

CONSENT AGENDA

DECEMBER 14, 2009

A. APPROPRIATIONS AND TRANSFERS

1. SUBJECT: SHERIFF – RECOVERED COSTS

**A-FY-10-
SHERIFF
RECOVERED COSTS**

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:

320	Sheriff – County	\$36,907
322	Sheriff – Project Lifesaver	<u>\$ 200</u>
	Total	\$37,107

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

<u>Revenue Account</u>		
419108	Recovered Cost – County	\$36,907
424401	Project Lifesaver	<u>\$ 200</u>
	Total	\$37,107

Said resolution appropriates recovered costs and Project Lifesaver funds for use by the Sheriff's Department.

ISSUE/PURPOSE: Appropriate recovered costs and Project Lifesaver funds.

JUSTIFICATION: This resolution appropriates recovered cost revenue for security services provided at Virginia Tech football games (\$35,666) and security services provided at area high schools (\$1,241). This resolution also appropriates \$200 in Project Lifesaver funds. All are designated revenues for use by the Sheriff's Department.

2. **SUBJECT: LEAGUE OF WOMEN VOTERS: TRANSFER FROM GENERAL CONTINGENCIES (Balance in General Contingencies before approval of this Resolution is \$302,476)**

**A-FY-10-
LEAGUE OF WOMEN VOTERS
2010 FACTS FOR VOTERS PUBLICATION
TRANSFER FROM GENERAL CONTINGENCIES**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$200)

TO:

910 League of Women Voters \$200

Said resolution transfers appropriated funds from General Contingencies to the League of Women Voters.

ISSUE/PURPOSE: Transfer of funds from General Contingencies to the League of Women Voters.

JUSTIFICATION: This resolution transfers \$200 in appropriated funds from the General Contingency budget to the Montgomery County League of Women Voters to help support their 2010 FACTS FOR VOTERS publication. A contribution of \$200 guarantees a minimum of 500 of the brochures will be delivered to the County Government Center. See **TAB A** for a copy of a letter from the League of Women Voters requesting Montgomery County's support.

3. **SUBJECT: PLANNING AND GIS - TECHNOLOGY FEE APPROPRIATION**

**A-FY-10-
PLANNING AND GIS
TECHNOLOGY FEE APPROPRIATION**

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:

800	Planning & GIS	\$8,428
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The source of funds for the foregoing appropriation is as follows:

451205	Designated Fund Balance – Technology Fee	\$8,428
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Said resolution appropriates designated fund balance from technology fees collected in FY 09 that were not expended for Land Development Office expenses by year-end.

ISSUE/PURPOSE: Appropriate designated fund balance from technology fees

JUSTIFICATION: This resolution appropriates \$8,428 in designated fund balance from technology fees collected in FY 09. In FY 08, the Board of Supervisors established a Technology Fee to help support new technology based initiatives in the Land Development Office (LDO). This fee provided a designated funding mechanism to accomplish LDO improvements and enhancements. \$8,428 represents the revenue generated in FY 09 from the technology fee that was not spent before year-end. These funds will be used in FY 10 for the LDO enhancements, including the field piece for Inspections.

4. **SUBJECT: SCHOOL OPERATING FUND
APPROPRIATION**

**A-FY-10-
SCHOOL OPERATING FUND
SUPPLEMENTAL APPROPRIATION**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating 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:

610000 Instruction	\$255,041
640000 Operations and Maintenance	<u>\$306,767</u>
Total	\$561,808

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

Revenue Account:

GAPS – Grants	\$255,041
Rebates and Refunds	\$66,815
Universal Service Discounts (E-Rate)	<u>\$239,952</u>
Total	\$561,808

Said resolution appropriates additional funds for the School Operating Fund.

ISSUE/PURPOSE: Appropriate additional monies to the School Operating Fund.

JUSTIFICATION: Included in TAB **B** is a letter from the Montgomery County School Board requesting a supplemental appropriation to the School Operating Budget for additional revenue received.

B. EASEMENTS

1. **SUBJECT: AMERICAN ELECTRIC POWER
EASEMENT – NEW COURTHOUSE
FACILITY**

**R-FY-10-
A RESOLUTION APPROVING EASEMENT TO
AEP FOR ELECTRICAL SERVICE TO
NEW COURTHOUSE FACILITY**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the granting of an electrical service easement to American Electrical Power (AEP) in order to reconfigure electrical service for the existing courthouse and jail facility and provide new service to the new Courthouse facility.

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby authorizes Annette S. Perkins, Chair, to execute the AEP easement document(s) required to reconfigure the existing service and provide new service to the new Courthouse facility.

ISSUE/PURPOSE: Grant an electrical easement to AEP for services to the new Courthouse facility.

C. AFD WITHDRAWAL

1. **SUBJECT: REQUEST FOR AFD WITHDRAWAL
JAMES O. HOGE , JR. ESTATE**

**R-FY-10-
RESOLUTION WITHDRAWING PROPERTY IDENTIFIED AS A PORTION OF
TAX MAP NUMBERS 39-A-18, 39-A-6, 39-A-52, AND 39-A-18A TOTALING
APPROXIMATELY 184 ACRES OWNED BY JAMES O. HOGE, JR. ESTATE
FROM AGRICULTURAL AND FORESTAL DISTRICT 1**

WHEREAS, The Property identified as a portion of Tax Map Numbers 39-A-18, 39-A-6, 39-A-52, AND 39-A-18A (together referred to as the “Hoge Property” shown more particularly by survey on the attached plat) totaling approximately 184 acres is in Agricultural and Forestal District (AFD) 1; and

WHEREAS, Carol Flynn Hoge, Co-executor, an heir to the James O. Hoge Estate, the owner of record of the Hoge Property has sent a letter to the County dated November 16, 2009 requesting that the Hoge Property consisting of approximately 184 acres as shown on the attached plat be withdrawn from AFD 1

pursuant to the authority granted under Section 2-151 of the Code of the County of Montgomery, Virginia; and

WHEREAS, Section 2-151 of the Code of the County of Montgomery entitles any heir as a matter of right upon the death of the property owner to withdraw such land from the AFD provided the written notice of withdrawal is made within two years of the date of the death of the owner; and

WHEREAS, Based on the records of the Commonwealth of Virginia the owner of the Hoge Property, James O Hoge, Jr., passed away on November 20, 2007 making the request for withdrawal in accordance with the requirements of the Montgomery County Code.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby acknowledges the withdrawal of the Hoge Property totaling approximately 184 acres shown more particularly by survey on the attached plat and identified as a portion of Tax Map Number 39-A-18, 39-A-6, 39-A-52, and 39-A-18A from AFD 1 as entitled by matter of right under Section 2-151 of the Code of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Resolution approving the request to withdraw 184 acres from AFD-1.

JUSTIFICATION: An heir of the James O. Hoge Estate submitted a letter of request to withdraw 184 acres from the Agriculture and Forestal District designation. This request meets the requirements in accordance to Section 2-151 of the Code of Montgomery County. TAB C includes a copy of the plat showing the parcels

D. ZONING ORDINANCE

1. SUBJECT: REFER TO PLANNING COMMISSION

**R-FY-10-
REFER TO THE PLANNING COMMISSION
REQUEST TO CHANGE ZONING ORDINANCE BY AMENDING A-1 ZONING TO
INCLUDE "SCHOOL OF SPECIAL INSTRUCTION" AS A PERMITTED USE**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a request from Robert and Jennifer Speiden to change the county's zoning ordinance by amending A-1 zoning to include "school of special instruction" as a permitted use is hereby referred to the Planning Commission for review and recommendation to the Board of Supervisors.

ISSUE/PURPOSE: To refer to the Planning Commission, a request to change the county's zoning ordinance by amending A-1 zoning to include "school of special instruction" as a permitted use.

JUSTIFICATION: TAB D includes the letter of request from Robert and Jennifer Speiden and a copy of the plat showing the proposed location of the accessory building.

TAB D also includes a description of Home Occupations/Home Businesses as defined in the county's zoning ordinance.

E. E911 STREET NAME

1. **SUBJECT: E911 STREET NAME – NAME A PRIVATE STREET OFF MUD PIKE ROAD (SR 666)**

**R-FY-10-
RESOLUTION NAMING A NEW STREET
KINGS COURT**

WHEREAS, There is an unnamed private street located off Mud Pike Road (SR 666) of the County; and

WHEREAS, The County requests this street be named Kings Court; and

WHEREAS, Kings Court complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that after duly considering said request, the Board hereby approves the use of the name Kings Court for an unnamed private street located off Mud Pike Road (SR 666).

ISSUE/PURPOSE: Resolution approving the use of the name Kings Court for a private unnamed road located off Mud Pike Road (SR 666).

JUSTIFICATION: The County's Planning & GIS Department became aware of building permit activity on a private street off Mud Pike Road. According to the County's E-911 Street Naming Policy, if the County becomes aware that an unnamed street has six or more residences/business on it, then the Board of Supervisors shall approve a street name and advise the residents/businesses of their new address.

Under the County initiated street names, the cost of the street signs and mapping changes shall be borne by the County.

There are a total of 7 parcels located on this private road with one parcel containing a trailer court with 10 lots. The name of this trailer court is Kings Court. In keeping with the name of the trailer court the Planning & GIS Department recommends naming this unnamed road, Kings Court. See TAB E for a copy of a map showing the location and list of property owners.

F. ROADS

1. SUBJECT: ADDITION TO THE SECONDARY SYSTEM OF STATE HIGHWAYS – BROOKLYN AVE (SR 1454)- WALNUT CREEK SUBDIVISION

R-FY-10- ADDITION TO THE SECONDARY SYSTEM OF STATE HIGHWAYS BROOKLYN AVE. (SR 1454)

WHEREAS, The street described below is shown on a plat in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised the Montgomery County Board of Supervisors that this street meets the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements and recommends these streets be added to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer:

ADDITION:

The Preserve at Walnut Creek

Name of Street:

► **Brooklyn Ave, (SR 1454)**

From: Crosscreek Drive (SR 1450)

To: cul-de-sac, a distance of: 0.36 miles.

Recordation Reference: Instrument # 2008011650

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Right of Way width = 50 feet

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

ISSUE/PURPOSE: Resolution requesting VDOT to add Brooklyn Ave into the secondary system of state highways.

JUSTIFICATION: VDOT has advised the Board of Supervisors that Brooklyn Ave., located in the Preserve at Walnut Creek, is ready to be taken into the Secondary System of State Highways. A resolution from the Board is required requesting VDOT to add this road into the system. TAB **F** includes a map showing the location of this street.

G. APPOINTMENTS

1. SUBJECT: **APPOINT CLEO REPRESENTATIVE TO
WORKFORCE INVESTMENT
CONSORTIUM BOARD**

**R-FY-10-
CLEO REPRESENTATIVE ON THE
WORKFORCE INVESTMENT CONSORTIUM BOARD
APPOINTMENT**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **William H. Brown** to the New River/Mount Rogers Workforce Investment Consortium Board, effective January 8, 2010 and expiring January 7, 2011.

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.

ISSUE/PURPOSE: Appoint a Chief Local Elected Official (CLEO) to represent Montgomery County on the newly formed New River/Mount Rogers Workforce Investment Consortium Board.

JUSTIFICATION: With passage of the new Joint Powers Agreement by the member jurisdictions of the New River/Mount Rogers Workforce Investment Act, localities are asked to appoint a CLEO to this board, effective January 8th.

Supervisor Bill Brown currently represents the BoS on the Workforce Investment Act.

Details are provided in a letter from James E. Cornwell, Jr. of Sands Anderson Marks & Miller. See TAB G for a copy of the letter.

2. **SUBJECT: PARKS AND RECREATION COMMISSION REAPPOINT PAUL L. SMEAL**

**R-FY-10-
PARKS AND RECREATION COMMISSION
APPOINTMENT**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Paul L. Smeal**, who resides in District A, to the **Parks and Recreation Commission**, effective December 19, 2009 and expiring December 18, 2012.

3. **SUBJECT: PLANNING COMMISSION-REAPPOINT MALVIN L. WELLS**

**R-FY-10-
PLANNING COMMISSION
APPOINTMENT**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Malvin L. Wells** to the **Montgomery County Planning Commission** effective December 20, 2009 and expiring December 19, 2013.