

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: January 12, 2009

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

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

Section 2.2-3711

- (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. Office on Youth Advisory Board
 2. Personnel

III. OUT OF CLOSED MEETING

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

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's

knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. ELECTION OF CHAIR

A. SUBJECT: ELECTION OF CHAIR

**R-FY-09-
ELECTION OF CHAIR
CALENDAR YEAR 2009**

BE IT RESOLVED, That _____ be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2009 or until a successor is elected.

ISSUE/PURPOSE: The first item of business for the Board each calendar year is to elect a Chair. See TAB A for procedures.

VIII. ELECTION OF VICE-CHAIR

A. SUBJECT: ELECTION OF VICE-CHAIR

**R-FY-09
ELECTION OF VICE CHAIR
CALENDAR YEAR 2009**

BE IT RESOLVED, That _____ be and hereby is, elected as Vice Chair of the Montgomery County Board of Supervisors for calendar year 2009 or until a successor is elected.

ISSUE/PURPOSE: The Vice Chair is elected and term of office established by the same process as the Chair. See TAB **B** for procedures.

IX. ORGANIZATIONAL MATTERS

A. SUBJECT: SELECTION OF REGULAR MEETING DATES

**R-FY-09
SELECTION OF REGULAR MEETING DATE**

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2009 shall be the 2nd and 4th Monday of each month. The closed session portion of the meeting shall begin at 6:00 p.m., if closed session is required, or at a time prior to or after 6:00 p.m. as notified by the County Administrator, otherwise the meeting shall begin at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

BE IT FURTHER RESOLVED, That should the Chairman declare that the weather or other conditions are such that it is hazardous for members to attend the regular meeting, the regular meeting shall be continued to the following Monday. The continuance of the regular meeting shall be communicated to the members and the press as promptly as possible.

ISSUE/PURPOSE:

The Board is required to assemble at an office building owned by the County or such other public place as the governing body may prescribe at regular session not less than once each month. The Montgomery County Code enables the day(s) and time to be prescribed by resolution of the Board.

Currently, meeting dates are the 2nd and 4th Monday of each month beginning at 6:00 p.m., if closed session is required, otherwise the meetings begin at 7:15 p.m. at the Montgomery County Government Center. See TAB C for a copy of the Board's resolution adopted for 2008.

Currently, should the Chairman declare that weather or other conditions are such that it is hazardous for members to attend meetings, regular meeting is continued to the following Monday.

B. SUBJECT:

**RULES OF ORDER AND
PARLIAMENTARY PROCEDURES**

**R-FY-09
RULES OF ORDER AND
PARLIAMENTARY PROCEDURES**

SEE TAB D.

ISSUE/PURPOSE:

Establish Rules of Order and Parliamentary Procedures for the Board of Supervisors.

C. SUBJECT:

**CODE OF ETHICS AND STANDARDS
OF CONDUCT**

**R-FY-09
CODE OF ETHICS AND
STANDARDS OF CONDUCT**

SEE TAB E.

ISSUE/PURPOSE: Re-adopt the Code of Ethics and Standards of Conduct for the Board of Supervisors.

X. PUBLIC HEARING

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on December 28, 2008 and January 4, 2009:

1. Fiscal Year 2009-2010 County Budget
The purpose of this public hearing is to gather citizen comments on the upcoming 2009-2010 fiscal year budget.

2. Gypsy Moth Suppression Program
The Current Gypsy Moth situation in Montgomery County; the proposal submitted to the Virginia Department of Agriculture and Consumer Services (VDACS) for 2009 suppression actions; and to identify public concerns. (See TAB F)

XI. PUBLIC ADDRESS

XII. INTO WORK SESSION

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

1. Animal Shelter & Spay/Neuter Clinic

XIII. OUT OF WORK SESSION

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

XIV. DELEGATION

**A. SUBJECT: VIRGINIA DEPARTMENT OF
TRANSPORTATION**

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

XV. ADDENDUM

XVI. CONSENT AGENDA

XVII. OLD BUSINESS

**A. SUBJECT: SPECIAL USE PERMIT – ROLAND WRIGHT
AND MARY WRIGHT**

**R-FY-09-
SPECIAL USE PERMIT
ROLAND S. WRIGHT, JR. AND MARY H. WRIGHT
FOR THE PURPOSE OF ALLOWING A MANUFACTURED HOME,
CLASS A (DOUBLEWIDE) IN A RESIDENTIAL (R-3) ZONING DISTRICT
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
PARCEL ID 140688; TAX MAP NUMBER 127-8-7B**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia a request by Roland S. Wright, Jr. and Mary H. Wright for a Special Use Permit (SUP) on approximately 0.511 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide) is found to be consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

- 1.** No Class B (singlewide) structures shall be permitted.
- 2.** Installation of a covered front porch finished to match the structure with vinyl railings is required. The covered front porch shall be at least 6'x6' and installed prior to the final inspection by Montgomery County Building Inspections.

3. Split-face block or other masonry product shall be used for foundation on all sides of the structure. If block piers are used they shall not be visible. Skirting will not be permitted.
4. Guttering and downspouts shall be installed prior to final inspection by Montgomery County Building Inspections.
5. If a fireplace is installed, the chimney shall be boxed in to match the structure.
6. The roof of the structure shall meet a roof pitch ratio of 4:12.

The property is located at 3850 Poppy Lane, and is identified as Tax Parcel No(s) 127-8-7B, Parcel ID 140688, in the Riner Magisterial District (District D). This property currently lies in an area designated as Rural in the Comprehensive Plan.

JUSTIFICATION: At their regular meeting on December 10, 2008 the Planning Commission, on a vote of 9-0, found the Rezoning request as specified above compatible with the Comprehensive Plan and recommended approval to the Board of Supervisors. See TAB H.

**B. SUBJECT: SPECIAL USE PERMIT
RIVERBEND WATER COMPANY
HOME BUSINESS**

**R-FY-09-
SPECIAL USE PERMIT
RIVERBEND WATER COMPANY
FOR THE PURPOSE OF ALLOWING A HOME BUSINESS
IN AN AGRICULTURAL (A-1) ZONING DISTRICT
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
PARCEL ID 080602; TAX MAP NUMBER 120-A-37H**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by River Bend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow a home business is consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. The office space within the home shall not exceed 25% of the gross floor area of the dwelling unit, and be in substantial compliance with sheet three (3) of four (4) of plans drawn by Doug Collins, received November 22, 2008.
2. No more than two (2) outside employees shall be permitted to work in the home.
3. No contractor's storage yard may be established as a result of the home business. No outside storage of materials or equipment related to the home business shall be permitted.
4. Sign permit must be obtained from the Zoning Administrator for a non-illuminated sign not exceeding four (4) sq. feet per Sec. 10-41 (4)(d).

The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

JUSTIFICATION: At their regular meeting on December 10, 2008 the Planning Commission, on a vote of 9-0, found the Rezoning request as specified above compatible with the Comprehensive Plan and recommended approval to the Board of Supervisors. See TAB I.

**C. SUBJECT: SPECIAL USE PERMIT
RIVERBEND WATER COMPANY
ACCESSORY STRUCTURE**

**R-FY-09-
SPECIAL USE PERMIT
RIVERBEND WATER COMPANY
FOR THE PURPOSE OF ALLOWING AN
ACCESSORY STRUCTURE GREATER
THAN 1,200 SQUARE FEET IN AREA AND 18 FEET IN HEIGHT
IN AN AGRICULTURAL (A-1) ZONING DISTRICT
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
PARCEL ID 080602; TAX MAP NUMBER 120-A-37H**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia a request by River Bend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow an accessory structure greater than 1,200 square feet in area and 18 feet in height is consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. The residence shall be built prior to, or concurrently with, the construction of the accessory structure.
2. The accessory structure shall be built in substantial conformance with the plans provided, dated November 22, 2008.
3. The accessory structure shall be connected to a septic system in conformance with Virginia Department of Health regulations and standards.
4. No exterior storage of equipment and/or materials shall be permitted.
5. The owner shall plant a double offset row of Leyland Cypress trees along the north, east, and south sides of the structure, as well as landscaping along the west side of the structure. The trees shall be a minimum of six (6) feet in height at the time of planting on 25' centers. The rows shall be 15' feet apart. Per sketch provided, dated December 2, 2008, and attached.
6. The proposed accessory structure shall not exceed 2,850 sq. feet in total area and the overall height of the structure shall not exceed 34 feet as measured from the ground elevation to the top of the cupola.
7. No commercial work shall be permitted in the building.
8. The structure shall not be used as a principal or accessory dwelling.
9. Garage doors shall be Amarr Garage Doors, model S1-Santiago-Closed arch, or similar. This style of garage door will help the building conform to the agricultural setting and characteristics of the area. Garage doors shall be approved by the Zoning Administrator.

The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s) 120-A-37H, Parcel ID 080602, in the Riner Magisterial District (District D). This property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

JUSTIFICATION: At their regular meeting on December 10, 2008 the Planning Commission, on a vote of 9-0, found the Rezoning request as specified above compatible with the Comprehensive Plan and recommended approval to the Board of Supervisors. See TAB J.

XVIII. NEW BUSINESS

**A. SUBJECT: BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS
AND COMMISSIONS**

**R-FY-09-
BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS
AND COMMISSIONS
FOR 2009**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representative to the indicated boards and commissions, effective January 1, 2009 and expiring December 31, 2009:

<u>Board/Commission</u>	<u>Supervisor</u>
AFD Advisory Board	_____
Chamber of Commerce Liaison	_____ (Chair) _____ (Vice-Chair)
County/School Liaison	_____ (County Administrator) _____ (Chair)
Economic Development Alliance (NRV)	_____ (County Administrator) _____ (Chair)

Economic Development Commission
(Montgomery Regional)

Fairview District Home Board

Fairview Home, Inc. Board of Directors

_____ (County Administrator)

Legislative Liaison

Library Board Liaison

Metropolitan Planning Organization
(MPO)

_____ (Board Member)

_____ (Alternate)

_____ County Administrator)

Montgomery County Improvement
Council (MCIC)

Parks & Recreation Commission
Liaison

Planning Commission Liaison

_____ (Alternate)

Resource Conservation &
Development District (RC&D)

_____ (Alternate)

Road Viewers Board

All Board Members

School Board Liaison

_____ (Alternate)

Transportation Safety Commission

Tourism Development Council

_____ (Parks & Recreation
Director)

Workforce Investment Act

Virginia Tech Liaison

_____ (County Administrator)

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.

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.

JUSTIFICATION: See TAB **K** for a copy of last year’s appointment resolution.

All boards/commission listed above are annual appointments. Any boards/commissions not listed in the above resolution are not annual appointments. Community Services Board, Fire and Rescue Commission, MBC Development Corporation, and Planning District Commission are 3-year appointments. Pepper’s Ferry Regional Wastewater Treatment Authority, Social Services Board, Virginia’s First Regional Industrial Facility Authority, and Virginia Tech/Montgomery Regional Airport Authority are 4-year appointments.

B. SUBJECT: NRV HOME CONSORTIUM – APPOINTMENTS

**R-FY-09-
NRV HOME CONSORTIUM
APPOINTMENTS**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints the Montgomery County Administrator and the Blacksburg Town Manager to the Board of the New River Valley HOME Consortium effective January 1, 2009 and expiring December 31, 2009.

BE IT FURTHER RESOLVED, That the Montgomery County Planning Director is appointed to serve as alternate to the Montgomery County Administrator and the Blacksburg Deputy Town Manager is reappointed to serve as alternate for the Blacksburg Town Manager effective January 1, 2009 and expiring December 31, 2009.

ISSUE/PURPOSE: Reappoint the County Administrator and the Blacksburg Town Manager to the HOME Consortium and the Planning Director and Deputy Town Manager as alternates.

JUSTIFICATION: This is not an advertised appointment. The Consortium was established by the counties of Giles, Montgomery, Pulaski and Floyd (2008), City of Radford, and the Towns of Blacksburg, Christiansburg, Dublin, Glen Lyn, Narrows, Pearisburg, Pembroke, Pulaski and Rich Creek. Establishment of the Consortium provides approximately \$1 million annually in federal funding directly from the Department of Housing and Urban Development (HUD) for affordable housing projects benefiting low and moderate income residents in the New River Valley. The participation of Montgomery County is necessary to enable the Towns of Blacksburg and Christiansburg to participate.

The agreement for the Consortium provides that the Town of Blacksburg serve as the lead agency for Montgomery County's program, which includes the funding for the County and the towns of Blacksburg and Christiansburg. Blacksburg also manages the program. The Planning District Commission manages the program for the remaining localities.

C. SUBJECT: RESOLUTION REGARDING THE COMMONWEALTH'S FY 2009-2010 BUDGET SHORTFALL

**R-FY-09-
RESOLUTION REGARDING THE
COMMONWEALTH'S FY 2009-2010
BUDGET SHORTFALL**

WHEREAS, Montgomery County is committed to ensuring fiscal sustainability at the local and state levels of government because fiscal sustainability enables the Commonwealth and its local governments to provide

high quality, cost effective, core public services that benefit Virginians today and for generations to come; and

WHEREAS, The current difficult economic and financial times require government, at all levels, to evaluate service delivery responsibilities and to determine the continued importance of programs meeting critical needs; and

WHEREAS, The Commonwealth must resolve an estimated 2009 and 2010 biennial revenue shortfall approaching \$3 billion that may in fact continue to escalate in the near term; and

WHEREAS, Montgomery County must resolve significant local revenue shortfalls for these periods as well; and

WHEREAS, The Commonwealth's General Fund supports most critical core government services including public education, health and human resources, including the Comprehensive Services Act, public safety, natural resources and environmental services by dedicating almost 50 percent of the state's General Fund to local governments (with 74 percent of this funding supporting K-12 public education); and

WHEREAS, If one level of government establishes and ensures a priority, it is then incumbent upon that level of government to adequately fund the services necessary to meet that priority; and

WHEREAS, The current economic environment threatens the sustainability of these critical core public services if the Commonwealth is required to reduce its contribution to the financial partnership between the state and its local governments including Montgomery County; and

WHEREAS, Specific and necessary state budget reductions may impact a wide array of core public services, including but not limited to, public education, the Comprehensive Services Act, and public safety and many local governments, including Montgomery County, will absorb significant state reductions in 2009 and may be compelled to increase real property taxes to help ensure the continuation of vital core public services; and

WHEREAS, Montgomery County stands ready to partner with the Commonwealth to make the difficult budgetary decisions required, including thoroughly evaluating programs and working together to maintain a structural balance between revenues and expenditures that promotes the long-term viability of our Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County respectfully offers the following budget and revenue recommendations for the 2009 legislative session to the Governor and Virginia General Assembly, including Montgomery County's Delegates and Senators:

- Budget and appropriate sufficient withdrawals from the state's Revenue Stabilization Fund ("Rainy Day Fund") to help offset necessary state budget reductions. Global and national financial markets are imbalanced; consequently, Virginia is one of many states facing a significant state revenue shortfall. The Commonwealth is required to replenish the Fund when economic conditions improve, and Montgomery County supports recapitalizing the Fund in better economic times.
- Before budgeting and appropriating necessary state budget reductions, revisit recent state tax exemptions. Since the late 1990s the state has enacted more than \$1.8 billion in net biennial tax reductions and specific General Fund transfers.
- Oppose the enactment of new unfunded and under-funded state mandates that will impose new costs on local governments. Additionally, consider repealing specific, unfunded and under-funded state mandates. In the area of public education, the Governor and Virginia General Assembly should consider providing localities and school districts maximum flexibility to i) suspend specific mandates and ii) manage specific public education reductions.
- Enact a law authorizing equal taxing authority for counties. Counties should be enabled, like cities and towns, to institute specific taxes, including a meals tax without a referendum. The new sources of revenue would be tailored to the needs of a jurisdiction and could help local governments protect adequate funding for the core government services including K-12 public education, and reduce county dependence on property taxes.
- Consider additional possibilities for mitigating the impact of state cuts on local governments. Local governments will have to make significant cuts in services because of flat or decreasing real estate revenues. Permit local governments, at their option, to implement a one-half percent increase in the sales tax as a way to minimize the potential burden passed on to homeowners through increased real property taxes.

BE IT FURTHER RESOLVED, Montgomery County offers these recommendations in the spirit of compromise and partnership to the Governor and Virginia General Assembly, including Montgomery County's Delegates and Senators.

ISSUE/PURPOSE: To offer specific state budget and revenue recommendations to the Governor and the Virginia General Assembly to address the 2009-2010 state budget shortfall.

JUSTIFICATION: VACo has urged all Virginia counties to adopt the above resolution, and communicate their actions to Governor Kaine and to legislators. The resolution seeks to partner with the Commonwealth in addressing the 2009-2010 state budget shortfall approaching \$3 billion, and offers specific state budget and revenue recommendations to the Governor and the Virginia General Assembly.

The 2009 legislative session is scheduled to convene on Wednesday, January 14, 2009. VACo is asking counties to adopt the resolution in advance of 2009 VACo-VML Legislative Day, Thursday, February 5th. The House and Senate will adopt their respective budgets soon after Legislative Day.

**D. SUBJECT: GYPSY MOTH SUPPRESSION PROGRAM
PESTICIDE AND BUFFER ZONE SIZE**

R-FY-09-

**GYPSY MOTH SUPPRESSION PROGRAM-
PESTICIDE AND BUFFER ZONE SIZE**

WHEREAS, The Gypsy moth has established high populations in small portions of Montgomery County and threatens to greatly increase its range and population in the County; and

WHEREAS, High population levels are known to create substantial damage to forestry and homeowner interests; and

WHEREAS, The Virginia Department of Agriculture and Consumer Services (VDACS) has offered the County an opportunity to participate in its Gypsy Moth Suppression Program; and

WHEREAS, VDACS requires participating counties to decide by **January 15, 2009** which pesticide and what buffer zone will be used for the treatment blocks in that county; and

WHEREAS, The decisions on pesticide preference and buffer zone size do not imply Montgomery County is making a commitment to sign, by **February 1, 2009** the Cooperative Agreement by which the County would incur an obligation to reimburse VDACS for all or a portion of the actual treatment costs.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the staff recommendations to use Btk on all four proposed treatment blocks on Brush and Poor Mountains; and offer requesting landowners the option of a 150' buffer zone between their property line and the portions of treatment blocks to be sprayed is hereby approved.

ISSUE/PURPOSE: Approve the use of Btk on the four proposed treatment blocks on Brush and Poor Mountains, and a 150' buffer zone for interested property owners.

JUSTIFICATION: See TAB **F** for supporting information. The Agreement will be on the January 26, 2009 agenda for the Board's consideration.

XIX. COUNTY ATTORNEY'S REPORT

XX. COUNTY ADMINISTRATOR'S REPORT

1. Inmate Litter Clean-Up Report

XXI. BOARD MEMBERS' REPORT

1. Supervisor Biggs
2. Supervisor Politis
3. Supervisor Muffo
4. Supervisor Creed
5. Supervisor Brown
6. Supervisor Marrs
7. Supervisor Perkins

XXII. OTHER BUSINESS

XXIII. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Budget Work Session
Tuesday, January 20, 2009
6:00 p.m.

Adjourned Meeting
Monday, January 26, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda