

TO: The Honorable Board of Supervisors

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

DATE: June 27, 2011

**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 (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. Old Blacksburg Middle School 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 June 19, 2011:

1. Intent to Sell and Convey County Property – Former Elliston Fire Station  
**Board of Supervisors' intent to sell and convey 0.105 acre located at 1870 Big Spring Drive, in the Shawsville Magisterial District, identified as Tax Parcel NO. 59A-A-31, the former Elliston Fire Station property, to Mountain Valley Charitable Foundation. See TAB A.**
  
2. Intent to Sell and Convey County Property – Portions of 2366 Den Hill Road  
**Board of Supervisors' intent to sell and convey 0.339 acres and a 0.636 acre drainage easement located at 2366 Den Hill Drive, in the Shawsville Magisterial District, identified as a portion of Tax Parcel No. 081-A-14 to VDOT for the I-81 Road Widening Project.**

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times:

3. Special Use Permit – Randall W. Slusser and Virginia D. Slusser

**A request by Randall W. Slusser and Virginia D. Slusser for a Special Use Permit on 5.023 acres in an Agriculture (A-1) zoning district to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision.** The property is located at 4840 Natures Way Road and is identified as Tax Parcel No. 19-3-12 (Acct # 016766) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan. See TAB B.

4. Ordinance Amending Chapter 10, Zoning, Qualifying Land and Definition

**An Ordinance Amending Chapter 10, Entitled Zoning, Sections 10-25, 10-26, 10-27, 10-33, 10-35 and 10-36 of the Code of the County of Montgomery, Virginia by Adding Land Located in the Urban Development Areas to the List of Qualifying Lands in the Residential R-2, R-3, RM-1 Districts, in the Planned Industrial (PIN), Planned Unit Development (PUD) and the Planned Mobile Home Residential Park (PMR) Districts and Section 10-61 of the Code of the County of Montgomery, Virginia, by adding and /or Modifying the Definitions of the Following Terms: Alley, Financial Services, Green, Natural Area/Preserve, Park and Square / Plaza.** See TAB C.

5. Ordinance Amending Article IV, Chapter 10, Zoning, Section 10-45, LED Changeable Message Signs

**An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-45, by incorporating regulations regarding LED/Changeable Message Signs; amending the sign matrix to allow directory signage and incorporate regulations for the proposed TND-I and TND-PUD districts; incorporated allowances for “shopping center” for retail spaces with walls up to one-thousand (1,000) square feet; incorporating regulations for Mixed-Use Developments and Business Parks; incorporating regulations regarding off-premise signs for semipublic uses, community signs, subdivision signs, and signs for church, chapel, synagogue, temple or other place of worship; and including a special use permit to allow an increase in sign area to be granted by the Board of Zoning Appeals.** See TAB D.

The following public hearing was continued from the Board's May 23, 2011 meeting:

6. Ordinance Amending Chapter 10, Entitled Zoning, Section 10-52(3)

**An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property. See TAB E.**

**VIII. PUBLIC ADDRESS**

**IX. ADDENDUM**

**X. CONSENT AGENDA**

**XI. INTO WORK SESSION**

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

1. Old Blacksburg Middle School Master Plan (TAB J)

**XII. OUT OF WORK SESSION**

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

**XIII. NEW BUSINESS**

**A. SUBJECT: OLD BLACKSBURG MIDDLE SCHOOL  
MASTER PLAN**

**R-FY-11**

**A RESOLUTION APPROVING A MASTER PLAN FOR THE  
REDEVELOPMENT OF THE OLD BLACKSBURG MIDDLE SCHOOL PROPERTY**

WHEREAS, The Montgomery County School Board, after the School Board declared the property surplus, conveyed to the County of Montgomery (the “County”) a twenty acre site in downtown Blacksburg that is commonly referred to as the Old Blacksburg Middle School Property (“the Old BMS Property”); and

WHEREAS, It is the intent of the County to sell the Old BMS Property for redevelopment and use the proceeds from the sale to help fund school construction projects; and

WHEREAS, The County and the Town of Blacksburg (the “Town”) have worked together with assistance from Arnett Muldrow and Associates, Mahan Rykiel Associates, and The Eisen Group to develop a Master Plan for the site; and

WHEREAS, In developing the Master Plan the community provided input on the redevelopment of the Old BMS Property at numerous public meetings, including a meeting on April 3, 2011, a design workshop on April 4, 2011, an open house and a joint worksession with the Town Council on May 17, 2011 and Board of Supervisors meetings held on May 9, June 13, and June 27, 2011; and

WHEREAS, The purpose of the Master Plan is to provide guidance for policy makers, potential purchasers, developers, and citizens as to the shared vision of the Town and County on the future development of the Old BMS Property; and

WHEREAS, The Master Plan envisions a high-quality mixed use development that will require significant public investment by the Town in order to implement the Plan.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves and adopts the Old Blacksburg Middle School Property Master Plan, dated June 24, 2011, as presented to the Board as the official Master Plan to guide the County and the Town in the future redevelopment of the Old BMS Property; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board agrees that the Master Plan reflects the shared vision of the Montgomery County Board of Supervisors and the Blacksburg Town Council and that all requests for rezoning or other land use approvals required for the redevelopment of the Property shall be evaluated for consistency with the Master Plan and the improvements and facilities shown on the Master Plan; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Master Plan may require periodic

updates and changes and that the Master Plan shall be revised to reflect approved development and updates as needed to preserve the Plan's utility as a guide for the redevelopment of the Old BMS Property.

ISSUE/PURPOSE: Approve the Old Blacksburg Middle School Master Plan.

JUSTIFICATION: See **TAB J** for a copy of the Old Blacksburg Middle School Master Plan.

**B. SUBJECT: REVISIONS TO THE COUNTY'S PERSONNEL POLICIES AND PROCEDURES**

**R-FY-11-  
REVISIONS TO THE COUNTY'S  
PERSONNEL POLICIES AND PROCEDURES**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves and authorizes the changes to the County's Personnel Policies and Procedures dated June 2011.

ISSUE/PURPOSE: Approve the revisions to the County's Personnel Policies and Procedures.

JUSTIFICATION: Annually, the County staff submits to the Board of Supervisors recommended revisions to the County's Personnel Policies and Procedures. See **TAB H** for a copy of the proposed revisions.

**C. SUBJECT: LINE OF DUTY BENEFITS**

**R-FY-11-  
RESOLUTION TO IRREVOCABLE ELECT  
NOT TO PARTICIPATE IN THE  
VRS LINE OF DUTY ACT FUND**

WHEREAS, Pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, For purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph

B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, It is the intent of Montgomery County, Virginia to make this irrevocable election to be a non-participating employer with respect to the Fund.

NOW, THEREFORE, BE IT IS RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds.

BE IT FURTHER RESOLVED, That the following entities,

Montgomery County, Virginia  
Riner Volunteer Fire Department  
Riner Volunteer Rescue Squad  
Elliston Volunteer Fire Department  
Shawsville Volunteer Rescue Squad  
Longshop/McCoy Volunteer Fire Department  
Longshop/McCoy Volunteer Rescue Squad

to the best of the knowledge of Montgomery County, Virginia, constitute the population of its past and present covered employees under the Line of Duty Act.

BE IT FURTHER RESOLVED, That as a non-participating employer, Montgomery County, Virginia agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Montgomery County, Virginia on or after July 1, 2010.

BE IT FURTHER RESOLVED, That as a non-participating employer, Montgomery County, Virginia agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund.

BE IT FURTHER RESOLVED, That Montgomery County, Virginia shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

ISSUE/PURPOSE: Line of Duty Act Self Funding

**JUSTIFICATION:**

At their June 13, 2011, a presentation was made to the Board of Supervisors regarding changes in funding to the Line of Duty Act. This resolution is necessary for the County to officially opt out of the Virginia Retirement System Line of Duty program.

The towns of Blacksburg and Christiansburg will take responsibility for the line of duty act benefits for the volunteer fire department and volunteer rescue squad members located within the towns' limits.

**D. SUBJECT:**

**SCHOOL OPERATING FUND**

**A-FY-11-  
SCHOOL OPERATING FUND**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

610000 Instruction \$670,657

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

Revenue Account:

ARRA Title VI Flow Through \$670,657

Said resolution appropriates additional funds for the School Operating Fund.

**ISSUE/PURPOSE:** School Operating Fund Appropriation.

**JUSTIFICATION:**

Title VI-B of the Individuals with Disabilities Education Act is a federal program that provides funding for districts to supplement the level of special education and related services provided to students with disabilities who are enrolled in special education programs. Federal AARA funds have been received to support the Special Education program. These funds are designated for special education services for qualified students, performance development for special education teachers and special education supplies. These

funds cannot be used for other purposes. See TAB I for a copy of a letter from the School Board requesting the appropriation of these funds.

**XIV. COUNTY ATTORNEY'S REPORT**

**XV. COUNTY ADMINISTRATOR'S REPORT**

**XVI. BOARD MEMBERS' REPORT**

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

**XVII. OTHER BUSINESS**

**XVIII. ADJOURNMENT**

**FUTURE MEETINGS**

Regular Meeting  
Monday, July 11, 2011  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting

Adjourned Meeting  
Monday, July 25, 2011  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting