

TO: The Honorable Board of Supervisors

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

DATE: March 11, 2013

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. Old Blacksburg Middle 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. Community Services Board**
- 2. Economic Development Authority**
- 3. 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. DELEGATIONS

A. VIRGINIA DEPARTMENT OF TRANSPORTATION

David Clarke, VDOT, will provide an update on road projects/issues in Montgomery County.

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. HOME Consortium Agreement
2. FY 2014 Budget

XII. OUT OF WORK SESSION

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

XIII. OLD BUSINESS

A. SUBJECT: TOWN OF CHRISTIANSBURG – FEE FOR SERVICE

**R-FY-13-
RESOLUTION AUTHORIZING THE TOWN OF CHRISTIANSBURG
TO BILL FOR EMERGENCY MEDICAL TRANSPORT SERVICES
PROVIDED BY THE CHRISTIANSBURG RESCUE SQUAD**

WHEREAS, § 32.1-111.14 and 38.2-3407.9 of the Code of Virginia authorize localities and emergency medical services (“EMS”) providers to make reasonable charges for the use of emergency medical services vehicles, including charging insurers for ambulance services; and

WHEREAS, The Town of Christiansburg owns, operates, and maintains such EMS vehicles at considerable cost to the Town and provides ambulance services through the Christiansburg Rescue Squad, which is a department of the Town; and

WHEREAS, The Town desires to bill customers and/or their insurers for the use of the EMS vehicles and ambulance services in order to defray the cost of providing same; and

WHEREAS, To the extent that the Virginia Code may require, the Town requests that Montgomery County permit the Town to establish reasonable

charges and bill customers and/or their insurers for ambulance services provided by the Christiansburg Rescue Squad.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the Town of Christiansburg to establish reasonable charges and bill customers and/or their insurers for ambulance services provided by the Christiansburg Rescue Squad.

ISSUE/PURPOSE: Authorizes the Town of Christiansburg to establish reasonable charges and bill for ambulance services provided by the Christiansburg Rescue Squad.

JUSTIFICATION: See TAB **B** for a copy of the Town of Christiansburg’s draft Ordinance to allow for cost reimbursement for Emergency Medical Transport.

XIV. NEW BUSINESS

A. SUBJECT: ESTABLISH AN ADVERTISED REAL ESTATE TAX RATE AND FY 2014 BUDGET

**R-FY-13-
RESOLUTION ESTABLISHING AN
ADVERTISED REAL ESTATE TAX RATE,
ADVERTISED PERSONAL PROPERTY TAX
AND ADVERTISED FY 2013-2014 BUDGET**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County Administrator to advertise a Real Estate Tax increase from .87 cents per \$100 to _____ cents per \$100 of assessed valuation of real estate based on 100% of fair market value and to advertise the Personal Property Tax increase from \$2.45 to \$_____.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes the County Administrator to advertise a Fiscal Year 2013-2014 Budget in the amount of \$_____.

ISSUE/PURPOSE: To establish an advertised tax rate, increase in the personal property tax rate and advertise the proposed budget.

**B. SUBJECT: ORDINANCE AMENDMENT – CHAPTER 10,
SECTIONS 10-41 AND 10-61, BY ALLOWING
THE KEEPING OF CHICKENS**

**ORD-FY-13-
AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING OF THE
CODE OF COUNTY OF MONTGOMERY, VIRGINIA
BY AMENDING SECTIONS 10-41 AND 10-61 BY ALLOWING THE KEEPING OF UP
TO SIX (6) FEMALE CHICKENS AS AN ACCESSORY USE TO A
SINGLE FAMILY RESIDENCE IN RESIDENTIAL R-1, R-2, R-3 TRADITIONAL
NEIGHBORHOOD DESIGN AND PUD-RESIDENTIAL SUBJECT TO
CERTAIN RESTRICTIONS AND REQUIREMENTS**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning Sections 10-41 and 10-61 respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 10-41. - Supplemental district regulations

The Supplemental district regulations are hereby amended as follows by adding (19) Urban Agriculture to the list of supplemental district regulations:

(19) Urban Agriculture.

(a) Residential Chicken Keeping as defined in Section 10-61 of this chapter, are permitted in the Residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:

1. A minimum lot size of two (2) acres is required.
2. The owner of the chickens must reside on the property on which the chickens are kept.
3. The keeping of male chickens is prohibited.
4. Chickens shall be kept within a predator-resistant coop or chicken enclosure and shall not be allowed to roam free and shall be confined to enclosure/structure.
5. Coops and chicken enclosures shall be located in the rear yard only and shall be setback at least 50 feet from side and rear property lines. Portable Coops shall not be utilized.
6. Chicken enclosures shall not exceed ten (10) feet in height.
7. Chicken enclosures shall be well-ventilated and kept in a condition that is conducive to the well-being of chickens at all times.
8. Chickens shall be kept for the household's personal enjoyment only. On-site commercial uses such as selling eggs or chickens for meat shall be prohibited.
9. Provision shall be made for the storage and removal of chicken waste (manure). Such waste shall not create a nuisance or health hazard to adjoining property owners.

10. All feed or other materials intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects, or predators.

11. A zoning permit shall be obtained by the owner of the chickens.

12. Residential Chicken Keeping shall comply with Chapter 3 and Chapter 7, Article III of the County Code.

Sec. 10-61. – Definitions

The Definitions in Section 10-61 are hereby amended by adding the following defined term:

Residential Chicken Keeping: The keeping of up to six (6) female chickens in non-agriculturally zoned areas as an accessory use to a single family residence subject to the standards set out in Section 10-41(19).

ISSUE/PURPOSE: Amend Chapter 10, Sections 10-41 and 10-61 of the Montgomery County Code.

JUSTIFICATION: Amend the Montgomery County Code to allow the keeping of no more than six chickens in residential areas of the County.

C. SUBJECT: NEW RIVER VALLEY HOME CONSORTIUM AGREEMENT RENEWAL

**R-FY-13-
RESOLUTION RENEWING MONTGOMERY COUNTY’S PARTICIPATION IN
THE NEW RIVER VALLEY HOME CONSORTIUM FOR
AN ADDITIONAL THREE YEAR TERM**

WHEREAS, The Montgomery County Board of Supervisors elected to join the New River Valley HOME Consortium and entered into a Cooperation Agreement with the Counties of Giles, Pulaski, Floyd, the City of Radford and the Towns of Blacksburg, Christiansburg, Glen Lyn, Pearisburg, and Pulaski (“Cooperation Agreement”) establishing the New River Valley HOME Consortium; and

WHEREAS, The New River Valley HOME Consortium has provided the means to currently accept nearly \$600,000 annually in federal funding directly from the Department of Housing and Urban Development (HUD) for affordable housing projects benefiting low and moderate income residents within the localities participating in the Consortium; and

WHEREAS, The County has been notified by the Lead Agency in the Consortium asking whether the County intends to renew the Cooperation Agreement for an additional three year term from July 1, 2013 to June 30, 2016; and

WHEREAS, The continued participation of Montgomery County in the New River Valley HOME Consortium is necessary to enable the Towns of Blacksburg and Christiansburg to also participate in the Consortium; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia desires to renew the Cooperation Agreement and remain in the New River Valley HOME Consortium.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby renews the Cooperation Agreement for an additional three year term, from July 1, 2013 to June 30, 2016, in order to continue to participate in the New River Valley HOME Consortium.

BE IT FURTHER RESOLVED, By the Board of Supervisors, that the County Administrator is hereby authorized to sign on behalf of the County of Montgomery the required documents renewing the Cooperation Agreement for an additional three year term.

ISSUE/PURPOSE: Resolution to participate in the New River Valley HOME Consortium for another three year term.

JUSTIFICATION: The New River Valley HOME Consortium was formed in 2007 to address regional affordable housing needs. Participating members are City of Radford, Floyd County, Giles County (includes the Towns of Glyn Lyn, Narrows, Pearisburg & Rich Creek), Montgomery County (includes the Towns of Blacksburg and Christiansburg), and Pulaski County (includes the Town of Pulaski).

The Cooperative Agreement covers a three year period and the current Agreement ending June 30, 2013. The terms of the agreement states that each participating member must notify the Lead Entity of its intention to renew the Agreement.

This resolution shows Montgomery County's intentions to renew their participation in the New River Valley HOME Consortium for another three

year term. See TAB C for a copy of the Cooperation Agreement.

D. SUBJECT: PROCLAMATION TAKE BACK THE NIGHT RALLY AND MARCH

**R-FY-13
PROCLAMATION
TAKE BACK THE NIGHT
RALLY AND MARCH**

WHEREAS, The first *Take Back the Night* event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later in the United States, a *Take Back the Night* march was held in San Francisco where over 5,000 women from 30 states participated; and

WHEREAS, Since then, marches have been held throughout the U.S., Canada, Latin America, India, and Europe; and

WHEREAS, *Take Back the Night* marches have been held in Richmond and Charlottesville, and at Hollins University, Radford University, Roanoke College, and Virginia Tech; and

WHEREAS, Marchers have called attention to violence against women—sexual harassment, misogyny, rape, and murder; this violence affects both individuals in the community and the community as a whole; and

WHEREAS, The 24th annual *Take Back the Night* Rally and March will be held Thursday, March 28, 2013 beginning at 7:00 p.m. on the Drillfield in front of the chapel at Virginia Tech to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia supports the 24th annual *Take Back the Night* event which is part of Women’s Month 2013.

ISSUE/PURPOSE: Proclamation in support for the 24th Annual Take Back the Night event.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORT

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

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

**Community Conversations Meeting
Riner Fire Department
Tuesday, March 12, 2013
7:00 p.m.**

**TENTATIVE Special Meeting
Thursday, March 14, 2013
Time: TBD**

**Community Conversations Meeting
Prices Fork Elementary School
Monday, March 18, 2013
7:00 p.m.**

Special Meeting
Multi-Purpose Room #2
Tuesday, March 19, 2013
6:00 p.m.

Adjourned Meeting
Monday, March 25, 2013
6:00 p.m. – Closed Meeting Items
7:00 p.m. Regular Agenda

Public Hearing
Advertised Tax Rate and Advertised FY 2014 Budget
Tuesday, March 26, 2013
6:00 p.m.