax increase last year and that the County is experiencing some new growth. Other Board members don't believe the County is being aggressive enough and Board members should consider an advertised tax rate higher than the two cent being proposed.

OUT OF WORK SESSION

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:

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

NEW BUSINESS

Supervisor Gabriele suggested that the Board of Supervisors consider advertising a .90 cent real estate tax rate, a three cent increase, and a \$2.60 personal property tax rate, a 15 cent increase.

Supervisor Brown suggested the Board balance Supervisor Gabriele's suggestion and the County Administrator's recommended increase as proposed. Board members discussed this at length.

Supervisor Creed called the questions.

**R-FY-13-94
RESOLUTION ESTABLISHING AN
ADVERTISED REAL ESTATE TAX RATE,
ADVERTISED PERSONAL PROPERTY TAX
AND ADVERTISED FY 2013-2014 BUDGET**

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County Administrator to advertise a Real Estate Tax increase from .87 cents per \$100 to .89 cents per \$100 of assessed valuation of real estate based on 100% of fair market value and to advertise the Personal Property Tax increase from \$2.45 to \$2.55.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes the County Administrator to advertise a Fiscal Year 2013-2014 Budget in the amount of \$ 167,868,476.

The vote on the forgoing resolution was as follows:

AYE

Annette S. Perkins
Mary W. Biggs
Gary D. Creed
William H. Brown

NAY

Christopher A. Tuck
Matthew R. Gabriele

ABSENT

James D. Politis

**ORD-FY-13-11
AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING OF THE
CODE OF 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**

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

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

Sec. 10-41. - Supplemental district regulations

The Supplemental district regulations are hereby amended as follows by adding (19) Urban Agriculture to the list of 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 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.

Sec. 10-61. – Definitions

The Definitions in Section 10-61 are hereby amended by adding the following defined term:

Residential Chicken Keeping: The keeping of up to six (6) female chickens 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).

The vote on the forgoing resolution was as follows:

AYE

Mary W. Biggs
Christopher A. Tuck
Matthew R. Gabriele
Annette S. Perkins
William H. Brown

NAY

Gary D. Creed

ABSENT

James D. Politis

R-FY-13-95

**RESOLUTION RENEWING MONTGOMERY COUNTY'S PARTICIPATION IN
THE NEW RIVER VALLEY HOME CONSORTIUM FOR
AN ADDITIONAL THREE YEAR TERM**

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

WHEREAS, The Montgomery County Board of Supervisors elected to join the New River Valley HOME Consortium and entered into a Cooperation Agreement with the Counties of Giles, Pulaski, Floyd, the City of Radford and the Towns of Blacksburg, Christiansburg, Glen Lyn, Pearisburg, and Pulaski ("Cooperation Agreement") establishing the New River Valley HOME Consortium; and

WHEREAS, The New River Valley HOME Consortium has provided the means to currently accept nearly \$600,000 annually in federal funding directly from the Department of Housing and Urban Development (HUD) for affordable housing projects benefiting low and moderate income residents within the localities participating in the Consortium; and

WHEREAS, The County has been notified by the Lead Agency in the Consortium asking whether the County intends to renew the Cooperation Agreement for an additional three year term from July 1, 2013 to June 30, 2016; and

WHEREAS, The continued participation of Montgomery County in the New River Valley HOME Consortium is necessary to enable the Towns of Blacksburg and Christiansburg to also participate in the Consortium; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia desires to renew the Cooperation Agreement and remain in the New River Valley HOME Consortium.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby renews the Cooperation Agreement for an additional three year term, from July 1, 2013 to June 30, 2016, in order to continue to participate in the New River Valley HOME Consortium.

BE IT FURTHER RESOLVED, By the Board of Supervisors, that the County Administrator is hereby authorized to sign on behalf of the County of Montgomery the required documents renewing the Cooperation Agreement for an additional three year term.

The vote on the forgoing resolution was as follows:

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

**R-FY-13-96
PROCLAMATION
TAKE BACK THE NIGHT
RALLY AND MARCH**

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

WHEREAS, The first *Take Back the Night* event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later in the United States, a *Take Back the Night* march was held in San Francisco where over 5,000 women from 30 states participated; and

WHEREAS, Since then, marches have been held throughout the U.S., Canada, Latin America, India, and Europe; and

WHEREAS, *Take Back the Night* marches have been held in Richmond and Charlottesville, and at Hollins University, Radford University, Roanoke College, and Virginia Tech; and

WHEREAS, Marchers have called attention to violence against women—sexual harassment, misogyny, rape, and murder; this violence affects both individuals in the community and the community as a whole; and

WHEREAS, The 24th annual *Take Back the Night* Rally and March will be held Thursday, March 28, 2013 beginning at 7:00 p.m. on the Drillfield in front of the chapel at Virginia Tech to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia supports the 24th annual *Take Back the Night* event which is part of Women's Month 2013.

The vote on the forgoing resolution was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reminded the Board of the upcoming meetings:

March 12, 2013	Community Conversations – Riner Volunteer Fire Department
March 18, 2013	Community Conversations – Prices Fork Elementary School
March 19, 2013	Special Meeting – Budget Work Session

BOARD MEMBERS REPORTS

Supervisor Tuck urged citizens to attend the Community Conversations. This is where Board members can interact and answer questions from citizens.

Planning Commission has three vacancies that need to be filled. Please contact the County Administration Office if interested in applying to serve on the Planning Commission.

Supervisor Tuck recognized the **Christiansburg High School Wrestling Team** on winning the Virginia Group AA State Championship for the 12th straight year.

Supervisor Gabriele recognized the **Blacksburg High School Boys Track Team** on winning the Virginia High School League (VHSL) Group AA Indoor Track and Field state title.

Supervisor Creed reported that residents are still having problems with what type of materials can be dumped at the County's collection sites and landfill. Supervisor Creed stated as an example a citizen from Elliston was cleaning up items from his Mother's house that burnt down and the site attendant would not let him dump a burnt rug in the containers. Supervisor Tuck stated he also is getting calls about this problem. A citizen was replacing a door in his home and could not discard the old door. They foresee that citizens are going to start illegal dumping along the roadsides again.

Supervisor Biggs reminded Board members that the Montgomery-Floyd Regional Library will be hosting a reception for the Board of Supervisors on March 20, 2013, 7:30 p.m. at the Blacksburg Library.

Supervisor Biggs commented that when she first served on the Board 20 years ago, there was no planning for the future. They were reactive instead of proactive and believe this mentality needs to change. The setting aside the proposed increase of two cents of the real estate tax for school

capital needs is a start. Montgomery County needs to have a plan in place for future County and School needs. She also reiterated Supervisor Gabriele's concerns with the reduction of funding for the Title I and Special Education due to sequestrian. The cuts to these programs hurt the most vulnerable children in the school system.

Supervisor Brown commented that the Board of Supervisors has to do what is in the best interest of the entire county.

ADJOURNMENT

The Vice-Chair declared the meeting adjourned to Tuesday, March 19, 2013 at 6:00 p.m. The meeting adjourned at 9:50 p.m.

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