

TO: The Honorable Board of Supervisors

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

DATE: November 26, 2012

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

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

Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Planning 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. PRESENTATION

FY 12 Montgomery County Annual Report

Montgomery County's FY 12 Annual Report will be presented to the Board of Supervisors.

VIII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the "BURGS" Section of the Roanoke Times on November 15 and November 22, 2012:

1. Ordinance Amending Chapter 10, Section 10-44, Parking
An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-44, by incorporating regulations for the use of alternative paving materials and exempting particular uses from the requirement to provide a paved parking area. See TAB A.
2. Ordinance Amending Chapter 10, Sections 10-21 thru 10-25, 10-28 thru 10-34 and 10-61, Kennels
An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-61, by incorporating a definition for "Kennel, private" and by amending the "Kennel, commercial" definition. Amending Section(s) 10-21 and 10-22 to include "Kennel, private" as a by-right use and revising/incorporating the use limitations for kennels. Amending Section(s) 10-23, 10-24, and 10-25 to allow

“Kennel, private” by special use permit and incorporate use limitations for kennels. Amending Section(s) 10-28, 10-29, 10-30, 10-31, 10-33, and 10-34 by incorporating use limitations for kennels. See TAB B.

IX. PUBLIC ADDRESS

X. ADDENDUM

XI. CONSENT AGENDA

XII. OLD BUSINESS

A. SUBJECT: ORDINANCE – TAX EXEMPTION AND DEFERRALS FOR THE ELDERLY AND DISABLED

**ORD-FY-13--
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 DISABLED
BY INCREASING THE INCOME LIMITS
TO BE ELIGIBLE FOR RELIEF**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that 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 shall be amended and reordained as follows:

Sec. 2-107. Established; restrictions and conditions.

(a) The board of supervisors of the county hereby provides for the exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, § 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled as provided in subsection (e) of this section, subject to the following restrictions and conditions:

- (1) That the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~fifty thousand dollars (\$50,000)~~ *fifty-one thousand dollars (\$51,000)* provided that the first ten thousand dollars (\$10,000.00) of income of each relative

other than the spouse of the owner who is living in the dwelling and the first ten thousand dollars (\$10,000.00) of income for an owner who is permanently disabled shall not be included in such total.

- (2) That the net combined financial worth, including the present value of all equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and furnishings in the dwelling including furniture, household appliances and other items typically used in a home and the land, not exceeding one (1) acre, upon which it is situated does not exceed one hundred fifty thousand dollars \$150,000.
- (3) That the person or persons claiming such exemption files annually no later than the first day of March of the taxable year with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit or written statement setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests, and the combined income from all sources of the person as specified in paragraph (1) of this subsection does not exceed the limits prescribed in this section. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the Commonwealth or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled as defined in subsection (e); however, a certification pursuant to 42 U.S.C. § 4-23(d) by the Social Security Administration so long as the person remains eligible for such Social Security benefits shall be deemed to satisfy such definition in subsection (e). The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in subsection (e). Such certification, written statement, or affidavit shall be filed after the first day of January of each year, but before the first day of April of each year, for the permanently and totally disabled, for hardship cases, and for the first time applicants. The commissioner of the revenue has the discretion to accept late filings of first time applicants or for hardship cases until the thirty-first day of December of the taxable year. The commissioner of the revenue of the county shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath to determine qualifications as specified in this section, including qualifications as permanently and totally disabled as defined in subsection (e) and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling. The commissioner of the revenue of

the county is hereby empowered, in addition to require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

(b) Such exemptions may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title, or partial title, thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. The amount of exemption of the real estate tax for qualified persons shall be determined by the following table:

<i>Annual Income Percentage of (Calendar Year)</i>	<i>For Qualified Persons the Tax Which May Be Exempted</i>
\$0-\$32,000 \$32,600	100%
\$32,001-\$40,000 \$32,601-\$40,800	60%
\$40,001-\$50,000 \$40,801-51,000	40%

(c) The person or persons qualifying for and claiming deferral shall be relieved of real estate tax liability levied on the qualifying dwelling and land up to an amount equal to one hundred (100) percent of this liability, the amount to be deferred to be elected by the claimant. If a deferral of real estate taxes, the accumulated amount of taxes deferred shall be paid without penalty or interest to the county by the vendor upon the sale of the dwelling, or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral by the provisions of this section. Such deferred real estate taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten (10) percent of the price for which such real estate may be sold, be inferior to all other liens of record.

(d) The board of supervisors of the county hereby deems those persons falling within the limits and conditions provided in subsections (a) and (b) of this section to bearing an extraordinary tax burden on the real estate described in this section in relation to their income and financial worth.

(e) For the purposes of this division, a person is permanently and totally disabled if he or she is so certified as required in paragraph (a)(3) of this section and is found by the commissioner of the revenue of the county under paragraph (a)(3) to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

This change in income limits shall be effective for the ~~2012~~ **2013** tax year and beyond unless amended.

ISSUE/PURPOSE: To amend the Tax Exemption and Deferrals for the Elderly and Disabled Ordinance.

B. SUBJECT: TOURISM AGREEMENT

**ORD-FY-13-
AN ORDINANCE AMENDING SECTION 2, ENTITLED OVERSIGHT
OF THE ORGANIZATIONAL COOPERATIVE AGREEMENT BETWEEN
MONTGOMERY COUNTY AND THE TOWNS OF BLACKSBURG AND
CHRISTIANSBURG FOR THE CREATION AND IMPLEMENTATION
OF THE JOINT TOURISM PROGRAM TO
CLARIFY THE ROLES OF THE OPERATING BOARD AND
THE DIRECTOR OF TOURISM**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Section 2, entitled Oversight of the Organizational Cooperative Agreement between Montgomery County and the Towns of Blacksburg and Christiansburg for the Creation and Implementation of a Joint Tourism Program, is hereby amended with the entire Agreement reordained and approved as follows:

**ORGANIZATIONAL COOPERATIVE AGREEMENT BETWEEN
MONTGOMERY COUNTY AND THE TOWNS OF BLACKSBURG AND
CHRISTIANSBURG FOR THE CREATION AND IMPLEMENTATION OF
A JOINT TOURISM PROGRAM**

This Cooperative Agreement ("Agreement") is between Montgomery County, Virginia (hereinafter known as "County"), and the Towns of Blacksburg, Virginia ("Blacksburg") and Christiansburg, Virginia ("Christiansburg") (hereinafter known as "Towns"), for the creation and administration of a jointly sponsored tourism program authorized under the provisions of Virginia Code §§ 15.2-940 and 15.2-1300.

JOINT TOURISM PROGRAM

Section 1. Purpose

The purpose of this Agreement is to establish and administer a tourism program that shall serve Montgomery County and the towns within it. It is intended to encompass all aspects of a comprehensive tourism program, including but not limited to staffing, funding, planning and executing of tourism related programs and

activities, and the development and operations of a state certified local visitor information center.

Section 2. Oversight

~~(a) The tourism program shall function as a joint tourism agency under the supervision of the participating local governments. A Director of Tourism shall serve as the head of the agency and be responsible for the day today operations of the joint tourism program. The Director shall report to a three person Operating Board comprised of the County Administrator and the managers of each Town, or their designees. The Director of Tourism shall be an independent contractor, and shall not be an employee of the County or the Towns.~~

~~(b) The Operating Board shall exercise direct oversight of staffing, budgeting, and general operations. In the event that the Operating Board cannot agree on a decision on an issue, the members shall certify the issue to the Chair of the Board of Supervisors and the Mayors of the Towns, who shall confer with the Operating Board to attempt to resolve any differences by agreement.~~

Section 2. Oversight

(a) The tourism program shall function as a collaborative effort by the County and the two Towns under the direct supervision of the Operating Board. The Operating Board shall be comprised of the County Administrator, the two Town Managers or their appointed designees. The Operating Board shall exercise direct oversight of staffing, budgeting and the general operations of the joint tourism program. In the event that the Operating Board cannot agree on how to proceed on a particular issue, the Board shall certify the issue to the Chair of the County Board of Supervisors and to the Mayors of the two Towns, who shall confer and attempt to reach a consensus on how the Operating Board shall proceed.

(b) The Operating Board shall agree on the appointment of a Director of Tourism who shall serve as staff to the Operating Board and be responsible for the day to day operations of the joint tourism program. The Director of Tourism shall be an employee of the fiscal agent and shall receive the same benefits made available to other employees of the fiscal agent. The cost of employing the Director of Tourism shall be considered a part of the annual budget costs of the joint tourism program and shall be paid by the County and the two Towns through the funding the parties receive from the Additional Lodging Tax Revenues. Although an employee of the Fiscal Agent, the Director of Tourism shall be evaluated by and answer to the Operating Board.

Section 3. Guiding Principles

- (a) Funding for tourism expenditures described in this Agreement shall be based on the amount of funding received from hotel occupancy taxes. More specifically, it is the intention of the parties that the funding source for the activities contemplated by this Cooperative Agreement shall be from the additional annual revenues generated by a one percent (1%) increase in the lodging tax enacted by each locality in 2006 (the "Additional Lodging Tax Revenues").
- (b) The Director of Tourism will prepare an annual work plan and budget for tourism expenditures, which shall be approved by the Operating Board by January 15th of each year. The budget will be presented to the respective governing bodies by February 1 of each year, and shall be approved by each governing body as a part of its annual budgeting process, subject to the process described in the following subsection.
- (c) Each year, during the annual budget process for the County and the Towns, each locality shall estimate the revenues that will be available for these services during the next fiscal year, and the governing bodies for each locality shall establish the amount of available funds (if any) in its adopted Operating Budget. This Agreement is dependent on each locality making a good faith effort to appropriate sufficient funding on an annual basis to continue the operations and programs of the program. However, it shall be not inconsistent with this Agreement for member localities to appropriate up to 15% of their respective Additional Lodging Tax Revenues for expenses associated with tourism-related activities in each jurisdiction that are not part of this Agreement.
- (d) The parties agree that the County shall be the fiscal agent for the tourism program, and in that capacity shall process all income and expenditures associated with the program. The Towns agree to pay County, in its capacity as fiscal agent, the appropriated funds in quarterly installments, conditioned upon satisfactory performance of the services described herein.
- (e) Any employees assigned by the participating localities to staff the program shall report to the Director of Tourism.
- (f) A program of work shall guide the activities of the program and its staff, and shall be reviewed and approved annually by the operating board, with final approval by the governing bodies.
- (g) Work performed shall be in partnership with other organizations as may be mutually beneficial.

- (h) Any annual budget shall be subject to appropriation by the respective governing bodies.

Section 4. The Montgomery Tourism Development Council (MTDC)

- (a) As part of this Agreement, and within three months of its adoption, there shall be created an advisory council which shall provide guidance to the operating board and tourism staff in the development and implementation of an ongoing tourism program. This advisory council shall be known as the Montgomery Tourism Development Council ("MTDC"). The MTDC shall be advisory in nature, and shall assist with the elements and components required to maintain the tourism program, such as an accredited tourism community, a current tourism marketing plan, community profile, and other related requirements.

- (b) The MTDC shall consist of nine members who shall be residents of the county, or who are employed or operate businesses in the hospitality industry in one of the localities. One member shall be a member of the Board of Supervisors appointed by that body; one member shall be a member of Blacksburg Town Council, appointed by that body; one member shall be a member of Christiansburg Town Council, appointed by that body; one member shall be appointed by the Montgomery Chamber of Commerce; and the five remaining members shall be appointed by both the county board of supervisors and the two town councils. These appointees shall be owners, operators, or employees from local hotels, restaurants, and attractions.

A representative from Virginia Tech will also be included as an ex-officio, non-voting member of the MTDC. This representative will be designated by Virginia Tech, and will preferably be a representative from the university relations office or the tourism/hospitality department.

- (c) The members of the MTDC shall serve terms of office of two years, except the initial term for the board of supervisors' appointee and for three of the committee appointees shall be for one year to ensure that all terms do not expire at the same time. The board of supervisors and the two town councils shall have the unqualified right to remove any appointee and to appoint a replacement if in the appointing authority's opinion such member has failed to attend meetings or otherwise has neglected the member's duties. Vacancies occasioned by the inability of a member to act or by a member ceasing to meet

eligibility requirements shall be filled by the appointing authority. Appointments to fill vacancies shall be only for the unexpired portion of the term.

- (d) The director of tourism shall serve as the staff for the MTDC. The MTDC shall adopt bylaws, including provisions for regular meetings.

Section 5. Ownership of property and insurance

- (a) The County and the Towns shall provide such office space as is required for the joint tourism program.
- (b) The County as fiscal agent shall hold title to all tangible personal property used by the joint tourism program, subject to the towns' rights upon termination as hereinafter described.
- (c) The County shall procure insurance policies covering any real estate and tangible personal property used in the joint tourism program and shall provide premises liability, and general liability coverage insuring the jurisdictions in respect to the operations and properties of the program. The costs of all such insurance shall be considered an operating expense of the program to be shared in the same proportion as other expenses as outlined above.

Section 6. Duration of Agreement

This Agreement shall become effective immediately upon approval and adoption of ordinance authorizing this Agreement by the County's Board of Supervisors and the Councils of each Towns, and it shall be effective for a minimum of three years from the date of the last jurisdiction signing. At the conclusion of the initial three year period, this Agreement shall automatically renew for two (2) additional successive three year periods until action is taken by any of the parties to terminate the Agreement.

Section 7. Termination of Agreement

Once the initial three year period of this Agreement has passed, the Agreement may be terminated upon written notice of any one or all of the participating local governments. Written notice of intent to withdraw must be given at least 12 months prior to the date that the jurisdiction wishes to withdraw from participation, unless any governing body of the localities fails to appropriate funding for further participation. If any governing body fails to appropriate

funding to continue the Agreement, the remaining jurisdictions will utilize their best efforts to continue the program.

Section 8. Disposition of properties and funds under termination

In the event of termination of this Agreement, and absent the creation of a revised or replacement agreement, the following guidelines shall apply:

- (a) The parties shall use their best efforts to ensure the ongoing operation of a tourism program at the termination of this Agreement.
- (b) Upon termination of this Agreement, after the payment of all outstanding debts and costs, all remaining personal property shall be divided among the participating entities in the proportion in which it was paid for originally.

ISSUE/PURPOSE: An Ordinance Amending Section 2, Entitled Oversight of the Organizational Cooperative Agreement between Montgomery County and the Towns of Blacksburg and Christiansburg for the Creation and Implementation of the Joint Tourism Program to Clarify the Roles of the Operating Board and the Director of Tourism

XIII. NEW BUSINESS

A. SUBJECT: HUMAN RESOURCES - HEALTH INSURANCE CONSULTANT APPROPRIATION

**A-FY-13-
HUMAN RESOURCES
HEALTH INSURANCE CONSULTANT
APPROPRIATION**

BE IT RESOLVED, By the Montgomery County Board of Supervisors 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:

110 Human Resources \$20,000

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

Revenue Account

451205 Undesignated Fund Balance \$ 20,000

Said resolution appropriates the use of fund balance to cover the phase I cost for a health insurance consultant.

ISSUE/ PURPOSE: Health Insurance Consultant

JUSTIFICATION: The County has been a member of the New River Valley Benefits Consortium since its inception in 2000. The Consortium is currently evaluating proposals for fully insured and self-insured options for FY 14.

The County issued a separate RFP from the Consortium to allow the County to leave the Consortium and procure insurance on its own should that prove to be the best option. The request for proposals includes both fully and self-insured options for health and dental insurance.

In order to independently evaluate the best solution for the County, this resolution appropriates funds to hire an insurance consultant separate from the Consortium to evaluate the County's solicited proposals. This process is being considered in two phases: Phase I includes an evaluation of the stand-alone proposals received for the County-outside of the Consortium. Phase II would be compare the County's best stand-alone option to the Consortium's proposed plan. This resolution appropriates funds to cover the Phase I costs.

XIV. INTO WORK SESSION

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

1. Request to allow chickens in Residential Zoning Districts. (TAB E)

XV. OUT OF WORK SESSION

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

XVI. COUNTY ATTORNEY'S REPORT

XVII. COUNTY ADMINISTRATOR'S REPORT

XVIII. BOARD MEMBERS' REPORT

1. Supervisor Gabriele
2. Supervisor Tuck
3. Supervisor Brown
4. Supervisor Biggs
5. Supervisor Perkins
6. Supervisor Creed
7. Supervisor Politis

XIX. OTHER BUSINESS

XX. ADJOURNMENT

FUTURE MEETINGS

County Conversations
Wednesday, November 28, 2012
Blacksburg Library
7:00 p.m.

Special Dinner Meeting with Legislators
Thursday, November 29, 2012
6:00 p.m.

Regular Meeting
Monday, December 17, 2012
Closed Meeting 6:00 p.m.
Regular Meeting 7:00 p.m.

Regular Meeting
Monday, January 14, 2012
Closed Meeting 6:00 p.m.
Regular Meeting 7:00 p.m.