

TO: The Honorable Board of Supervisors

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

DATE: August 10, 2009

**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 (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 An Public Body
1. Social Services Board
  2. Virginia Tech/Montgomery Regional Airport Authority

**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: COURTHOUSE PROJECT UPDATE**

**Courthouse Project Update**

Jack Murphy, Thompson + Litton, will update the Board on the Courthouse Project.

**B. SUBJECT: VIRGINIA DEPARTMENT OF TRANSPORTATION**

**Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

## VIII. PUBLIC HEARINGS

### A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on July 26, 2009 and August 2, 2009:

1. Ordinance Amending Chapter 2, Article I, Section 2-12  
**An Ordinance Amending Chapter 2, Article I Entitled Administration Section 2-12 of The Code of The County of Montgomery, Virginia By Changing the Name of The Industrial Development Authority of Montgomery County, Virginia to the Economic Development Authority of Montgomery County, Virginia. See TAB A.**
2. An Ordinance Amending Chapter 6, Article IV, Division 2, Section 6-89  
**An Ordinance Amending Chapter 6, Article IV, Division 2, Entitled County Vehicle License, Section 6-89 of The Code of the County of Montgomery, Virginia by Reducing the Vehicle License Fee for Antique Motor Vehicles Registered with the Division of Motor Vehicles as an Antique Vehicle and Displaying Virginia Antique Vehicle License Plates to Ten Dollars. See TAB B.**

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on August 2 and August 9, 2009:

3. Proposed Property Exchange between the County of Montgomery and Virginia Tech  
**The County of Montgomery proposes to exchange sixteen acres that the County is obtaining from the Virginia Tech Foundation for twenty acres currently owned by Virginia Tech adjacent to Prices Fork Road.** The sixteen acres proposed to be conveyed to Virginia Tech is located in the western portion of the Town of Blacksburg, Virginia, is accessed by Plantation Road and is a portion of Tax Map 284-A-5Q and a portion of the former Heth Property. The twenty acres the County is proposing to obtain from Virginia Tech is a portion of Tax Parcel 52 (5)(2) located on the southside of Prices Fork Road just east of the current Prices Fork Elementary. The twenty acres is being obtained from Virginia Tech for the purpose of constructing a new Prices Fork Elementary.

See TAB C for a copy of the Real Estate Purchase Agreement with Virginia Tech Foundation. See TAB D for a copy of the Real Estate Exchange Agreement with Virginia Tech.

**IX. PUBLIC ADDRESS**

**X. ADDENDUM**

**XI. CONSENT AGENDA**

**XII. OLD BUSINESS**

**A. SUBJECT: ORDINANCE –COUNTY VEHICLE LICENSE  
FEE - ANTIQUE VEHICLES**

**ORD-FY-10-  
AN ORDINANCE AMENDING CHAPTER 6, ARTICLE IV, DIVISION 2,  
ENTITLED COUNTY VEHICLE LICENSE  
SECTION 6-89 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA  
BY REDUCING THE VEHICLE LICENSE FEE  
FOR ANTIQUE MOTOR VEHICLES REGISTERED WITH  
THE DIVISION OF MOTOR VEHICLES AS AN ANTIQUE VEHICLE AND  
DISPLAYING VIRGINIA ANTIQUE VEHICLE LICENSE PLATES  
TO TEN DOLLARS**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 6, Article IV, Division 2, Section 6-89 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 6-89. Amount of License fee.**

(a) *Motor vehicles.* ~~For the calendar year 2007, on each and every motor vehicle as provided in this division, there shall be a license fee of twenty dollars (\$20.00). Beginning calendar year 2008, On each and every motor vehicle as provided in this division there shall be a license fee of twenty-three dollars and fifty cents (\$23.50) per annum. This license fee shall be for a calendar year, January 1 to December 31.~~

(b) *Special provision for 2008.* ~~The foregoing notwithstanding, for the calendar year 2008 only, a credit of three dollars and fifty cents (\$3.50) shall be applied to each license purchased for 2008. On each and every motor vehicle registered with the Division of Motor Vehicles as an antique motor vehicle and displaying a Virginia Antique Vehicle license plate the license fee shall be ten dollars (\$10.00) per annum.~~

(c) *Vehicles not displaying current license plates.* There is hereby imposed an annual license fee of fifty dollars (\$50.00) per vehicle on owners of motor vehicles located in the county which do not display current license plates and which are not exempted from the requirements of displaying such license plates under the provisions of Title 46.2, Chapter 6 of the 1950 Code of Virginia, as amended, and which are not in a public landfill, in an automobile graveyard or in the possession of a licensed automobile dealer. This fee shall be due and payable on April first of each year and will not be considered in default if paid on or before May first of the year in which fee is due.

(d) *Vehicles exempt from license fee.*

(1) A local license shall be issued for which there shall be no license fee for any one (1) motor vehicle owned or leased and used personally by any veteran who holds a current state motor vehicle registration card establishing that he or she has received a disabled veteran's exemption from the department and has been issued a disabled veteran's motor vehicle license plate as prescribed in Section 46.2-739 of the Code of Virginia.

(2) A local license shall be issued for which there shall be no license fee for any one (1) motor vehicle owned or leased by any active member of a volunteer rescue squad or volunteer fire department.

(e) Nothing in this section shall be applicable to any vehicle being held or stored by or at the direction of any governmental authority, to any vehicle owned by a member of the armed forces on active duty or to any vehicle regularly stored within an enclosed building. Operable vehicles used for businesses conducted on the premises where the vehicles are stored are also exempt.

ISSUE/PURPOSE: Ordinance amending Chapter 6, Article IV, Division 2, Section 6-89.

JUSTIFICATION: Ordinance reducing the vehicle license fee for antique motor vehicles registered with the division of motor vehicles as an antique vehicle and displaying Virginia antique vehicle license plates to ten dollars.

A public hearing was held earlier tonight. In order for the revised fee to be printed on the Personal Property Tax Tickets, it is recommended that this resolution be considered at the Board's August 10, 2009 meeting.

**B. SUBJECT: RESOLUTION AUTHORIZING THE APPROVAL OF THE REAL ESTATE PURCHASE AGREEMENT WITH THE VIRGINIA TECH FOUNDATION**

**R-FY-10  
RESOLUTION AUTHORIZING THE APPROVAL OF THE REAL ESTATE PURCHASE AGREEMENT WITH THE VIRGINIA TECH FOUNDATION**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Real Estate Purchase Agreement with the Virginia Tech Foundation to purchase 16 acres in the Town of Blacksburg, County of Montgomery, Virginia, for the purpose of exchanging this 16 acres with Virginia Tech for 20 acres of Tech property on Prices Fork Road.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes Annette S. Perkins, Chair of the Board, to execute the said Real Estate Purchase Agreement on behalf of the County of Montgomery, Virginia and to execute any and all required documents required to close on the purchase of the 16 acres.

ISSUE/PURPOSE: Approve the Real Estate Purchase Agreement with Virginia Tech Foundation and authorize the Chair of the Board of Supervisors to execute the Agreement on behalf of the County.

JUSTIFICATION: Resolution authorizing the purchase of 16 acres from Virginia Tech Foundation for the purpose of exchanging this 16 acres with Virginia Tech for 20 acres of Tech property on Prices Fork Road. The 20 acres is the site for the new Prices Fork Elementary School.

See TAB C for a copy of the Real Estate Purchase Agreement with the Virginia Tech Foundation and copy of the plat.

**C. SUBJECT: RESOLUTION AUTHORIZING THE APPROVAL OF THE REAL ESTATE EXCHANGE AGREEMENT WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY**

**R-FY-10**

**RESOLUTION AUTHORIZING THE APPROVAL OF THE REAL ESTATE EXCHANGE AGREEMENT WITH VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Real Estate Exchange Agreement with Virginia Polytechnic Institute and State University (“Virginia Tech”) for the purpose of obtaining from Virginia Tech twenty (20) acres on Prices Fork Road in the County of Montgomery, Virginia, in exchange for sixteen (16) acres the County purchased from the Virginia Tech Foundation.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes Annette S. Perkins, Chair of the Board, to execute the said Real Estate Exchange Agreement on behalf of the County of Montgomery, Virginia and to execute any and all required documents required to close on the real estate exchange with Virginia Tech to acquire the twenty (20) acres along Prices Fork Road.

**ISSUE/PURPOSE:** Approve the Real Estate Exchange Agreement and authorize the Chair of the Board of Supervisors to execute the Agreement on behalf of the County.

**JUSTIFICATION:** Resolution to approve the Real Estate Exchange Agreement with Virginia Polytechnic Institute and State University (“Virginia Tech”) for the purpose of obtaining from Virginia Tech twenty (20) acres on Prices Fork Road in the County of Montgomery, Virginia, in exchange for sixteen (16) acres the County purchased from the Virginia Tech Foundation.

See TAB **D** for a copy of the Real Estate Exchange Agreement with Virginia Tech and a copy of the plat.



NOW, THEREFORE, BE IT RESOLVED, The Montgomery County Board of Supervisors hereby supports this application for an allocation of \$500,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED, By the Montgomery County Board of Supervisors 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:

930 VDOT Revenue Sharing \$500,000

The source of the funds for the foregoing appropriation is as follows:

Revenue Account  
451203 Undesignated Fund Balance \$500,000

Said resolution appropriates the County’s local match for VDOT Revenue Sharing funds.

ISSUE/PURPOSE: Submit an application for an allocation of \$500,000 through the Virginia Department of Transportation’s Revenue Sharing Program and appropriates the County’s local match requirement to participate in the FY 2009-10 VDOT Revenue Sharing Program.

JUSTIFICATION: Following the Road Viewers’ tour of secondary roads on July 24, 2009, it was suggested that the above roads be considered for potential revenue sharing funds. The County will provide \$500,000 and a like match in Revenue Sharing funds from VDOT will provide the County a total of \$1 million to earmark for improving the above listed roads.

If the Board wishes to participate in the FY 10 Revenue Sharing program, the deadline for applications is August 14, 2009.

**C. SUBJECT: RESOLUTION TO ABANDON PORTIONS OF SMITH CREEK ROAD (SR 675)**

**R-FY-10-  
RESOLUTION TO ABANDON PORTIONS OF  
SMITH CREEK ROAD (SR 675)**

WHEREAS, The Virginia Department of Transportation has provided this Board with a sketch dated September 22, 1997, depicting the additions and abandonments required in the secondary system of state highways as a result of Project 0675-060-155, C502, (Smith Creek Road – SR 675) which sketch is hereby incorporated herein by reference; and

WHEREAS, The portions of old identified to be abandoned are deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, The new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road (Smith Creek Road – SR 675) identified by the sketch to be added, pursuant to Section 33.1-229 of the Code of Virginia, and Section 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 shown in blue on the aforementioned sketch, a total distance of 1.00 mile.

BE IT FURTHER RESOLVED, The Board of Supervisors abandons as part of the secondary system of state highways, those portions identified by the sketch to be abandoned, pursuant to Section 33.1-155, Code of Virginia, and Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 shown in red on the aforementioned sketch, a total distance of 1.00 mile.

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

ISSUE/PURPOSE: Request VDOT to add to the secondary system of state highways portions identified on Smith Creek Road and to abandon portions identified on Smith Creek Road.

**JUSTIFICATION:**

VDOT is in the process of reconciling some right-of-way issues on old construction projects. These are projects that rebuilt and straightened existing roads to current standards. When a road is straightened and a curve is taken out, the old right-of-way where the curve used to be still exists. VDOT requires a resolution from the Board of Supervisors to abandon the old right-of-way.

See TAB G for a copy of the sketch outlining those portions of road to be added and abandoned.

**D. SUBJECT: RESOLUTION TO ABANDON A PORTION OF COAL BANK HOLLOW (SR 649)**

**R-FY-10-  
RESOLUTION TO ABANDON A PORTION OF  
COAL BANK HOLLOW (SR 649)**

WHEREAS, The Virginia Department of Transportation has provided this Board with a sketch dated August 27, 1998, depicting the additions and abandonments required in the secondary system of state highways as a result of Project 0649-060-P80, M502 (Coal Bank Hollow-SR 649), which sketch is hereby incorporated herein by reference; and

WHEREAS, The portions of old identified to be abandoned are deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, The new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road (Coal Bank Hollow-SR 649) identified by the sketch to be added, pursuant to Section 33.1-229, Code of Virginia, and Section 3 shown in blue on the aforementioned sketch, a distance of 0.37 mile, and Section 4 shown in green of new connection on the aforementioned sketch, a distance of 0.05 mile, a total distance of 0.42 mile.

BE IT FURTHER RESOLVED, The Board of Supervisors abandons as part of the secondary system of state highways, those portions identified by the sketch to be abandoned, pursuant to Section 33.1-155, Code of Virginia, and Section 1 and 2 shown in red on the aforementioned sketch, a total distance of 0.42 mile.

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

ISSUE/PURPOSE: Request VDOT to add to the secondary system of state highways portions identified on Coal Bank Hollow (SR 649) and to abandon portions identified on Coal Bank Hollow.

JUSTIFICATION: VDOT is in the process of reconciling some right-of-way issues on old construction projects. These are projects that rebuilt and straightened existing roads to current standards. When a road is straightened and a curve is taken out, the old right-of-way where the curve used to be still exists. VDOT requires a resolution from the Board of Supervisors to abandon the old right-of-way.

See TAB H for a copy of the sketch outlining those portions of road to be added and abandoned.

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

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

1. Montgomery-Floyd Regional Library
  - Opportunity Online - Achieving Broadband Solutions for Libraries and Communities

#### **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 Politis
2. Supervisor Muffo
3. Supervisor Creed
4. Supervisor Brown
5. Supervisor Marrs
6. Supervisor Biggs
7. Supervisor Perkins

**XIX. OTHER BUSINESS**

**XX. ADJOURNMENT**

**FUTURE MEETINGS**

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