

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27th DAY OF MAY, 2014 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Matthew R. Gabriele	
	M. Todd King	
	Annette S. Perkins	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Karen Drake	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Brea Hopkins	-Development Planner
	Erin Puckett	-Planning Senior Program Assistant
	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 Mary W. Biggs, seconded by Matthew R. Gabriele 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. Community Service Board

- (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 Middle School

The vote on the forgoing motion was as follows:

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

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Christopher A. Tuck 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>
M. Todd King	None
Mary W. Biggs	
Annette S. Perkins	
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
William H. Brown	

CERTIFICATION OF CLOSED MEETING

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs 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
Annette S. Perkins
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
M. Todd King
William H. Brown

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 HEARINGS

Proposed Ordinance Establishing the Stormwater Management Ordinance
Establishing the Montgomery County Stormwater Management Ordinance, Section 8-70, Et Seq of the Code of the County of Montgomery, by creating stormwater management requirements.

The County Attorney stated the purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of Montgomery County and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater

requirements related to water quality and quantity shall be administered and enforced. This ordinance provides the framework for the administration, implementation, and enforcement of the provisions of the Virginia Stormwater Management Act and delineates the procedures and requirements to be followed in connection with permits issued by the local VSMP Authority, Montgomery County.

The County Administrator reported that Montgomery County hired Doug Burton as the County's Director of Engineering and Regulatory Compliance and will oversee the stormwater management program. He thanked Carolyn Howard with Draper Aden and Associates for her help in drafting the stormwater management plan and making sure all state requirements were met.

There being no speakers, the public hearing was closed.

Rezoning Request and Special Use Permit – Taylor Hollow Management

A request by Montgomery County Board of Supervisors and Taylor Hollow Management (Agent: Balzer & Associates) for rezoning of approximately 3.328 acres from Agriculture (A1) to Traditional Neighborhood Development-Infill (TND-I) for multi-family residential and limited commercial uses, and 5.00 acres from Agriculture (A1) to Residential Multi-Family (RM-1), with possible proffered conditions, to allow multi-family residential uses. In addition, a special use permit (SUP) is requested in the Traditional Neighborhood Development-Infill (TND-I) District to allow senior housing and a farm market. The property is known as the former Prices Fork Elementary School and is located at 4237 Prices Fork Road, Blacksburg, Virginia identified as Tax Parcel No. 052-A-50, (Acct No. 070688), in the Prices Fork Magisterial District (District E).

Brea Hopkins, Development Planner, summarized the rezoning and special use permit request by Taylor Hollow Management. The applicants are requesting rezoning of approximately 3.328 acres from Agriculture (A1) to Traditional Neighborhood Design Infill (TND-I) and 5.00 acres from Agriculture (A1) to Residential Multi-Family (RM-1), with possible proffered conditions, to allow multi-family residential, residential, and limited commercial uses.

In addition, a special use permit (SUP) is requested in the Traditional Neighborhood Development-Infill (TND-I) District to allow senior housing and a farm market.

There are three (3) phases proposed in the redevelopment of the property. Phase I includes renovation of the interior of the existing school building to allow senior housing units and commercial uses such as a daycare facility, medical offices, small-scale retail store, a community based restaurant, and/or a farm market to allow local foods to be distributed. Based on market demands, Phase II includes the development of the 5.00 acre portion of the property to include multi-family housing. Phase III of the Montgomery County & Taylor Hollow Rezoning Request includes a potential addition to the existing school building for additional senior housing units. There will be a maximum of thirty-six (36) senior housing units in Phase I & III.

At their May 14, 2014 meeting, the Planning Commission recommended approval of the request with fourteen (14) proffered conditions.

Joe Fortier, Taylor Hollow Management, provided additional information for the proposed development of the former Prices Fork Elementary School. Community meetings were held to solicit residents' input on the development. There is a strong desire to preserve the old school building. The residents of Prices Fork want to preserve the school building and leave the five acres behind the school as open space. However, for a private developer, they cannot justify leaving the entire five acres as open space. Taylor Hollow is still refining the plans for Phase II that would develop the five acres into multi-residential housing.

Michael Berg commented that Phase I, the rezoning of approximately 3.328 acres from Agriculture (A1) to Traditional Neighborhood Development-Infill (TND-I) for multi-family residential and limited commercial uses, appears to be in the scope of the vision defined in the County's Prices Fork Village Plan 2025 (PFVP 2025). Mr. Berg stated that Phase II, the rezoning of 5.00 acres from Agriculture (A1) to Residential Multi-Family (RM-1), with possible proffered conditions, to allow multi-family residential uses, is not consistent with PFVP 2025 and the Board should not grant an RM-1 designation, but rather something more consistent with the surrounding area such as Transition Medium Development (TMD-I) or the medium density R-2. Mr. Berg did commend the County and the Developer in developing what potentially could be an excellent asset in repurposing the old PFES building. He urged the Board to carefully consider the appropriate use of the back 5 acres and to encourage the developer to preserve the historical assets of the village.

Bennett Teates submitted the following comments:

"Thank you for working with the local developer, Joe Fortier, to preserve the Old Prices Fork Elementary School (OPFES). He has identified three phases of development to take place over the course of the next several years.

Last week the planning commission approved all three phases of the potential building construction that will occur on the OPFES property. Community members that attended the meeting endorsed Mr. Fortier's work and recognized the success he has had with renovations. Community members did voice concern about the lack of information that was provided about the development of the back five acres and the apparent lack of experience he has with building totally new housing. We are counting on the Board of Supervisors (BOS) to provide thorough and well thought support for the county and the community of Prices Fork prior to giving Mr. Fortier complete autonomy.

As for our concerns regarding the three phases of development:

Phase I

In Phase I his plan sounds like something that will be an appropriate asset to the community as well as the county. In Phase I he provided some concepts regarding his planned use of the current building (senior housing, farmers market/community kitchen, day care center), use of historic tax credits and preservation of the building. As a community we applaud the county and his efforts for Phase I.

Phase III

It "sounds" like a project as similar to Phase I as it would be an extension to the current building. We understand this to be more senior housing. We hope that as the BOS you would receive a more definitive answer to what Phase III would be prior to your final approval.

Phase II

From a community perspective, ten years ago in good faith we worked with the county to develop a village plan just as Riner and Elliston did. The plan became part of the county's comprehensive plan. Within the village plan the community calls for 1.2 dwelling units per acre for the Historical Village Neighborhood (the subject property lies in the Historic Village Neighborhood). The concern is that the county applied far broader (much higher density) numbers to the land in the back five acres. The BOS, or a county representative, should explain why the Prices Fork Village Plan guidelines appear to have been ignored in the action taken by your Planning Commission. Further, it seems out of normal zoning procedure to rezone a property that has no details as to what is to be expected. Accordingly, it appears appropriate that the BOS impose or the developer/applicant for rezoning offer proffers that put boundaries and conditions on what will ultimately be developed.

Conditions that the BOS Should Impose or the Applicant should proffer:

1. Given that the developer has offered no details as to what can be expected on the back five acres, the community is looking for some assurances in writing that the new development deriving from the rezoning of the back five acres to RM-1 will "fit" into and indeed enhance the community. As you consider the zoning application for the back five acres, we request you require the developer to abide by a neo-traditional architectural style of any new residential development so as to be consistent with the Historic Neighborhood Village in which this site is located.
2. The best and highest use within the zoning designation should be one that, over the long run, provides the best return to the County and the Community. We believe these two objectives are best met with housing that would attract buyers or renters who will be economic assets to the area, not burdens on the County or the community. With no detail from the developer as to what may be placed in the area in question, we request the BOS establish criteria that all new housing will be targeted at or above 80% of the area's Median Income (AMI, which was \$60,500 for Montgomery County in 2013). We do not want replicated the LMI housing project that was developed on Peppers Ferry Road in the Belmont community or the one being currently developed on Merrimac Road.
3. We request the BOS require the developer to establish a Home Owners Association and have a property manager for both the Front and Back zoning areas.

Lastly, could the BOS suggest that the developer's advisory board have someone from the Prices Fork Community, who is willing, to be on the advisory board."

Chuck Shorter spoke in favor of Phase I of the proposed development; however, he expressed concerns with Phase II, the development of the back 5 acres for multi-residential housing. Mr. Shorter stated that the area has enough low income housing like the ones on Peppers Ferry Road and Prices Fork Village does not need this type of housing. He also expressed concern with the number of parking spaces for the commercial use and the need for a VDOT standard road.

Jessica Schultz supports mixed income housing in Montgomery County. Ms. Schultz stated she is a graduate student and would like to be able to own a home but cannot afford a \$250,000 house.

Walter Johnson expressed concerns with not knowing the type of housing that will be constructed on the back 5 acre lot. Mr. Johnson is concerned about the children from the new development playing on the adjoining farm land and getting hurt. He believes Prices Fork Road needs to either have a stoplight or speed bumps to keep the speed down on the road. The current speed limit is 35 mph; however, the majority of the vehicles are traveling 50-55 mph. Mr. Johnson also expressed concerns with the placement of new sewer lines as the existing lines are on his property.

Steve Semones with Balzer & Associates, the design consultant for Taylor Hollow Management, provided additional information about the project. Mr. Semones stated that a site plan concept has been submitted for Phase I and has met the requirements with the County/VDOT for parking for the commercial use. He addressed the question from some citizens as to why the back 5 acres could not be a TMD-1 zoning instead of RM-1. He stated the county actually has more protection in place with zoning with the RM-1 than with the TMD-1. TMD-1 allows for more units and less open space. They are still in discussions with VDOT and also working on getting bus service from Blacksburg Transit and Radford Transit to the development. Mr. Semones reported that this development is not a Section 8 housing development.

Heather Pettus questioned the reasoning behind not requiring a more detailed plan for the back 5 acres of the property. She understands the need for a quick turn-around on the sale of property and approving the rezoning of the entire lot at one time. Ms. Pettus urged the Board to make the best decision for the Prices Fork community.

J.D. Jones expressed his concerns with the rezoning of the back 5 acres. He urged the Board to impose strict proffers in order for the developer to have to abide by them when Phase II is ready to be developed.

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

Ordinance Amendment – Zoning Ordinance Section 10-21, 10-48 and 10-61 (THIS PUBLIC HEARING WAS CONTINUED)

An ordinance amending Chapter 10, entitled Zoning, of the Code of the County of Montgomery, Virginia by amending Section 10-21 by allowing the removal or filling of clean earth fill by special use permit in the A-1 Agricultural district, by amending section 10-48 creating certain additional regulations applicable for a special use permit allowing the removal or filling of clean earth fill and by amending Section 10-61 by creating a definition of clean earth fill defining what soil material make-up shall be considered clean earth fill.

The County Attorney reported that the Planning Commission, at their May 21, 2014 meeting, tabled action on this item. He recommended continuing this public hearing until the Planning Commission takes action and forwards its recommendation to the Board.

The Chair commented that since the public hearing has been advertised, the Board will still hear any comments from citizens.

There being no speakers, the public hearing was continued to such time as the Planning Commission has taken action and forwarded its recommendation to the Board of Supervisors.

Ordinance Amendment – Zoning Ordinance Section 10-31 and 10-61

An ordinance amending Chapter 10, entitled Zoning, of the Code of the County of Montgomery, Virginia by amending Section 10-31 (3) by allowing a contractor’s service establishment as a by right use in M-L Manufacturing Light zoning district and by amending Section 10-61, the definition of contractor’s service establishment to clarify that the outdoor storage of equipment and/or materials is prohibited.

Erin Puckett, Planning Senior Program Assistant, provided a summary on the proposed changes. The proposed changes were prompted by a citizen request regarding proposed construction of a building for a contractor’s service establishment in a Manufacturing-Light (M-L) zoning district. Upon learning that this was not an allowed use in an M-L district, the citizen requested that an amendment be made to the ordinance to allow such a use.

“Contractor’s service establishment” is currently allowed in the General Business (GB) District by special use permit (SUP) and in the Manufacturing (M-1) District by-right. It would be reasonable to consider adding the same use to the Manufacturing-Light (M-L) District by-right, given that it will not include the outdoor storage associated with the related but different “contractor’s storage yard” use.

The proposed amendments will allow contractor’s service establishments by-right in the M-L zoning district, said use already being allowed in M-1 zoning districts by-right, and in GB by special use permit. The proposed modification to the definition will help clearly delineate between this use and contractor’s storage yard, thus helping to prevent any confusion over whether outdoor storage is allowed, and keeping the scope of associated impacts in line with those uses already allowed in the M-L district.

At their May 21, 2014 meeting, the Planning Commission recommended approval of the proposed amendments, but recommended against the amendment to clarify the definition of "contractor's service establishment", as presented at the meeting. The Planning Commission further directed staff to draft language that outdoor storage may be appropriate for these service establishments, given that they would be reviewed under a special use permit. Staff's recommendation to address the Planning Commission's request is the defining of a new use, "contractor service establishment with permitted outdoor storage of equipment and/or materials" to be allowed by special use permit in Manufacturing (M-1) and Manufacturing Light (M-L). The draft ordinance, prepared by the County Attorney, addresses these concerns.

Doug Hardymon asked the Board to consider taking action on the proposed ordinance at their meeting tonight. Mr. Hardymon stated he has several businesses considering locating at the Plum Creek business park and would like for this ordinance to be adopted sooner than later.

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

RECESS

The Board took a 10 minute recess at 9:00 p.m. and reconvened at 9:10 p.m.

Special Use Permit – City of Radford – Telecommunications Tower

A request by the City of Radford (Agent: Verizon Wireless) for a Special Use Permit (SUP) on approximately 100 acres in an agricultural (A-1) zoning district to allow a 199 ft. monopole telecommunications tower. The property is located at 5480 Peterson Drive, Radford, Virginia and is identified as Tax Parcel No. 102-A 16, 17 (Acct No. 071097) in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a summary of the request. The City of Radford (Agent: Verizon Wireless) is requesting a Special Use Permit (SUP) to allow a 199 ft. telecommunication tower in an Agricultural (A-1) zoning district. This request is made on behalf of Verizon Wireless to enhance network coverage for Interstate 81, the nearby secondary roads, network coverage for emergency responders, business operations in the area, and residents in the area. The proposed new tower will be used by Verizon and be available for possible use by three (3) additional cellular providers. A provision has been made to allow Montgomery County Emergency Services and/or City of Radford Emergency Services a position on the tower.

The parcel on which the proposed tower will be located is approximately 100 acres, in an area with significant vegetative buffer. The applicant's agent has indicated that minimal thinning of the existing vegetative buffer will be necessary to construct the tower; therefore the applicant is proposing a nine foot (9) high chain link fence with no landscaping to screen the base of the tower and ground equipment.

At their May 21, 2014 meeting, The Planning Commission discussed the need for additional telecommunications coverage in the area. Jeff Geiger, Attorney for Verizon Wireless, advised the Commission that Verizon could meet their coverage objective with modified flush mounted antennas at a maximum of 150 ft. in height; however, he indicated that additional towers would likely be needed in the area to provide service for other cellular providers.

One Planning Commission member felt the proposed tower at a height of 199 ft. and also without flush mounted antennas is inconsistent with the Montgomery County 2025 Comprehensive Plan. Other commissioners indicated they would prefer to see one taller tower without flush mounted antennas to achieve maximum coverage for any colocation opportunities rather than see multiple shorter towers to accomplish the same coverage objective with less impact to the view shed.

The Planning Commission recommended approval of the request with thirteen (13) conditions at the total overall height of 199 ft. inclusive of the proposed lightning rod with a maximum ground elevation of 2,032.6 feet.

The Board of Supervisors discussed this request at length. They discussed the request for a 199 ft. tower opposed to a 150 ft. tower and the need to have room for colocation. The Board agreed that they need to balance the aesthetic desires of the citizens with the need for adequate cellular coverage in the area. They also discussed the request for flush mount antennas versus full array antennas.

Jeff Geiger, Attorney for Verizon Wireless, addressed the Board regarding Verizon's request. Mr. Geiger clarified what coverage area could be accomplished with a 199 ft. tower versus a 150 ft. tower. He provided maps showing the different tower heights with flush mount antennas and

full array antennas and what coverage area could be accomplished at the different heights. Mr. Geiger addressed the benefit of a taller tower in order to provide colocation to other cellular carriers. He requested the Board to accept the Planning Commission recommendations to approve the request for a 199 ft. tower height.

There being no speakers, the public hearing was closed.

ADD TO THE AGENDA – ADDENDUM

On a motion by M. Todd King, seconded by Christopher A. Tuck and carried unanimously, the Addendum dated May 27, 2014 was added to the agenda under New Business as follows:

Ordinance Amendment – Zoning Ordinance Section 10-31 and 10-61

An ordinance amending Chapter 10, entitled Zoning, of the Code of the County of Montgomery, Virginia by amending Section 10-31 (3) by allowing a contractor’s service establishment as a by right use in M-L Manufacturing Light zoning district and by amending Section 10-61, the definition of contractor’s service establishment to clarify that the outdoor storage of equipment and/or materials is prohibited.

The vote on the foregoing motion was as follows:

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

PUBLIC ADDRESS

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

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele and carried unanimously, the Consent Agenda dated May 27, 2014 was approved. The vote was as follows:

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

Approval of Minutes

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele and carried unanimously, the minutes dated December 16, 2013 were approved.

Appropriations and Transfers

**A-FY-14-98
CLERK OF CIRCUIT COURT
RECORD PRESERVATION GRANT
CARRYOVER FY 13 BALANCE**

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele 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, 2014, for the function and in the amount as follows:

251 Clerk of Circuit Court \$6,195

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

Revenue Account
451205 Designated Fund Balance \$6,195

Said resolution appropriates the Record Preservation Grant Fund balance as of June 30, 2013 to be used to restore record books.

**A-FY-14-99
COUNTY CAPITAL PROJECTS – ANIMAL SHELTER
TRANSFER FROM ANIMAL SHELTER RESERVE**

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele 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, 2014, for the function and in the amount as follows:

451209 Transfer to County Capital Projects \$1,000,000

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

451203 Fund Balance – Animal Shelter Reserve \$1,000,000

BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

12340 Animal Shelter \$1,000,000

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

451100 Transfer from General Fund \$1,000,000

Said resolution appropriates funds from the Animal Shelter Reserve to the County Capital Projects Fund.

**A-FY-14-100
EMERGENCY SERVICES GRANT**

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

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

111 Emergency Services Grants \$40,000

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

Revenue Account

02111-424401 State Grants \$40,000

Said resolution appropriates State Homeland Security Grant funds.

**R-FY-14-153
TRANSPORTATION SAFETY COMMISSION
APPOINT BLACKSBURG POLICE CHIEF
ANTHONY WILSON**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Anthony Wilson, the Town of Blacksburg Police Chief**, to the **Transportation Safety Commission** effective May 28, 2014 and expiring August 12, 2016.

Said appointment fills the unexpired term of Kim Crannis, retired.

R-FY-14-154
APPOINTMENTS
FIRE AND RESCUE COMMISSION

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints/reappoints the following individuals to the **Fire and Rescue Commission** effective May 28, 2014 and expiring May 27, 2017:

Blacksburg Fire Department	Chief Keith Bolte or designee
Blacksburg Rescue Squad	Chief John O'Shane or designee
Christiansburg Fire Department	Chief Billy Hanks or designee
Christiansburg Rescue Squad	Chief Joe Coyle or designee
Elliston Fire Department	Chief Clyde Hodges or designee
Shawsville Rescue Squad	Chief John Akers or designee
Long Shop/McCoy Fire Department	Chief Gary Akers or designee
Long Shop/McCoy Rescue Squad	Chief Steve Shelor or designee
Riner Fire Department	Chief Joe Lucas or designee
Riner Rescue Squad	Captain Jason Roop or designee
Town of Blacksburg	Steve Ross
Town of Christiansburg	Matt Carroll
Board of Supervisors	William H. Brown
County Administrator	F. Craig Meadows

BE IT FURTHER RESOLVED, That appointment of members of the volunteer Fire Department or Rescue Squad are contingent upon active membership of the volunteer Fire Department or Rescue Squad; and

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority; and

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

R-FY-14-155
NEW RIVER VALLEY PLANNING DISTRICT COMMISSION
REAPPOINT RAY CHAMBERS

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Ray Chambers** to the **New River Valley Planning District Commission**, effective July 1, 2014 and expiring June 30, 2017.

INTO WORK SESSION

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

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

1. FY 15 State Budget

The vote on the foregoing motion was as follows:

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

FY 15 State Budget

Carol Edmonds, Deputy County Administrator, provided an update on the FY 15 State Budget. Traditionally, the State of Virginia adopts a budget for each biennium. If the State fails to adopt a budget for FY 15 before July 1, 2014, the operations of the County will be affected. The FY 15 County budget includes \$16 million in state resources dedicated to County operations. The FY 15 School budget includes \$50.5 million in state resources dedicated to School operations.

An analysis of expenditures and revenues over the past nine months was conducted to determine how long the County can operate without state monies. If the County continued operations as normal, the County could continue to operate for approximately 3 months before all available funds would be expended.

The County would also need to know how long the following agencies in the County who rely heavily on state funding for operation support could operate:

- Montgomery County Public Schools
- Sheriff's Department
- Western Virginia Regional Jail
- Department of Social Services

Also, will clients of state agencies be relying on locally supported outside community agencies?

Ms. Edmonds provided three alternatives to consider if the state does not approve the FY 15 budget by July 1:

Alternative 1 – Appropriate the County’s total fiscal year budget. The county could operate for approximately 3 months before monies are exhausted.

Alternative 2- Develop a plan to reduce services and only appropriate those monies ensuring funds are available for these services for longer than 3 months.

Alternative 3- Appropriate County expenditures in an amount to cover both the County and state funding obligations for a one month period to give the state additional time to approve a budget.

Staff recommendation is Alternative 3. By appropriating County monies for a shorter period of time, the County can continue operations without being required to cover the state’s portion beyond a one month period. If the state does not approve a budget, the County would have additional time to develop a plan to limit operations to County only funded services.

The Board will need to adopt an appropriation resolution prior to July 1 for the County to continue to operate. Staff will prepare a partial or full appropriation depending on what the state does over the next month.

OUT OF WORK SESSION

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

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

The vote on the foregoing motion was as follows:

AYE

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

NAY

None

OLD BUSINESS

**R-FY-14-156
RESOLUTION APPROVING THE
SIX-YEAR ROAD IMPROVEMENT PLAN
FOR SECONDARY ROADS FOR FY 2014/15-2019/20**

On a motion by M. Todd King, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia in cooperation with representatives of the Virginia Department of Transportation, have prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary

Highway System in Montgomery County for which funds are to be budgeted in fiscal years 2014/15-2019/20; and

WHEREAS, A duly advertised public hearing was conducted at the Montgomery County Government Center in Christiansburg, Virginia at 7:15 p.m. on Monday, May 12, 2014 for the purpose of informing interested citizens of the proposed Six-Year Plan and for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, The Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby approves the Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years 2014/15-2019/20 as shown below:

MONTGOMERY COUNTY
Secondary Six Year Plan
(2014/15 through 2019/20)

<u>Priority</u>	<u>Route #</u>	<u>Road Name</u>	<u>From: To:</u>	<u>Description</u>
0	VAR	VAR	----	Countywide
1	639	Mt. Pleasant Road	From 0.10 mi. W. Rte. 625 to 1.24 mi. E. Rte. 722	Reconstruct and Surface Treat to rural rustic road standards
2	600	Piney Woods Road	From Rte. 787 to Rte. 672	Reconstruct Unpaved Portion
3	606	Sidney Church Road	From Rte. 669 to Rte. 673	Reconstruct and Surface Treat
4	639	Mt. Pleasant Road	Bridge over Elliott Creek	Reconstruct
5	643	Yellow Sulphur Road	From 0.2 miles outh of Rt. 642 to 1.2 miles south	Reconstruct
6	639	Mt. Pleasant Road	From 0.05 mi W. Rte 722 to 0.07 mi E. Rte 742	Reconstruct

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the fiscal year 2014-2015 by the Virginia Department of Transportation Resident Engineer.

The vote on the foregoing resolution was as follows:

AYE

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

NAY

None

NEW BUSINESS

ORD-FY-14-21

**AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING,
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY
AMENDING SECTION 10-61, BY CREATING A NEW DEFINITION
CONTRACTOR'S SERVICE ESTABLISHMENT WITH PERMITTED OUTDOOR
STORAGE OF EQUIPMENT AND/OR MATERIALS BY AMENDING THE DEFINITION OF
CONTRACTOR SERVICE ESTABLISHMENT TO CLARIFY THAT THE OUTDOOR
STORAGE OF EQUIPMENT AND/OR MATERIALS IS PROHIBITED AND BY AMENDING
SECTION 10-30 (4) AND 10-31 (4) BY ALLOWING A CONTRACTOR SERVICE
ESTABLISHMENT WITH PERMITTED OUTDOOR STORAGE OF EQUIPMENT
AND/OR MATERIALS AS A PERMISSIBLE USE BY SUP IN M-1 MANUFACTURING AND
M-L MANUFACTURING LIGHT DISTRICTS AND BY AMENDING SECTION 10-31 (3)
ALLOWING A CONTRACTOR SERVICE ESTABLISHMENT AS A BY RIGHT USE IN
M-L MANUFACTURING LIGHT ZONING DISTRICT**

On a motion by M. Todd King, seconded by Gary D. Creed and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Sections 10-30 (4), 10-31 (3), 10-31 (4) and Section 10-61 of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

Sec. 10-30. M-1 Manufacturing.

(4) *Uses permissible special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter:

- (a) Airport.
- (b) Building material sales yard.
- (c) Cement manufacturing, concrete mixing plant, block plant and production of other concrete and asphaltic products.
- (d) Contractor service establishment with permitted outdoor storage of equipment and/or materials.
- ~~(d)~~(e) Contractors' storage yard and/or rental of equipment commonly used by contractors.

- ~~(e)~~(f) Extractive industries and accessory uses including, but not limited to, the mining of minerals, the operation of oil and gas wells, and exploratory activities associated with extractive industry.
- ~~(f)~~(g) Fertilizer manufacturing.
- ~~(g)~~(h) Junkyards and automobile graveyards, provided the use is not within three hundred (300) feet of an existing dwelling.
- ~~(h)~~(i) Kennel, commercial.
- ~~(i)~~(j) Park and ride lot of more than fifty (50) spaces.
- ~~(j)~~(k) Public utility plant, other.
- ~~(k)~~(l) Public utility substation.

- ~~(h)~~(m) Public utility plant, water.
- ~~(m)~~(n) Refining, processing or distribution of petroleum, petroleum products, natural gas and other forms of liquid fuel, aboveground.
- ~~(n)~~(o) Sawmill and planing mill, coal and wood yard.
- ~~(o)~~(p) Slaughterhouse.
- ~~(p)~~(q) Storage of bulk petroleum products.
- ~~(q)~~(r) Telecommunication tower, freestanding.
- ~~(r)~~(s) Use listed in subsection (3), if a manufacturing process is to take place outside.
- ~~(s)~~(t) Use similar to (a) through (o) above.

Sec. 10-31. M-L Manufacturing-Light.

(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) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
- (b) Business or trade school.
- (c) Cabinets, furniture and upholstery shop.
- (d) Civic club.
- (e) Conference or training center.
- (f) Contractor's service establishment.
- ~~(f)~~(g) Crematorium.
- ~~(g)~~(h) Day care center.
- ~~(h)~~(i) Equipment sales and service.
- ~~(i)~~(j) Financial services.
- ~~(j)~~(k) Fire, police, rescue facility.
- ~~(k)~~(l) Flex-industrial use.
- ~~(l)~~(m) Homeless shelter.
- ~~(m)~~(n) Hotel, motel.
- ~~(n)~~(o) Laboratory.
- ~~(o)~~(p) Laundry, dry cleaning plant.
- ~~(p)~~(q) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
- ~~(q)~~(r) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- ~~(r)~~(s) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
- ~~(s)~~(t) Monument stone works.
- ~~(t)~~(u) Offices, administrative, business or professional.
- ~~(u)~~(v) Park and ride lot.
- ~~(v)~~(w) Pet, household.
- ~~(w)~~(x) Post office.
- ~~(x)~~(y) Printing service.
- ~~(y)~~(z) Public utility lines, other.
- ~~(z)~~(aa) Public utility lines, water or sewer.
- ~~(aa)~~(bb) Research, experimental, testing or development activity.

- ~~(bb)~~(cc) Retail sales and service incidental to any other permitted use.
- ~~(ee)~~(dd) Telecommunication tower, attached.
- ~~(dd)~~(ee) Veterinary service; animal hospital.
- ~~(ee)~~(ff) Wholesale business, storage warehouses.

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

- (a) Airport.
- (b) Contractor's service establishment with permitted outdoor storage of equipment and/or materials.
- ~~(b)~~(c) Farm machinery sales and service.
- ~~(e)~~(d) Feed and seed stores and mill.
- ~~(d)~~(e) Kennel, indoor.
- ~~(e)~~(f) Mini-warehouse.
- ~~(f)~~(g) Motor vehicles rentals.
- ~~(g)~~(h) Recreation establishment.
- ~~(h)~~(i) Recycling facility.
- ~~(i)~~(j) Park and ride lot of more than fifty (50) spaces.
- ~~(j)~~(k) Public utility plant, other.
- ~~(k)~~(l) Public utility substation.
- ~~(l)~~(m) Public utility plant, water or sewer.
- ~~(m)~~(n) Shooting range, indoor.
- ~~(n)~~(o) Telecommunication tower, freestanding.
- ~~(o)~~(p) Use listed in subsection (3), if a manufacturing process is to take place outside.
- ~~(p)~~(q) Use similar to (a) through (m) above.

Sec. 10-61. Definitions.

Contractor's service establishment: Any establishment from which services are provided for building construction, building repair or building equipment installation or repair, such as, but not limited to flooring, heating and plumbing. The outdoor storage of equipment and/or materials shall be prohibited in a contractor's service establishment.

Contractor's service establishment with permitted outdoor storage of equipment and/or materials: Any establishment from which services are provided for building construction, building repair or building equipment installation or repair such as but not limited to flooring, heating and plumbing. Outdoor storage of equipment and/or materials is permitted.

The vote on the foregoing ordinance was as follows:

AYE

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

NAY

None

R-FY-14-157
REQUEST THE COMMONWEALTH TRANSPORTATION BOARD
TO RESTORE FUNDING TO THE
ROUTE 460 SOUTHGATE DRIVE INTERCHANGE PROJECT

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

WHEREAS, A grade separated interchange at the intersection of Route 460 and Southgate Drive, Route 314, has been a priority of the New River Valley MPO for a number of years; and

WHEREAS, Southgate Drive carries a high volume of traffic serving the Virginia Tech campus, Corporate Research Center, and athletic facilities and portions of the Town of Blacksburg; and

WHEREAS, VDoT placed the project in the Six-Year Improvement Plan several years ago and fully funded it within the plan; and

WHEREAS, Environmental work has been completed, acquisition of right-of-way for the project is underway, and the project is scheduled for advertisement in December 2014; and

WHEREAS, The draft of the Six-Year Improvement Plan for FY 2015-2020 released by VDoT removes funding from the project within the Six-Year Improvement Plan and has \$14,774,000 funding needed outside of the Six-Year Improvement Plan; and

WHEREAS, The project will now be subject to prioritization that takes effect July 1, 2014 from House Bill 2 that was approved by the General Assembly in 2014 and will, at a minimum, delay the project significantly.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors requests the Commonwealth Transportation Board to restore the funding that was removed from the project so the project is once again fully funded within the Six-Year Improvement Plan.

FURTHER, BE IT RESOLVED, The Montgomery County Board of Supervisors requests that the Southgate Interchange project be advertised in accordance with the current project schedule in December 2014.

The vote on the foregoing resolution was as follows:

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

R-FY-14-158
ANNUAL BROOMIN' AND BLOOMIN' CLEANUP

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

WHEREAS, The Montgomery County Board of Supervisors supported and endorsed the ***31st Annual Broomin' and Bloomin'*** clean-up day held on Saturday, April 26, 2014; and

WHEREAS, The Montgomery County Board of Supervisors understands that 21 private and public organizations and over 150 volunteers participated in this effort; and

WHEREAS, The Montgomery County Board of Supervisors is aware that 47.14 miles of roadsides were cleaned; and

WHEREAS, The Montgomery County Board of Supervisors is aware that 556 tons of debris has been collected; and

WHEREAS, The Montgomery County Board of Supervisors is aware that volunteering of one's time is an undisputed part of our heritage and is essential to our community's well-being; and

WHEREAS, The efforts of volunteers help to beautify our county and raise awareness of the need for people to properly dispose of trash.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors extends a unanimous vote of appreciation to ***all the Volunteers who gave so freely of their time and energy; and Montgomery County employees Bill Long, General Services Department, Mike Sutherland, Planning/GIS Department, Chris Coleman and Ruth Richey, Public Information*** on the successful coordination of this effort.

BE IT FURTHER RESOLVED, That all organizations and individuals contributing to this effort are hereby recognized and commended for their contribution toward the beautification efforts in Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

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

NAY

None

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported he attended VDOT's public hearing for the Six-Year Improvement Plan for Primary and Interstate Roads. There was a large delegation from Montgomery County in attendance to speak on the need to re-locate the Falling Branch Park and Ride lot. At the beginning of the meeting Commonwealth Transportation Secretary Aubrey Layne announced the department of transportation would fund the moving of the park and ride lot. A temporary lot will be constructed just off Roanoke Road until additional land can be purchased and a permanent lot can be designed.

BOARD MEMBERS REPORTS

Supervisor Tuck commended fellow Board members for working together to try to solve the issue with the location of the Falling Branch Park and Ride lot. The Board and staff worked diligently in contacting the County's state legislators and the Commonwealth Transportation Board (CTB). He is glad to hear the CTB is going to fund the moving of the lot.

Supervisor Gabriele attended the Montgomery Tourism Development Council (MTDC) meeting and the Montgomery Economic Development meeting. The MTDC will kick off their marketing campaign soon.

Supervisor Perkins asked the County Administrator if he had any updates on the Roanoke Valley Area MPO (RVAMPO) plans to have a feasibility study done on the Norfolk Southern Intermodal facility in Elliston. The County Administrator reported that a feasibility study is still being conducted and he has nothing specific to report at this time. Supervisor Perkins also noted the North Fork Road (SR 603) project is still on VDOT's construction list. She does not understand why this road is still being upgraded if Norfolk Southern is not still considering Elliston as a potential site for an intermodal facility.

Supervisor Biggs stated it is good news to hear that VDOT is going to fund and move the park and ride lot from its current location near the Falling Branch Elementary School (FBES). The parents and staff at FBES did an outstanding job rallying together and getting their voices heard. Supervisor Biggs also thanked the County Administrator and the Sheriff.

Supervisor Biggs attended the Library Board meeting and reported that the Floyd County Board of Supervisors approved for the employees of the Floyd County Library to become part of the Floyd County pay plan/personnel policies. Currently the employees at the Floyd County Library are covered under Montgomery County. The Library Board believed that the employees at the Floyd County Library would benefit by being covered under Floyd County.

Supervisor Brown commented that the Town of Blacksburg and Christiansburg and Virginia Tech all supported the re-location of the Falling Branch Park and Ride lot. He stated that there were numerous people prepared to speak at VDOT's public hearing requesting the Commonwealth Transportation Board to move the park and ride. Instead, they expressed their appreciation when the Secretary of Transportation announced that the CTB was going to fund and move the lot.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, June 2, 2014 at 6:00 p.m. The meeting adjourned at 11:15 p.m.

APPROVED _____ ATTEST: _____
William H. Brown F. Craig Meadows
Chair County Administrator