

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 16th DAY OF NOVEMBER, 2011 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins (arrived 6:45 p.m.)	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Paula Alston	-Montgomery-Floyd Regional Library Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

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. New Blacksburg High School 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. Economic Development Alliance (NRV)
 2. Library Board
 3. Pepper's Ferry Regional Wastewater Treatment Authority
 4. Social Services Board
 5. Board of Zoning Appeals

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Gary D. Creed	None	Annette S. Perkins
William H. Brown		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
James D. Politis		

Supervisor Perkins arrived at 6:45 p.m.

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
James D. Politis	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

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

William H. Brown
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
Annette S. Perkins
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board on road projects in Montgomery County. He provided the following information:

- **Route 11/460 sign request in Elliston**
Request for signage in Elliston regarding truck traffic along Lafayette Road. While we recognize the concern about through trucks in the Lafayette area, we do not install directional signage for private businesses. Options to minimize the through truck traffic include posting of advisory signs related to GPS, communication from Rowe Furniture to their hired trucks, and initiation of a formal through truck restriction. The GPS advisory signs we have posted are typically reserved for major through routes with winding or steep terrain due to their large panel size. It would be beneficial for the adjacent business to inform suppliers, distributors, etc of the GPS discrepancy and provide directions to turn right at the western intersection of Lafayette Road (SR 626). A formal through truck restriction can also be considered. This process is initiated by Board of Supervisors resolution and includes detailed engineering work and a public involvement process.

- **Route 11 at Den Hill Road (SR 641)**
Traffic engineering has completed their review and indicated that the intersection has been made as safe as possible within the current geometrics with the signage and marking currently in place. A review of crash data indicates that there were no crashes related to the eastbound left turn from Route 11/460. Further improvement of this intersection would require extensive widening of Route 11/460 through a corridor project. Additional enforcement of the existing restriction could also be considered.

- **Route 11 and Walnut Grove Road (SR 1006)**
Traffic engineering has completed their review and indicated opening a left out only crossover for Walnut Grove Road would be impractical. A left out only opening would require physical restriction of the entry movements and cannot be reasonably constructed within the narrow median width of 12.5 feet. In addition, the two adjacent crossovers at Corbin Road and Pair O Docs Lane would have to be closed to facilitate a new opening. Corbin Road is a through street and carries 440 vehicles per day. Walnut Grove Road is a dead end street which carries 127 vehicles per day. A review of crash data indicates that there were no crashes related to left turn movements through this section of Route 11/460. There were seven crashes in a three year period. Six of those crashes were vehicles striking deer. The remaining crash was a single vehicle crash caused by a driver losing control on icy pavement.

Last 30 days:

- Patching on Boners Run , Fairview Church Road, Newtown Road, Craig's Creek Road, Merrimac Road, Big Falls Road
- Brush cutting on Hazelnut Road, Barn Road
- Shoulder work on Route 8
- Pipe replacements on Longshop Road
- Repaired sinkhole on McCoy Road
- Ditching on Rock Road
- Equipment preparation for winter snow season
- Mowing in McCoy area and Catawba area

Next 30 days:

- Continue to grade gravel roads
- Cutting brush on routes with school bus complaints
- Repair shoulder washout area on Route 781-Lick Run.
- Various drainage problem areas
- Patching on secondary routes

Board of Supervisors' remarks/questions:

Supervisor Brown asked if VDOT kept data on the number of calls received from Montgomery County at VDOT's Call Center. Mr. Clarke replied he did know what kind of data base or reporting information was kept but he will look into it.

Supervisor Politis - Intersection of Camp Carybrook Rd and Route 8 – Safety Issues

Supervisor Politis asked if VDOT determined what could be done at the intersection of Camp Carybrook and Route 8. This is the site of several fatalities and another wreck almost occurred over the weekend. Mr. Clarke stated he will look into this but he believes additional advisory signs were installed near the intersection.

Montgomery-Floyd Regional Library

Paula Alston, MFRL Director, made a presentation on the Montgomery-Floyd Regional Library system. Ms. Alston reported that a 5 year plan, as required by the Library Board, has been developed for the MFRL, which includes two projects under Montgomery County's Capital Improvement Program. MFRL currently has two projects on the unmet needs list: 1) renovation of the Christiansburg Library (\$2.7 million) and 2) a new Blacksburg Library (\$10.5 million).

Ms. Alston provided information on services offered and increase in usage of the Library services. She reported that the e-book download service has been a tremendous success. Ms. Alston also discussed the continuation of state budget cuts to the library system. MFRL has experienced funding cuts estimated at \$47,000 per year for the last four years for a total of \$200,000. She is hoping no additional cuts are made in FY 12-13.

The Board thanked Ms. Alston for her report.

PUBLIC HEARINGS

Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped -

An Ordinance Amending Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia Entitled Tax Exemption and Deferrals for Elderly and Handicapped by Increasing the Net Combined Financial Worth and the Income Limits to be Eligible for Relief.

The County Attorney explained that the Board of Supervisors in 2008 recommended increasing the income limits by increments of \$5,000 annually moving toward the state maximum of \$50,000, for the elderly and disabled as consideration of exemption or deferral of real estate taxation. This ordinance amendment would increase the income limit from \$45,000 to \$50,000 and would also increase the net combined financial worth from \$125,000 to \$150,000. The change shall be effective for the 2012 tax year.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated November 16, 2011 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
James D. Politis	

Approval of Minutes

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously the minutes dated, June 13 and June 23, 2011 were approved.

Appropriations and Transfers

**A-FY-12-37
SOCIAL SERVICES
FY 12 BUDGET RECONCILIATION**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was **reduced** for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

540	Social Services	(\$276,829)
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
State & Federal	(\$261,552)
451203 General Fund Balance	<u>(\$15,277)</u>
Total	(\$276,829)

Said resolution reconciles Social Services' County FY 12 approved budget to State FY 12 budget.

**A-FY-12-38
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

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, 2012, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$57,908
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$57,908

Said resolution appropriates Technology Trust fund monies to cover information technology costs in the Clerk's Office.

A-FY-12-39
ECONOMIC DEVELOPMENT
TRANSFER FROM CAPITAL RESERVE TO
THE FALLING BRANCH CORPORATE PARK

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

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, 2012, for the function and in the amount as follows:

451209 Transfer to County Capital Projects	\$77,000
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The source of funds for the foregoing appropriation is as follows:

451205 Capital Reserve Funds	\$77,000
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BE IT FURTHER RESOLVED, That the County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012 for the function and in the amount as follows:

128101FB Falling Branch Corporate Park Project	\$77,000
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The source of funds for the foregoing appropriation is as follows:

451100 Transfer from General Fund	\$77,000
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Said resolution appropriates capital reserve funds to cover the cost of rock blasting at the Falling Branch Corporate Park.

A-FY-12-40
SHERIFF
GRANT APPROPRIATION AND
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

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, 2012 for the function and in the amount as follows:

321 Sheriff Grants	\$66,170
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
424401 State Grants	\$34,670
434401 Federal Grants	<u>\$31,500</u>
Total	\$66,170

BE IT FURTHER RESOLVED, That a transfer of appropriation within the General Fund is hereby authorized, as follows:

<u>FROM:</u>	
950 General Contingencies	(\$3,500)
<u>TO:</u>	
321 Sheriff Grants	\$3,500

Said resolution appropriates monies from two state DMV grants and one Federal Byrne Justice Assistance Grant and transfers the local match from General Contingencies.

**A-FY-12-41
COUNTY ATTORNEY
TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>	
950 General Contingencies	(\$15,000)
<u>TO:</u>	
120 County Attorney	\$15,000

Said resolution transfers funds from General Contingencies to the County Attorney to cover the cost of professional services.

**A-FY-12-42
COUNTY CAPITAL PROJECTS TRANSFER
TO FIRE AND RESCUE PROJECTS**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation within the County Capital Projects Fund is hereby authorized, as follows:

<u>FROM:</u>		
123301	Fire and Rescue Projects	(\$579,228)
 <u>TO:</u>		
123302LM	Long Shop McCoy Rescue Ambulance Replacement	\$164,000
123302SV	Shawsville Rescue Ambulance Replacement	\$176,458
123302BB	Blacksburg Rescue Ambulance Replacement	\$164,000
123301LM	Long Shop McCoy Fire First Responder Replacement	\$ 74,770
	Total	\$579,228

Said resolution transfers appropriated CIP funds from Undesignated Fire and Rescue Projects to specific projects and equipment purchases approved by the Fire and Rescue Commission.

R-FY-12-48
A RESOLUTION EXTENDING THE AUTHORIZATION PERIOD FOR
SPECIAL USE PERMIT R-FY-10-187 AN ADDITIONAL YEAR
FOR SUBSTANTIAL CONSTRUCTION TO OCCUR
OAK FOREST MHP, LLC

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, On June 14, 2010, the Board of Supervisors granted Oak Forest MHP, LLC, Special Use Permit R-FY-10-187 for the purpose of amending the special use permit issued on February 23, 2004, by allowing additional units to be added to the development; and

WHEREAS, Section 10-54(3)(j) states that a Special Use Permit shall be void after two (2) years unless substantial construction has taken place; however, the Board of Supervisors may extend authorization for an additional one year upon request of the applicant; and

WHEREAS, Oak Forest MHP, LLC, has requested the Board of Supervisors to extend the period under the Special Use Permit one additional year in order to provide additional time to begin substantial construction.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to extend the authorization period of Special Use Permit R-FY-10-187 for an additional year for substantial construction to occur.

R-FY-12-49
RESOLUTION APPROVING THE AMENDED APPLICATION FOR
VDOT REVENUE SHARING FUNDS FOR FY 2013

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Revenue Sharing Program allows the Virginia Department of Transportation (VDOT) to provide state funds to match local funds for the construction, maintenance, or improvement of primary and secondary highways; and

WHEREAS, On October 24, 2011, the County of Montgomery Board of Supervisors adopted Resolution R-FY-12-46 approving the application for VDOT Revenue Sharing seeking \$2,682,500 through the VDOT Fiscal Year 2013 Revenue Sharing Program for the two below referenced road project; and

WHEREAS, The estimates to construct and/or design the two below referenced road projects have been refined resulting in an increase in the estimated cost thus warranting the need to request an increased allocation of funds through the VDOT Revenue Sharing Program; and

WHEREAS, The County of Montgomery Board of Supervisors desires to submit an amended application requesting an allocation of funds of \$3,530,000 in state funds through the VDOT Fiscal Year 2013 Revenue Sharing Program to be matched by local funds in the amount of \$3,530,000 to be provided by the developers requesting these road improvements; and

WHEREAS, The \$3,530,000 in state funds to be matched with the \$3,530,000 provided locally is to fund the following road projects:

1. Connector road from Bain's Chapel (SR 665) to Tyler Road (SR 600) and a round-about at the intersection of Bain's Chapel and Tyler Road in the amount of \$2,887,500 in state funds and \$2,887,500 in local funds.
2. Realignment of Meadow Creek Road (SR 658) and cul-de-sac at the termination of Barn Road in the amount of \$642,500 in state funds and \$642,500 in local funds.

NOW, THEREFORE, BE IT RESOLVED, That the County of Montgomery Board of Supervisors hereby supports this amended application for an allocation of \$3,530,000 through the Virginia Department of Transportation Revenue Sharing Program to be matched with local funds of \$3,530,000 to be provided by the developers requesting the two referenced road improvements.

BE IT FURTHER RESOLVED, That the Board of Supervisors shall, upon further analysis, determine whether to have VDOT administer the two projects or choose to locally administer these projects.

R-FY-12-50
FIRE AND RESCUE COMMISSION-
APPOINT CAPTAIN JOE COYLE-CHRISTIANSBURG RESCUE SQUAD

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Captain Joe Coyle** to represent the Christiansburg Rescue Squad on the **Fire and Rescue Commission** effective November 17, 2011 and expiring February 28, 2014.

BE IT FURTHER RESOLVED, That appointment of members of the volunteer Rescue Squad is contingent upon being an active member of the Rescue Squad.

Said appointment fills the unexpired term of Captain Kelly Walters, retired.

R-FY-12-51
BOARD OF ZONING APPEALS
DAVID MOORE

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby recommends to the Circuit Court Judge that the Circuit Court appoint **David Moore** as a full member to the **Board of Zoning Appeals** with a new five year term effective November 17, 2011 and expiring November 16, 2016, with the alternate term currently held by David Moore be deemed a vacant and unexpired term upon the approval of David Moore as a full member.

OLD BUSINESS

ORD-FY-12-08
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-1) PRICES FORK
IN THE PRICES FORK MAGISTERIAL DISTRICT
CONSISTING OF APPROXIMATELY 1177.678 ACRES
WITHIN MONTGOMERY COUNTY, VIRGINIA

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Walter J. Simpkins, Garth L. Wilkes, Daniel T. Frith, III, James L. McDonald, Joseph Lee Wall, and Charles McDonald Wall have filed applications for the renewal of AFD-1 on May 4, 2011, which Agricultural and Forestal District was created by an ordinance adopted on the 11th day of February, 1980; renewed by an ordinance adopted on the 12th day of October, 1987 and renewed by an ordinances adopted on the 10th day of October 1995, and the 14th day of October 2003; and

WHEREAS, The existing AFD-1 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 July 27, 2011; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on September 28, 2011 and October 5, 2011 in the News Messenger, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on October 12, 2011; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on October 12, 2011; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on October 24, 2011.

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-1, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2019, 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 1,177.678 acres in the Prices Fork Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL #	TAX_MAP_ID	OWNER1	OWNER2	ACRES
017460	026- A 5	SIMPKINS WALTER J	SIMPKINS BETTY JO	128.65
017461	026- A 6	SIMPKINS WALTER JAMES		62.59
013001	039- A 3	WILKES GARTH L	WILKES BARBARA J	321.49
006724	026- A 1	FRITH T DANIEL III	ETAL	102.90
012264	039- A 13,13A,23*	MCDONALD MARTHA B		153.66
020290	039- A 14,16	WALL JOSEPH LEE		69.54
020289	039- A 17	WALL JOSEPH LEE		26.46

015075	052- A 1	WALL JOSEPH LEE	CUSTER CATHY	12.20
020269	052- A122	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL	132.45
020271	052- 6 4	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	12.83
020272	052- 6 3A	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	30.00
020268	052- A119	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	41.18
020270	052- A100	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	64.00
020273	52-A-138	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	19.72
TOTAL ACREAGE				1177.68

4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
5. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
6. 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.
7. 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.
8. 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.
9. 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.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
James D. Politis	

ORD-FY-12-09
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-15) TAYLOR HOLLOW
CONSISTING OF APPROXIMATELY 352.662 ACRES
IN THE MOUNT TABOR MAGISTERIAL DISTRICT
WITHIN MONTGOMERY COUNTY, VIRGINIA

On a motion by Mary W. Biggs seconded by William H. Brown and carried unanimously,

WHEREAS, Larry Linkous and Antonio Perez have filed applications for the renewal of AFD-15 on May 4, 2011, which Agricultural and Forestal District was created by an ordinance adopted on the 10th day of October, 1995; renewed by an ordinance adopted on the 14th day of October, 2003; and

WHEREAS, The existing AFD-15 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 July 27, 2011; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on September 28, 2011 and October 5, 2011 in the News Messenger, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on October 12, 2011; and

WHEREAS, The Planning Commission forwarded the applications, with its findings and recommendation for approval to the Board of Supervisors, on October 12, 2011; and

WHEREAS, The Board of Supervisors, after proper notice, held its public hearing on October 24, 2011.

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-15, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2019, 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 352.662 acres in the Taylor Hollow Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL_ID	TAX_MAP_ID	OWNER1	OWNER2	ACRES
005843	043- A 13	PEREZ ENRIQUE	PEREZ ANTONIO III	30
005801	043- A 30	PEREZ ENRIQUE	PEREZ ANTONIO III	75.03
014292	043- A 9	PEREZ ENRIQUE	PEREZ ANTONIO III	117
005798	056- A 6	LINKOUS LARRY J	LINKOUS TAYLOR E	127.833
019705	44-A-77	PEREZ ENRIQUE		2.802
TOTAL ACREAGE				352.662

4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
5. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
6. 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.
7. 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.

8. 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.

9. 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.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
James D. Politis	

NEW BUSINESS

**R-FY-12-52
 A RESOLUTION APPROVING THE FUNDING REQUEST BY
 THE VIRGINIA OUTDOORS FOUNDATION AND
 THE NEW RIVER LAND TRUST OF \$78,000
 FROM THE MONTGOMERY COUNTY ACQUISITION FUND
 FOR CONSERVATION EASEMENT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, On February 8, 2010, the Board of Supervisors approved providing \$78,000 from the Montgomery County Acquisition Fund for Conservation Easements to the Virginia Outdoor Foundation (“the VOF”) and the New River Land Trust (“the NRLT”) to be used along with other funds to purchase a conservation easement on a 245 acre farm owned by Kathleen Grubb in the Catawba Valley area of Montgomery County; and

WHEREAS, The County was notified by the NRLT that the \$78,000 previously approved by the Board was not used due to the property owner deciding to not place the conservation easement on the 245 acre farm; and

WHEREAS, With the return of the \$78,000 previously approved for the Grubb property, there is a current balance of \$128,538 in the Montgomery County Acquisition Fund for Conservation Easements; and

WHEREAS, The VOF and the NRLT have made a new request for the County to provide \$78,000 from the County Acquisition Fund for Conservation Easements to be used by the Virginia Land Conservation Fund (VLCF) in order to purchase a conservation easement on 69 additional acres for a total of 230 acres which includes all or a portion of Tax Parcels 71-A-13, 16, 58*; 71-A-3 and 58-A-55, 55A, 55* (“the Property”) owned by Julia Stewart Milton in the Pedlar Hills area near Ironto in Montgomery County; and

WHEREAS, The Property is comprised of forested steep mountain land that lies within a Montgomery County Agricultural Forestal District and is designated Resource Stewardship in the Montgomery County 2025 Comprehensive Plan and is very near other conservation lands permanently protected by conservation easements; and

WHEREAS, The purchase of the conservation easement on this Property will benefit all County residents by preserving the scenic landscape and rural character of the area and by reducing the costs of providing governmental services to rural areas.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the \$78,000 funding request from VOF and NRLT from the County Acquisition Fund for Conservation Easements to be used by VLCF along with other funding in purchasing a conservation easement on 230 acres owned by Julia Stewart Milton in the Pedlar Hills area near Ironto in Montgomery County conditioned upon the required additional funding to purchase the entire 230 acres being made available to VLCF and obtaining the final approval by the Owner Julia Stewart Milton to place the conservation easement on the Property.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
James D. Politis	

R-FY-12-53
RESOLUTION OF COMMEMORATION
KAREN FREDERICK
MONTGOMERY-FLOYD REGIONAL LIBRARY BOARD

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The recent death of *Karen Frederick* has touched and saddened all those who knew and loved her; and

WHEREAS, *Karen Frederick* was an employee of the Montgomery-Floyd Regional Library system from 1987 until 2006 when she retired; and

WHEREAS, *Karen* served as a member of the Montgomery-Floyd Regional Library Board from 2006 – 2011; and

WHEREAS, Because of her insight as a former employee, *Karen Frederick* provided much corporate knowledge and was a strong supporter of the Montgomery-Floyd Regional Library system; and

WHEREAS, *Karen Frederick* will be greatly missed and lovingly remembered by those who knew her.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby express its deepest condolences and most heartfelt sympathy to the many friends and loved ones of *Karen Frederick*.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the family of *Karen Frederick* and that a copy be made a part of the official minutes of Montgomery County, that her memory may be so honored and ever cherished.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

- Montgomery County Parks & Recreation Football League – The County Administrator reported that the Auburn Eagles Senior League (11-13 year olds) and the East Mont Mustangs Mite League (7-9 year olds) football teams were undefeated this year.
- Montgomery County Bond Sale – The County Administrator reported that the Bond Agency reaffirmed the County's bond rating at AA and AA2. The sale of the bonds today went smoothly and the County received a 3.6% interest rate.
- Blacksburg Best Place to Raise Kids - Article in Business Week stated that Blacksburg is the best place to raise kids in the United States. Excellent schools, combined with an affordable cost of living, relatively low crime, and plentiful amenities lifted Blacksburg to first place in Businessweek.com's sixth nationwide ranking of best places in each state in the U.S. to raise kids.
- Virginia Association of Counties (VACo) Annual Conference was held November 13-15, 2011. Conference attendees were presented with information regarding the State's budget with an estimated \$1 billion budget shortfall in the next biennial budget. Federal stimulus funding has run out and the State will be increasing the VRS rate. The State has also changed the composite index for Montgomery County Schools creating an additional \$2.6 million funding cut.

BOARD MEMBERS' REPORTS

Supervisor Creed - NS Intermodal Facility Supervisor Creed believes that the Virginia Supreme Court's ruling against Montgomery County regarding the Intermodal Facility in Elliston is a bad call. He stated in the ruling on page 20-21, the General Assembly supports the development of intermodal facilities as a means of relieving Virginia's highways of congestion from excessive truck traffic, and particularly Interstate 81. Supervisor Creed questions this because the intermodal facility is for the Heartland Corridor which runs east to west, not north to south. NS Railroad has said that 70% of the intermodal traffic will come from east of Elliston; therefore, more truck traffic will be on I-81 coming into the area. The most dangerous sections of I-81 are from Bristol to Winchester.

National Hot Rod Association Full Throttle Drag Racing Series World Championship – Supervisor Creed announced that Matt Hagan, a Christiansburg resident, won the 2011 NHRA Full Throttle Drag Racing Series World Championship in California. He asked that the Board consider adopting a proclamation recognizing Matt Hagan accomplishments.

R-FY-12-54
PROCLAMATION
MATT HAGAN-NATIONAL HOT ROD ASSOCIATION
2011 WORLD CHAMPION

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Matt Hagan is a lifelong resident of Montgomery County and a graduate of Auburn High School; and

WHEREAS, Matt Hagan now manages the family's 500-acre cattle farm in Riner where he lives with his wife Rachel and their two children; and

WHEREAS, In addition to managing this 500-acre cattle farm **Matt Hagan** competes in the National Hot Rod Association's Full Throttle Drag Racing Series; and

WHEREAS, Matt Hagan first competed in the National Hot Rod Association's (NHRA), Full Throttle Drag Racing Series in 2008, which includes Funny Car, a drag racing car class; and

WHEREAS, In 2009 he raced in his first full season in the NHRA Full Throttle Drag Racing Series, posting runner-up finishes in Las Vegas and Charlotte; and

WHEREAS, In 2010 he finished second for the championship in the NHRA Full Throttle Drag Racing Funny Car competition; and

WHEREAS, During qualifying at a meet in Charlotte in September 2011, he became the first Funny Car driver in history to crack the four-second barrier, recording a blistering 3.995 seconds in a 1000' event; and

WHEREAS, On November 13, 2011 **Matt Hagan** won the NHRA Full Throttle Drag Racing Series World Championship in Pomona, California; and

WHEREAS, It is fitting to recognize and share in the excitement for such a dedicated and exceptional athlete who engages in one of the most challenging and demanding tests of physical skill.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors recognizes and congratulates **Matt Hagan** for his unparalleled accomplishment in winning the NHRA Full Throttle Drag Racing World Championship.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Matt Hagan** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
William H. Brown	
Annette S. Perkins	
Gary D. Creed	
James D. Politis	

Board Report's Continued

Supervisor Biggs reported that she attended the VACo Conference. She is pleased to announce that she was re-elected to VACo's Board of Directors to represent Region 10. Supervisors Biggs had the opportunity to meet with the Secretary of Transportation at the Conference to discuss issues in Montgomery County and the proposed Intermodal Facility in Elliston. Supervisor Biggs stated that transportation and state budget were the main focus of discussion at the Conference.

Supervisor Biggs stressed that Montgomery County needs to find ways to get information out to citizens on how the Commonwealth of Virginia continues to cut funding to localities and how this will effect services unless the County picks up the bill. She stated that the new VACo President, Catherine Hudgins from Fairfax County, talked about ways Fairfax County involves the citizens during the budget process.

Supervisor Perkins agrees that it is grossly unfair to the citizens for the State to continue to cut funding to the localities and expect the local government to cover the State's share without granting counties the ability to raise revenue other than property taxes. The County will have to decide what services to cut. The State changed Montgomery County's local composite index level which means an estimated \$2.6 million less in state funding for Montgomery County Schools.

I-81 Corridor Coalition Annual Conference was held in Blacksburg October 31 –November 1, 2011. The coalition was formed in 2007 with the goal of making the I-81 corridor a safe, efficient and environmentally sound transportation system through a collaborative and cooperative relationship among the six corridor states – New York, Pennsylvania, Maryland, West Virginia, Virginia and Tennessee. Virginia has the most I-81 lane miles of any state in the corridor. Representatives from all the states, along with federal and state representatives, were in attendance. The Coalition discussed the need for more rail transportation and stated that NS Heartland Corridor which runs East to West was not a priority, but supports the need for a large intermodal facility in the North to South corridor. The Coalition has made it a priority to look for a large site in Tennessee, Pennsylvania and Maryland.

Supervisor Marrs attended the VACo Transportation Steering Committee meeting during the annual conference. Supervisor Marrs expressed his concerns with the discussions that the State may turn over the maintenance of secondary roads to the localities. He questions the County's ability to continue to provide its services to the citizens if the State continues to pass down mandates and while cutting state funds to local government. Supervisor Marrs pointed out that public safety has always been hit hard due to state budget cuts, along with education. Montgomery County has made cuts to its budget and eliminated and frozen positions, which requires employees to do the job of two or more positions.

Supervisor Politis stated on a positive note that the County is working to get surplus county properties on the market for sale. Monies from the sale of these properties will go toward the debt for new school construction.

Supervisor Politis asked staff to contact Catherine Hudgins from Fairfax County to get more information regarding how they involve their citizens in their budget process.

Supervisor Politis commented on the need of economic development in the unincorporated areas, such as the need for better restaurants, in order to raise more revenue from the meal tax. The Board of Supervisors approved the rezoning of 3 different parcels in the 177 Corridor at Exit 105, and rezoning for a hotel/restaurant at the I-81 Ironto Exit.

Supervisor Politis reported he was interviewed by the Roanoke Times on his efforts to get a bill adopted for industrial hemp to be grown in Virginia. The article will be in the November 27, 2011 edition.

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, November 28, 2011 at 6:30 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
James D. Politis	

The Board adjourned at 8:50 p.m.

APPROVED: _____
James D. Politis
Chair

ATTEST: _____
F. Craig Meadows
County Administrator