

TO: The Honorable Board of Supervisors

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

DATE: April 25, 2011

**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 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2011-017

(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. Agency on Aging  
2. Social Services Board

**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. DELEGATION**

##### **A. VIRGINIA COOPERATIVE EXTENSION**

##### **Virginia Cooperative Extension – Quarterly Report for Montgomery County**

Michelle Dickerson, Extension Agent, will provide an update on the Extension programs in Montgomery County.

## VIII. PUBLIC HEARINGS

### A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on April 10 and April 17, 2011:

1. Ordinance – Redistricting

**Proposed Ordinance Amending and Re-establishing the Election Districts, Election Precincts and Polling Places for the County of Montgomery, Virginia, based on the 2010 U. S. Census. See TAB A.**

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on March 30 and April 6, 2011:

2. Special Use Permit – Chad and Lisa Vaught – Telecommunications Tower  
**A request by Chad Lyn and Lisa Lynn Vaught (Agent: Rich Rosenfeld) for a Special Use Permit on approximately 17.193 acre parcel in an Agriculture A-1 zoning district to allow a 100 ft. telecommunications tower.** The property is located at 3153 Pandapas Pond Road, known as the Fountain Mobile Home Park, approximately 2300 feet west of the intersection of Pandapas Pond Rd. (US Route 460) and Brush Mountain Rd. (SR 777), and is identified as Tax Parcel No. 27-A-49 (Acct #020041) in the Prices Fork Magisterial District (District F). The property currently lies in an area designated as Residential Transition in the 2025 Comprehensive Plan. See TAB B.

3. Ordinance Amending Chapter 10, Entitled Zoning, Section 10-52(3) – CONTINUE TO MAY 23, 2011  
**An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.**

NOTE: At their April 13, 2011 meeting, the Planning Commission tabled this public hearing in order to receive additional information. Therefore, the Board of Supervisors will continue this public hearing to their May 23, 2011 meeting.

The following public hearing was continued from the March 28, 2011 meeting:

4. Rezoning – Huckleberry Ridge, LLC –  
A request by **Huckleberry Ridge, LLC (Agent: Bluestone Land, LLC)** for rezoning of approximately 48 acres from Agriculture (A1) to Residential Multi-family (RM-1) with possible proffered conditions, to allow 388 multi-family residential dwellings and approximately 15 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow 40 lots for single/two-family residential dwelling units. The property is located south east of the intersection of Merrimac Road (SR 657) and Hightop Road (SR 808) and is identified as Tax Parcel Nos. 067-A-42, 66-A-91, 92, & 67-A-229 (Acct # 010583, 010584, 010585, & 035616) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan with a proposed gross density of four (4) dwelling units per acre. See TAB C.

**IX. PUBLIC ADDRESS**

**X. ADDENDUM**

**XI. CONSENT AGENDA**

**XII. OLD BUSINESS**

**A. SUBJECT: ORDINANCE – REDISTRICTING**

**ORD-FY-11-  
ORDINANCE AMENDING AND RE-ESTABLISHING  
THE ELECTION DISTRICTS, ELECTION PRECINCTS  
AND POLLING PLACES FOR THE COUNTY OF MONTGOMERY, VIRGINIA,  
BASED ON THE 2010 U. S. CENSUS**

BE IT ORDAINED By the Board of Supervisors of the County of Montgomery, Virginia that the Election Districts, Election Precincts and Polling Places for the County of Montgomery, Virginia, based on the 2010 U.S. Census is hereby amended and reordained as stated in TAB A.

ISSUE/PURPOSE: To amend and reestablish the Election Districts, Election Precincts and Polling Places based on the 2010 U.S. Census.

**B. SUBJECT:**

**REQUEST FOR PRIVATE STREETS  
EAGLE ROCK SUBDIVISION**

**R-FY-11-**

**RESOLUTION APPROVING USE OF PRIVATE STREET  
FOR THE EAGLE ROCK (NORTHWOODS WEST) SUBDIVISION  
SUBJECT TO CERTAIN CONDITIONS**

WHEREAS, Triple J Investments Inc., is the owner of certain land lying and being in the County of Montgomery designated as Parcel # 002706, and Tax Map Parcel 066-A-1 on the Tax Maps of Montgomery County, Virginia (“Property”); and

WHEREAS, Triple J Investments Inc. has requested the Board of Supervisors for permission to subdivide their Property using a private street, for access to the public street as provided for in Section 8-152 of the Montgomery County Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby grant approval to Triple J Investments or its future successor or assigns in ownership to the Property (hereinafter referred to as “the Developer”) to subdivide their Property using a private street to provide access to the public street conditioned upon the Developer meeting the requirements of the Montgomery County subdivision ordinance in developing the proposed subdivision and complying further with the following additional conditions imposed as a condition of receiving approval to subdivide using a private street:

1. The subdivision road shall abide by section 8-152(b)(3) which requires:
  - a. Median lot size of three (3) acres or greater
  - b. A length of street per lot ratio of one hundred fifty (150) feet per lot or greater
  - c. Minimum width of all-weather surface or pavement of eighteen (18) feet
  - d. Access plan that shall include construction specifications, as well as a maintenance plan or agreement
2. The grade of the road shall not exceed 15% grade.
3. The proposed cul-de-sac shall have a minimum turning radius of 45 feet.
4. The road shall have a minimum 30 foot street connection landing at the intersection with Oilwell Road.

5. The deed associated with each lot shall include a statement that the properties are accessed by a private road and the road will not be publically maintained.
6. The proposed road shall be constructed to meet all other VDOT standards for subdivision streets with the exception of the connectivity index and the 50 foot street connection landing.
7. The private road shall be maintained by all the property owners in the subdivision pursuant to a Road Maintenance Agreement. Through covenants and deed restrictions each property owner within the subdivision shall be obligated to participate in the cost of maintaining the private road or its successor road. The Road Maintenance Agreement shall be reviewed and approved by the County Attorney prior to approval of the first subdivision plat submitted for County approval for the Property.
8. The proposed private road shall be constructed and certified by a professional engineer licensed in the state of Virginia prior to approval of the subdivision plat by the County. If the road is not constructed prior to recordation of the subdivision plat, a letter of credit or public improvement bond shall be posted by the Developer in a form approved by the County in an amount equal to 110% of the cost to construct the Road in order to guarantee the installation of the road. At the time the bond is received and approved the subdivision plat shall be approved, if all other requirements and conditions are met. No building permits shall be issued for any lots in the Property until such time that the road is constructed and certified as being in compliance with this resolution.
9. The subdivision shall have an Erosion and Sediment Control Plan approved by the County Engineer before any clearing, grading or road construction occurs.
10. All lots shall have Virginia Department of Health approved drainfield locations prior to approval of final subdivision plat.

ISSUE/PURPOSE: Resolution approving Triple J Investments Inc. request to use private streets.

JUSTIFICATION: At their March 16, 2011 meeting, the Planning Commission recommended approving Triple J Investments Inc. request to use private streets (5-3 (Miller absent, Haynes, Rice, and Seitz opposed) See TAB  G  .

**XIII. NEW BUSINESS**

**A. SUBJECT: RESOLUTION OF APPRECIATION  
SKYLINE SOIL AND WATER  
CONSERVATION- RICHARD BARNETT**

**R-FY-11-  
RESOLUTION OF APPRECIATION  
SKYLINE SOIL AND WATER CONSERVATION  
DISTRICT-RICHARD BARNETT**

*WHEREAS*, Conservation districts are the local units of state government, led by an elected board of directors who work to keep our drinking water clean, our air breathable, and our farmland in good condition so as a country we can continue to feed ourselves; and

*WHEREAS*, The Skyline Soil and Water Conservation District represents Montgomery, Floyd, Pulaski and Giles counties; and

*WHEREAS, Richard Barnett* served as our representative on the Skyline Soil and Water Conservation District Board for 33 years, from 1970 through 2003; and

*WHEREAS, Richard Barnett* served as Skyline Soil and Water Conservation District Board Treasurer from October 1987-December 31, 2003, and has served on the Executive Committee and the Conservation Easement Committee for many years; and

*WHEREAS, Richard Barnett* worked on projects with local farmers such as no-till planting, fencing, and nonpoint source pollution controls, worked to obtain \$1.75 million in cost-share grants and federal farm bill programs for these projects, which helped the environment as well as the economy; and

*WHEREAS, Richard Barnett* played a leadership role in the area of conservation easements, which allows farmers to preserve their farmland from future development in exchange for tax credits.

*NOW, THEREFORE, BE IT RESOLVED*, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby commends *Richard Barnett* for the thirty years of dedicated service he has given on behalf of the citizens of Montgomery County, and extends their utmost appreciation for his having so truly defined for others the meaning of public service.

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

ISSUE/PURPOSE: Adopt a resolution of appreciation for Richard Barnett, who served on the Skyline Soil and Water Conservation District Board for 33 years, from 1970 through 2003.

JUSTIFICATION: This resolution is listed at the request of Supervisor Gary Creed.

#### **XIV. INTO WORK SESSION**

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

1. Urban Development Areas

#### **XV. OUT OF WORK SESSION**

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

#### **XVI. COUNTY ATTORNEY'S REPORT**

#### **XVII. COUNTY ADMINISTRATOR'S REPORT**

#### **XVIII. BOARD MEMBERS' REPORT**

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

**XIX. OTHER BUSINESS**

**XX. ADJOURNMENT**

**FUTURE MEETINGS**

Regular Meeting  
Monday, May 9, 2011  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting

Special Meeting  
Joint Meeting with School Board  
at Christiansburg High School  
Tuesday, May 10, 2011  
6:00 p.m.

Special Meeting  
Joint Meeting with Town of Blacksburg  
at Blacksburg Transit  
Tuesday, May 17, 2011  
5:00 p.m.

Adjourned Meeting  
Monday, May 23, 2011  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting