

**CONSENT AGENDA
November 14, 2012**

A. APPROVAL OF MINUTES

**1. SUBJECT: APPROVAL OF MINUTES DATED JULY 23,
2012, JULY 30, 2012, AND AUGUST 13, 2012**

ISSUE/PURPOSE: The above listed minutes are before the Board for approval. See TAB C.

B. APPROPRIATIONS AND TRANSFERS

**1. SUBJECT: CLERK OF CIRCUIT COURT –
TECHNOLOGY TRUST FUND**

**A-FY-13-
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND**

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 appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$54,986
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02251-423100 Technology Trust Fund		\$54,986

Said resolution appropriates Technology Trust fund monies to cover information technology support.

ISSUE/PURPOSE: Technology Trust Fund.

JUSTIFICATION: This resolution appropriates Technology Trust fund monies to cover the cost of maintenance and support for the Clerk's land records system.

2. SUBJECT: SHERIFF – RECOVERED COSTS

**A-FY-13-
SHERIFF
RECOVERED COSTS**

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 appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

320	Sheriff County	\$21,344
322	Sheriff Project Lifesaver	<u>\$ 285</u>
	Total	\$21,629

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$21,344
424401	Project Lifesaver	<u>\$ 285</u>
	Total	\$21,629

Said resolution appropriates additional revenue received from recovered costs and Project Lifesaver funds.

ISSUE/PURPOSE: Recovered costs and Project Lifesaver funds.

JUSTIFICATION: This resolution appropriates recovered cost revenue for reimbursements for:

Inmate litter pick-up	\$ 2,941
Security work at area football games	<u>\$18,403</u>
Total Recovered Costs	\$21,344
Project Lifesaver	<u>\$ 285</u>
Total	\$21,629

Funds are received for services where individuals pay for Project Lifesaver. Virginia Tech and the schools pay for security work and VDOT contractors pay for the litter cleanup.

3. SUBJECT: SHERIFF – DMV GRANTS

**A-FY-13-
SHERIFF
DMV GRANTS**

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 appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

321 Sheriff Grants	\$13,250
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401 State Grants	\$13,250
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Said resolution appropriates monies from two DMV grants.

ISSUE/PURPOSE: Appropriates two DMV grants received by the Sheriff's Department.

JUSTIFICATION: This resolution appropriates a Selective Enforcement Speed DMV grant (\$10,000) and Selective Enforcement Alcohol (\$3,250) DMV grant, both through Roanoke County. These funds will be used for overtime.

C. AFD RENEWALS

1. SUBJECT: AFD-4 RENEWAL

**ORD-FY-13-
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-4) SILVER LAKE RD.
CONSISTING OF APPROXIMATELY 1688.8 ACRES
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
WITHIN MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, Childress Farms, Inc., Floyd Childress Jr., William Chrisman, Curtis Crockett, Linda Crockett, Todd Linkous and Chelista Linkous, Philip Nolen, William McPeak, James Charlton, Archie Cromer, Jr. and Ruth Cromer, James Page, Grayson Page, Jon Michael Payne, Dellas and Janis Young, and Charlton Cromer; have filed applications for the renewal of AFD-4, which Agricultural and Forestal District was created by an ordinance adopted on the

27th day of October, 1980; renewed by an ordinance adopted on the 25th day of October, 2004.

WHEREAS, The existing AFD-4 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on August 28, 2012; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 28, 2012, July 5, 2012, August 30, 2012, and September 6, 2012, in The Roanoke Times, The Burgs section, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on September 12, 2012; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 14, 2012; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on September 24, 2012.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
2. That this Agricultural and Forestal District, AFD-4, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2020, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
3. That said District as renewed shall consist of approximately 1688.8 acres in the Silver Lake Rd. Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL	OWNER	ACRES	STATUS	OUTLIER
003388, 130056, 130057	CHLDRESS FARMS INC	472.56	AFD 4 Renewal	NO
021935	FLOYD CHLDRESS JR	7.214	AFD 4 Renewal	NO
003423, 003425	WILLIAM CHRISMAN	130.50	AFD 4 Renewal	NO
032136	CURTIS CROCKETT	36.571	AFD 4 Renewal	NO
004337	LINDA CROCKETT	95.4604	AFD 4 Renewal	NO
011704	TODD LINKOUS	14.228	AFD 4 Renewal	NO
011082	TODD AND CHELISTA LINKOUS	0.46	AFD 4 Renewal	NO
032135	PHILLIP NOLEN ET AL	112.84	AFD 4 Renewal	NO
001423	MCPEAKE WILLIAM D	131	AFD 5 to AFD 4	YES
001424	MCPEAKE WILLIAM D	64	AFD 5 to AFD 4	YES
003342	CHARLTON JAMES	72.87	AFD 5 to AFD 4	NO
004387	CROMER ARCHIE E JR	9.182	AFD 5 to AFD 4	NO
014003	PAGE JAMES C	25.96	AFD 5 to AFD 4	NO
019286	PAGE GRAYSON FRANKLIN	67.63	AFD 5 to AFD 4	NO
021644	YOUNG DELLAS A & JANIS C LE	65.68	AFD 5 to AFD 4	YES
021645	YOUNG DELLAS A & JANIS C LE	8.37	AFD 5 to AFD 4	YES
021936	CROMER ARCHIE E JR & RUTH C LE	10.2	AFD 5 to AFD 4	NO
021937	CROMER CHARLTON A	16.635	AFD 5 to AFD 4	NO
023766	PAGE JAMES CASTLE	111.117	AFD 5 to AFD 4	NO
150537	CROMER CHARLTON A	45.795	AFD 5 to AFD 4	NO
160321	CROMER CHARLTON A	5.868	AFD 5 to AFD 4	NO
003413	PAYNE JON MICHAEL	141.34	AFD 5 to AFD 4	NO
014141	PAYNE JON MICHAEL	9.45	AFD 5 to AFD 4	NO
014143	PAYNE JON MICHAEL	34	AFD 5 to AFD 4	NO
Total Acreage (Renewals, Transfers, and Outlying Properties) for 2012-2020 term			1688.8 acres	

4. That the “outlier parcels”, denoted in the listing shown above are specifically included in AFD 4 (Silver Lake Rd.), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County.
5. That these parcels may qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
6. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.

7. That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
8. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
9. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
10. That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption and replace ORD-FY-13-04 adopted on October 9, 2012.

ISSUE/PURPOSE: Revision to the AFD-4 Renewal Ordinance adopted on October 9, 2012.

JUSTIFICATION: To add three parcels owned by Jon Michael Payne totaling approximately 185 acres to the AFD-4. These parcels were omitted from the Ordinance renewing the AFD-4 on October 9, 2012 by mistake. These parcels will be removed from the AFD-5.

2. SUBJECT: AFD-5 RENEWAL

**ORD-FY-13-
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-5) RINER.
CONSISTING OF APPROXIMATELY 6414.6 ACRES
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
WITHIN MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, Richard and Alice Alley, Jefferson and Anne Armistead, Edward and Judith Baker, Michael Bishop, Darrell and Karen Bowman, Robert and Judy Bowman, Sherry and Allen Burke, Larry Chandler, Brenda and James Clarke, Wilbert and Donald Cox, Five Points Ltd. Partnership, George B. Hall, Darin and Tabitha Greear, Sherry and Dwayne Hall, Gregory and Susan Hale, Linda Alice Hall, Elizabeth Hylton, Kenneth Hylton, Janice H. Mileski Rev. Trust, Barry Kemp, Michael and Kathryn Kenley, David Kittinger, Danny and Donna Layne, George Lucas, Phillip and Jennifer McClellan, Robert and Susan Miller, Julia Milton, Joshua and Kimberly Mitcham, Robert and Amelie Mitchell, Robert Mitchell and Melissa Rice, Mary and Bryce North, Edwin Keith Phillips Rev. Trust, Phillips Family Trust, Oscar E. Phillips Heirs, Robert Phillips, Glazier and Carol Piland, Karen K. Poff, Sandra Prillaman et al, Frank and Linda Quesenberry, Quince Farm, Josphe and Debra Reed, Donald Robinson and Donald Robinson, Jr., Clifford Scholds and Sheree Ammirata, James R. Shelton, St. Mary Investments LLC, Laura Ellen Teany, Henry and Frances Tieleman, and Winters Living Trust; have filed applications for the renewal of AFD-5 on July 18, 2012, which Agricultural and Forestal District was created by an ordinance adopted on the 2nd day of March, 1981; renewed by an ordinance adopted on the 25th day of October, 2004.

WHEREAS, The existing AFD-5 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on August 28, 2012; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 28, 2012, July 5, 2012, August 30, 2012, and September 6, 2012, in The Roanoke Times, The Burgs section, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on September 12, 2012; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 14, 2012; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on September 24, 2012.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food

and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.

2. That this Agricultural and Forestal District, AFD-5, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2020, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
3. That said District as renewed shall consist of approximately 6414.6 acres in the Riner Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL	OWNER(S)	ACRES	NOTES	OUTLIER
000603	ALLEY RICHARD S & ALLEY ALICE H	8.2009	Renewal	NO
007821	ARMISTEAD JEFFERSON D & ARMISTEAD ANNE	31.042	Renewal	NO
100452	BAKER EDWARD A & BAKER JUDITH	148.8269	Renewal	NO
000591	BAKER EDWARD A & BAKER JUDITH	34.5	Addition	NO
001664	BISHOP MICHAEL DAVID	10.4	Renewal	NO
001665	BISHOP MICHAEL DAVID	50.5	Renewal	NO
001733	BISHOP MICHAEL DAVID	137.25	Renewal	NO
031122	BISHOP MICHAEL DAVID	57.804	Renewal	NO
032307	BISHOP MICHAEL DAVID	29.25	Renewal	NO
140389	BOWMAN DARRELL S & BOWMAN KAREN E	26.703	Renewal	NO
140390	BOWMAN ROBERT R & BOWMAN JUDY N	17	Renewal	NO
019798	BOWMAN ROBERT R & BOWMAN JUDY N	144.31	Addition	NO
013594	BURKE ALLAN C & BURKE SHERRY B	0.096	Renewal	NO
006283	BURKE ALLAN C & BURKE SHERRY B	29.384	Addition	NO
140087	CHANDLER LARRY SCOTT	23.8	Renewal	NO
140089	CHESSER CLARKE BRENDA & CLARKE JAMES W	24.237	Renewal	NO
021661	COX WILBERT W & COX DONALD J	65.975	Renewal	NO
130788	FEATHER J F C/O ALLAN C BURKE	0.5	Renewal	NO
018268	FIVE POINTS LIMITED PARTNERSHIP	8	Renewal	NO

018275	FIVE POINTS LIMITED PARTNERSHIP	71.578	Renewal	NO
007866	GEORGE B HALL FARM LLC	106	Renewal	NO
007867	GEORGE B HALL FARM LLC	46	Renewal	NO
007870	GEORGE B HALL FARM LLC	154.548	Renewal	NO
015608	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	1.297	Renewal	NO
140571	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	112.51	Renewal	NO
007517, 150100	GREEAR JOHN DARIN & GREEAR TABITHA DAWN	333.3429	Addition	NO
140085	HALE DWAYNE D & HALE SHERRY S	21.506	Renewal	NO
014290	HALE GREGORY C & HALE SUSAN D	93.671	Renewal	NO
016996	HALL LINDA ALICE & C/O LINDA H KEITH	15	Renewal	NO
016999	HALL LINDA ALICE & C/O LINDA H KEITH	55.081	Renewal	NO
009458	HYLTON ELIZABETH AFTON	243.08	Renewal	NO
130222	HYLTON KENNETH RAY	72.7	Renewal	NO
140161	JANICE H MILESKI REV TRUST C/O JANICE H MILESKI TRUSTEE	13.423	Renewal	NO
140086	KEMP BARRY C	21.686	Renewal	NO
031664	KENLEY MICHAEL C & KENLEY KATHRYN P	6.0998	Renewal	YES
031039	KITTINGER DAVID T	156.212	Renewal	NO
009078	KITTINGER DAVID T	6.9824	Addition	NO
003305	LAYNE DANNY T & LAYNE DONNA B	71.844	Renewal	YES
011544	LUCAS GEORGE K ETAL	452.08	Renewal	NO
030710	LUCAS GEORGE K	5.22	Renewal	NO
130786	MCCLELLAN PHILLIP W & MILLER- MCCLELLAN JENNIFER L	53.7438	Renewal	NO
012728	MILLER ROBERT K & MILLER SUSAN M	136.42	Renewal	YES
019111	MILLER ROBERT K	79.457	Addition	NO
018589	MILTON JULIA S	259	Renewal	NO
018597	MILTON JULIA S	552.5	Renewal	NO
160253	MITCHAM JOSHUA ALLAN & MITCHAM KIMBERLY M	4.3386	Renewal	YES
012839	MITCHELL ROBERT DRAYTON & MITCHELL AMELIE EW BANK	22.5	Renewal	NO

012840	MITCHELL ROBERT DRAYTON & MITCHELL AMELIE EWBank	211.3514	Renewal	YES
027600	MITCHELL ROBERT DRAYTON & MELISSA RICE	9	Renewal	YES
025434	NORTH BRYCE EDWARD C/O MARY NORTH	50	Renewal	NO
013626	NORTH MARY HAYNE BALDWIN	35	Renewal	NO
016997	NORTH MARY HAYNE BALDWIN	47.972	Renewal	NO
010170	PHILLIP EDWIN KEITH REV TR C/O CHILDRESS FARMS	94.589	Renewal	NO
014354	PHILLIPS FAMILY TRUST KENNETH W PHILLIPS TRUSTEE	53.893	Renewal	NO
014449	PHILLIPS OSCAR E C/O BURNITA P DAILEY	67.4	Renewal	YES
014448	PHILLIPS OSCAR E HEIRS C/O BURNITA P DAILEY	172.148	Renewal	YES
014434, 014435, 029927	PHILLIPS, ROBERT A.	374.05	Addition	YES
013598	PILAND GLAZIER B & PILAND CAROL S	10.561	Renewal	NO
010171	POFF KAREN KEITH C/O CHILDRESS FARMS	77.78	Renewal	NO
012633	PRILLAMAN SANDRA M CARMAN MILES STEELE	126.174	Renewal	NO
016402	PRILLAMAN SANDRA M ETAL	172.91	Renewal	NO
010157	QUESENBERRY FRANK E & QUESENBERRY LINDA G	24.923	Renewal	YES
019036	QUINCE FARM LLC C/O ROBERT L PRICE	81.088	Renewal	NO
016993	REED JOSEPH D & REED DEBORA S	2	Renewal	NO
016994	REED JOSEPH D & REED DEBORA S	1	Renewal	NO
016995	REED JOSEPH D & REED DEBORA S	19	Renewal	NO
016998	REED JOSEPH D & REED DEBORA S	69.304	Renewal	NO
006928	ROBINSON DONALD R & ROBINSON DONALD R JR	69.905	Renewal	NO
130787	ROBINSON DONALD R & ROBINSON DONALD R JR	47.1626	Renewal	NO
013599	SCHOLD S CLIFFORD JR & AMMIRATA SHEREE B	60.4831	Renewal	NO
017022	SHELTON JAMES R	148.083	Renewal	NO

021961	SHELTON JAMES ROBERT	1.78	Renewal	NO
130909	ST MARY INVESTMENTS LLC	23.4239	Renewal	NO
140132	ST MARY INVESTMENTS LLC	53.7249	Renewal	NO
000723	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	51.12	Renewal	YES
019104	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	111.462	Renewal	YES
019107	TEANY LAURA ELLEN C/O LAURA TEANY LEHMANN	6.3	Renewal	YES
019407	TIELEMAN HENRY W & TIELEMAN FRANCES E	11	Renewal	YES
019408	TIELEMAN HENRY W & TIELEMAN FRANCES E	62	Renewal	NO
013596	WINTERS LIVING TRUST C/O RAYMOND E JR & ANN S WINTERS TRS	25	Renewal	NO
013597	WINTERS LIVING TRUST C/O RAYMOND E WINTERS JR ETAL TRS	27.389	Renewal	NO
TOTAL ACREAGE FOR 2012-2020 (RENEWALS, ADDITIONS, AND OUTLYING PARCELS)		6414.6 acres		

4. That the “outlier parcels”, denoted in the listing shown above are specifically included in AFD 5 (Riner), per section § 15.2-4305 of the Code of Virginia, for their agricultural and forestall significance to Montgomery County.
5. That these parcels may qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
6. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
7. That lawful termination of any owner’s association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
8. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
9. That an exception for secondary roads either within or along the boundary of

said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.

10. That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption and replace ORD-FY-13-05 adopted on October 9, 2012.

ISSUE/PURPOSE: Revision to the AFD-5 Renewal Ordinance adopted on October 9, 2012.

JUSTIFICATION: To remove three parcels owned by Jon Michael Payne totaling approximately 185 acres from AFD 5. These parcels will be added to AFD-4.