

TO: The Honorable Board of Supervisors

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

DATE: September 24, 2012

**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

- (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. Fairview Home

- (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. NRV Juvenile Detention Commission
- 2. Planning 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. PUBLIC HEARINGS

##### A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the "BURGS" Section of the Roanoke Times on August 30 and September 6, 2012:

1. Special Use Permit Amendment – James & Lorilee Tannahill

**Request by James C. & Lorilee B. Tannahill to amend a special use permit previously approved on May 23, 2011 (R-FY-11-122) to remove condition #2 requiring the existing parking area to be surfaced to provide a durable and dustless surface. The property is located at 2397**

Tyler Road and is identified as Tax Parcel No. 104-A-13A (Acct # 029000) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and Business in the Route 177 Corridor Plan. See TAB A.

The following public hearing was advertised pursuant to law in the “BURGS” Section of the Roanoke Times on August 29 and September 5, 2012:

2. Ordinance – Agricultural and Forestal District Renewals  
An ordinance to renew the following Agricultural and Forestal District(s) for another eight (8) year term:

**District #3 (Little River)** is generally located to the east of the boundary between Montgomery and Pulaski Counties and is in the vicinity of Indian Valley Rd. (Rt. 787) and Piney Woods Rd. (Rt. 600). Currently, AFD 3 consists of 13 property owners and approximately 1283.3 acres. The proposed new district would consist of approximately 20 property owners and 1703.76 acres.

**District #4 (Silver Lake Rd.)** is generally located to the west of the Town of Christiansburg, and is in the vicinity of Silver Lake Road (Route 661). Currently, AFD 4 consists of 8 property owners and approximately 869.8 acres. The proposed new district would consist of approximately 14 property owners and 1504 acres.

**District #5 (Riner)** is generally located to the north of the Montgomery and Floyd County boundary. This district, which currently encompasses over 7,000 acres, is located in the vicinity of Nolley Rd (Rt. 679), Union Valley Rd. (Rt. 669), Rustic Ridge Rd. (Rt. 616), and Piney Woods (Rt. 600). Currently, AFD 5 consists of 70 property owners and approximately 7623.63 acres. The proposed new district would consist of approximately 49 property owners and 6490.52 acres.

See TAB B.

## VIII. PUBLIC ADDRESS

## IX. ADDENDUM

## X. CONSENT AGENDA

## **XI. INTO WORK SESSION**

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

1. Roanoke MPO ( TAB E )
2. County Capital Needs
3. Allocation of Funds for School Technology and Telephone installation in Building C
4. VDOT Project Administration Agreement and Revenue Sharing Agreement with RWW36, LLC. ( TAB F )
5. FY 2014 Revenue Sharing Funds ( TAB G )

## **XII. OUT OF WORK SESSION**

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

## **XIII. NEW BUSINESS**

### **A. SUBJECT: VDOT PROJECT ADMINISTRATION AGREEMENT**

#### **R-FY-13- RESOLUTION APPROVING VDOT STANDARD PROJECT ADMINISTRATION AGREEMENT FOR THE RE-ALIGNMENT OF MEADOW CREEK ROAD AND THE NEW ROUNDABOUT ON TYLER ROAD**

WHEREAS, The County of Montgomery, Virginia (“the County”) applied for and received revenue sharing funds through VDOT to assist in the funding of the Meadow Creek Re-Alignment Improvements and the New Roundabout on Tyler Road Project; and

WHEREAS, The County has agreed to locally administer the two Projects which requires the County to agree to enter into the Standard Project Administration Agreement with VDOT; and

WHEREAS, The Montgomery County Board of Supervisors desires to enter into the Standard Project Administration Agreement with VDOT and authorizes F. Craig Meadows, County Administrator, to sign the Agreement with VDOT on behalf of the County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Standard Project Administration Agreement with VDOT to locally

administer the Meadow Creek Road Re-Alignment Revenue Sharing Project and the New Roundabout on Tyler Road Revenue Sharing Project and authorizes F. Craig Meadows, County Administrator, to execute the Agreement with VDOT on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Approve the Standard Project Administration Agreement with VDOT to locally administer the Meadow Creek Road Re-Alignment and the Tyler Road projects.

JUSTIFICATION: See TAB F for a copy of the Agreement and scope of projects.

**B. SUBJECT: RESOLUTION ACCEPTING THE CONVEYANCE OF THE OLD PRICES FORK ELEMENTARY SCHOOL PROPERTY**

**R-FY-13-  
RESOLUTION ACCEPTING THE CONVEYANCE FROM  
THE COUNTY SCHOOL BOARD OF MONTGOMERY COUNTY  
OF THE OLD PRICES FORK ELEMENTARY SCHOOL PROPERTY**

WHEREAS, The County School Board of Montgomery County (the “School Board”) by Resolution declared the Old Prices Fork Elementary School Property (“the Property”) surplus to the needs of the Montgomery County Public Schools as of six (6) months following the occupancy of a new elementary school serving the students attending Prices Fork Elementary and authorized the conveyance of the Property to the Board of Supervisors; and

WHEREAS, It has been more than six months since the students have occupied the new Prices Fork Elementary School; and

WHEREAS, The School Board has requested the Board of Supervisors to be able to use the proceeds if the Board of Supervisors sells the Property to reduce existing school debt or to fund debt service for other capital school construction projects; and

WHEREAS, The Board of Supervisors desires to accept the conveyance of the Old Prices Fork Elementary School Property from the School Board and if the Property is sold to authorize the School Board to use the net proceeds from the sale after the County is reimbursed for it’s costs of selling the Property to reduce existing school debt, fund school debt service or fund other capital school construction projects.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes James D. Politis, Chair, to accept from the School Board on behalf of

the Board of Supervisors the conveyance of the Old Prices Fork Elementary School Property; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that should the Board of Supervisors sell the Property, the Board of Supervisors hereby authorizes the School Board, subject to future appropriation, to use the net proceeds from the sale after the County is reimbursed for its costs of selling the Property to be used by the School Board to reduce existing school debt, fund school debt service or fund other capital school construction projects.

ISSUE/PURPOSE: Accept the conveyance of the Old Prices Fork Elementary School Property from the School Board.

JUSTIFICATION: On April 14, 2011, the Montgomery County School Board adopted a resolution declaring the Price’s Fork Elementary School as surplus six months following the occupancy of a new elementary school. See TAB H for a copy of the School Board’s resolution and Deed.

**C. SUBJECT: RESOLUTION SUPPORTING RESTORATION OF STATE FUNDING FOR AID TO LOCALITIES**

**R-FY-13-  
RESOLUTION SUPPORTING  
RESTORATION OF STATE FUNDING FOR  
AID TO LOCALITIES**

WHEREAS, State financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, was \$800 million less in FY12 than in in FY09 and almost \$500 million less in FY13 than in FY09; and

WHEREAS, Counties and cities must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are depleted, and real estate assessments are either stagnant or in decline; and

WHEREAS, The Appropriation Act contains \$50 million in across-the-board cuts to counties and cities for FY13 and \$45 million in FY14, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget (“Local Aid to the Commonwealth”); and

WHEREAS, The reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

WHEREAS, The County of Montgomery does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for state prisoners in local and regional jails; and

WHEREAS, The state budget cuts are not accompanied by reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

WHEREAS, Financial assistance to Montgomery County for state mandated and state-high priority services was reduced by \$408,350 in FY12 and will be reduced another \$344,671 in FY13; and

WHEREAS, Counties and cities will have provided the state with \$270 million by the close of FY13 for this “Local Aid to the Commonwealth” program; and

WHEREAS, These reductions shift state costs to local taxpayers and artificially increases the amount of state surplus revenue; and

WHEREAS, State revenues have continued to recover and the state has experienced a budget surplus for the third consecutive year; and

WHEREAS, Revenue collections for the County of Montgomery continue to reflect the struggling housing market; and

WHEREAS, The state should not shift its share of the costs for mandates and responsibilities to local governments.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia asks Governor Bob McDonnell to submit a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in FY14.

BE IT FURTHER RESOLVED, That the members of the General Assembly support a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in the budget for FY14.

ISSUE/PURPOSE: Adopt a resolution supporting restoration of state funding for aid to localities.

JUSTIFICATION: The Virginia Association of Counties (VACO) and Virginia Municipal League (VML) have requested member localities to adopt the above resolution in support of restoration of state funding for aid to localities, which can be used to build the momentum needed to abolish local aid to the Commonwealth. The resolution will be sent to the Governor and to our legislators in the General Assembly.

**D. SUBJECT: RESOLUTION OF SUPPORT-HABITAT FOR HUMANITY OF THE NEW RIVER VALLEY**

**R-FY-13-  
RESOLUTION OF SUPPORT  
HABITAT FOR HUMANITY  
OF THE NEW RIVER VALLEY**

WHEREAS, Habitat for Humanity is a volunteer organization with the mission of providing safe, quality, affordable homeownership opportunities to low and moderate income families; and

WHEREAS, Habitat for Humanity of the New River Valley serves the counties of Floyd, Giles, Montgomery and Pulaski, and the City of Radford; and

WHEREAS, Habitat for Humanity of the New River Valley plans to build two safe, quality, energy efficient, affordable homes in Montgomery County on Nellie's Cave Road on November 10, 2012; and

WHEREAS, As many as 150 volunteers are committed to the construction including students from Virginia Tech and Radford University, church groups, civic clubs, and others who will give their time and energy to help construct these two houses; and

WHEREAS, The construction of these homes will provide home ownership opportunities for two low and moderate income families in Montgomery County; and

WHEREAS, The construction of these two affordable homes is the result of partnerships between the New River Valley Habitat for Humanity, the Town of Blacksburg, NRV HOME Consortium, ACME Panel and Taylor Hollow Construction, Virginia Tech Department of Building Construction, Virginia Tech School of Architecture & Design, Community Housing Partners, Lanford Brothers Company, SW Lawn & Landscape, Tech Tree Service, L&L Wholesale, and Sign Spot; and

WHEREAS, The Lynchburg Habitat for Humanity and Tom Gerdy have volunteered to lead and support the construction of these two homes; and

WHEREAS, The collective contributions of the work done by these volunteers, businesses, and partners is that Montgomery County and the New River Valley will be a more desirable place to live.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby proclaim November 10, 2012 to be **Habitat for Humanity of the New River Valley NELLIE'S CAVE ROAD HOME BUILD DAY** and encourages all Montgomery County citizens and all of the New River Valley to recognize the importance of affordable housing and to participate with Habitat for Humanity of the New River Valley as it continues to provide safe, quality, energy efficient, affordable home ownership opportunities to low and moderate income families.

ISSUE/PURPOSE: Adopt resolution of support for NRV Habitat for Humanity to build two houses on Nellie's Cave Road.

JUSTIFICATION: This resolution is listed at the request of Supervisor Jim Politis.

Board members are invited to attend the groundbreaking on Tuesday, October 9<sup>th</sup> at 1:00 p.m. at the site, on Nellie's Cave Road.

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

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

1. Legislative Priorities for 2013 ( TAB I )

#### **XVI. BOARD MEMBERS' REPORT**

1. Supervisor Brown
2. Supervisor Biggs
3. Supervisor Perkins
4. Supervisor Creed
5. Supervisor Gabriele

6. Supervisor Tuck
7. Supervisor Politis

**XVII. OTHER BUSINESS**

**XVIII. ADJOURNMENT**

**FUTURE MEETINGS**

Special Joint Meeting  
with the Montgomery County School Board  
Building C  
Thursday, September 27, 2012  
6:30 p.m.

**Community Meeting**  
**Kipps Elementary School**  
**Thursday, October 4, 2012**  
**7:00 p.m.**

Regular Meeting  
**Tuesday, October 9, 2012**  
6:00 p.m. Closed Meeting  
7:00 p.m. Regular Meeting

**Community Meeting**  
**Christiansburg Middle School**  
**Monday, October 15, 2012**  
**7:00 p.m.**

Adjourned Meeting  
Monday, October 22, 2012  
6:00 p.m. Closed Meeting  
7:00 p.m. Regular Meeting

**Community Meeting**  
**Blacksburg Library**  
**Monday, October 29, 2012**  
**7:00 p.m.**