

TO: The Honorable Board of Supervisors

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

DATE: December 14, 2009

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

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

Section 2.2-3711

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

1. Old Blacksburg Middle School Property

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Norfolk Southern Intermodal Facility  
2. Joinder Study with the Blacksburg, Christiansburg, VPI Water Authority

- (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 a Public Body

1. Library Board
2. Park and Recreation Commission

### **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. OATH OF OFFICE**

Supervisor Annette Perkins, Supervisor Gary Creed, and Supervisor James Politis, who were re-elected to serve as members of the Board of Supervisors, will take the Oath of Office administered by Circuit Court Judge Ray Grubbs.

**VIII. DELEGATION**

**A. SUBJECT: MONTGOMERY COUNTY COURTHOUSE**

**Montgomery County Courthouse – Construction Update**

Ron Riquelmy, Project Manager, will update the Board of Supervisors on the construction progress of the new courthouse.

**B. 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.

**C. SUBJECT: NEW RIVER VALLEY ECONOMIC DEVELOPMENT ALLIANCE**

**New River Valley Economic Development Alliance**

A representative from the New River Valley Economic Development Alliance will make a presentation on services provided to Montgomery County.

**IX. PUBLIC ADDRESS**

**X. ADDENDUM**

**XI. CONSENT AGENDA**

**XII. OLD BUSINESS**

**A. SUBJECT: ORDINANCE RENEWING AFD-6**

**ORD-FY-10-  
AN ORDINANCE RENEWING  
AGRICULTURAL AND FORESTAL DISTRICT (AFD-6)  
CONSISTING OF APPROXIMATELY 1330 ACRES  
SOUTH OF SHAWSVILLE  
WITHIN MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, Given Land Associates, the Estate of Ann Gardner Gray, Mary Rordam, Macon Sammons, Jr., Jimmy Odell Yobb, C.M. Yopp, Jr. and Robert Williams, have filed an application for the renewal of AFD-6 on November 13, 2009, which Agricultural and Forestal District was created by an ordinance adopted on the 26<sup>th</sup> day of May, 1981; renewed by an ordinance adopted on the 14<sup>th</sup> day of October, 1985, and renewed by an ordinances adopted on the 9<sup>th</sup> day of October, 1989 and 12<sup>th</sup> day of October 1993 and the 9<sup>th</sup> day of October 2001; and

WHEREAS, The existing AFD-6 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on November 10, 2009; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on November 11, 2009 and November 18, 2009 in the Roanoke Times-New River Valley Current, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on November 19, 2009; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on November 23, 2009; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on November 23, 2009.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

- 1) That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
- 2) That this Agricultural and Forestal District, AFD-6, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2017, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
- 3) That said District as renewed shall consist of approximately 1330 acres in the Shawsville Magisterial District of Montgomery County, and shall include the following parcels:

<b>Parcel ID</b>	<b>Name</b>	<b>Acreage</b>
007135	Givens Land Associates	146 acres
006892	Estate of Ann Gardner Gray	185 acres
006888,006887, 06886, 006889	Mary Rordam	232 acres
006885	Macon Sammons, Jr.	483 acres
0021621,0021616	Jimmy Yopp	124 acres
0021619	C.M. Yopp	34 acres
0021614,0021615	Robert Williams	126 acres
	<b>Total Acreage</b>	<b>1330 acres</b>

- 4) That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
- 5) That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- 6) That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.

7) That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.

8) That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.

9) That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

ISSUE/PURPOSE: Renewal of AFD-6 for another eight year term.

**B. SUBJECT: ORDINANCE – REZONING HENRY AND SARAH BRABHAM AND BRABHAM ENTERPRISES, LLC**

**ORD-FY-10-  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION  
OF APPROXIMATELY 6.832 ACRES FROM AGRICULTURAL (A-1) TO GENERAL  
BUSINESS (GB) IN THE RINER MAGISTRERIAL DISTRICT LOCATED AT 2352,  
2354, AND 5110 NORTH FORK RD IDENTIFIED AS TAX PARCEL NO(S) 46-A-6A, 6B,  
12B, 12E. PARCEL NO(S) 035143, 035144, 015955, AND 030792  
HENRY & SARAH ANN BRABHAM AND BRABHAM ENTERPRISES, LLC**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 6.832 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to General Business (GB) with the following proffered conditions:

1. All development shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. The applicant may be responsible for bearing the cost of any necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.
2. A detailed site plan/subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
3. The realigned Reese Mountain Road shall be constructed and a new entrance permit approved prior to the closure of the existing Reese Mountain Road. All VDOT Standards, Specifications, and Regulations shall be adhered to in the closure of the existing Reese Mountain Road entrance. Reese Mountain Road shall be realigned prior to the issuance of building permits on Tax Parcels 46-A-12B & 46-A-12E. The realignment of Reese Mountain Road shall consist of the closure of the existing entrance to Reese Mountain Road at North Fork Road (Route 603) and the design and construction of a new access route from the Norfolk & Southern Railroad crossing to North Fork Road.

The realigned portion of Reese Mountain Road shall be paved and provide a direct connection to North Fork Road. The realigned portion of Reese Mountain Road shall not contain off-street parking or other impediments to free access to North Fork Road. Maintenance and upkeep of the realigned portion of Reese Mountain Road shall be the responsibility of the property owner(s) of Tax Parcels 46-A-12B, 46-A-12E, 46-A-6A and/or 46-A-6C. The realigned Reese Mountain Road will be a minimum of twenty-four (24) feet wide paved with a cross section of 8" 21A Base Stone and 2" SM-9.5A Asphalt.

4. Tax Parcels 46-A-12B & 46-A-12E may each have one entrance onto the realigned Reese Mountain Road. Should these tax parcels be combined, only one entrance shall be allowed.
5. Tax Parcel 46-A-6C may have no more than three entrances onto the realigned Reese Mountain Road.
6. Tax Parcel 46-A-6A may have one entrance onto the realigned Reese Mountain Road.

7. Tax Parcels 46-A-6C & 46-A-6A may be developed prior to the realignment of Reese Mountain Road if no access to the existing Reese Mountain Road is provided.
8. Grading will be performed as approved by VDOT on Tax Parcels 46-A-5D and 46-A-5A as needed to achieve sight distance in accordance with the Traffic Analysis recommendations prior to the issuance of a commercial entrance permit for the development of Tax Parcels 46-A-12B, 46-A-12E, 46-A-6C, and 46-A-6A. In addition, Reese Mountain Road shall not be realigned until such grading has been completed.
9. Stormwater management shall be in accordance with all State and Local stormwater management (Quantity and Quality) standards.
10. The following architectural standards of the development will be incorporated into the development to provide compatibility with commercial uses at other I-81 interchanges within Montgomery County:
  - a. No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless screened from ground level. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment.
  - b. The exposed portions of all exterior wall surfaces of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be designed and constructed of similar materials. This proffer shall not preclude the use of a design that alternates a combination of permitted materials for architectural effect. Building materials shall consist of brick, stone, split face block, EIFS such as Dryvit or cementitious siding.
  - c. Roofing materials for pitched roofs shall be metal, natural or composite shingle. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
  - d. When a building is adjacent to a public right of way, architectural detail shall be incorporated to create architectural character on the building faces that are visible from that public right of way. Details may include highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
  - e. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings when visible from a public right of way.
  - f. Building elevations shall be included with all site plan submittals.

- g. Prefabricated metal buildings with vertical metal siding shall be prohibited.
11. The following uses shall not be permitted as by right uses on Tax Parcels 46-A-12B, 46-A-12E, 46-A-6C, and 46-A-6A; however, they may be permitted by Special Use Permit.
    - a. Cemetery
    - b. Church
    - c. Civic Club
    - d. Crematorium
    - e. Custom meat cutting, processing and sales, excluding slaughtering
    - f. Funeral Home
    - g. Homeless Shelter
    - h. Public Utility Lines, other distribution or collection facilities
    - i. Radio Station
    - j. School
    - k. Telecommunication tower, attached
  12. Pedestrian access shall be provided between all developed Tax Parcels. This access shall consist of a minimum of a four (4) foot wide paved trail system or sidewalk. Access shall be developed in conjunction with the development of the individual parcels.
  13. All site lighting shall be outfitted with a cut-off style fixture to minimize glare onto adjacent properties.
  14. A LOMA/R-F shall be submitted for approval to FEMA within 90 days of the rezoning approval of Tax Parcels 46-A-12B, 46-A-12E, 46-A-6C, and 46-A-6A. No development shall occur on these parcels until such time as FEMA approves the Letter of Map Revision (LOMR).

The property is located at 2352, 2354, and 5110 North Fork Rd. and is identified as Tax Parcel No. 46-A-6A, 6B, 12B, 12E (Account #'s 035143, 035144, 015955, 030792) in the Mount Tabor Magisterial District. The property currently lies in an area designated as Mixed Use within the Village Expansion area in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: Ordinance approving the rezoning request by Henry & Sarah Brabham and Brabham Enterprises, LLC.

JUSTIFICATION: At their November 19, 2009 meeting, the Planning Commission recommended approval of this request.

**XIII. NEW BUSINESS**

**A. SUBJECT: AGREEMENT WITH VDOT FOR GRANT FUNDING FOR THE HUCKLEBERRY TRAIL EXPANSION AND AGREEMENT WITH THE TOWN OF CHRISTIANBURG**

**R-FY-10-  
RESOLUTION APPROVING THE AGREEMENT WITH VDOT FOR THE GRANT TO CONSTRUCT THE HUCKLEBERRY TRAIL EXPANSION PROJECT AND THE AGREEMENT WITH THE TOWN OF CHRISTIANBURG ESTABLISHING THE TOWN'S AND COUNTY'S ROLE IN ADMINISTERING THE GRANT**

WHEREAS, On October 22, 2007, the Board of Supervisors of the County of Montgomery authorized staff to submit an application for a Transportation Enhancement Grant ("the Grant") through the Virginia Department of Transportation (VDOT) on behalf of the Town of Christiansburg for the expansion of the Huckleberry Trail in the Town of Christiansburg ("the Project"); and

WHEREAS, The County has been notified by VDOT that the County was awarded the Grant from VDOT in the amount of \$165,000 subject to a twenty percent (20%) local match of \$41,250 to construct the Project; and

WHEREAS, The Town of Christiansburg has agreed to provide the twenty percent (20%) match with cash or allowable in kind services and to enter into an Agreement with the County establishing the County's and Town's role in administering the Grant; and

WHEREAS, The Board of Supervisors hereby authorizes the County Administrator to execute the Agreement with VDOT to administer the Grant conditioned upon the Town of Christiansburg first agreeing to enter into an Agreement with the County stating that the Town shall be responsible for the twenty percent (20%) local match under the Grant and for constructing the Project and performing other duties in administering the Grant as outlined in the attached Agreement with the County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to accept the \$165,000 Grant to be used for the Huckleberry Trail extension project and enter into the Standard Project Administration Agreement with VDOT conditioned upon the Town executing an Agreement with the County agreeing to pay the required twenty percent (20%) match under the Grant and to be responsible for constructing and administering the Project as outlined in the attached Agreement.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes F. Craig Meadows, County Administrator, to execute the attached Agreement with the Town establishing the Town and County's role under the Grant and to sign the Standard Project Administration Agreement with VDOT required by the Grant once the Agreement with the Town is fully executed.

ISSUE/PURPOSE: Resolution approving an agreement with VDOT for a grant to construct the Huckleberry Trail Expansion and approving an agreement with the Town of Christiansburg establishing the Town's and County's role in administering the grant.

JUSTIFICATION: In October 2007 , the Town of Christiansburg asked Montgomery County to sponsor an application for federal TEA grant funds for the expansion of the Huckleberry Trail. The County was notified by VDOT that the County was awarded the grant in the amount of \$165,000 subject to a 20% local match of \$41, 250, which the Town of Christiansburg will be responsible for matching. This resolution authorizes the County Administrator to execute the grant agreement with VDOT and the agreement with the Town of Christiansburg establishing the Town's and County's role in administering the grant. See TAB H for a copy of the Agreement between the Town of Christiansburg and Montgomery County. TAB H also included a copy of the Standard Project Administration Agreement with VDOT.

**B. SUBJECT: DONATION TO MONTGOMERY MUSEUM  
CRANK HANDLE AND INTERNAL GEAR  
MECHANISM FROM THE OLD  
COURTHOUSE CLOCK**

**R-FY-10-  
DONATION TO MONTGOMERY MUSEUM  
CRANK HANDLE AND INTERNAL GEAR MECHANISM  
FROM THE OLD COURTHOUSE CLOCK**

WHEREAS, In 1909 the cupola on the Montgomery County Courthouse included a clock and a bell with an eagle perched on the top; and

WHEREAS, In 1953 the bell tower and the clock were removed because of possible danger and damage from high winds and rain, and placed in storage; and

WHEREAS, Since that time the whereabouts of the of the clock has been uncertain; and

WHEREAS, Two pieces of the old courthouse clock has unexpectedly fallen into the hands of county staff, being a crank handle used to rewind the clock weights and the internal gear mechanism; and

WHEREAS, The Montgomery Museum has expressed an interest in accepting a donation of the two pieces of the old courthouse clock for display at the Museum.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to donate the crank handle used to rewind the old courthouse clock weights and the internal gear mechanism, to the Montgomery County Museum.

ISSUE/PURPOSE:                      Donation of a crank handle and internal gear mechanism from the old Courthouse clock.

**C.      SUBJECT:                              SOCIAL SERVICES – FY 10 BUDGET RECONCILIATION**

**A-FY-10-  
SOCIAL SERVICES  
FY 10 BUDGET RECONCILIATION**

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, 2010, for the function and in the amount as follows:

540      Social Services    \$198,641

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

Revenue Account

xxxxxx	State & Federal	\$258,274
451203	Fund Balance	<u>(\$59,633)</u>
	Total	\$198,641

Said resolution appropriates additional state funding to reconcile the Social Service FY 10 approved budget to the approved state allocation sheet and Laser Reports for FY 10.

ISSUE/PURPOSE: Reconcile the Social Services appropriation for FY 10.

JUSTIFICATION: This resolution appropriates additional state funding to reconcile the Social Services FY 10 approved budget to the approved state allocation. The approved state allocation and additional allocations were approved by the state after the adoption of the FY 10 Budget; therefore, each year, the Social Service budget must be reconciled to match the state funding allocation after the adoption of the County approved budget.

The reconciled budget totals \$6,806,004. This includes:

- 66 classified FTE, 2 grant funded FTE, and 2 temporary fuel workers at a cost of \$3,441,006
- \$345,495 in operations and maintenance
- \$3,019,503 for purchase of service/public assistance.

The reconciliation shows:

- The existing approved FY 10 Budget contains \$1,137,889 in local funding.
- The reconciled budget requires \$1,078,256 in local funding.
- The difference of \$59,633 will be returned to the General Fund.
- Currently, the FY 10 reconciled budget requires \$41,619 less local funding than FY 09.

See TAB I for a copy of the Social Services letter outlining the reconciliation.

**D. SUBJECT: RESOLUTION OF COMMEMORATION  
JOY FOSTER**

**R-FY-10-  
RESOLUTION OF COMMEMORATION  
JOYCELYN V. FOSTER**

*WHEREAS*, The recent death of *Joycelyn V. Foster* has touched and saddened all those who knew and loved her; and

*WHEREAS*, *Joycelyn V. Foster* lived in Christiansburg for most of her life; was married to Paul H. Foster, Jr. for six years before she was widowed, leaving her to raise two children; and

*WHEREAS*, *Joycelyn V. Foster* obtained her BS degree in business and her MS degree in Library Media Specialist by attending Radford College at night while working as a library aide in the Montgomery County Public School system; and

*WHEREAS*, *Joycelyn V. Foster* retired in 2000 after working for 28 years in the Montgomery County Public School system, as a Librarian at Christiansburg Primary School and Auburn High School; and

*WHEREAS*, *Joycelyn V. Foster* served as a member of the Montgomery-Floyd Regional Library Board from July 2003 through November 2009; and

*WHEREAS*, Through her responsibilities as a member of the Montgomery-Floyd Regional Library Board *Joycelyn V. Foster* has made a memorable contribution to the Montgomery County community; and

*WHEREAS*, *Joycelyn V. Foster* will be greatly missed and lovingly remembered by those who knew her.

*NOW, THEREFORE, BE IT RESOLVED*, That the Board of Supervisors of Montgomery County, Virginia does hereby express its deepest condolences and most heartfelt sympathy to the many friends and loved ones of *Joycelyn V. Foster*.

*BE IT FURTHER RESOLVED*, That the original of this resolution be presented to the family of *Joycelyn V. Foster* and that a copy be made a part of the official minutes of Montgomery County, that her memory may be so honored and ever cherished.

ISSUE/PURPOSE: Adopt resolution of commemoration for Jocelyn V. Foster.

**JUSTIFICATION:**

Ms. Foster served on the Montgomery-Floyd Regional Library Board for more than 6 years.

This resolution was listed at the request of Supervisor Mary Biggs.

**XIV. COUNTY ATTORNEY'S REPORT**

**XV. COUNTY ADMINISTRATOR'S REPORT**

**XVI. BOARD MEMBERS' REPORT**

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

**XVII. OTHER BUSINESS**

**XVIII. ADJOURNMENT**

**FUTURE MEETINGS**

Regular Meeting  
Monday, January 11, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Adjourned Meeting  
Monday, January 25, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda