

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: May 27, 2008

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

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Montgomery County Government Center

- (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. Boundary Adjustment – Town of Blacksburg
2. Norfolk Southern Intermodal Facility

- (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. Community College Board
2. Library Board
3. Parks and Recreation Commission
4. Social Services Board

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 Current Section of the Roanoke Times on April 30, 2008 and May 7, 2008:

1. Rezoning Request – Kelly L. Burdette (Agent: Balzer & Associates, Inc.)
An Ordinance requested by Kelly L. Burdette (Agent: Balzer & Associates, Inc.) rezoning approximately 1.992 acres of 6.50 acre tract(s) from Agriculture (A-1) to General Business (GB) with a maximum floor area ratio of 0.40 and possible proffered conditions, to allow a medical office facility. The property is located at 929 Hightop Road, identified as Tax Parcel No(s). 67-A-48, 67-A-49, (Acct Nos. 005757, 005760), in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan. (See TAB A)

VIII. PUBLIC ADDRESS

IX. DELEGATION

**A. SUBJECT: AMERICAN ELECTRIC POWER
FALLING BRANCH-MERRIMAC
138 kv PROJECT**

American Electric Power – Falling Branch-Marrimac 138 kv Project

Representatives with American Electric Power will provide a presentation on the Falling Branch-Merrimac 138 kv Project.

X. ADDENDUM

XI. CONSENT AGENDA

XII. NEW BUSINESS

A. SUBJECT: HS TEJAS – PRIVATE STREET REQUEST

**R-FY-08-
RESOLUTION APPROVING USE OF PRIVATE STREET
FOR THE HS TEJAS SUBDIVISION
SUBJECT TO CERTAIN CONDITIONS**

WHEREAS, HS Tejas, LTD., is the owner of certain land lying and being in the County of Montgomery designated as Parcel # 002853, and Tax Map Parcel 33-(A)-6 on the Tax Maps of Montgomery County, Virginia (“Property”); and

WHEREAS, HS Tejas, Ltd. has requested the Board of Supervisors for permission to subdivide their Property using Reese Mountain Road, a private street, for access to the public street as provided for in Section 8-152 of the Montgomery County Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia approves of HS Tejas, Ltd., subdividing their Property using Reese Mountain Road, a private street, to provide access to the public street subject to the proposed subdivision meeting the requirements of the Montgomery County subdivision ordinance and following additional conditions imposed in order to promote the efficient utilization of the Property:

1. A second ingress and egress for the Property for emergency access shall be shown on the subdivision plat and maintained by the property owners from Reese Mountain Road through to Gray Fox Lane in Roanoke County.
2. The private Reese Mountain Road shall be maintained by all the property owners in the subdivision pursuant to a Road Maintenance Agreement. Through covenants and deed restrictions each property owner within the subdivision shall be required to participate in the cost of maintaining private Reese Mountain Road or its successor road. The Road Maintenance Agreement shall be reviewed and approved by the County Attorney prior to approval of the first subdivision plat submitted for County approval for the Property.

3. The subdivision using private Reese Mountain Road shall have a minimum lot size of 20 acres or greater with no more than 45 lots total for the entire Property and a length of street per lot ratio of one hundred fifty (150) feet per lot or greater. The private Reese Mountain Road shall have a maximum grade of eighteen (18) percent and a minimum width of all weather surface or pavement of eighteen (18) feet. All necessary road improvements shall be completed prior to approval of the first subdivision plat submitted for County approval for the Property.
4. A helicopter landing area for emergency evacuations shall be shown on the subdivision plat and constructed on the Property. The landing area shall be designed and approved by the Lifeguard 10 service. The landing area shall be constructed prior to approval of the first subdivision plat submitted for County approval for the Property and shall be maintained by the Homeowner's Association.
5. Within the covenants and deed restrictions for the subdivision a provision shall be included limiting the clearing of trees to a maximum area of seventy-five (75) feet around each home site with the exception of any clearing needed for the installation of drainfields and driveways which shall be limited to a maximum of fifteen (15) feet beyond the edge of the drainfield site or driveway.
6. HS Tejas, LTD shall provide all purchasers of the Property with a copy of the "Notice to All Potential Purchasers" prior to closing.
7. All lots shall have approved drainfield locations prior to approval of final subdivision plat.

ISSUE/PURPOSE: Resolution approving HS Tejas, LTD request to use private streets.

JUSTIFICATION: At their April 23, 2008 meeting, the Planning Commission recommended denying HS Tejas, LTD request to use private streets (6-1, Moore and Cochran absent).

**B. SUBJECT: SHERIFF'S REQUEST – INMATE WORK
CREW PILOT PROGRAM**

**R-FY-08-
RESOLUTION AGREEING TO PARTICIPATE IN
A PILOT PROGRAM - SHERIFF INMATE WORK CREW
AND AN APPROPRIATION FOR START UP COSTS ASSOCIATED
WITH THE PROGRAM**

WHEREAS, The Montgomery County Sheriff's Office instituted a program in August 2007 using inmate work crews to remove litter from certain roads within the County under a contract with Infrastructure Corporation of America; and

WHEREAS, State law allows the Sheriff to use certain inmates to work on public property or property owned by a non-profit organization that is exempt from taxation; and

WHEREAS, The Sheriff is offering the same program to the County as a means of removing litter from selected problem areas that are not under contract with Infrastructure Corporation of America; and

WHEREAS, At the May 12, 2008 Board of Supervisors meeting, the Sheriff presented information about the existing program.

NOW THEREFORE BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby agrees to participate in a pilot program with the Sheriff's Office using the inmate work crews to remove litter from selected area within the County.

FURTHER, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

100	Board of Supervisors	\$15,000
-----	----------------------	----------

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

<u>Revenue Account</u>		
451203 Undesignated Fund Balance		\$15,000

It is the intent of the Board of Supervisors that funds remaining at year-end be re-appropriated for use in FY 09.

FURTHER, BE IT RESOLVED, That the County Administrator is authorized to sign a memorandum of agreement with the Sheriff for this Pilot Project for Litter Clean-Up.

ISSUE/PURPOSE: Initiate a Pilot Project for Litter Clean –up on County roads using Inmates.

JUSTIFICATION: This resolution initiates a pilot project using inmates to clean up problem areas of the County for an estimated six month period and appropriates \$15,000 to cover start-up costs and paying overtime for an off duty deputy to supervise the crew. See TAB F for an outline of proposed program procedures.

XIII. COUNTY ATTORNEY’S REPORT

XIV. COUNTY ADMINISTRATOR’S REPORT

XV. BOARD MEMBERS’ REPORT

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

XVI. OTHER BUSINESS

XVII. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Monday, June 9, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Adjourned Meeting
Monday, June 23, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda