TO: The Honorable Board of Supervisors

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

DATE: November 24, 2014

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 (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. Former Blacksburg Middle School Property
2. Former Prices Fork Elementary 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. NRV Economic Development Alliance
2. Western Virginia Emergency Medical Services Council

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. DELEGATIONS

A. Montgomery County Cooperative Extension

Michelle Dickerson, 4-H Agent, will update the Board on the Montgomery County Cooperative Extension activities. (TAB **A**)

VIII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the "NEW RIVER VALLEY" Section of the Roanoke Times on November 12, 2014 and November 24 2014:

1. Special Use Permit – James & Sherry Carter
   A request by James & Sherry Carter for a Special Use Permit (SUP) on approximately 2.253 acres in an Agricultural (A-1) zoning district to allow a family subdivision of property with one (1) additional lot assignment over the amount allowed under sliding scale as permitted under Section 10-21 (4) (b) of the Montgomery County Zoning Ordinance. The property is located at 3591 Peppers Ferry Road and is

identified as Tax Parcel No. 064- A 86A (Account No. 030005) in the Riner Magisterial District (District B). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further designated as medium density residential in the Belview Village Plan.
(See TAB **B**)

IX. PUBLIC ADDRESS

X. ADDENDUM

XI. CONSENT AGENDA

XII. OLD BUSINESS

A. SUBJECT: **APPALACHIAN POWER COMPANY REQUEST FOR A PUBLIC UTILITY EASEMENT**

R-FY-15-
RESOLUTION APPROVING THE CONVEYANCE OF A TEN FOOT (10') WIDE EASEMENT AND RIGHT-OF-WAY TO APPALACHIAN POWER COMPANY ON THE FORMER AEP PROPERTY LOCATED OFF NIK RYAN DRIVE; TAX MAP NO 54-A-4A

WHEREAS, Appalachian Power Company ("AEP") has requested the Board of Supervisor of the County of Montgomery, Virginia to convey a ten foot wide easement and right-of-way along the eastern boundary of the County property commonly referred to as "the former AEP Property" located off Nik Ryan Drive, Tax Map No. 54-A-4A, in order to place an existing overhead power line underground; and

WHEREAS, The Board of Supervisors is willing to convey the ten foot wide easement and right-of-way to AEP; and

WHEREAS, A public hearing on this proposed conveyance was held on Wednesday, November 12, 2014, pursuant to Section 15.2-1800 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to convey a ten foot wide easement and right-of-way to AEP along the eastern boundary of the County property commonly referred to as "the former AEP Property" located off Nik Ryan Drive, Tax Map 54-A-4A; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes William Brown, Chair, to sign the Easement and any other documents necessary to convey the easement and right-of-way to Appalachian Power Company.

ISSUE/PURPOSE: To convey a ten foot (10') wide easement and right-of-way to AEP .

JUSTIFICATION: AEP is requesting a ten-foot (10') wide easement and right-of-way on County property commonly referred to as the former AEP Property off Nik Ryan Drive. AEP is removing 4-spans of existing overhead power line and placing the line underground. See TAB **E** .

XIII. NEW BUSINESS

A. SUBJECT: COUNTY FY 14 YEAR-END CARRYFORWARD

A-FY-15-
COUNTY FY 14 YEAR-END CARRYFORWARD

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, 2015, for the function and in the amount as follows:

100	Board of Supervisors	$17,500
110	County Administration	$43,880
152	Assessment	$10,340
162	Treasurer – Collections	$570
170	Registrar	$9,362
200	Commonwealth Attorney	$22,040
210	Circuit Court	$2,440
220	General District Court	$520
230	Juvenile & DR Court	$1,481
310	Sheriff – Comp Board	$16,132
400	General Services	$24,061
420	Engineering & Reg. Compliance	$27,600
520	Human Services	$7,600
540	Social Services	$72,865
700	Parks and Recreation	$7,583
710	Regional Library	$21,921
451209	Transfer to County Capital Projects	$39,114
	Total	**$325,009**

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

Revenue Account			
02	451203	Undesignated Fund Balance	**$325,009**

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, 2015 for the function and in the amount as follows:

700	Parks and Recreation	$39,114

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

451100	Transfer from General Fund	$39,114

Said resolution appropriates amounts recommended to be carried forward for use in the current year.

ISSUE/PURPOSE: FY 14 Carryforward Requests.

JUSTIFICATION: This resolution appropriates funds remaining at June 30, 2014 for use in the current year for one-time expenses.

Departments were allowed to request funds remaining at the end of June 30, 2014 provided they met the following criteria:

- No more than 60% of the remaining departmental balance after adjusting for revenue shortfalls and one-time monies carried forward from FY 14;
- After these adjustments, the balance for carry forward must be at least $500;
- Requests must be for one-time, non-recurring items only;
- Requests must be for non-personnel items;
- Requests will not result in future funding requests in the FY 16 budget to continue these items;
- Requests must be able to be expended or encumbered before June 30, 2015.

This resolution includes funding requests that meet the above criteria and are recommended for approval. A detailed chart is included in TAB **F**.

B. SUBJECT: STATE BUDGET CUTS METHOD OF REIMBURSEMENT FOR FY 2015

R-FY-15-
STATE BUDGET CUTS METHOD
OF REIMBURSEMENT FOR FY 2015

WHEREAS, On November 10, 2014, the General Assembly passed HB 5010 which amends Chapter 2, 2014 Acts of Assembly, Special Session 1 to include a $30 million reduction in state aid to local governments in FY 2015; and

WHEREAS, The Act also provides three methods from which a locality can choose to carry out the required reduction which include:

1. Take the reduction from one or more programs on a list provided by the Department of Planning and Budget,

2. Make a reimbursement payment directly to the state for the total locality reduction,

3. Elect a combination of reductions and reimbursement payments,

WHEREAS, The Department of Planning and Budget identified Montgomery County's reduction for FY 2015 totaling $159,844.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County elects to take the reduction from one or more programs as listed by the Department of Planning and Budget and specifically identified by the County.

ISSUE/PURPOSE: State Budget cuts.

JUSTIFICATION: The State Department of Planning and Budget has identified the amount of reduction in state funds for Montgomery County. This resolution approves the reduction in revenue method for the state funds reduction. The following resolution makes the necessary revenue reductions and offsets state dollars with county funds.

C. SUBJECT: STATE BUDGET CUTS FOR 2015

A-FY-15-
STATE BUDGET CUTS FOR FY 15

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is adjusted for the fiscal year ending June 30, 2015, for the function and in the amount as follows:

Revenue Account		
150 423100	Commissioner Shared Expenses	($3,218)
160 423100	Treasurer Shared Expenses	($2,849)
170 423100	Registrar Shared Expenses	($1,410)
200 423100	Comm. Atty. Shared Expenses	($15,729)
250 423100	Clerk Shared Expenses	($7,240)
320 423100	Sheriff Shared Expenses	($55,311)
02 422103	Motor Vehicle Carrier Tax	($4,513)
710 424409	State Library Grant	($6,095)
720 424409	State Library Grant	($1,076)
520 424412	VJCCCA Grant	($1,503)
02 451203	Undesignated Fund Balance	$98,944
	Total Revenue	**$ 0**

Said resolution appropriates undesignated fund balance to cover the County's portion of the $30 million mandated reduction in state aid to localities for FY 2015.

ISSUE/PURPOSE: State Flexible Cut for 2015

JUSTIFICATION: The General Assembly passed HB 5010 which amends Chapter 2, 2014 Acts of Assembly, Special Session 1 to include a $30 million reduction in state aid to local governments in FY 2015. Montgomery County's reduction for FY 15 is $159,844. The State of Virginia provided three ways that the County could respond to this cut. Staff has recommended that the County elect to take the reduction from one or more programs as listed by the Department of Planning and Budget and specifically identified by the County. This is the same method that the County has used in the past. This resolution will provide the County with the necessary adjustments to respond to the mandated reduction.

The following reductions (identified by the state) do not require action:

CSA	$ 31,732
Detention Home	$ 19,060
State Recordation Tax	$ 10,108
Total	**$ 60,900**
Resolution Above	**$ 98,944**
Grand Total	**$ 159,844**

Comprehensive Services Act (CSA) is a sum-sufficient program based on set matching rates that do not change – therefore no adjustment to revenue and expense is necessary.

The Detention Home Commission, as a regional entity, is responsible for the revenue reduction in their total budget.

The state recordation revenue earmarked for schools is a non-issue as the amount of revenue reported in the School's budget ($225,000) is far less than the amount the Schools will actually receive from the state (332,193.71 minus $10,108.00 (required reduction) = $322,085.71); therefore no revenue or expenditure reduction is necessary.

D. SUBJECT: THIRD AMENDMENT TO THE REAL ESTATE PURCHASE AND SALES AGREEMENT – FORMER PRICES FORK ELEMENTARY SCHOOL PROPERTY

R-FY-15-

RESOLUTION AUTHORIZING APPROVAL OF THE THIRD AMENDMENT TO THE FORMER PRICES FORK ELEMENTARY REAL ESTATE PURCHASE AND SALE AGREEMENT EXTENDING THE REVIEW PERIOD

WHEREAS, Taylor Hollow Management, LLC and the Montgomery County Board of Supervisors executed and entered into a Real Estate Purchase and Sale Agreement ("the Agreement") to sell the former Prices Fork Elementary Property ("the Property") located along Prices Fork Road; and

WHEREAS, Both the Purchaser and Seller desire to amend Section 7.1 of the Agreement by extending the review period from December 1, 2014 to January 31, 2015, at 5:00 p.m. EST in order to provide additional time for the parties to

sort out the road improvements to Prices Fork Road being required by VDOT to redevelop the Property.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Third Amendment to the former Prices Fork Elementary Property Real Estate Purchase and Sale Agreement extending the review period from December 1, 2014 to January 31, 2015, at 5:00 p.m. EST in order to provide additional time for the parties to work out and finalize with VDOT what the required road improvements to Prices Fork Road will be for the redevelopment of the Property.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the Board Chair, William H. Brown, to sign the Third Amendment on behalf of the Board of Supervisors.

ISSUE/PURPOSE:	Approve the Third Amendment to the former Prices Fork Elementary Property Real Estate Purchase and Sale Agreement.
JUSTIFICATION:	To provide additional time for the parties to sort out the road improvements to Prices Fork Road being required by VDOT to redevelop the property. See TAB **G** for a copy of the Agreement.

XIV. COUNTY ATTORNEY'S REPORT

XV. COUNTY ADMINISTRATOR'S REPORT

XVI. BOARD MEMBERS' REPORT

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

XVII. OTHER BUSINESS

XVIII. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Legislative Meeting
Monday, December 8, 2014
6:30 p.m. Dinner
7:00 p.m. Meeting

Regular Meeting
Monday, December 15, 2014
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting