

TO: The Honorable Board of Supervisors

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

DATE: September 12, 2016

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 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project #2016015
 2. Project #2016030
- (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. Acquisition of Property – Economic Development
 2. Former Blacksburg High School Property
 3. Former AEP 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. Agency on Aging
 2. Juvenile Detention Commission
 3. Parks and Recreation Commission
 4. 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. PRESENTATIONS, RECOGNITIONS AND AWARDS

A. Virginia Department of Transportation

David Clarke, Resident Engineer, will update the Board of Supervisors on road issues/projects in Montgomery County.

VIII. PUBLIC HEARING

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 August 28, 2016 and September 4, 2016:

1. Ordinance Amending Chapter 7, Article III, Nuisances – Mosquito Control Ordinance Amending Chapter 7, Entitled Offenses-Miscellaneous, Article III, Nuisances Generally of the Code of the County of Montgomery, Virginia Amending Section 7-55 to Designate Mosquito Breeding places as a Nuisance requiring abatement. See TAB A.

IX. PUBLIC ADDRESS

X. ADDENDUM

XI. CONSENT AGENDA

XII. INTO WORK SESSION

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

1. Legislative Priorities for 2017 (TAB C)
2. Revenue Sharing – FY 2018 (TAB D)
3. Courthouse Handicap Accessibility (TAB E)

XIII. OUT OF WORK SESSION

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

1. Action from Work Session

XIV. OLD BUSINESS

A. SUBJECT: ORDINANCE AMENDING CHAPTER 8, SECTIONS 8-61 THROUGH 8-67 AND SECTION 8-69, EROSION AND SEDIMENT CONTROL

ORD-FY-17-

AN ORDINANCE AMENDING CHAPTER 8 ENTITLED PLANNING AND DEVELOPMENT OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA AMENDING ARTICLE III EROSION AND SEDIMENT CONTROL SECTIONS 8-61 THROUGH 8-67 IN ORDER TO COMPLY WITH STATE LAW CHANGES CONCERNING LOCAL EROSION AND SEDIMENT CONTROL PROGRAMS AND SECTION 8-69 IN ORDER TO ESTABLISH A LUMP SUM FEE SCHEDULE

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 8 entitled Planning and Development of the Code of the County of Montgomery, Virginia, Article III Erosion and Sediment Control Sections 8-61 through 8-67 and Section 8-69 shall be amended and re-ordained as shown in TAB F.

ISSUE/PURPOSE: Amend the Code of Montgomery County.

JUSTIFICATION: Amend Chapter 8, Sections 8-61 through 8-67 to comply with state enabling law changes concerning local erosion and sediment control and Section 8-69 in order to establish lump sum fee schedule

B. SUBJECT: ORDINANCE AMENDING CHAPTER 10, ZONING - SOLAR ENERGY

ORD-FY-17-

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTIONS 10-21, 10-30, 10-31, 10-33, 10-34, 10-35, 10-41 AND 10-61, RESPECTIVELY BY DEFINING THE TERMS SOLAR ENERGY SYSTEM, MINOR; SOLAR ENERGY SYSTEM, MAJOR AND SOLAR ENERGY SYSTEM, ACCESSORY USE AND BY DESIGNATING SOLAR ENERGY SYSTEM, MINOR AS A PERMITTED USE IN A-1 AGRICULTURAL, M-1 MANUFACTURING, M-L MANUFACTURING LIGHT, PIN PLANNED INDUSTRIAL, PUD-COM PLANNED UNIT DEVELOPMENT COMMERCIAL AND PUD-RES PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICTS AND BY DESIGNATING SOLAR ENERGY SYSTEM, MAJOR AS PERMITTED BY SPECIAL USE PERMIT IN A-1 AGRICULTURAL, M-1 MANUFACTURING, M-L MANUFACTURING LIGHT, PIN PLANNED INDUSTRIAL DISTRICTS, PUD-COM PLANNED UNIT DEVELOPMENT COMMERCIAL AND PUD-RES PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICTS

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning of the Code of the County of Montgomery, Virginia Sections 10-21, 10-30, 10-31, 10-33, 10-34, 10-35, 10-41 and 10-61 respectively shall be amended and reordained as shown in TAB G .

ISSUE/PURPOSE: Amend the Code of Montgomery County.

JUSTIFICATION: Amend Chapter 10, Entitled Zoning, in order to define the terms of Solar Energy. See TAB G for a copy of the Ordinance.

XV. NEW BUSINESS

A. SUBJECT: REFUND 2011 BONDS

R-FY-17-

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$78,000,000 GENERAL OBLIGATION SCHOOL REFUNDING BONDS OF THE COUNTY OF MONTGOMERY, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, PROVIDING FOR THE FORM AND DETAILS THEREOF AND AUTHORIZING THE REFUNDING OF THE COUNTY'S \$86,115,000 GENERAL OBLIGATION SCHOOL BOND, SERIES 2011A

SEE TAB H for a copy of the Resolution.

ISSUE/PURPOSE: Refinance the General Obligation School Board, Series 2011A.

B. SUBJECT: ESTABLISH THE PERSONAL PROPERTY TAX RELIEF PERCENTAGE FOR 2016

**R-FY-17-
RESOLUTION ESTABLISHING THE
PERSONAL PROPERTY TAX RELIEF
PERCENTAGE FOR 2016**

WHEREAS, The Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523, et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, These legislative enactments required the County of Montgomery, Virginia, to take affirmative steps to implement these changes and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, These legislative enactments provide for the appropriation to the County of Montgomery, Virginia, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles and provide the opportunity for the County of Montgomery, Virginia, to fashion a program of tax relief that serves the best interest of its citizenry; and

WHEREAS, The Board of Supervisors adopted an ordinance to implement the changes to PPTRA affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia on November 28, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the rate of 100% of relief shall be applied to each qualifying vehicle valued at \$1,000 or less and that the rate of **40.22%** shall be applied to the first \$20,000 in value of each qualifying vehicle with a value above \$1,000. Those rates of relief are estimated to exhaust PPTRA relief funds available to the County of Montgomery, Virginia, by the Commonwealth of Virginia for Tax Year 2016.

FURTHER BE IT RESOLVED, That any amount of PPTRA relief not used within the County of Montgomery’s Fiscal Year shall be carried forward and used to increase the funds available for personal property tax relief in the following Fiscal Year.

ISSUE/PURPOSE: Establish the Personal Property Tax Relief percentage.

JUSTIFICATION: Each year, the County establishes a tax relief percentage based on the amount of state funding proportional to the tax levy on qualifying motor vehicles. Last year, the relief percentage was 43.81%. This year, the total personal property value is more than the prior year. Therefore, the relief percentage has decreased to 40.22%.

**C. SUBJECT: NEW RIVER VALLEY JUVENILE
DETENTION COMMISSION SERVICE
AGREEMENT**

**R-FY-17-
RESOLUTION APPROVING NEW RIVER VALLEY JUVENILE DETENTION
COMMISSION SERVICE AGREEMENT**

WHEREAS, In 1971, the County of Montgomery, Virginia, along with the governing bodies of the County of Giles, Virginia, County of Pulaski, Virginia and the City of Radford, Virginia, created the New River Juvenile Detention Commission; and

WHEREAS, The New River Juvenile Detention Commission (“the Commission”) is a public body corporate created for the purpose of owning, maintaining and operating a regional facility for the secure detention of juvenile offenders; and

WHEREAS, The Commission and its member jurisdictions wish to approve a Service Agreement that recognizes and sets forth their agreement as to the composition of the Commission, the basis on which its member representatives are appointed and the agreed allocation among the member jurisdictions for the payout for services provided by the Commission; and

WHEREAS, The Board of Supervisors desires to approve the Service Agreement and authorizes F. Craig Meadows, County Administrator, to execute the Agreement on behalf of the County of Montgomery, Virginia

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the New River Valley Juvenile Detention Commission Service Agreement as presented to the Board on Monday, September 12, 2016, and hereby authorizes F. Craig Meadows, County Administrator, to execute the signed Service Agreement on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Approve the New River Valley Juvenile Detention Commission Service Agreement.

JUSTIFICATION: The Juvenile Detention Commission was created in 1971 by the City of Radford and the Counties of Giles, Montgomery and Pulaski by resolutions from each participating governing body. These resolutions are the only documentation of the governing bodies participation. The Commission wishes to set forth through this agreement the membership, the allocation among member jurisdictions for payment of services, and obligations of the Commission to the jurisdictions. A service agreement approved by all member jurisdictions is required for any future financing for improvements to the facility. See TAB I.

D. SUBJECT: PARKS AND RECREATION MASTER PLAN

**R-FY-17-
PARKS AND RECREATION
MASTER PLAN**

WHEREAS, The Board of Supervisors previously requested that a master plan be developed for Parks and Recreation services in Montgomery County; and

WHEREAS, The New River Valley Regional Commission, formerly the Planning District Commission, identified Appalachian Regional Commission funds to support 50% of the cost of the study; and

WHEREAS, The Board of Supervisors appropriated County funds in the amount of \$17,500 to support the local share of the cost; and

WHEREAS, The purpose of the study was to support the mission of the Parks and Recreation department, focusing on future growth of areas where the department excels and filling gaps in areas where needs exist; and

WHEREAS, The study included an analysis of the inventory of current facilities, compared the department's facilities to state and local programs, and surveyed the community users to identify trends, citizen satisfaction and future growth areas; and

WHEREAS, The Montgomery County Parks and Recreation Commission reviewed the plan and recommends the Board of Supervisors accept the master plan as the current vision for the parks and recreation services in the County.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby accepts the recommendation of the Parks and Recreation Commission to accept the Master Plan as the current vision for Montgomery County Parks and Recreation department.

ISSUE/PURPOSE: Parks and Recreation Master Plan.

E. SUBJECT: COMMEMORATION – TOM BAIN, FORMER PARKS AND RECREATION DIRECTOR

**R-FY-17-
RESOLUTION TO COMMEMORATE
TOM BAIN
FORMER PARKS AND RECREATION DIRECTOR**

WHEREAS, The passing of *Tom Bain* on July 29, 2016 has touched and saddened all those who knew and worked with him; and

WHEREAS, *Tom Bain* was a United State Air Force veteran, having served during the Vietnam War; and

WHEREAS, *Tom Bain* was the Director of Parks and Recreation for Montgomery County from 1982 through 2001; and

WHEREAS, *Tom Bain* led the effort to build a county park and the Frog Pond outdoor pool, and supported the Huckleberry Trail from its beginning; and

WHEREAS, *Tom Bain* leaves a lasting legacy of service to his community.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board of Supervisors extends to his family its sincere sympathy upon his passing.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the family of *Tom Bain* and that a copy be made a part of the official Minutes of Montgomery County, that his memory may be so honored.

F. SUBJECT: RECOGNITION – 150TH ANNIVERSARY
SCHAEFFER MEMORIAL BAPTIST
CHURCH

R-FY-17
RESOLUTION OF RECOGNITION
SCHAEFFER MEMORIAL BAPTIST CHURCH
150TH ANNIVERSARY

WHEREAS, In 1865 Captain Charles Schaeffer, working as the Supervisor of the Freedman’s Bureau, conducted a census and found 30 people in the area who professed to be Baptists; however, they had no place to worship; and

WHEREAS, In 1866 Captain Schaeffer and these 30 people began to meet regularly for worship services in private homes, and in 1867 the first church building was constructed by Captain Schaeffer, with the help of others, and this small group of believers became an official Baptist church and was named the Christiansburg African Baptist Church; and

WHEREAS, The building was used jointly for worship services and school purposes; and

WHEREAS, In 1868 the church and school property was deeded to the Board of Trustees who were all former slaves, making this the first church property to be owned solely by African Americans in this area; and

WHEREAS, The building adjacent to the church today was constructed for school purposes, which came to be known as Christiansburg Institute; and

WHEREAS, With financial aid from the Quakers in 1885 a brick church was built adjacent to the Christiansburg Institute; and

WHEREAS, The church was later renamed the *Schaeffer Memorial Baptist Church* and is still used today as a place of worship; and

WHEREAS, The *Schaeffer Memorial Baptist Church* celebrates its 150th Anniversary in 2016.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors congratulates the *Schaeffer Memorial Baptist Church* on the occasion of its 150th Anniversary.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the Reverend Lee E. Suggs, Sr., Pastor of *Schaeffer Memorial Baptist Church* as an expression of admiration for its decades of service.

ISSUE/PURPOSE: Recognize Schaeffer Memorial Baptist Church's 150th Anniversary.

G. SUBJECT: PROCLAIM OCTOBER 2016 AS CRIME PREVENTION MONTH

**R-FY-17-
PROCLAIM OCTOBER 2016 AS
CRIME PREVENTION MONTH**

WHEREAS, The vitality of our county depends on how safe we keep our homes, neighborhoods, schools, workplaces, and communities; and

WHEREAS, Crime and fear of crime destroys our trust in others and in civic institutions, threatening the community's health, prosperity, and quality of life; and

WHEREAS, People of all ages must be made aware of what they can do to prevent themselves and their families, neighbors, and coworkers from being harmed by crime; and

WHEREAS, People of all ages must be made aware of the dangers of crime and how they can protect themselves from becoming victims; and

WHEREAS, The personal injury, financial loss, and community deterioration resulting from crime are intolerable and require investment from the whole community; and

WHEREAS, Crime prevention initiatives must include self-protection and security, but they must go beyond these to promote collaborative efforts to make neighborhoods safer for all ages and to develop positive opportunities for young people; and

WHEREAS, Adults must invest time, resources, and policy support in effective prevention and intervention strategies for youth, and adults must make sure to engage teens in programs to drive crime from their communities; and

WHEREAS, Effective crime prevention programs succeed because of partnerships with law enforcement, other government agencies, civic groups, schools, faith communities, businesses, and individuals as they help nurture communal responsibility and instill pride.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery hereby proclaims ***October 2016*** as ***Crime Prevention Month*** in Montgomery County, Virginia and urges all citizens, government agencies, public and private institutions, and businesses to invest in the power of prevention and work together to make Montgomery County, Virginia a safer, stronger, and more caring community.

ISSUE/PURPOSE: Proclaim October 2016 as Crime Prevention Month.

H. SUBJECT: PROCLAMATION – RED RIBBON WEEK

**R-FY-17-
PROCLAIM OCTOBER 23-31 AS
RED RIBBON WEEK**

WHEREAS, Communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, There is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy drug-free lifestyle; and

WHEREAS, Governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, The red ribbon has been chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty; and

WHEREAS, The Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby proclaims October 23-31 as ***RED RIBBON WEEK*** in Montgomery County, and urges all citizens to join in this special observance.

ISSUE/PURPOSE: Proclaim October 23-31 as Red Ribbon Week.

XVI. COUNTY ATTORNEY'S REPORT

XVII. COUNTY ADMINISTRATOR'S REPORT

XVIII. BOARD MEMBERS' REPORT

1. Supervisor Biggs
2. Supervisor DeMotts
3. Supervisor Sheppard
4. Supervisor King
5. Supervisor Perkins
6. Supervisor Creed
7. Supervisor Tuck

XIX. OTHER BUSINESS

XX. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, September 26, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda

Regular Meeting
Tuesday, October 11, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda

Adjourned Meeting
Monday, October 24, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda