

TO: The Honorable Board of Supervisors
FROM: L. Carol Edmonds, Interim County Administrator
DATE: July 27, 2009
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. Tourism Marketing Agreement

(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. BZA

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. SUBJECT: VIRGINIA ASSOCIATION OF COUNTIES

Virginia Association of Counties (VACo)

Mr. Donald Hart, VACo President and Accomack Board of Supervisor, will provide an introduction of VACo.

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 July 1 and July 8, 2009:

1. Rezoning Request – Emerald Investors, Inc. (CONTINUE)
A request by Emerald Investors, Inc (Agent: Balzer & Associates) for rezoning of approximately 9.44 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales. The property is located approximately 500 ft. southwest of the I-81 Exit 109 and Tyler Road intersection, 2843 Tyler Road, identified as Tax Parcel No(s). 104-A-30 (Acct Nos. 011606), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan. See TAB A for a copy of a letter from the Planning Commission tabling this request.

NOTE: The Planning Commission tabled this request at their July 15, 2009 meeting. Therefore, the Board of Supervisors will need to continue this public hearing until such time they receive recommendation from the Planning Commission.

2. Rezoning & Special Use Permit – S&P of Virginia – CONTINUED FROM THE JUNE 22, 2009 MEETING
A request by S&P of Virginia, LLC (Agent: Balzer & Associates) for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings. In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The property is located on the Southwest corner of the I-81. Exit 109 and Tyler Road (Rte. 600) intersection, 2735 Tyler Road, identified as Tax Parcel No(s). 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and further designated as Planned Commercial and Planned Unit Residential in the Route 177 Corridor Plan with a maximum density of four (4) dwelling units per acre. See TAB B .

IX. PUBLIC ADDRESS

X. ADDENDUM

XI. CONSENT AGENDA

XII. NEW BUSINESS

A. SUBJECT: COURTHOUSE FACILITIES EVALUATION

**R-FY-10-
RESOLUTION REQUESTING THE DEPARTMENT OF
GENERAL SERVICES TO CONDUCT AN EVALUATION
OF THE MONTGOMERY COUNTY COURTHOUSE FOR
COMPLIANCE WITH THE VIRGINIA
COURTHOUSE FACILITIES GUIDELINES IN
ACCORD WITH SECTION 17.1-281 OF THE
1950 CODE OF VIRGINIA, AS AMENDED**

WHEREAS, The 2009 General Assembly amended Section 17.1-281 of the 1950 Code of Virginia, as amended, to allow localities who on or before January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and which cannot be feasibly renovated to correct such non-compliance, to assess a fee not in excess of three dollars (\$3) as part of the costs in each civil case if the controversy exceeds \$500, and criminal or traffic cases in district and circuit court to be used by the governing body for the construction of a structure for a courthouse; and

WHEREAS, The Board of Supervisors have determined that the present deficiencies with the County's Courthouse, including safety and security concerns, cannot be properly addressed without constructing a new County Courthouse which the County has started the construction process; and

WHEREAS, The Board of Supervisors respectfully request the Department of General Services of the Commonwealth of Virginia to conduct an evaluation of the current Montgomery County Courthouse for compliance with the current Virginia Courthouse Facility Guidelines and provide a certification to the County pursuant to Section 17.1-281 of the Code of Virginia, 1950, as amended, as to the Department's findings in order to determine whether the County is eligible to access the three dollar fee to be used to help offset the County's cost to construct a new courthouse facility.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby requests the Department of General Services of the Commonwealth of Virginia pursuant to an application filed by County staff to evaluate whether the Montgomery County Courthouse is in compliance with the Virginia Courthouse Facility Guidelines and provide the County with a certification as to the Department's findings pursuant to the authority contained in Section 17.1-281 of the Code of Virginia 1950, as amended.

ISSUE/PURPOSE: Requests the Department of General Services of the Commonwealth of Virginia pursuant to an application filed by County staff to evaluate whether the Montgomery County Courthouse is in compliance with the Virginia Courthouse Facility Guidelines

JUSTIFICATION: The 2009 General Assembly amended Section 17.1-281 of the 1950 Code of Virginia, as amended, to allow localities who on or before January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and which cannot be feasibly renovated to correct such non-compliance, to assess a fee not in excess of three dollars (\$3) as part of the costs in each civil case if the controversy exceeds \$500, and criminal or traffic cases in district and circuit court to be used by the governing body for the construction of a structure for a courthouse.

The State will need to conduct an evaluation of the current Montgomery County Courthouse for compliance in order to determine whether the County is eligible to access the three dollar fee to be used to help offset the County's cost to construct a new courthouse facility. This resolution requests this evaluation be conducted.

TAB C includes a copy of the Facility Evaluation Form to be submitted to the State as part of the evaluation process.

XIII. INTO WORK SESSION

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

1. VDOT Revenue Sharing Program - 2010

XIV. OUT OF WORK SESSION

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

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORT

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

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Monday, August 10, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Special Joint Meeting
With Town of Blacksburg, Christiansburg, and Virginia Tech
Regional 911 Communication Center
Montgomery County Government Center
Monday, August 17, 2009
7:00 p.m.

Adjourned Meeting
Monday, August 24, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda