

TO: The Honorable Board of Supervisors

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

DATE: November 13, 2013

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 (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 # 2013-028

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. PRESENTATION

Recognition - Retiree Honoree

The Board of Supervisors will recognize Ann B. Dalton retired with 33 years of service with the Department of Social Services.

VIII. ADDENDUM

IX. DELEGATION

A. VIRGINIA DEPARTMENT OF TRANSPORTATION

David Clarke, VDOT, will provide an update on road projects/issues in Montgomery County.

X. INTO WORK SESSION

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

1. Community Development Authority – First & Main Commercial Project

XI. OUT OF WORK SESSION

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

XII. PUBLIC ADDRESS

XIII. CONSENT AGENDA

XIV. OLD BUSINESS

A. SUBJECT: AFD #7 RENEWAL

**ORD-FY-14-
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-7) WILSON/DEN CREEK
CONSISTING OF APPROXIMATELY 2862.9118 ACRES
IN THE SHAWSVILLE MAGISTERIAL DISTRICT (DISTRICT C)
WITHIN MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, Adelia Arrington, Julia S Milton, Richard G Ballengee Trust, Michael E Snyder, Kristi W Snyder, Stacy Anne Snyder, John C Lipsey Estate C/O Lynn Lipsey Executor, Ena J Blake Moles Heirs C/O Jerry Allen Moles, Stephen J & Revonda B Brumfield, and Gary B Quesenberry; have filed applications for the renewal of AFD-7, which Agricultural and Forestal District was created by an ordinance adopted on the 5th day of October, 1981; renewed by an ordinance adopted on the 11th day of October, 2005; and

WHEREAS, The existing AFD-7 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 September 5, 2013; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 13, 2013; June 20, 2013; September 26, 2013; October 3, 2013; and October 10, 2013, in The Roanoke Times, The Burgs section, a newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on October 9, 2013; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on October 11, 2013; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on October 28, 2013; and

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-7, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2021, 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 2862.9118 acres in the Wilson/Den Creek Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL_ID	OWNER1	ACRES
001995	Adelia Arrington	223.082
018598	Julia S Milton & Stewart Milton	38.8
018593	Julia S Milton	355.758
010356	Richard G Ballengee Tr	152.5
024624	Michael E Snyder	22.808
010028	Michael E Snyder	6
026090	Michael E & Kristi W Snyder	103.4795
090196	Michael E & Kristi W Snyder	4.7933
000805	Michael E Snyder	406.787
030150	Stacy Anne Snyder	220.76
080560	John C Lipsey Estate C/O Lynn Lipsey Executor	159.035
011268	John C Lipsey Estate C/O Lynn Lipsey Executor	455.842
012909	Ena J Blake Moles Heirs C/O Jerry Allen Moles	31.92
012910	Ena J Blake Moles Heirs C/O Jerry Allen Moles	38.8

012904	Ena J Blake Moles Heirs C/O Jerry Allen Moles	131.561
012911	Ena J Blake Moles Heirs C/O Jerry Allen Moles	23.8
002684	Stephen J & Revonda B Brumfield	124.88
170248	Stephen J & Revonda B Brumfield	16.5
033688	Gary B Quesenberry	46.99
030055	Michael E Snyder	109.179
013693	Michael E Snyder	157.427
018319	Michael E Snyder	4
015335	Michael E Snyder	18.35
018320	Michael E Snyder	0.6
018318	Michael E Snyder	9.26

4. That these parcels may 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 and submit said plan to the Planning Department by December 31, 2014.

This ordinance shall take effect upon its adoption.

ISSUE/PURPOSE: AFD #7 Renewal.

JUSTIFICATION: The Agricultural and Forestal District #7 was created by an ordinance October 5, 1981 for an eight (8) year term. AFD # 7 was renewed on October 11, 2005 and is up for renewal for another 8 year term. The Agricultural and Forestal District Advisory Committee reviewed the renewal application and recommended renewing AFD #7 for another eight year term.

B. SUBJECT: AFD #9 RENEWAL

**ORD-FY-14-
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-9) ELLISTON/PEDLAR HILLS
CONSISTING OF APPROXIMATELY 4688.117 ACRES
IN THE SHAWSVILLE MAGISTERIAL DISTRICT (DISTRICT C)
WITHIN MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, Justin S Askins, Lowell Elmer Bower Et Al, Sally H Brammer, John G & Donna A Conner Le, Fotheringay LLC, Graham Farm & Rentals LLC, Joyce L Graham, Randolph Howard Leech & Irene Ellis, Madison E Marye Rev Trust, James Madison Marye & Charlotte M Hawes, MB Development LLC, Julia S Milton, Holly R Sutphin, Andrea Weddle, Sally H Brammer; have filed applications for the renewal of AFD-9, which Agricultural and Forestal District was created by an ordinance adopted on the 27th day of September, 1982; renewed by an ordinance adopted on the 11th day of October, 2005; and

WHEREAS, The existing AFD-9 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 September 5, 2013; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 13, 2013; June 20, 2013; September 26, 2013; October 3, 2013; and October 10, 2013, in The Roanoke Times, The Burgs section, a newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on October 9, 2013; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on October 11, 2013; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on October 28, 2013; and

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-9, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2021, 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 4688.117 acres in the Elliston/Pedlar Hills Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL_ID	OWNER1	ACRES	OUTLIER
030634	Justin S Askins	140.5000	No
002212	Lowell Elmer Bower Et Al	325.4790	No
008617	Sally H Brammer	60.1200	No
008618	Sally H Brammer	74.1000	No
020608	Sally H Brammer	132.0000	No
011871	John G & Donna A Conner Le	57.1380	Yes
030098	John G & Donna A Conner Le	18.4130	Yes
013680	Fotheringay Llc	188.1000	No
013681	Fotheringay Llc	37.8240	No
013682	Fotheringay Llc	15.3000	No
013683	Fotheringay Llc	60.7000	No
013684	Fotheringay Llc	304.4000	No

007386	Graham Farm & Rentals Llc	380.0000	No
007387	Graham Farm & Rentals Llc	145.0000	No
007382	Joyce L Graham	0.2000	No
007385	Joyce L Graham	7.0000	No
013169	Randolph Howard Leech & Irene Ellis	73.2090	No
008419	Madison E Marye Rev Trust	291.7000	No
011962	Madison E Marye Rev Trust The	263.1750	No
120046	Madison E Marye Rev Trust The	1.0000	No
032862	James Madison Marye & Charlotte M Hawes	909.5060	No
080620	MB Development LLC	67.7600	No
018586	Julia S Milton	60.9350	No
018588	Julia S Milton	711.4900	No
018590	Julia S Milton	95.0000	No
018592	Julia S Milton	7.6790	No
018596	Julia S Milton	202.5890	No
018600	Julia S Milton	46.7900	No
011021	Holly R Sutphin	6.0100	No
130923	Andrea Weddle	2.0000	No
013256	Sally H Brammer	3.0000	No

4. That the “outlier parcels”, denoted in the listing shown above are specifically included in AFD 9 (Elliston/Pedlar Hills), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County.
5. That these parcels may qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
6. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
7. 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.
8. 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.

9. 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.

10. 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 and submit said plan to the Planning Department by December 31, 2014.

This ordinance shall take effect upon its adoption.

ISSUE/PURPOSE: AFD #9 Renewal.

JUSTIFICATION: The Agricultural and Forestal District #9 was created by an ordinance September 27, 1982 for an eight (8) year term. AFD # 9 was renewed on October 11, 2005 and is up for renewal for another 8 year term. The Agricultural and Forestal District Advisory Committee reviewed the renewal application and recommended renewing AFD #9 for another eight year term.

C. SUBJECT: AFD #10 RENEWAL AND COMBINING AFD #10 WITH AFD #2

**ORD-FY-14-
AN ORDINANCE RENEWING PARCELS COMPRISING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-10) MOUNT TABOR
CONSISTING OF APPROXIMATELY 915.2845 ACRES
AND COMBINING AFD-10 WITH AFD-2 (CATAWBA)
IN THE MOUNT TABOR MAGISTERIAL DISTRICT (DISTRICT A)
WITHIN MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, Johnny Lee & Flora Cox, Virginia E Cox Life Estate C/O Mildred C Lafon, Dessy Living Trust C/O Raymond E & Annabelle Dessy, David L Emanuel & Deborah E. Hammond, Dan E Eversole, Joshua B Fugate Le Etal C/O Sharon Linkous Etal, James L & Phyllis M Hutton, Robert M & Donna Thomas Jones, Aaron L & Jeannie Lafon, Mildred Cox Lafon, Margaret McGraw Slayton Liv Tr, J Phillip Pickett Rev Trust, John C Schug, D Phillip & Torsten D. Sponenberg, Thomas W & Bonnie B Triplett, Carl E Zipper; have filed applications for the renewal of AFD-10, which Agricultural and Forestal District was created by an ordinance adopted on the 12th day of October, 1982; renewed by an ordinance adopted on the 11th day of October, 2005; and

WHEREAS, The existing AFD-10 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 September 5, 2013; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 13, 2013; June 20, 2013; September 26, 2013; October 3, 2013; and October 10, 2013, in The Roanoke Times, The Burgs section, a newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on October 9, 2013; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on October 11, 2013; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on October 28, 2013; and

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-10, has been reviewed and terminated. The parcels within AFD-10 are hereby transferred to Agricultural and Forestal District, AFD-2 (Catawba) and renewed for a term of six years terminating on December 31, 2019, to conform to the current renewal period of AFD-2 and 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 parcels renewed shall consist of approximately 915.2845 acres currently in the Mount Tabor Agricultural and Forestal District of Montgomery County, and shall include the following:

PARCEL_ID	OWNER	ACRES
004082	Johnny Lee & Flora Cox	57.2890
010527	Virginia E Cox Life Estate C/O Mildred C Lafon	9.4740
004928	Dessy Living Trust C/O Raymond E & Annabelle Dessy	34.3000
110873	David L Emanuel & Deborah E. Hammond	15.0000
033276	Eversole Dan E	40.6330
006739	Joshua B Fugate Le Etal C/O Sharon Linkous Etal	184.2940
009443	James L & Phyllis M Hutton	15.0830
026945	James L & Phyllis M Hutton	37.0170
024588	Robert M & Donna Thomas Jones	37.1930
024591	Robert M & Donna Thomas Jones	9.2450
025407	Robert M & Donna Thomas Jones	21.2000
025714	Robert M & Donna Thomas Jones	4.5160
025795	Robert M & Donna Thomas Jones	0.7280
010526	Aaron L & Jeannie Lafon	3.7280
004081	Mildred Cox Lafon	1.0000
150069	Mildred Cox Lafon	50.0000
150070	Mildred Cox Lafon	21.3150
024590	Margaret Mcgraw Slayton Liv Tr	89.1260
028993	J Phillip Pickett Rev Trust	20.2120
016722	John C Schug	62.7800
019473	D Phillip & Torsten D. Sponenberg	12.8000
019476	D Phillip & Torsten D. Sponenberg	84.3000
019477	D Phillip & Torsten D. Sponenberg	23.1530
024589	Thomas W & Bonnie B Triplett	32.4890
025406	Thomas W & Bonnie B Triplett	10.5210
026225	Thomas W & Bonnie B Triplett	1.7520
027723	Thomas W & Bonnie B Triplett	4.6210
110874	Carl E Zipper	10.0000
033708	Carl E Zipper	21.5164
	Total Acreage	915.2854

4. That these parcels may 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 and submit said plan to the Planning Department by December 31, 2014.

This ordinance shall take effect upon its adoption.

ISSUE/PURPOSE: AFD #10 Renewal.

JUSTIFICATION: The Agricultural and Forestal District #10 was created by an ordinance on October 12, 1982 for an eight (8) year term. AFD # 10 was renewed on October 11, 2005 and is up for renewal for another 8 year term. The Agricultural and Forestal District Advisory Committee reviewed the renewal application and recommended the parcels within AFD-10 be transferred to Agricultural and Forestal District, AFD-2 (Catawba) and renewed for a term of six years terminating on December 31, 2019, to conform to the current renewal period of AFD-2.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

1. School Board Request for One-Time Funds for Security Equipment (TAB D)

XVII. BOARD MEMBERS' REPORT

1. Supervisor Biggs
2. Supervisor Tuck
3. Supervisor Gabriele
4. Supervisor Creed
5. Supervisor Perkins
6. Supervisor Brown
7. Supervisor Politis

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Community Meeting
Gilbert Linkous Elementary School (Cafeteria)
Monday, November 18, 2013
7:00 p.m.

Adjourned Meeting
Monday, November 25, 2013
6:00 p.m. – Closed Meeting Items
7:30 p.m. Regular Agenda

Special Legislative Meeting
Monday, December 9, 2013
6:00 p.m.

Special Joint Meeting with School Board
Crosse Pointe – The Gathering Place
Tuesday, December 10, 2013
6:00 p.m.

Regular Meeting
Monday, December 16, 2013
6:00 p.m. – Closed Meeting Items
7:30 p.m. Regular Agenda