

TO: The Honorable Board of Supervisors

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

DATE: October 27, 2008

**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 Any Public Body
    - 1. Office on Youth Advisory Board
    - 2. Parks and Recreation Commission
  
  - (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
    - 2. Courthouse Property

**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 hearings were advertised pursuant to law in the Current Section of the Roanoke Times on September 24, October 1, and October 8, 2008:

#### 1. Special Use Permit – Amendment **CONTINUE TO NOVEMBER 24, 2008**

**A request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) for an amendment of a Special Use Permit (SUP) to eliminate condition number(s) 3, 5, 7, 8, and 10 approved on February 23, 2004 by the Board of Supervisors.** The property is currently known as Oak Forest Mobile Home Park located at 1156 Hightop Road, and is identified as Tax Parcel No(s). 66-A-98 (Acct No. 016259), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

**NOTE: At their October 8, 2008 meeting, the Planning Commission tabled the above public hearing until November 19, 2008 in order for the applicant to consider a revised proposal based upon concerns by the Planning Commission. Therefore, this public hearing is continued to November 24, 2008.**

#### 2. Special Use Permit – Lawrence S. Estes ( Agent: AT&T) – Telecommunications Tower

**A request by Lawrence S. Estes, (Agent: AT&T) for a Special Use Permit (SUP) on approximately 44.923 acres in an Agriculture (A1) zoning district to allow a telecommunications tower with a proposed height of 120 ft.** The property is located at 906 Den Hill Road, and is identified as Tax Parcel No(s). 68-A-145 (Acct No. 006179), in the Mount Tabor Magisterial District (District B). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. See TAB A.

## VIII. PUBLIC ADDRESS

**IX. DELEGATION**

**A. SUBJECT VIRGINIA COOPERATIVE EXTENSION**

Virginia Cooperative Extension – Montgomery County  
Michele Adcock, Extension Agent, will provide an update on Montgomery County's Cooperative Extension. See TAB H for a copy of their Quarterly Report.

**X. ADDENDUM**

**XI. CONSENT AGENDA**

**XII. OLD BUSINESS**

**A. SUBJECT: SPECIAL USE PERMIT – SETH MCGHEE**

**R-FY-09-  
SPECIAL USE PERMIT  
SETH RYAN MCGHEE  
FOR THE PURPOSE OF ALLOWING A  
CONTRACTOR'S STORAGE YARD  
IN AGRICULTURE (A-1) DISTRICT,  
IN THE RINER MAGISTERIAL DISTRICT  
PARCEL ID # 029115, TAX MAP NUMBERS 105-A-64G  
DENIAL**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Seth Ryan McGhee request for a Special Use Permit (SUP) on 1.405 acres in an Agricultural (A-1) zoning district to allow a contractor's storage yard is hereby **denied**.

The property is located on the south side of Mud Pike Road (Rt. 666), and is identified as Tax Parcel No. 105-A-64G, (Acct # 029115), zoned Agricultural (A-1) in the Riner Magisterial District (District D).

**JUSTIFICATION:** On October 9, 2007 the Board of Supervisors referred the request back to the Planning Commission so that the Commission could consider restrictions to be applied in order to mitigate any negative impact to adjoining and nearby property owners.

At their October 8, 2008 meeting the Planning Commission reviewed this request and recommended denial. To date the applicant has not submitted any new information or request to withdraw this application. See TAB D .

### **XIII. NEW BUSINESS**

**A. SUBJECT: HUCKLEBERRY TRAIL EXTENSION  
TOWN OF CHRISTIANSBURG**

**R-FY-09-  
RESOLUTION REQUESTING THE  
COMMONWEALTH TRANSPORTATION BOARD  
FOR ENHANCEMENT PROJECT FUNDS FOR THE  
HUCKLEBERRY TRAIL/CHRISTIANSBURG EXTENSION PROJECT**

WHEREAS, In accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation considers an enhancement project in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia requests the Commonwealth Transportation Board to establish a project for the improvement of the Huckleberry Trail/Christiansburg Extension.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to pay a minimum 20 percent of the total costs for planning, design, right of way, and construction of the project, and that, if the Montgomery County Board of Supervisors subsequently elects to cancel this project the Board of Supervisors hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008

ISSUE/PURPOSE: Authorize the submittal of an application for a Transportation Enhancement Grant through the Virginia Department of Transportation for the expansion of the Huckleberry Trail.

JUSTIFICATION: The Town of Christiansburg is asking Montgomery County to sponsor an application for federal TEA grant funds through VDOT's Transportation Enhancement Program. The Town is currently using their Tea grant funds to complete their downtown project. At present, the County does not have a project to submit for funding. The County's sponsorship of the project will allow the program to proceed more rapidly. The scope of the project consists of expanding the Huckleberry Trail from the New River Valley Mall to the Christiansburg Recreation Center for a total of 2 miles.

See TAB E for a copy of the Town of Christiansburg's resolution of support.

**B. SUBJECT: COMMUNITY SERVICES BOARD  
INTENSIVE CARE COORDINATOR PILOT  
PROJECT**

**A-FY-09-  
COMMUNITY SERVICES BOARD  
INTENSIVE CARE COORDINATOR PILOT PROJECT**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

910	NRV Community Services Board	\$50,000
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The source of the funds for the foregoing is as follows:

<u>Revenue Account</u>	
451205	Fund Balance
	\$50,000

Said resolution appropriates fund balance resulting from FY 08 surplus dollars from the Department of Social Services budget to provide start-up funding for the Community Services Board Intensive Care Coordinator position in the current year.

ISSUE/PURPOSE: Intensive Care Coordinator Pilot Project

JUSTIFICATION: The 2008 General Assembly adopted legislation that required the Comprehensive Services State Executive Council to develop and implement mandatory guidelines for Intensive Care Coordination Services for children at risk of entering or placed in residential care through the Comprehensive Services Act. The New River Valley Community Services Board has proposed a project to establish Intensive Care Coordination Services using surplus dollars remaining in the Social Services budget at year end FY 08 in the amount of \$50,000 to provide seed monies for the project. A staff report and copy of the proposal are provided in TAB F.

**C. SUBJECT: ISSUANCE OF REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY VIRGINIA TECH FOUNDATION**

**R-FY-09-  
RESOLUTION OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA WITH RESPECT TO ISSUANCE OF REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA**

**WHEREAS**, the Industrial Development Authority of Montgomery County, Virginia (the "Authority"), has considered the request of the Virginia Tech Foundation, Inc. (the "Foundation"), a non-profit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") to issue the Authority's revenue bonds or other obligations in an aggregate principal amount not to exceed \$170,000,000 (the "Bonds"); and

**WHEREAS**, proceeds of the Bonds will be used, together with other funds provided by or on behalf of the Foundation, to pay related costs of issuance and costs of the following (collectively, the "Projects"):

(a) refunding the Authority's Revenue Bonds (Virginia Tech Foundation), Series 2007, originally issued in the aggregate principal amount of \$25,220,000 which financed, among other things, the costs of (i) the Advanced Material Characterization Facility, located at 1991 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by Virginia Polytechnic Institute and State University (the "University") primarily for research and related purposes, and (ii) the Integrated Life Sciences Building, including the Science College Consortia Facility and the Food, Nutrition and Health Vivarium Facility, located at 1981 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by the University primarily for research and related purposes;

(b) in Montgomery County, Virginia ("Montgomery County"), (i) financing the construction and equipping of an approximately 45,000 square foot Research Building 26, including land, parking facilities and related improvements, to be located at 2284 Kraft Drive in Blacksburg, Virginia, to be owned by the Foundation for use by various private tenants primarily for corporate research and related purposes, (ii) financing the construction and equipping of an approximately 32,000 square foot Research Building 27, including land, parking facilities and related improvements, to be located at 1971 Kraft Drive in Blacksburg, Virginia, to be owned by the Foundation for use by various private tenants primarily for corporate research and related purposes, (iii) financing certain improvements to the approximately 77,000 square foot Integrated Life Sciences Building, located at 1981 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by the University primarily for research and related purposes, (iv) refinancing costs of the construction and equipping of CRC Pumpstation, located in the 2200 block of Kraft Drive in Blacksburg, Virginia, owned by the Town of Blacksburg and operated as part of its public utility system, (v) refinancing costs of the construction and equipping of the Virginia Tech Transportation Institute ("VTTI") Pumpstation, located adjacent to the Smart Road behind the VTTI Complex located at 3500 Transportation Research Drive in Blacksburg, Virginia, owned by the Town of Blacksburg and operated as part of its public utility system, (vi) refinancing a portion of the costs of the construction, improvement and equipping of Cheatham Hall, located on the University campus in Blacksburg, Virginia, owned by the University for use as its College of Natural Resources, and (vii) refinancing costs of construction and equipping of (A) the approximately 36,000 square foot Garvin Building, located at 1872 Pratt Drive in Blacksburg, Virginia, owned by Virginia Tech Corporate Research Center, Inc. (a wholly owned subsidiary of the Foundation) for use by various private tenants primarily for research and related purposes, (B) the approximately 45,000 square foot VT KnowledgeWorks building, located at 2200 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by the University and various private tenants primarily for research and related purposes, (C) the approximately 42,000 square foot Research Building VII, located at 1700 Kraft Drive in Blacksburg, Virginia, owned by Virginia Tech Corporate Research Center, Inc. for use by the University and

various private tenants primarily for research and related purposes, (D) the approximately 40,000 square foot Research Building X, located at 1750 Kraft Drive in Blacksburg, Virginia, owned by Virginia Tech Corporate Research Center, Inc. for use by various private tenants primarily for research and related purposes, (E) the approximately 51,500 square foot Research Building XVI, located at 2020 Kraft Drive in Blacksburg, Virginia, owned by the Foundation for use by the University and various private tenants primarily for research and related purposes, and (F) the approximately 29,000 square foot VTTI Complex, located at 3500 Transportation Research Plaza in Blacksburg, Virginia, owned by the Foundation for use by the University as the VTTI;

(c) in Pulaski County, Virginia, refinancing the costs of the Pete Dye River Course of Virginia Tech, located at 8400 River Course Drive, Radford, Virginia, owned by The River Course, LLC (a wholly owned subsidiary of the Foundation) for use by the University as a practice and competition facility for its golf team, and as a location for University sponsored special events, and by the general public; and

(d) in Arlington County, Virginia, financing the acquisition, construction and equipping of an approximately 145,000 square foot Virginia Tech National Capital Region Research Building, including land, parking facilities and related improvements, to be located at 900 North Glebe Road, Arlington, Virginia, to be owned by Virginia Tech Research Institute, LLC (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Foundation) for use by the University and other tenants primarily for research and related purposes; and

**WHEREAS**, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), sets forth the procedure for such approval; and

**WHEREAS**, since the Authority issues bonds on behalf of Montgomery County, a portion of the Projects is located in Montgomery County and the Board of Supervisors of Montgomery County (the “Board”) constitutes the highest elected governmental unit of Montgomery County, it is required that the Board approve issuance of the Bonds; and

**WHEREAS**, the Authority adopted an inducement resolution (the “Inducement Resolution”) with respect to the issuance of the Bonds on September 16, 2008, and following a public hearing held on October 21, 1008, adopted a separate resolution recommending the Board approve the issuance of the Bonds; and

**WHEREAS**, a copy of the Inducement Resolution, the action taken by the Authority with respect to the public hearing and a Fiscal Impact Statement have been filed with the Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA:**

1. The Board approves the issuance by the Authority of the Bonds in the aggregate principal amount not to exceed \$170,000,000, for the benefit of the Foundation, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist the Foundation in financing the Projects.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the creditworthiness of the Projects or the Foundation and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Authority, shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

ISSUE/PURPOSE: To approve the issuance of Revenue Bonds by the Industrial Development Authority (IDA) for the Virginia Tech Foundation.

JUSTIFICATION: The IDA received a request from the Virginia Tech Foundation to issue Revenue Bonds not to exceed \$170 million for the construction of several projects and refinancing of existing bonds. At their October 21, 2008 meeting the IDA reviewed this request and adopted a resolution of support and requested the Board of Supervisors' approval to issue bonds on behalf of the Virginia Tech Foundation.

The IDA held a public hearing on the Revenue Bonds on October 21, 2008. There were no speakers at this public hearing. The Board of Supervisors is not required to hold a public hearing. See TAB G for a copy of the IDA resolution.

**D. SUBJECT:**

**PROCLAMATION – NATIONAL FAMILY  
CAREGIVER MONTH – NOVEMBER 2008**

**R-FY-09-  
PROCLAMATION  
NATIONAL FAMILY CAREGIVER MONTH  
NOVEMBER 2008**

**WHEREAS**, During this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a County, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among this community's most important natural resources.

**WHEREAS**, The need for family caregivers is growing; we are blessed to live in a time when medicine and technology have helped us live longer. As a result, people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely we all know at least one family caregiver.

**WHEREAS**, Family caregivers deserve our lasting gratitude and respect; This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

**WHEREAS**, The New River Valley Agency on Aging "Caring Connections: Caregiver Conference & Resource Fair" provides family caregiver information on support services and resources to help keep family caregivers healthy in body, mind and spirit so they can continue to provide care for their loved ones and remain healthy while doing so.

**NOW, THEREFORE, BE IT RESOLVED**, The Board of Supervisors of the County of Montgomery, Virginia does hereby proclaim November 2008 as National Family Caregivers Month in Montgomery County, Virginia.

Given under our hand and seal of the County of Montgomery this 27<sup>th</sup> day of October 2008.

**ISSUE/PURPOSE:** Resolution designating November 2008  
National Family Caregivers Month.

JUSTIFICATION: New River Valley Agency on Aging requested this proclamation be put on the agenda.

**XIV. INTO WORK SESSION**

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

1. Forest Hills at Belview, LP – Revitalization Area Certification

**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 Marrs
5. Supervisor Brown
6. Supervisor Biggs
7. Supervisor Perkins

**XIX. OTHER BUSINESS**

**XX. ADJOURNMENT**

**FUTURE MEETINGS**

Regular Meeting  
**Wednesday, November 12, 2008**  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Special Legislative Meeting  
Multi-Purpose Room – First Floor  
**Wednesday, November 19, 2008**  
6:00 p.m.

Adjourned Meeting  
Monday, November 24, 2008  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

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