

TO: The Honorable Board of Supervisors

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

DATE: July 25, 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 # 2016028
 - 2. Project # 2016029

 - (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

 - (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 - 1. Mountain Valley Pipeline

- (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. Personnel

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

WHEREAS, Blacksburg High School Band Boosters, Inc. owns a 2006 Homesteader Trailer located in the County of Montgomery, Virginia, that is used to transport Blacksburg High School Marching Band equipment and instruments to football games and competitions; and

WHEREAS, Pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any County, City or Town may by designation or classification exempt from taxes, by Ordinance, property owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural or public park or playground purposes; and

WHEREAS, Blacksburg High School Band Boosters, Inc., has requested the Board of Supervisors for exempt status for the 2006 Homesteader Trailer; and

WHEREAS, In response to this request, the Board of Supervisors of the County of Montgomery, Virginia, has conducted a public hearing, following proper notice, as required by Section 58.1-3651 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, has examined and considered the following factors before the adoption of this Ordinance designating certain property owned by the Blacksburg High School Band Boosters, Inc., as exempt from local taxation:

1. Blacksburg High School Band Boosters, Inc. is a private, non-profit 501(c)(3) organization that is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to the Blacksburg High School Band Boosters, Inc.
3. No directors, officers, trustees or employees of the Blacksburg High School Band Boosters, Inc., is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, trustee or employee actually renders.
4. No part of the net earnings of the Blacksburg High School Band Boosters, Inc., inures to the benefit of any individual. A significant portion of the service provided by Blacksburg High School Band Boosters, Inc., is generated by funds received from donations, contributions or local, state or federal funds.
5. Blacksburg High School Band Boosters, Inc., provides services for the common good of the public.
6. No part of the activities of the Blacksburg High School Band Boosters, Inc. involves carrying on propaganda or otherwise attempting to influence legislation. Blacksburg High School Band Boosters, Inc., does not participate in or intervene in any political campaign on behalf of any candidate for public office.

7. Blacksburg High School Band Boosters, Inc. has no rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.
8. In 2016, the 2006 Homesteader Trailer located at Blacksburg High School in the County of Montgomery, Virginia, is assessed at a value of \$2,766 with an annual personal property tax liability of \$70.58.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, as follows:

1. The Blacksburg High School Band Boosters, Inc., a non-profit organization is hereby designated as a charitable and benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. That the 2006 Homesteader Trailer located in the County of Montgomery, Virginia, owned and used by Blacksburg High School Band Boosters, Inc., exclusively for charitable and benevolent purposes on a non-profit basis is hereby designated to be exempt from taxation by the County of Montgomery, Virginia effective January 1, 2017. The continuance of the exemption shall be contingent on the continued use of the real property in accordance with the purpose for which Blacksburg High School Band Boosters, Inc. is designated as a charitable and benevolent organization. The exemption shall be effective until Blacksburg High School Band Boosters, Inc. no longer qualifies, until the specific use which the exemption is based ceases, or until revoked by the Board of Supervisors of the County of Montgomery, Virginia as provided by law, whichever occurs first.
3. Blacksburg High School Band Boosters, Inc. shall be required to file an application with the County Administrator every three (3) years as a requirement for retention of the exemption granted. The application shall be filed with the County Administrator no later than July 1 of the year preceding the tax year the exemption is sought to be continued. The application shall contain the information required by the Board of Supervisors' Policy Regarding Applications for Tax Exemption by Designation.

ISSUE/PURPOSE: Grant Personal Property Tax Exemption.

JUSTIFICATION: The Blacksburg High School Band Boosters submitted an application seeking exemption from personal property tax on a 2006 Homesteader trailer used to transport Blacksburg High School Marching Band equipment and instruments to football games and competitions. The current value of the trailer is \$2,766 which generates \$70.58 in revenue. The total loss would be \$70.58 which would decrease annually as the value of the trailer decreases.

**B. SUBJECT: ORDINANCE GRANTING TAX EXEMPTION
ON PERSONAL PROPERTY OWNED BY THE
NEW HOPE RESIDENTIAL SERVICES, INC.**

**ORD-FY-17-
AN ORDINANCE DESIGNATING CERTAIN PERSONAL PROPERTY OWNED BY
NEW HOPE RESIDENTIAL SERVICES, INC.
EXEMPT FROM TAXATION**

WHEREAS, New Hope Residential Services, Inc., is a 501(c)(3) non-profit corporation whose purpose is to provide support services for people with development disabilities; and

WHEREAS, New Hope Residential Services, Inc. owns a 2013 Chrysler Sports Van located in the County of Montgomery, Virginia, that is used exclusively to provide support for people with disabilities; and

WHEREAS, Pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any County, City or Town may by designation or classification exempt from taxes, by Ordinance, property owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural or public park or playground purposes; and

WHEREAS, The Trustees of New Hope Residential Services Assessment, Inc., have requested the Board of Supervisors for exempt status for the 2013 Chrysler Sports Van owned by New Hope Residential Services, Inc., in the County of Montgomery, Virginia; and

WHEREAS, In response to this request, the Board of Supervisors of the County of Montgomery, Virginia, has conducted a public hearing, following proper notice, as required by Section 58.1-3651 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, has examined and considered the following factors before the adoption of this Ordinance designating certain property owned by the New Hope Residential Services, Inc., as exempt from local taxation:

1. New Hope Residential Services, Inc. is a private, non-profit 501(c)(3) organization that is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to the New Hope Residential Services, Inc.

3. No directors, officers, trustees or employees of the New Hope Residential Services, Inc., is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, trustee or employee actually renders.
4. No part of the net earnings of the New Hope Residential Services, Inc., inures to the benefit of any individual. A significant portion of the service provided by New Hope Residential Services, Inc., is generated by funds received from donations, contributions or local, state or federal funds.
5. New Hope Residential Services, Inc., provides services for the common good of the public.
6. No part of the activities of the New Hope Residential Services, Inc. involves carrying on propaganda or otherwise attempting to influence legislation. New Hope Residential Services, Inc., does not participate in or intervene in any political campaign on behalf of any candidate for public office.
7. New Hope Residential Services, Inc. has no rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.
8. In 2016, the 2013 Chrysler Sports Van located in the County of Montgomery, Virginia, is assessed at a value of \$17,225 with an annual personal property tax liability of \$439.24.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, as follows:

1. The New Hope Residential Services, Inc., a non-profit organization is hereby designated as a charitable and benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. That the 2013 Chrysler Sports Van located in the County of Montgomery, Virginia, owned and used by New Hope Residential Services, Inc., exclusively for charitable and benevolent purposes on a non-profit basis is hereby designated to be exempt from taxation by the County of Montgomery, Virginia effective January 1, 2017. The continuance of the exemption shall be contingent on the continued use of the real property in accordance with the purpose for which New Hope Residential Services, Inc. is designated as a charitable and benevolent organization. The exemption shall be effective until New Hope Residential Services, Inc. no longer qualifies, until the specific use which the exemption is based ceases, or until revoked by the Board of Supervisors of the County of Montgomery, Virginia as provided by law, whichever occurs first.
3. New Hope Residential Services, Inc. shall be required to file an application with the County Administrator every three (3) years as a requirement for retention of the exemption granted. The application shall be filed with the County Administrator no later than July 1 of the year preceding the tax year the exemption is sought to be continued. The application shall contain the information required by the Board of Supervisors' Policy Regarding Applications for Tax Exemption by Designation.

ISSUE/PURPOSE: Grant Personal Property Tax Exemption.

JUSTIFICATION:

New Hope Residential Services, Inc. submitted an application requesting exemption from personal property tax on a 2013 Chrysler Sports Van. The van provides support services for people with development disabilities. The value of the van is assessed at \$17,225, which generates \$439.24 in revenue. The total loss of taxes to the county would be \$439.25, which will decrease annually as the value of the vehicle decreases.

C. SUBJECT:

ORDINANCE AMENDING THE COUNTY CODE, CHAPTER 3, ANIMALS, SECTION

ORD-FY-17-

AN ORDINANCE AMENDING CHAPTER 3 ENTITLED ANIMALS OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTION 3-31 BY INCREASING THE COMPENSATION FOR LIVESTOCK KILLED BY DOGS FROM NOT TO EXCEED FOUR HUNDRED DOLLARS PER ANIMAL TO NOT TO EXCEED SEVEN HUNDRED FIFTY DOLLARS PER ANIMAL AND BY ELIMINATING THE CERTIFICATION BY ANIMAL CONTROL

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 3, entitled Animals of the Code of the County of Montgomery, Virginia Section 3-31 be amended and reordained as follows:

Sec. 3-31. - Compensation for livestock and poultry killed by dogs.

- (a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation from the governing body of the county the fair market value of such livestock or poultry, not to exceed ~~four hundred dollars (\$400.00)~~ seven hundred fifty dollars (\$750.00) per animal or ten dollars (\$10.00) per fowl. Nothing in this section shall be construed as limiting the common law liability of an owner of a dog for damages committed by it.
- (b) No payment by the county shall be made under this section until:
 - (1) The claimant has furnished evidence under oath to the board within sixty (60) days of discovery of the quantity and value of the dead or injured livestock or poultry and the reasons the claimant believes that death or injury was caused by a dog;
 - (2) The claimant has exhausted his or her remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought, and the claimant shall submit to the governing body evidence that he or she has

exhausted his or her legal remedies against the owner of the dog, if such owner is known; and

- (3) The owner of such livestock or poultry has notified the animal control officer for the county of the incident ~~of his or her intention to make a claim under this section and shall have afforded the animal control officer an opportunity to view such livestock or poultry~~ within seventy-two (72) hours of the discovery by the owner of the death of, or injury to, such livestock or poultry, ~~and such animal control officer certifies to the governing body that he or she found physical evidence upon the livestock or poultry showing that one (1) or more dogs caused such injury or death.~~

Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

- (c) Upon payment under this section the board shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

State Law reference— Compensation for livestock and poultry killed by dogs, Code of Virginia, § ~~3-1-796.118~~ 3.2-6553.

ISSUE/PURPOSE: Amend the Montgomery County Code.

JUSTIFICATION: Amend the County Code to comply with the Virginia State Code. Amending Section 3-31 by increasing the compensation for livestock killed by dogs from not to exceed four hundred dollars per animal to not to exceed seven hundred fifty dollars per animal and by eliminating the certification by animal control.

XIII. NEW BUSINESS

A. SUBJECT: **RESOLUTION OF SUPPORT –
MONTGOMERY COUNTY SHERIFF’S
OFFICE CITIZEN SUPPORT GROUP GRANT
APPLICATION**

**R-FY-17-
RESOLUTION SUPPORTING GRANT REQUEST BY CITIZEN SUPPORT GROUP
OF THE MONTGOMERY COUNTY SHERIFF’S OFFICE FOR FUNDING
FROM THE COMMUNITY FOUNDATION OF THE NEW RIVER VALLEY**

WHEREAS, The Citizen Support Group of the Montgomery County Sheriff’s Office was formed to support and recognize the individuals and organizations within the Montgomery County Sheriff’s Office by (1) acknowledging

the life events for those who serve in the Sheriff's Office; (2) by supporting community events to foster better County resident awareness of the duties and actions of the Sheriff's Office and (3) by assisting the Sheriff's Office as needed; and

WHEREAS, The Citizen Support Group of the Montgomery County Sheriff's Office has applied for a Four Thousand Dollar Grant (\$4,000) from the Community Foundation of the New River Valley as seed funding to assist the group in supporting the Sheriff's Office in community outreach, employee life events and emergency response support where needed; and

WHEREAS, Due to the Citizen Support Group's ongoing support of the Montgomery County Sheriff's Office and the Group's work promoting community awareness of the duties and activities of the Sheriff's Office, the Board of Supervisors of the County of Montgomery, Virginia desire to express the Board's support for the Citizen Support Group of the Montgomery County Sheriff's Office receiving the Grant requested from the Community Foundation of the New River Valley.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby expresses their support for the Grant Application filed by the Citizen Support Group of the Montgomery County Sheriff's Office and urge the Community Foundation of the New River Valley to approve the request for grant funding in order that the Citizen Support Group may continue to work to serve the Montgomery County Sheriff's Office and Community.

ISSUE/PURPOSE: Support the grant application by the Citizen Support Group of the Montgomery County Sheriff's Office.

JUSTIFICATION: The Citizen Support Group of the Montgomery County Sheriff's Office is seeking a resolution supporting their grant application to the Community Foundation of the New River Valley.

XIV. COUNTY ATTORNEY'S REPORT

XV. COUNTY ADMINISTRATOR'S REPORT

XVI. BOARD MEMBERS' REPORT

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

XVII. OTHER BUSINESS

XVIII. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Monday, August 1, 2016
6:00 p.m.

Regular Meeting
Monday, August 8, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda

Adjourned Meeting
Monday, August 22, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda

Regular Meeting
Monday, September 12, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda