TO: The Honorable Board of Supervisors

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

DATE: January 26, 2015

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 # 2014-047

(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. Economic Development Authority
2. Planning District Commission

(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

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. **<u>Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2014</u>**
John Aldridge with Brown, Edwards & Company, L.L.P., will present Montgomery County's Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2014.

1. Action From Presentations

VIII. PUBLIC ADDRESS

1. Action From 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. Regional Tourism Program Update (TAB **B**)
2. FY 16 Budget – Revenue Estimates
3. "Ban the Box" - National Movement to remove questions from employment application regarding criminal history.

XII. OUT OF WORK SESSION

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

XIII. NEW BUSINESS

A. **SUBJECT:** **AMENDMENT TO THE EDA BOND AND AGREEING THAT THE SUPPORT AGREEMENT SHALL REMAIN IN EFFECT DURING THE REMAINDER OF THE BOND TECHNOLOGY MANUFACTURING BUILDING–**

R-FY-15-
RESOLUTION OF THE BOARD OF SUPERVISORS
APPROVING THE AMENDMENT TO BOND AND AGREEING THAT THE SUPPORT AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY, VIRGINIA AND THE ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA SHALL REMAIN IN EFFECT DURING THE EXTENSION OF THE MATURITY DATE

WHEREAS**,** Pursuant to a Bond Purchase and Loan Agreement dated as of December 1, 2011, (the "Agreement") between the Economic Development Authority of Montgomery County, Virginia (the "Authority) and Union First Market Bank (the "Bank") (formerly known as StellarOne Bank), the Authority issued to the Bank its Taxable Revenue Bond, Series 2011, in the original principal amount of $9,385,000. (the "Bond"), which directly or indirectly refinanced prior borrowings of the Authority to finance the construction, renovation and equipping of the Technology Manufacturing Building located on certain land in the County **(together with such land and any other improvements located on such land, the "Project")**; and

WHEREAS**,** In order to provide monies to pay the principal and interest on the Bond, to the extent that the other funds of the Authority are not available therefor, the County has entered into a Support Agreement dated as of December 1, 2011, (the "Support Agreement"); and

WHEREAS, The Bond is set to mature on January 1, 2015, and the Authority has requested that the maturity of the Bond be extended; and

WHEREAS**,** The Bank has proposed and the Authority is in agreement to amend the Bond by extending the maturity date to February 1, 2020 and by reducing the interest rate from 3.75% to 3.40% by way of an Amendment to Bond; and

WHEREAS**,** The Board of Supervisors of Montgomery County is willing to provide monies pursuant to the Support Agreement during the extended term of the Bond and the Board is willing to sign the Amendment to Bond in order to express their approval of the Authority extending the maturity date of the Bond and the Board's continued commitment to provide monies through the Support Agreement during the extended term of the Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA:

1. The Amendment to Bond proposing to amend the Bond by extending the maturity date of the Bond to February 1, 2020 with a reduced interest rate of 3.4% as described in the preambles above is hereby approved. The Authority will continue to agree to repay the Bond

pursuant to the Agreement. The Authority's repayment obligations will be sufficient to pay interest and principal due pursuant to the Agreement. The obligation of the County to make any payments under the Support Agreement will be subject to the Board of Supervisors making appropriations for such purpose.

2. The Board hereby approves Woods Rogers PLC serving as counsel for the Bank.

3. The Chairman of the Board of Supervisors is hereby authorized and directed to execute and deliver the Amendment to Bond.

4. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the extended term of the Bond. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments pursuant to the Support Agreement and hereby recommends that future Boards of Supervisors do likewise during the extended term of the Bond.

5. All other acts of the Chairman and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan to amend the Bond are hereby approved and ratified.

6. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

7. Nothing in this Resolution or the Support Agreement, the Amendment to Bond, the Agreement or the Bond shall constitute a debt or a pledge of the faith and credit or the taxing power of the County with respect to any sums which are or may become payable under the Support Agreement. All obligations of the County and the Board of Supervisors under the Support Agreement are subject to and dependent upon appropriations of funds by the Board of Supervisors, and the Board of Supervisors shall have no legally binding obligation under this resolution or in the Support Agreement to make any such appropriation or the payments provided for in the Support Agreement, the Support Agreement being a statement only of the present intent of the Board of Supervisors.

8. This resolution shall take effect immediately.

ISSUE/PURPOSE:	Amendment to the Bond Purchase and Loan Agreement between the EDA and Union First Market Bank and extend the County's Support Agreement.
JUSTIFICATION:	The EDA has requested to amend the Bond on the Technology Manufacturing Building in order to extend the maturity date from January 1, 2015 to February 1, 2020. This amendment amortizes the loan over 20 years (extending it from the current 17 years to 20 years), reducing the interest rate from 3.75% to 3.40%, and lowers the monthly payment. This resolution also agrees that the County's support agreement between the EDA shall remain in effect during the extension of the maturity date. SEE TAB **C** for a comparison of the current financing to the new financing.

B. SUBJECT: REQUEST THE GENERAL ASSEMBLY TO GRANT THE AUTHORITY TO IMPOSE A LOCAL TAX ON CIGARETTES

R-FY-15-

RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO GRANT MONTGOMERY COUNTY AND PULASKI COUNTY THE AUTHORITY TO IMPOSE A LOCAL TAX ON CIGARETTES

WHEREAS, Counties within the Commonwealth of Virginia share many of the same responsibilities as cities relative to the provision of services to their respective constituencies; and

WHEREAS, The Code of Virginia provides for more diversification in the types of local taxing authority afforded to cities and towns than for counties; and

WHEREAS, One of the areas of taxing disparity lies with the authority to impose local taxes on the sales of cigarettes; and

WHEREAS, Currently, only two counties in Virginia have the authority enact a cigarette tax; and

WHEREAS, Delegate Yost has submitted a bill that would expire on June 30, 2025, adding Montgomery and Pulaski Counties to the list of counties with the authority to impose local taxes on the sales of cigarettes, provided the monies from this source be used for public education; and

WHEREAS, Delegate Morrissey and Senator Lucas have submitted HB 1994 and SB 784 respectively to allow all counties to impose local taxes on the sales of cigarettes with no restrictions on the uses of the monies collected; and

WHEREAS, Equal taxing authority relative to the imposition of a local tax on the sales of cigarettes would work toward addressing the disparity in taxing authority among counties, and cities and towns throughout the Commonwealth of Virginia; and

WHEREAS, Montgomery County has repeatedly requested the General Assembly to provide the county with the authority to impose local taxes on the sales of cigarettes.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests that the Virginia General Assembly adopt enabling legislation to provide Montgomery and Pulaski counties the authority to impose a local tax on the sales of cigarettes.

ISSUE/PURPOSE: Request the Virginia General Assembly adopt enabling legislation to provide Montgomery and Pulaski Counties the authority to impose a local tax on the sales of cigarettes.

C. SUBJECT: ADOPT A BOARD OF SUPERVISORS MEETING POLICY

R-FY-15-
RESOLUTION ADOPTING A
BOARD OF SUPERVISORS MEETING POLICY

WHEREAS, The Board of Supervisors of the County of Montgomery is committed to allowing citizens the opportunity to offer comments and suggestions for the efficient and effective administration of government and address the Board on issues of concern; and

WHEREAS, In addition to public hearings, a time is set aside at each Board meeting for a public address session for the purpose of receiving such comments and suggestions on matters regarding the business of the County; and

WHEREAS, The Board of Supervisors desires that all citizens be afforded an equal opportunity to address the Board on matters of business, and that citizens are clearly aware of any action that may be taken following public hearing or other disposition of these matters by the Board; and

WHEREAS, To ensure that the Board's meeting agendas and meeting policies conform to these principles, the Board of Supervisors' desires to revise the agenda format adding an action following public hearing entitled "Action From Public Hearing", by replacing the delegation section with a section entitled "Presentations, Recognitions, and Awards, and adopt a public address policy and a visual presentations policy for public address.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby adopts the following agenda format changes and meeting policies:

AGENDA FORMAT:

1. Following the Public Hearing section of the agenda, a section entitled Action from the Public Hearing will be added.

2. During this section the Board may approve the ordinance from the public hearing or direct staff to place the item on a future agenda.

3. The Board may also choose to direct staff to investigate issues raised, discuss items with the applicant, refer issues back to the Planning Commission, or request additional information.

4. The Delegations section of the agenda will be eliminated and replaced with a section entitled "Presentations, Recognitions and Awards".

5. Following a presentation made to the Board under this section, a section will be added entitled Action from the Presentation.

6. During this section, the Board may direct staff to place the item on a future agenda as a work session topic, ask for additional information or request a resolution be added to a future agenda.

7. Following the Public Address section of the agenda, a section will be added entitled Action from Public Address.

8. During this section, the Board may direct staff to gather additional information regarding comments made during the Public Address session.

PUBLIC ADDRESS POLICY

All citizen comments addressed to the Board during the public address session shall be subject to the following procedures:

1. A public address sign-up sheet will be available outside the Board meeting room. Speakers are requested to provide their name, address and phone number, and list the subject matter on the sign-up sheet.

2. Those wishing to speak, who did not sign the sheet, will be allowed to address the Board following those speakers whose names are listed on the sign-up sheet.

3. Each speaker will be allowed five minutes during the public address session, whether speaking as an individual or a representative.

4. The speaker will be acknowledged by the Board Chairman and will address all comments to the Board. Speakers will address the Board from the speaker's lectern at the front of the room and will begin their remarks by stating their name and address. Debate between speakers and members of the audience will not be allowed.

5. Speakers may leave any written statements and/or comments to the Board with the Clerk.

6. The Chairman may direct appropriate staff to later respond to any questions posed by the speaker.

7. Public Address is for the purpose of allowing members of the public to present comments or public issues which in their opinion deserves the attention of the Board and shall not serve as a forum for debate with the Board. The Board will not generally respond to questions or provide answers during public address. Following the public address section, the Board may direct staff to follow up on issues or questions raised during public address.

8. Speakers will be judged to be out of order and will be asked to cease should the speaker engage in personal attacks, use profanity or abusive language, or debate with the audience and not address the Board.

9. Accepted etiquette at a Board meeting is to not applaud and no loud response after someone speaks.

VISUALS PRESENTATIONS FOR PUBLIC ADDRESS

The County welcomes visuals that support citizen comments made during Board of Supervisors' meetings. In order to ensure visuals are ready to present in a timely fashion and look their best for electronic recordings of the meetings, the Board of Supervisors adopts the following visuals presentation policy:

1. PowerPoint files along with your contact information (name, phone number and e-mail address) **Must be emailed to Vickie Swinney at swinneyvl@montgomerycountyva.gov** or delivered to the County Administration Suite, Suite 2E, 755 Roanoke St., second floor, **by noon on Friday** preceding the meeting. A confirmation email will be sent as soon as the presentation is received. County staff will follow up with the presenter if there are any technical issues.

2. Visual presentations **will not be accepted** the day of the meeting. If you wish to distribute copies of your statement or presentation to the Board of Supervisors, please provide 12 copies of the presentation and/or additional handouts when comments are presented.

3. Before the start of televised meetings, speakers with electronic presentations should consult with County staff in the Board Room's Control Room **at least 30 minutes before the meeting starts.**

4. Speakers are not allowed to use their own laptop, tablet or A/V equipment.

5. County staff will provide technical advice, but not assistance with visual preparation or presentation before or during the meeting.

6. Sound files on their own or embedded into PowerPoint or linked into presentations will not be supported.

7. You are also welcome to email your presentation to **Supervisors@montgomerycountyva.gov**.

8. Format requirements for visual quality are**:**
   - Minimum text size - 28 point.
   - Use Arial or Helvetica fonts.
   - Use contrasting colors between the text and background.
   - Avoid using red, orange, bright pink and bright purple

ISSUE/PURPOSE: Adopt meeting policies and changes to the agenda format.

D. SUBJECT: AMEND RULE 17 OF THE RULES OF ORDER

R-FY-15-
AMEND RULE 17 OF THE RULES OF ORDER

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors amends Rule 17 of the Rules of Order, as follows:

Rule 17 ~~Staff and **Delegation** presentations~~ ***Presentations during the Presentations, Recognition and Awards section of the agenda***

will not exceed ~~20~~ ***15*** minutes unless prior approval is obtained from the Administrator.

ISSUE/PURPOSE: Amend Rule 17 of the Board's Rules of Order.

JUSTIFICATION: This change is needed in order to comply with #4 of the agenda format in the meeting policy listed above.

XIV. COUNTY ATTORNEY'S REPORT

XV. COUNTY ADMINISTRATOR'S REPORT

1. Economic Development – 2014 Annual Report

XVI. BOARD MEMBERS' REPORT

1. Supervisor Tuck
2. Supervisor Biggs
3. Supervisor Perkins
4. Supervisor Tuck
   - Mountain Valley Pipeline
5. Supervisor Gabriele
6. Supervisor Creed
7. Supervisor Brown

XVII. OTHER BUSINESS

XVIII. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Monday, February 9, 2015
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting

Adjourned Meeting
Monday, February 23, 2015

6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting