TO: The Honorable Board of Supervisors

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

DATE: September 26, 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

(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 High School Property
2. Courthouse 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. Board of Zoning Appeals (BZA)
2. 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. PUBLIC HEARING

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the New River Valley Section of the Roanoke Times on September 2 and September 9, 2016:

1. Ordinance Amending Chapter 10, Accessory Structures
An Ordinance Amending Chapter 10, Entitled Zoning of the Code of the County Of Montgomery, Virginia by Amending Section 10-21 (4), 10-22(4), 10-23(4), 10-24(4), 10-25(4), 10-26(4), 10-27(4) and 10-41(1) Respectively By Changing When Accessory Structures Require Authorization By Special Use Permit. TAB **A**.

2. Ordinance Amending Chapter 10, Zoning Administrator and BZA
An Ordinance Amending Chapter 10, Entitled Zoning of the Code of the County of Montgomery, Virginia, by Amending Sections 10-51, 10-52 And 10-55 Respectively Regarding the Powers and Duties of the Zoning Administrator and the Board of Zoning Appeals as Required By State Law. TAB **B**.

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. INTO WORK SESSION

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

1. FY 2016 Year-End Financial Report
2. MCPS Supplemental Funding Requests (TAB **G**)
3. Legislative Priorities

XII. 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

XIII. OLD BUSINESS

A. SUBJECT: ORDINANCE AMENDING CHAPTER 7, MISCELLANEOUS, MOSQUITOES

ORD-FY-17-
AN 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

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 7 entitled Offenses-Miscellaneous, Article III, Nuisances Generally, of the Code of County of Montgomery, Virginia, Section 7-55 shall be amended and reordained as follows:

Sec. 7-55. - Premises to be kept clear of stagnant water, drained, etc.

No persons owning, leasing, occupying or in possession of any lot, or parcel of real property including the house, building or enclosure shall allow or suffer to exist in or upon such premises any artificial containers, ditches, streams, flooded areas or other such sources of standing or stagnant water, where mosquitoes may breed, including any animal or vegetable matter or other substance liable to become places where mosquitoes may breed or that may become putrid, offensive, annoying or a danger to the public health ~~unhealthy~~. Persons owning, leasing, occupying or in possession of any real property ~~estate~~ shall provide proper and adequate drainage or suitable preventive measures (tip and toss, remove or turn upside down to prevent collection of rain water) in order to prevent the breeding of mosquitoes and other ~~therefor so that no~~ offensive, baneful or disagreeable liquids from ~~shall~~ flowing or seeping into any street. Any violation of this section is hereby declared to be a nuisance.

ISSUE/PURPOSE: Amend Chapter 7 of the Montgomery County Code.

XIV. NEW BUSINESS

A. SUBJECT: MONTGOMERY COUNTY PUBLIC SCHOOL SHAWSVILLE MIDDLE SCHOOL AFTER SCHOOL PROGRAM FUNDING

A-FY-17-
MONTGOMERY COUNTY PUBLIC SCHOOLS
SHAWSVILLE MIDDLE SCHOOL AFTER SCHOOL PROGRAM
TRANSFER FROM BOYS AND GIRLS CLUB FUNDING FOR FY 17

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

FROM:
910 Other Agencies (Boys and Girls Club) ($10,000)

TO:
570090 Transfer to School Operating Fund $10,000

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2017, for the function and in the amount as follows:

School Operations and Maintenance $10,000

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

Revenue Account
451020 Transfer from General Fund $10,000

Said resolution transfers appropriated funds from the Boys and Girls Club to the Schools.

ISSUE/PURPOSE: Shawsville Middle School After-School Program

JUSTIFICATION: In the past, the Boys and Girls Clubs of Southwest Virginia operated after school programs in the Christiansburg and Shawsville areas of the County. The County has provided $10,000 in the past to cover these programs and provided $10,000 for FY 17. Due to a loss of grant funding, the programs in Christiansburg and Shawsville have been discontinued for FY17. The Schools have requested these funds be provided to the School System to

provide a modified program at the Shawsville Middle School.

TAB **G** includes a copy of the School's letter of request.

B. SUBJECT: MCPS REQUEST FOR SUPPLEMENTAL FUNDING

A-FY-17-
MONTGOMERY COUNTY PUBLIC SCHOOLS
REQUEST FOR SUPPLEMENTAL FUNDING

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2017, for the function and in the amount as follows:

570090	Transfer to School Operating Fund	$750,000

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

451500	Undesignated Fund Balance	$750,000

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2017, for the function and in the amount as follows:

School Operations and Maintenance	$750,000

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

Revenue Account

451020	Transfer from General Fund	$750,000

Said resolution appropriates one-time monies for school capital.

ISSUE/PURPOSE: MCPS Supplemental Appropriation request.

JUSTIFICATION: The School Board has requested funds for the following:

- Capital Maintenance Plan $455,019
- Maintenance Utility Van 25,000
- Trailers (2) for Tractors/Mowers 4,800

- Phone System Upgrade/Tech Upgrades 37,260
- School Bus Purchases 191,921
- COPSync 36,000

Total $750,000

TAB **G** includes a copy of the School's letter of request.

C. SUBJECT: RESTATING THE BOARD'S CONTINUED OPPOSITION TO THE MOUNTAIN VALLEY PIPELINE

R-FY-17-

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA RESTATING THE BOARD'S CONTINUED OPPOSITION TO THE MOUNTAIN VALLEY PIPELINE

WHEREAS, Mountain Valley Pipeline, LLC, ("Mountain Valley Pipeline") proposes to construct and operate a three hundred one (301) mile long, forty –two (42) inch diameter natural gas pipeline and associated facilities between Wetzel, West Virginia and Pittsylvania County, Virginia, traversing approximately nineteen (19) miles through Montgomery County; and

WHEREAS, Mountain Valley Pipeline initiated the Federal regulatory approval process to construct and operate the pipeline with FERC by electing to go through the pre-file process under Docket Number PF-15-3-00; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia (the "Board of Supervisors") on November 12, 2014, unanimously adopted a resolution (R-FY-15-43) opposing the Mountain Valley Pipeline as proposed through Montgomery County because of the proposed route's adverse impacts on developed residences in the Brush Mountain Estates and Preston Forest subdivisions and on the scenic, recreational and sensitive environmental areas in Montgomery County and emphasizing that these adverse impacts far outweigh any economic benefits the County might receive from the construction of the pipeline; and

WHEREAS, Following the pre-file process, Mountain Valley Pipeline filed with FERC its application under Section 7 of the Natural Gas Act containing Mountain Valley Pipeline's preferred pipeline corridor route (including all variations of the preferred route being considered) as Docket Number CP 16-10-000; and

WHEREAS, The proposed pipeline corridor route, including all variations (the "pipeline corridor route") chosen by Mountain Valley Pipeline in its filing under Docket Number CP16-10-000 moved the proposed route out of the Brush Mountain Estates and Preston Forest subdivisions, but the route still has direct adverse impacts on residential dwellings located on or in the vicinity of Mt. Tabor Road, Bishop Road, Catawba Road, Paris Mountain, Mill Creek Road, Flatwoods Road, Bradshaw Road and the Communities of Lafayette and Elliston; and

WHEREAS, The proposed pipeline corridor crosses through karst and steep slope terrain, natural area preserves and cave conservation areas in the County, including the Mt. Tabor Karst Sinkhole Plain which contains the most intensive karst terrain along the entire pipeline corridor route; and

WHEREAS, The geological and hydrogeological constraints imposed by karst, steep slope, soil instability, seismicity and ground water within the proposed pipeline corridor causes serious environmental concerns; and

WHEREAS, Reports filed with FERC by renowned karst experts conclude that the Mountain Valley Pipeline cannot be safely built or operated in the areas of Montgomery County that are characterized by karst and steep slopes because these geological and hydrological hazards cannot be adequately mitigated with engineering or construction practices; and

WHEREAS, Constructing and maintaining a pipeline within the geological and hydrogeological constraints found in karst and steep slope terrain of Montgomery County impacts both the quality of private well water sources and the continued availability of water; and

WHEREAS, There are several federal and/or state endangered species with habitats located in the vicinity of the pipeline corridor route which would be harmed during construction and maintenance of the pipeline and should any incident occur with the pipeline; and

WHEREAS, There are three Agricultural Forrestal Districts ("AFD"), AFD #2 located in Catawba, AFD#9 in Elliston/Pedlar Hills and AFD#10 in Mt Tabor that would be impacted by the proposed pipeline. The construction and ongoing maintenance of the pipeline and the use of herbicides and pesticides to keep the right of way clear will have a negative impact on the forestal and agricultural uses in the three AFDs. The location of the pipeline within or nearby the AFD lands conflicts with the stated purpose of AFDs, namely to conserve and protect lands that are valued as natural and ecological resources which provide clean air sheds, watershed protection, wildlife habitat, aesthetic quality and other environmental purposes; and

WHEREAS, The pipeline corridor route impacts the North Fork of the Roanoke River, the Roanoke River before it branches south and north, Mill Creek, Flatwoods Branch, and Bradshaw Creek. The construction and ongoing

maintenance of the pipeline and the use of herbicides and pesticides will likely lead to the contamination/pollution of these waterways further degrading these waters and the species living in these waters; and

WHEREAS, The construction of the proposed pipeline and the resulting permanent clearance of right of way located through much of the most scenic, mountainous, steep slope and rugged terrain in the County of Montgomery creates an adverse impact on one of the County's most valued resources, its beautiful view-shed; and

WHEREAS, FERC staff has prepared and issued a draft environmental impact statement (the "Draft EIS") for the Mountain Valley Pipeline which the Board of Supervisors will be reviewing and providing comments to FERC within the ninety day review period: and

WHEREAS, FERC has announced FERC sponsored public sessions within the project area to take comments on the Draft EIS which do not include a location within Montgomery County despite the Board of Supervisors' prior filed request for FERC to hold a public session within Montgomery County.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby opposes the proposed Mountain Valley Pipeline Project filed under Docket Number CP 16-10-000 with FERC because of the adverse impacts listed above on both the citizens who reside in Montgomery County and on the environment, which said adverse impacts cannot be adequately mitigated to permit the pipeline to go forward; and

BE FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors respectfully requests FERC to reconsider its proposed scheduled sponsored public sessions within the Project Area to take comment on the Draft EIS by adding an additional public session to be held in Montgomery County; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby directs staff to transmit this Resolution to FERC for inclusion in Docket Number CP 16-10-000.

ISSUE/PURPOSE: Restating the Board's Continued Opposition to the Mountain Valley Pipeline.

D. SUBJECT: LEGISLATIVE PRIORITIES FOR 2017

R-FY-17-
A RESOLUTION ADOPTING THE
COUNTY'S LEGISLATIVE PRIORITIES
FOR 2017

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports legislation that may be introduced in the 2017 General Assembly session that ends the transfer of state funding shortfalls to localities and the continued shift of services traditionally provided by the state to local government.

The Board further supports legislation that strengthens localities' ability to fund and deliver services to our citizens including:

- ***Ending Unfunded Mandates on Local Government*** by reducing state mandates in proportion to state revenue reductions. Also, shifting the delivery of state services such as transportation should end.

- ***Ending Future State Funding Reductions*** in the two areas where the state has served as a partner with local government: public education and public safety.

- ***Recognizing the State's Role in Funding Quality Education*** by fully funding the state Standards of Quality (SOQ), basing teacher pay raises on actual positions, not just SOQ.

- ***Protecting Local Governments' Taxing Authority for Current Revenue Sources***. Each General Assembly session, bills are introduced to eliminate, restrict, or weaken local governments' ability to levy taxes on its existing revenue sources. Montgomery County asks that our current revenue sources be protected.

- ***Strengthening the Diversity of Local Revenues by Sharing Income Taxes or Other Revenue Sources in Support of Local Services*** by distributing a percentage of individual income tax revenues, providing the authority to levy a local income tax, or allowing other sources to generate revenue locally for locally delivered services.

- ***Strengthening the County's Revenue Base by Enacting Equal Taxing Authority*** by eliminating the distinction in the taxing authority of Virginia's cities, counties and towns.

- ***Power to Levy Tax upon the Sale or Use of Cigarettes.*** Montgomery requests legislation adding Montgomery County to the list of counties who can levy tax

upon the sale or use of cigarettes. The revenues generated from the tax imposed shall be used solely for school maintenance and construction.

- ***Amend the Virginia Water and Wastewater Authorities Act, Section 15.2-5700 et. seq.,*** to enable Authorities formed under this Act to provide broadband service to underserved areas within the locality.

- ***Amend Section 58.1-3331 of the Code of Virginia relating to the mandate that owners with less than four residential units shall be given a 45 day notice prior to hearing their appeal of the assessment before the Board of Equalization.*** Montgomery County supports language amending this section to remove the forty five day notice mandate and replace it with a minimum notice period of fifteen days with the option for the landowner to request additional time if needed. The current language creates a scheduling problem for four and six year assessment localities and does not give the landowner the option to have their hearing heard earlier than 45 days.

- ***Strengthen State Funding for public libraries*** *to improve childhood literacy and invigorate STEM focused instruction in Schools. Support the Library of Virginia to strengthen its financial foundation.*

- ***Mandatory Water and Sewer Connections*** Montgomery County requests legislation adding Montgomery County to the list of counties who can require mandatory water and sewer connections pursuant to the authority contained in Section 15.2-2110 of the 1950 Code of Virginia, as amended.

- ***Eliminate Split Voting Precincts in Montgomery County*** Montgomery County requests that technical adjustments be made to the boundaries of House Districts 7, 8, and 12 in Montgomery County in order to eliminate split voting precincts in Montgomery County

- ***Support removing the certification language in the 2016-2018 Biennium Budge***t in regards to salary increases for constitutional officers and other state-supported local employees in order to preserve flexibility for Localities in providing compensation increases for constitutional officers and state-supported local employees.

- ***Support salary increases for State Court employees*** **in the Montgomery County** General District Court and Montgomery County Juvenile and Domestic Relations Court.

- ***Clarify that Constitutional Officers and Regional Jail Authorities may obtain liability coverage*** from providers other than the Division of Risk Management (DRM) without being obligated to pay premiums to DRM.

ISSUE/PURPOSE: Adopt the 2017 Legislative Priorities.

E. SUBJECT: REVENUE SHARING FY 2018

R-FY-17-
FY 2018 REVENUE SHARING FUNDS

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 improvements of secondary highways; and

WHEREAS, The Montgomery County Board of Supervisors desires to submit an application for an allocation of funds of up to $300,000 through the Virginia Department of Transportation Fiscal Year 2017-2018 Revenue Sharing Program to be matched on a dollar-for-dollar basis by Montgomery County; and

WHEREAS, The $300,000 in state funds to be matched with the $300,000 provided locally is to fund the following projects:

1. Road widening of Prices Fork Road (SR 685) in a 0.27 mile section from 0.07 miles east of Brooksfield Road (SR 654) to 0.07 mile west of Thomas Lane (SR 737) to incorporate left turn lanes. This is the third phase of funding, Phase 1 was applied for in FY 2015-2016 in the amount of $500,000 in state funds and $500,000 in local funds which was approved for FY2015-2016 Revenue Sharing. The request for Phase 2, in the amount of $150,000 in state funds and $150,000 in local funds was granted for FY 2016-2017. This request is for FY 2017-2018 is for additional funds in the amount of $100,000 to pay for unanticipated costs related to utilities. This project is located in District E.

2. Reconstruction of a portion of Union Valley Road (SR 669) to address drainage issues and recurring flooding in an approximate 0.36 mile section in the 400-500 block vicinity 0.6 miles west of the intersection with Pilot Road in the amount of $100,000 in local funds to be matched by $100,000 in state funds. This project is located in District D.

3. Reconstruction (new construction) of Pike Lane (SR 826) in the amount of $50,000 in local funds to be matched by $50,000 in state funds. This project is located in District B.

4. Reconstruction (new construction) of the VDOT maintained portion of Pine Hollow Road (SR 641) in the amount of $50,000 in local funds to be matched by $50,000 in state funds. This project is located in District C.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the filing of an application through the Virginia Department of Transportation Revenue Sharing Program to be matched with local funds for the above construction projects and authorizes the

County Administrator to execute all documents on behalf of the Board of Supervisors, in order to make application for funding through the VDoT Revenue Sharing Program.

ISSUES/PURPOSE: VDOT Revenue Sharing Program for FY 2018.

JUSTIFICATION: This resolution approves the submittal of an application for Revenue Sharing Funds for FY 2018 up to $300,000.

F. SUBJECT: PROCLAIM OCTOBER 9 -15, 2016 AS FIRE PREVENTION WEEK

R-FY-16-
FIRE PREVENTION WEEK
OCTOBER 9-15, 2016
"DON'T WAIT: CHECK THE DATE!
REPLACE SMOKE ALARMS EVERY 10 YEARS"

WHEREAS, Montgomery County, Virginia is committed to ensuring the safety and security of all those living in and visiting Montgomery County; and

WHEREAS, Fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire, with half of home fire deaths reported between 11 p.m. and 7 a.m. when most people are asleep; and

WHEREAS, U.S. fire departments responded to 494,000 home fires in 2014, according to the National Fire Protection Association (NFPA); and

WHEREAS, U.S. home fires resulted in 2,860 civilian deaths in 2014, representing the majority (84%) of all U.S. fire deaths; and

WHEREAS, Working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Many Americans don't know how old the smoke alarms in their homes are or how often they need to be replaced; and

WHEREAS, All smoke alarms should be replaced at least once every ten years; and

WHEREAS, The age of a smoke alarm can be determined by the date of its manufacture, which is marked on the back of the smoke alarm; and

WHEREAS, Montgomery County's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Montgomery County residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, The ***2016 Fire Prevention Week theme "Don't Wait: Check the Date! Replace Smoke Alarms Every 10 Years"*** effectively serves to educate the public about the vital importance of replacing the smoke alarms in their homes at least every ten years, and to determine the age of their smoke alarms by checking the date of manufacture on the back of the alarms.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors does hereby proclaim ***October 9-15, 2016 as Fire Prevention Week throughout Montgomery County***, and urges all our citizens to find out how old the smoke alarms in their homes are, to replace them if they are more than 10 years old, and to participate in the many public safety activities during ***Fire Prevention Week 2016.***

BE IT FURTHER RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia recognizes the 178 Volunteer members of the Blacksburg, Christiansburg, Elliston, Long Shop/McCoy, and Riner Volunteer Fire Departments.

ISSUE/PURPOSE: Proclaim October 9-15, 2016 as Fire Prevention Week.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORT

1. Supervisor DeMotts
2. Supervisor Sheppard
3. Supervisor King

4. Supervisor Perkins

5. Supervisor Creed

6. Supervisor Biggs

7. Supervisor Tuck

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Monday, October 3, 2016
6:00 p.m.

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