

TO: The Honorable Board of Supervisors

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

DATE: May 10, 2010

**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 (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 # 2009020
- (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. Courthouse Property
- (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 Action, Inc.
  2. Economic Development Authority
  3. Library Board
  4. Parks and Recreation Commission

**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 25<sup>th</sup> and May 2, 2010:

1. General Obligation School Bonds – School Capital Projects  
**Intention of the Board Of Supervisors of the County of Montgomery, Virginia to Propose for Passage a Resolution Authorizing the Issuance of a Not To Exceed \$16,450,000 General Obligation School Bond, Series 2010 of the County of Montgomery, Virginia to be Sold to the Virginia Public School Authority for School Capital Projects (Prices Fork Elementary School and School Energy Performance Contract).**  
See TAB A.

The following joint public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on April 25<sup>th</sup> and May 2, 2010:

2. Joint Public Hearing with the Virginia Department of Transportation Six -Year Plan on the Secondary System of State Highways  
**The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2010/11 through 2015/16 in Montgomery County, and on the Secondary System Construction Budget for Fiscal Year 2010/11.** All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds. See TAB B for a copy of the Draft Secondary Six-Year Plan as recommended by VDOT. TAB B also includes a copy of the approved Secondary Six-Year Plan from last year.

## VIII. DELEGATIONS

### A. SUBJECT: MONTGOMERY COUNTY COURTHOUSE

#### **Montgomery County Courthouse – Construction Update**

Ron Riquelmy, Project Manager, will update the Board of Supervisors on the construction progress of the new courthouse.

**B. SUBJECT: NEW RIVER COMMUNITY ACTION**

**New River Community Action**

Terry Smusz, Executive Director, will present New River Community Action's Annual Report and services provided to Montgomery County. See TAB C.

**C. SUBJECT: SOCIAL SERVICES**

**Montgomery County Social Services – Homeless Report**

Larry Lindsey, Social Services Director, will make a presentation on the homeless situation in Montgomery County.

**IX. PUBLIC ADDRESS**

**X. ADDENDUM**

**XI. CONSENT AGENDA**

**XII. OLD BUSINESS**

**A. SUBJECT: GENERAL OBLIGATIONS BONDS – VPSA  
SCHOOL CAPITAL PROJECTS**

**R-FY-10-  
RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED  
\$14,200,000 GENERAL OBLIGATION SCHOOL BOND, SERIES 2010,  
OF THE COUNTY OF MONTGOMERY, VIRGINIA, TO BE SOLD TO  
THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF**

See TAB A for a copy of the resolution.

ISSUE/PURPOSE: Resolution authorizing the issuance of a General School Obligation Bond not to exceed \$14,200,000 to be sold to the Virginia Public School Authority (Qualified School Construction Bonds) for the

Prices Fork Elementary School and School Energy Performance Contract.

JUSTIFICATION: A public hearing was held earlier tonight to receive citizens' comments on the issuance of bonds.

**B. SUBJECT: AMENDMENT TO CONCEPT PLAN AND REZONING REQUEST – RWW36, LLC (ROGER WOODY) AND JUDSON H. YOUNG LIFE ESTATE AND EDWIN MARK & KATHLEEN STEWART**

**ORD-FY-10-**

**AN ORDINANCE AMENDING THE CONCEPT PLAN AND PROFFER STATEMENT PREVIOUSLY APPROVED (ORD-FY-10-13) FOR 6.0184 ACRES ZONED GENERAL BUSINESS (GB) BY CHANGING THE ROAD ACCESS FOR THE PROPOSED DEVELOPMENT AND BY ADDING 6.047 ADDITIONAL ACRES AND AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 3.547 ACRES FROM AGRICULTURAL (A-1) TO GENERAL BUSINESS (GB) AND APPROXIMATELY 2.5 ACRES (THE 6.047 ADDITIONAL ACRES) FROM RESIDENTIAL (R-3) TO GENERAL BUSINESS (GB) IN THE RINER MAGISTERIAL DISTRICT LOCATED ON THE SOUTHEAST CORNER OF MEADOW CREEK ROAD AND TYLER ROAD IDENTIFIED AS TAX PARCEL NO(S) 104-4-47, 104-A-27A, 104-4-40, 104-4-41, 104-4-42, AND A PORTION OF 104-A-88, PARCEL NO(S) 002244, 008938, 021673, 021674, 021675, AND 021672 RWW36, LLC, JUDSON H. YOUNG LIFE ESTATE AND EDWIN MARK & KATHLEEN STEWART**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning, concept plan amendments, and proffer amendments are in compliance with the Comprehensive Plan and the Rt. 177 Corridor Agreement and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request(s) to amend a concept plan and proffer statement previously approved on September 14, 2009 (ORD-FY-10-13) for 6.0184 acres zoned General Business (GB) and to rezone approximately 3.547 acres from Agricultural (A-1) to General Business (GB), and approximately 2.5 acres from Residential (R-3) to General Business (G-B) to allow commercial and business uses. This approval is made subject to the following proffered conditions:

1) Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. titled Woody-Tyler Road Masterplan, Sheets Z3 & Z4 Job #B0900068.00 dated March 1, 2010 revised April 21, 2010.

- 2) The site shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. Site development shall include the replacement of the existing fire hydrant on Barn Road so that the existing structures on Barn Road are no more than 500 feet from a fire hydrant. The applicant may be responsible for bearing the cost of any necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.
- 3) A detailed site plan/subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
- 4) Stormwater management shall be designed in accordance with all State and Local stormwater management standards.
- 5) All entrances onto Tyler Road at the roundabout, entrances onto Meadow Creek Road, and the right in/right out as shown on the Master Plan dated March 1, 2010 revised April 21, 2010 and submitted to VDOT as part of the Traffic Impact Analysis shall be designed to Virginia Department of Transportation standards and meet the Montgomery County 177 Corridor Plan.
- 6) The right in/right out entrance shall be approved and constructed prior to the issuance of a certificate of occupancy for building #4 or #6 as shown on the approved Master Plan.
- 7) The following uses will be prohibited in the General Business District: apartment as accessory use, building material sales, cemetery, church, civic club, crematorium, custom meat cutting- processing and sales, funeral home, homeless shelter, pet-household, public utility lines-other distribution or collection facility, school, and garden center.
- 8) After 241 vehicle trips in the PM peak hours are generated by this project, no additional development shall occur until roundabout has been constructed and open to traffic.
- 9) Realigned Meadow Creek Road (Rte. 658) shall be constructed, accepted by VDOT and open to traffic before a Certificate of Occupancy can be issued for any building on the property subject to these proffered conditions

10) The owner shall make improvements to Barn Road as shown on the Master Plan before such time that the Barn Road connection with Meadow Creek Road is terminated. The Barn Road connection with Meadow Creek shall be terminated before the new portion of Meadow Creek is open for public use. The owner shall have the option to use the VDOT revenue sharing program to fund the Barn Road improvements conditioned upon the existing allocation of funds for the project by VDOT remain active.

11) The owner shall coordinate fire hydrant location and access with the PSA, Montgomery County Emergency Services and the Riner Volunteer Fire Department. Adequate fire hydrant coverage must be provided to all existing structures on Barn Road and Lamb Circle during and after road construction and right of way vacation.

12) The owner shall coordinate and cooperate with AEP during the development of construction plans consistent with the April 12, 2010 letter from AEP to Balzer & Associates, Inc. in order to provide for the overall safety of future users of the site and to ensure that AEP construction guidelines are effectively met.

13) The following architectural standards of the development will be incorporated into the development to provide compatibility with commercial uses on the 177 Corridor:

- a. No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless screened from ground level. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment.
- b. The exposed portions of all exterior wall surfaces of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be designed and constructed of similar materials. This proffer shall not preclude the use of a design that alternates a combination of permitted materials for architectural effect. Building materials shall consist of brick, stone, split face block, EIFS such as Dryvit or cementitious siding.
- c. Roofing materials for pitched roofs shall be metal, natural or composite shingle. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
- d. When a building is adjacent to a public right of way, architectural detail shall be incorporated to create architectural character on the building faces that are visible from that public right of way. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.

- e. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings when visible from a public right of way.
- f. Building elevations shall be included with all site plan submittals.
- g. Prefabricated metal buildings with vertical metal siding shall be prohibited.

The subject parcels are located at the southwest corner of the intersection of Meadow Creek Road (Rt. 658) and Barn Road (Rt. 627) and are identified as Tax Parcel No(s). 104-4-47 104-A-27A, 104-4-40, 104-4-41, 104-4-42, and a portion of 104-A-88, (Account No(s) 002244, 008938, 021673, 021674, 021675, 021672) in the Riner Magisterial District (District D).

All of the parcels currently lie in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

This action was commenced upon the application of RWW36, LLC; Judson H. Young Life Estate (C/O Wagner H. Young) and Edwin Mark & Kathleen Stewart (Agent: Balzer and Associates, Inc.).

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: Amend RWW36, LLC concept plan dated September 14, 2009 and consider rezoning an additional 6.047 acres to General Business. See TAB G.

**C. SUBJECT: SPECIAL USE PERMIT – KELLY BURDETTE AND JOHN BARR, JR. – COMMERCIAL KENNEL**

**R-FY-10-  
SPECIAL USE PERMIT  
KELLY L. BURDETTE AND JOHN A. BARR JR.  
FOR THE PURPOSE OF ALLOWING A COMMERCIAL KENNEL  
IN AN AGRICULTURE (A-1) ZONING DISTRICT  
IN THE MOUNT TABOR MAGISTERIAL DISTRICT (DISTRICT A)  
PARCEL ID: 002518; TAX MAP NO. 015-A-1**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by Kelly L. Burdette and John A. Barr Jr. for a special

use permit to allow a commercial kennel and two (2) accessory structures in excess of 1,200 sq. ft. in area and 18 ft. in height is consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. Kennel operations shall be limited to the breeding, raising, and selling of dogs and/or puppies owned by the property owner.
2. A yearly kennel license for no more than 50 dogs shall be obtained as required by Montgomery County Code.
3. The proposed accessory structures as shown on "Sketch Showing Proposed House & Kennel" prepared by Berkman Land Surveying, dated February 24, 2010 (Job No. 09093) shall be limited in size as follows:
  - a. Building 1 shall not exceed 3,600 square feet in area and 27 ft. in overall height.
  - b. Building 2 shall not exceed 1,680 square ft. in area and 20 ft. in overall height.
4. Accessory structures shall be used for personal and kennel use only. Retail sales and/or other commercial activities shall not be permitted.
5. The accessory structures shall not be used as a dwelling, accessory or otherwise without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

The property is located on the north side of Craig Creek Road (Rt. 621), approximately 0.80 miles east of the intersection with Pandapas Pond Rd. (US 460), and is identified as Tax Parcel No. 015-A-1 (Acct # 002518) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

ISSUE/PURPOSE: Special Use Permit for a commercial kennel.  
See TAB H.

**D. SUBJECT: REMOVE FROM THE TABLE – LONG TERM CARE INSURANCE**

**R-FY-10-  
REMOVE FROM THE TABLE  
LONG TERM CARE INSURANCE PROGRAM  
FOR COUNTY EMPLOYEES**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby removes from the table a resolution to consider establishing a long term care insurance program for County employees through the Virginia Retirement System and Genworth Insurance.

ISSUE/PURPOSE: Remove from the table.

JUSTIFICATION: At their April 26, 2010 meeting, the Board of Supervisors tabled the resolution to consider establishing a long term care insurance program for County employees through the Virginia Retirement System and Genworth Insurance. Additional information was requested regarding the term agreement.

Since the vote to table the resolution was unanimous any member of the Board may make a motion to remove it from the table.

**E. SUBJECT: ESTABLISH A LONG TERM CARE INSURANCE PROGRAM FOR COUNTY EMPLOYEES THROUGH THE VIRGINIA RETIREMENT SYSTEM AND GENWORTH INSURANCE**

**R-FY-10-  
ESTABLISH A LONG TERM CARE INSURANCE PROGRAM  
FOR COUNTY EMPLOYEES THROUGH THE  
VIRGINIA RETIREMENT SYSTEM AND GENWORTH INSURANCE**

WHEREAS, The Virginia Retirement System has provided the opportunity for County Governments to participate in a Long Term Care Insurance Program; and

WHEREAS, This program will allow employees and retirees ages 18-80 to purchase Long Term Care Insurance through a vendor (Genworth Insurance) sponsored by the Virginia Retirement System, at no cost to the County.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby elects to participate in the Long Term Care Insurance option as a voluntary benefit for active full-time County employees and retirees who are at least 18 years of age or under the age of 80 through the Virginia Retirement System.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to approve an Agreement with the Virginia Retirement System to offer such Long Term Care Insurance to active full-time County employees and retirees as a voluntary benefit, with the cost of such insurance to be borne in total by the employee or retiree.

ISSUE/PURPOSE: To allow active employees and retirees over the age of 18 but younger than the age of 80 to purchase Long Term Care Insurance through the vendor sponsored by the Virginia Retirement System (Genworth Insurance).

JUSTIFICATION: With societal costs for the long term care of the elderly increasing at a rapid pace and the needs of relatives of employees and employees themselves who are elderly growing at a similar rate, Long Term Care Insurance is a needed benefit. The opportunity to purchase this insurance through the Virginia Retirement System provides an excellent benefit at a reasonable cost to employees and retirees. TAB I includes a copy of the Employer Adoption Agreement.

### **XIII. NEW BUSINESS**

**A. SUBJECT: PROCLAMATION – NATIONAL POLICE OFFICER MEMORIAL WEEK**

**R-FY-10-  
PROCLAMATION  
NATIONAL POLICE OFFICER MEMORIAL WEEK MAY 9-MAY 15, 2010 AND  
ANNUAL POLICE MEMORIAL CEREMONY ON MAY 17, 2010**

WHEREAS, The Congress and the President of the United States have designated May 15 as Peace Officers' Memorial Day and the week in which May

15 falls as National Police Week, to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice appreciation for all those who currently serve to protect the rights and freedoms of our citizens; and

WHEREAS, During 2009, 124 Law Enforcement Officers were lost in the line of duty; and

WHEREAS, The law enforcement officers of the Montgomery County Sheriff's Office play an essential role in protecting the rights and freedoms of the citizens of Montgomery County; and

WHEREAS, The Montgomery County Sheriff's Office wishes to honor those officers who lost their lives during 2009 and remember those from Montgomery County who have also paid the ultimate sacrifice: Officer Terry Griffith, Officer Scott Hylton, Security Guard Derrick McFarland, and Corporal Eric Sutphin.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board of Supervisors calls upon all citizens of Montgomery County and all patriotic, civic and educational organizations to observe the week of **May 9-15, 2010** as **National Police Week** with appropriate ceremonies and observances in which all citizens may join in commemorating law enforcement officers, past and present, who have bravely dedicated their lives to serving and protecting the citizens in their communities.

BE IT FURTHER RESOLVED, The Board of Supervisors calls upon all citizens of Montgomery County to observe **Police Officers' Memorial Day** in honor of those law enforcement officers who have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

ISSUE/PURPOSE: Proclamation to observe the week of May 9-15, 2010 as National Police Week and observe Police Officers' Memorial Day on May 15<sup>th</sup>.

JUSTIFICATION: In 1962 President John F. Kennedy signed Public Law 87-726 designating May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week. The law was amended by President Bill Clinton, directing that the flag of the United States be displayed at half-staff on all government buildings on May 15 each year as a tribute to Law Enforcement Officers who have died in the line of duty.

See TAB **J** for copy of a letter from Sheriff Whitt with an invitation to their 6<sup>th</sup> Annual Police Memorial Ceremony to be held on Monday, May 17, 2010 at 5:00 p.m. in front of the Courthouse. In case of rain, the ceremony will be held at the Montgomery County Government Center.

**XIV. COUNTY ATTORNEY'S REPORT**

**XV. COUNTY ADMINISTRATOR'S REPORT**

**XVI. BOARD MEMBERS' REPORT**

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

**XVII. OTHER BUSINESS**

## **XVIII. ADJOURNMENT**

### **FUTURE MEETINGS**

Adjourned Meeting  
Monday, May 24, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Regular Meeting  
Monday, June 14, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Adjourned Meeting  
Monday, June 28, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda