AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14th DAY OF OCTOBER, 2014 AT 7:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Matthew R. Gabriele	
	M. Todd King	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Ruth Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Annette S. Perkins	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by M. Todd King, seconded by Mary W. Biggs and carried unanimously,

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

Section 2.2-3711 (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. Planning District Commission

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT
Gary D. Creed	None	Annette S. Perkins
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
William H. Brown		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

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

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT
M. Todd King	None	Annette S. Perkins
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

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
Mary W. Biggs
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
M. Todd King
William H. Brown

NAYS
None

ABSENT DURING VOTE
Annette S. Perkins

ABSENT DURING MEETING
Annette S. Perkins

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Virginia Department of Transportation
David Clarke, VDOT, provided an update on road projects/issues in Montgomery County. Mr. Clarke reported that VDOT has crews on standby tonight for the impending inclement weather. He was notified that there are already trees down in Giles County.

VDOT has been preparing their winter and snow removal equipment. A dry run for each vehicle was conducted in preparation of bad weather.

VDOT has completed the revenue sharing project on Blue Springs Road where a 1/3 section of road was upgraded. The pipe replacement project along Boners Run Road is completed and they are continuing to work on the culvert/drainage issues on Gallion Ridge Road.

Supervisor King asked when VDOT is going to work on the culvert problems located at the low water bridge on Fairview Church Road. Mr. Clarke replied that he will schedule the work.

PUBLIC ADDRESS

Chair Brown made the following statement regarding the proposed Mountain Valley Pipeline project at the beginning of Public Address:

The Montgomery County Board of Supervisors is seeking information from EQT and NextEra on the pipeline that is proposed to be constructed through a portion of Montgomery County. The Board is working diligently with representatives from these companies to schedule a public community meeting with the Board of Supervisors in order to obtain information about the project. EQT/NextEra will have to seek approval from the Federal Energy Regulatory Commission (FERC) in order to construct the pipeline and is beyond the powers of Montgomery County.

Jim Politis addressed the Board on the efforts to get legislation passed on Industrial Hemp. Mr. Politis requested the Board to keep as one of their legislative priorities the right to allow cultivation, processing and marketing of industrial hemp.

Mountain Valley Pipeline: The following individuals spoke in opposition to the proposed Mountain Valley Pipeline that will be constructed in Montgomery:

Linda DeVito Kuckenbuch, Tina Badger, Louisa Gay, Elizabeth McCommon, Sylvia Wright, Patrick Huber, Angela Stanton, Will Stanton, Robert Tracy, Patricia Tracy, Maria Bowling, Dianna Richardson, Larry Grossman, Julio Stephens, Elizabeth Hahn, Doug Chancey, Dan Crawford, Kirk Bowers, Tim Colib, Patrick Robinson, Andrew Dokoff, Vince Baranauskas, Lauren Berry, Stockton Maxwell, Ed Bridget, Felicia Etzkorn, Mara Robbins, Bill Turner, Victoria Stone, Donna Riley, Jennifer Grover, Tim Badger, Layla Allen, and Ellen Darwin.

Citizens expressed concern with construction issues, waterways/watersheds, karst topography, damage to wells, decrease in property values and loss in tax revenue, property loss, fracking, pipeline issues/explosions, and damage to the national forest.

There being no further speakers, the public address session was closed.

RECESS

The Board took a 15 minutes recess at 9:45 p.m. and reconvened at 10:00 p.m.

INTO WORK SESSION

On a motion by M. Todd King, seconded by Matthew R. Gabriele and carried unanimously,

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

1. Parks and Recreation Staffing
2. Employee Pay Supplement
3. Sheriff – Public Safety Technology
4. Legislative Priorities

The vote on the foregoing motion was as follows:

AYE	NAY	ABSENT
Christopher A. Tuck	None	Annette S. Perkins
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
William H. Brown		

Parks and Recreation Staffing

Deputy County Administrator Carol Edmonds made a presentation on the staffing issues within the athletics program in Montgomery County Parks and Recreation Department. The Department currently has one Recreation Program Supervisor position for athletics and one part-time recreation assistant. The staffing level has proven inadequate due to growth in the number of programs and participants. Sports programs participants have increased 31% in the last decade with greatest increase in basketball at 96%. The demands of the programs, volunteers, part-time staff and parents have increased significantly over the years. The travels distance among events within the County make it impossible for current staff to commute to all the events.

Continuing growth and demands of the athletics program will necessitate a limit on program participants in order to operate within the current staffing level. To avoid placing limits on the program registrations for the upcoming basketball season, the need for an additional position to support the athletics program is critical. An additional Recreation Program Supervisor is estimated at $47,300 for the remainder of the current year and can be funded out of the County's General Contingency fund.

The percentage increase in participation is as follows:

10 year Increase	
Baseball/Softball	12%
Football	9%
Fall Baseball/Softball	5%
Basketball	96%
All Sports	31%

Number of teams and games played in 2014:

	Teams	Games
Baseball/Softball	28	420
Football	7	63
Basketball	42	336
Total	77	819

Ms. Edmonds requested direction from the Board as to whether the Board supports an additional Recreation Program Supervisor and for staff to prepare a resolution for the Board's next meeting.

Supervisor Gabriele commented that in his opinion this is just a short-term fix in addressing the needs of the Recreation Department. He stated he has requested a long-term needs study for the Recreation Department and the Library for some time now.

Several members of the Board indicated they could support taking action on the request at the meeting tonight in order for staff to proceed with advertising the job. Chair Brown stated that the additional position has been needed for some time and that the athletic program is at a breaking point. He stressed the need to move forward with adding a new position to the Parks and Recreation Department.

Supervisor Gabriele stated the County needs to be more proactive instead of reactive. He does not understand why staff is just now presenting this request for an additional position when they knew this to be an issue for some time. He believes the Board should have been informed of issues. He also addressed the problem of items being added to the agenda for consideration the night of the meeting. He believes that if action is needed on an item then it needs to be placed on the agenda prior to the meeting night.

The Board further discussed the staffing issues within the Parks and Recreation Department. They agreed they all could support an additional recreation program supervisor position to help alleviate the workload.

Employee Pay Supplement

Deputy County Administrator Carol Edmonds made a presentation on providing county employees with a one-time pay supplement. Board members requested more options than the one as outlined in the FY 15 Approved Budget. She provided the following information:

WHO IS ELIGIBLE:

- FULL-TIME EMPLOYEES
- PART-TIME EMPLOYEES
- GRANT POSITIONS AND NON-SEASONAL

WHO IS NOT ELIGIBLE:

- BOARDS AND COMMISSIONS
- COUNTY ADMINISTRATOR, COUNTY ATTORNEY (PSA DIRECTOR)
- SEASONAL EMPLOYEES (E.G. LIFEGUARDS)

OPTION 1-PERCENTAGE OF SALARY

- 2% of the employee's gross pay received from November 1, 2013 through October 31, 2014
- This was the County Administrator's recommendation in the FY15 budget.

Cost Approximately $337,000
OPTION 2-GRADUATED PERCENTAGE LOW TO HIGH

- Because salaries among most employees do not have large breaks and are compressed in many pay grades, the graduated percentage system creates inequity issues.
- The median salary is approximately $41,000.
- Group employees into four quartiles based on pay amounts.
- Employees in the first (lowest paid) quartile receive 3%, second receive 2.5%, third receive 2% and fourth (highest paid) receive 1%.

EXAMPLE:

- **Employee #1** receives annual pay of $40,470 and is in the second quartile. They receive 2.5% = $1,012.

- **Employee #2** receives annual pay of $40,480 and is in the third quartile. They receive 2% = $810 ($202 less than an employee who makes $10 less on an annual basis)

Cost Approximately $337,907

OPTION 3-FLAT DOLLARS AMOUNT

- Provide full time employees with a flat amount of **$825**

- Provide part time employees flat amounts based on the number of hours worked during the past 12 months.

Estimated Cost Approximately $339,000

Ms. Edmonds reported if the Board decides on what option they would like to consider then a resolution to appropriate the funds can be added to the October 27, 2014 Board of Supervisors meeting agenda and Finance can process the one time payments for inclusion with November 14 pay checks.

The Board discussed the different options presented and came to the consensus to support Option 3. A resolution go appropriate funds for a one-time pay supplement is to be included on the October 27, 2015 agenda.

Sheriff – Public Safety Technology

Sheriff Whitt provided information concerning the need for public safety technology equipment for public safety employees. With the renovation of the old courthouse for a new Public Safety Building, the Sheriff's Office has been looking at new technology for the building. Also, with the recent events that have been happening in the United States, Sheriff Whitt discussed the need for body cameras for deputies. He also reported that the mobile in-car video equipment (Mobile Data Terminials) needs replacing with newer technology as the current in-car cameras are outdated and no longer operational.

Sheriff Whitt stated he would like to purchase 40 in-car cameras and 40 body cameras at a cost of $192,720. This includes a one-year warranty. An optional Patrol Scout Live Software Package can be purchased that allows for on-demand access to the in-car vehicle cameras for remote viewing. Staff at the control center to be located at the Public Safety Building will be able to access a deputy's vehicle camera via remote access. Also, when the deputy returns to the Sheriff's Office they will be able to wirelessly download the camera file to the server located in the Public Safety Building from the parking lot.

Following discussion of the Sheriff's request, the Board asked that staff prepare a resolution for the Board's consideration to be added to the October 27, 2014 meeting agenda.

Legislative Priorities

The County Administrator reported that a resolution to adopt the County's legislative priorities is included on the agenda under New Business for the Board's consideration. The Virginia Association of Counties (VACo) has requested localities' priorities for inclusion in their legislative program before the VACo Annual Meeting in November. This resolution will also be forwarded to the County's State representatives. The priorities focus on the continued reduction in state support that places a significant burden on local resources. Montgomery County will continue to request the following:

- Relax state mandates on counties in every area possible.
- Relax state regulations on counties.
- Provide revenue sources for counties to generate local dollars in addition to property taxes, including sources that are already allowed for cities and towns.
- Refusing to pass legislation which results in additional mandates on localities.

The County will also request the following:

- Adding Montgomery County to the list of counties who can require mandatory water and sewer connections.

- Montgomery County supports Senator Watkins pre-filed bill (SB 678) which clarifies that the notice of change in assessment shall include the last two years final assessments and final tax rates and not the preceding last two assessments. For localities that conduct four and six year reassessments the last two assessments could

have been in the last two years or up to four and eight years ago which makes it confusing.

- 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.

Supervisor King reported that he supports all the priorities listed on the draft resolution except the priority where the County supports legislation to allow cultivation, processing and marketing of industrial hemp. He stated numerous residents who live in his district have voiced their opposition to lobbying for such legislation.

OUT OF WORK SESSION

On a motion by Matthew R. Gabriele, seconded by Gary D. Creed and carried unanimously,

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

The vote on the foregoing motion was as follows:

AYE	NAY	ABSENT
Matthew R. Gabriele	None	Annette S. Perkins
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
William H. Brown		

ADDENDUM

On a motion by Christopher A. Tuck, seconded by Gary D. Creed and carried, the following addendum dated October 14, 2014 is added to New Business:

- A resolution of appropriation to fund an additional full-time athletic recreation supervisor position for the Parks and Recreation Department.

The vote on the motion was as follows:

AYE	NAY	ABSENT
Gary D. Creed	Matthew R. Gabriele	Annette S. Perkins
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
William H. Brown		

Supervisor Gabriele requested for future meetings if staff have items that may need to be taken action on after a Work Session then go ahead and include it on the agenda under New Business for consideration. This way the Board will be made aware of any pending actions that may arise out of work session. The item can always be tabled to a future meeting if the Board needs additional information.

CONSENT AGENDA

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously, the Consent Agenda dated October 14, 2014 was approved. The vote was as follows:

AYE	NAY	ABSENT
Christopher A. Tuck	None	Annette S. Perkins
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
William H. Brown		

Approval of Minutes

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously, the minutes dated April 28, 2014 were approved.

Schedule Public Hearing

R-FY-15-33
A RESOLUTION SCHEDULING A PUBLIC HEARING ON APPALACHIAN POWER COMPANY'S REQUEST FOR THE BOARD OF SUPERVISORS TO CONVEY A TEN FOOT EASEMENT AND RIGHT-OF-WAY TO APPALACHIAN POWER COMPANY ADJACENT TO AN EXISTING UTILITY EASEMENT ON COUNTY PROPERTY COMMONLY REFERRED TO AS THE FORMER AEP PROPERTY

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to schedule a public hearing for Wednesday, November 12, 2014, at 7:15 p.m. or as soon thereafter in the Board Chambers at the Montgomery County Government Center, located at 755 Roanoke Street, Christiansburg, Virginia, in order to hear citizen comments on Appalachian Power Company's request for the Board of Supervisors to convey a ten-foot (10') wide easement and right-of-way to Appalachian Power Company adjacent to an existing easement on County Property Tax Map No. 54-A-4A commonly referred to as the former AEP Property off Nik Ryan Drive in the Mount Tabor Magisterial District.

Appropriations and Transfers

A-FY-15-36
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2015, for the function and in the amount as follows:

200	Commonwealth's Attorney	$1,554

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

Revenue Account		
419104	Confiscations	$1,554

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-15-37
RSVP GRANT APPROPRIATION

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2015, for the function and in the amount as follows:

520	Human Services	$2,500

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

Revenue Account	
25202-433107 Grant	$2,500

Said resolution appropriates grant funds received from the Corporation for National and Community Services for the RSVP program.

A-FY-15-38
SOCIAL SERVICES
FY 15 BUDGET RECONCILIATION

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was reduced for the fiscal year ending June 30, 2015, for the function and in the amount as follows:

540	Social Services	$109,459

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account	
State & Federal	$ 49,592
451203 Fund Balance	$ 59,867
Total	$109,459

Said resolution reconciles Social Services County FY 15 approved budget to State FY 15 budget.

A-FY-15-39
TREASURER
DMV STOP FEE

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2015 for the function and in the amount as follows:

162	Treasurer's Collections	$5,788

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

Revenue Account
411605 DMV Stop Fee $5,788

Said resolution appropriates DMV Stop Fees collected to pay the associated fee to the DMV and Commonwealth of Virginia.

A-FY-15-40
TREASURER
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

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

FROM:
950 General Contingencies ($3,800)

TO:
162 Treasurer Collections $3,800

Said resolution transfers funds from General Contingencies to the Treasurer's Office for the costs associated with a purchase of a replacement copier.

A-FY-15-41
SHERIFF
DMV GRANTS

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2015, for the function and in the amount as follows:

321 Sheriff Grants $37,944

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

Revenue Account
424401 State Grants $37,944

Said resolution appropriates monies from three DMV grants.

AFD Renewal

ORD-FY-15-05
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-14) FISHER'S VIEW
CONSISTING OF APPROXIMATELY 531.752 ACRES
IN THE SHAWSVILLE MAGISTERIAL DISTRICT (DISTRICT C)
WITHIN MONTGOMERY COUNTY, VIRGINIA

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, Phillip K. Wickham and Richard & Diane Hyatt; have filed applications for the renewal of AFD-14, which Agricultural and Forestal District was created by an ordinance adopted on the 13th day of October, 1998; renewed by an ordinance adopted on the 9th day of October, 2006.

WHEREAS, The existing AFD-14 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application, reported its findings and recommendation for approval on August 28, 2014; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on July 11, 2014; July 18, 2014; September 6, 2014; and September 12, 2014, in The Roanoke Times, The Burgs section, a newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on September 17, 2014; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 22, 2014; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on September 22, 2014.

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

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.

2. That this Agricultural and Forestal District, AFD-14, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2022, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.

3. That said District as renewed shall consist of approximately 531.752 acres in the Fisher's View Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

OWNER	Parcel ID	ACREAGE
PHILLIP K. WICKHAM	017549	75.019
	011726	84.806
	020650	36.623
	000970	9
	000969	4.3
RICHARD & DIANE HYATT	019241	120
	019242	6
	019243	51
	019244	13.12
	019245	10.5
	019246	6.25
	008721	23.9
	008720	91.234

4. That these parcels may qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.

5. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.

6. That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.

7. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.

8. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.

This ordinance shall take effect upon its adoption.

Amend Meeting Dates

R-FY-15-34
RESOLUTION AMENDING THE
BOARD OF SUPERVISORS MEETING DATES IN
NOVEMBER AND DECEMBER 2014

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in November on Wednesday**, November 12, 2014.**

BE IT FURTHER RESOLVED, The Board of Supervisors hereby reschedules its first meeting in December on Monday, **December 15, 2014** and cancels its second meeting in December due to the holidays.

Appointments

R-FY-15-35
ADJUSTMENT AND APPEALS BOARD
APPOINTMENT

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Christopher C. Sarver** to the **Adjustment and Appeals Board** effective October 15, 2014 and expiring June 25, 2015.

Said appointment fills the unexpired term of Joel Donahue, deceased.

R-FY-15-36
AGENCY ON AGING
RE-APPOINT RAYMOND E. LYONS
AS ALTERNATE

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **Raymond E. Lyons, Jr.** as an **alternate** to the **New River Valley Agency on Aging** effective October 1, 2014 and expiring September 30, 2015

NEW BUSINESS

R-FY-15-37
FY 2016 REVENUE SHARING FUNDS

On a motion by M. Todd King, seconded by Christopher A. Tuck and carried unanimously,

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 $600,000 through the Virginia Department of Transportation Fiscal Year 2015-2016 Revenue Sharing Program to be matched on a dollar-for-dollar basis by Montgomery County; and

WHEREAS, The $600,000 in state funds to be matched with the $600,000 provided locally is to fund the following projects:

1. Reconstruction (new construction) of Blue Springs Road (SR 710) in a 0.18 mile section from 0.30 mile south of Gum Log Road (SR 620) to 0.48 mile south of Gum Log Road (SR 620) in the amount of $25,000 in state funds and $25,000 in local funds. This project is located in District D.

2. Reconstruction (new construction) of Boner's Run Road (SR 609) in a 0.60 mile section from 0.50 mile east of Route 11 to 1.11 miles east of Route11 in the amount of $75,000 in state funds and $75,000 in local funds. This project is located in District C.

3. 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. Two phase funding, Phase 1 in FY 2015-2016 in the amount of $500,000 in state funds and $500,000 in local funds. (Phase 2, in the

amount of $500,000 in state funds and $500,000 in local funds will need to be approved in October 2015 for FY 2016-2017). This project is located in District E.

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.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
M. Todd King	None	Annette S. Perkins
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

R-FY-15-38
A RESOLUTION ADOPTING THE
COUNTY'S LEGISLATIVE PRIORITIES
FOR 2015

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele and carried,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports legislation that may be introduced in the 2015 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. **RESPONSIBILITY FOR SECONDARY ROADS SHOULD NOT BE SHIFTED TO LOCALITIES.**

- ***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.

- ***Protect 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 and counties.

- ***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.

- ***Reassessment Amend Section 58.1-3330 of the Code of Virginia relating to notice of change in assessment for real property as specified in SB 678.*** Montgomery County supports Senator Watkins pre-filed bill (SB 678) which clarifies that the notice of change in assessment shall include the last two years final assessments and final tax rates and not the preceding last two assessments. For localities that conduct four and six year reassessments the last two assessments could have been in the last two years or up to four and eight years ago which makes it confusing.

- ***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.

- ***Providing State Funding for 100% of the Costs of Optical Scan Voting Machines, 100% of the Costs of Electronic Pollbooks and 100% of the Operating Costs of the Electoral Board/General Registrar.***

- ***Sustain State aid to Library System*** **through the "New Age, New Library" plan to meet the needs of 21st century library users in Virginia.**

- ***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

- ***Ensuring 100% of Administrative Funds for the Comprehensive Services Act (CSA)*** and increasing state matching share for all CSA costs.

- ***Processing and Marketing of Industrial Hemp*** Montgomery County supports efforts by all levels of government to allow cultivation, processing and marketing of industrial hemp.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
Mary W. Biggs	M. Todd King	Annette S. Perkins
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

Supervisor King noted for the record that he voted no because he does not agree with keeping the Processing and Marketing of Industrial Hemp as a priority for Montgomery County.

A-FY-15-42
PARKS AND RECREATION
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Gary D. Creed, seconded by Christopher A. Tuck and carried unanimously,

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

FROM:

950	General Contingencies	($47,300)

TO:

700	Parks and Recreation	$47,300

Said resolution transfers appropriated funds from General Contingencies to the Parks and Recreation Department for the costs associated with adding a Recreation Supervisor position to support athletics programs.

The vote on the forgoing resolution was as follows:

AYE	NAY	ABSENT
Christopher A. Tuck	None	Annette S. Perkins
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
William H. Brown		

COUNTY ATTORNEY'S REPORT

The County Attorney provided an update on the changes to the State and Local Government Conflict of Interests Act (COIA), HB 1211 and SB 649 as follows:

Summary of the two major changes

1. Amended the following provisions of COIA
   a. Definition of Personal interest
   b. Gifts
   c. Disclosures

2. Created Ethic Advisory Council (Va. Code 30-355 et seq.)

Amendments to the Conflict of Interest Act (COIA)

1. Personal Interest minimum was lowered from $10,000 to $5,000.
   - "Personal Interest" means a financial benefit or liability accruing to an officer or employee or to a member of his or her immediate family by reason of ownership in business, annual income from property, salary or value of ownership of real or personal property
   - Applies to determining whether one has a "personal interest" due to salary from business or due to income or value from ownership interest.

2. Gifts
   - Gift redefined to include tangible and intangible gifts. Tangible Gift – a gift that does not lose its value upon happening of an event or a given date. Intangible Gift – a thing of temporary value or upon the happening of an event loses its value. Includes trips, entertainment, lodging, tickets, meals, transportation.

- Limit of $250 each or cumulatively per calendar year for tangible gifts from the following sources: (1) Lobbyist; (2) Lobbyist's Principal; (3) Person/entity with a contract or seeking a contract with official's or employee's locality.
- Exceptions: (1) Campaign contributions reported as such; (2) gifts related to private profession of official/employee; (3) Gifts from relatives and personal friends; (4) honorary degree or need, athletic or merit based scholarship or aid if procedures applicable to general public.
- Exception for gifts from personal friends does not apply if the personal friend is a lobbyist or lobbyist's principal.
- Relative means spouse, child, uncle, aunt, niece, nephew, fiancé, parent, grandparent, grandchild, brother, sister and their spouses.
- No limit on intangible gifts but must disclose under Schedule E, Statement of Economic Interests.

3. Disclosures

- File semi-annually starting 2015, June 15 and December 15.
- Last annual filing is December 15, 2014 **(NOTE earlier filing instead of January 15)**
- Beginning December 15, 2015 file disclosure forms with the Conflict of Interest and Ethics Advisory Council (not Board Clerk).
- Must disclose on Schedule D, Statement of Economic Interests payments that combined exceed $200 for registration, lodging, meals, transportation or other payments for attending any meeting, conference or event if the attendance educates or enhances knowledge and skill related to role in government agency. (EX/ VACO meeting). If no educational value must report as intangible gift on Schedule E, Statement of Economic Interest.
- Must disclose gifts given to official/employee or member of immediate family exceeding $50 each or when the total value exceeds $100 on Schedule E, Statement of Economic Interest unless the gift falls under one of the exceptions listed above.

4. Conflict of Interest and Ethics Advisory Council

- Created Conflict of Interest and Ethics Advisory Council Va. Code Section 30-355 et Seq.
- 15 members – House and Senate members and former members, Governor and Attorney General Appointments, and VML and VACO representatives.
- Will receive all disclosure forms starting July 1, 2015.
- Duties include: (1) Review disclosure forms; (2) Create electronic, searchable database of all disclosures: (3) Issues ethics/COIA opinions – formal and informal; (4) Conduct conflict training; (5) File Annual Report on December 1 of each year on activities and findings.

COUNTY ADMINISTRATOR'S REPORT

No report.

BOARD MEMBERS REPORTS

Supervisor Biggs requested staff to contact Appomattox County and request information on the pipeline explosion that occurred there in September 2008. She also requested staff to contact EQT to schedule a meeting with the Board of Supervisors in order to get more information about the pipeline. The County Administrator stated he will contact representatives from EQT to determine possible dates they can come to Montgomery County. The County Attorney suggested a letter be sent to EQT with questions the Board of Supervisors may have.

Extend Meeting Time

On a motion by Mary W. Biggs, seconded by Christopher A. Tuck and carried unanimously, the Board extends the October 14, 2014 meeting time until 11:45 p.m.

The vote on the motion was as follows:

AYE	NAY	ABSENT
Gary D. Creed	None	Annette S. Perkins
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
William H. Brown		

Board Reports Continued

Supervisor Biggs asked what can the County legally do to restrict or stop the pipeline coming through Montgomery County. She asked staff to check any zoning ordinances that may restrict the pipeline construction. The Board requested staff to get copies of resolutions opposing the pipeline from other localities.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, October 27, 2014 at 6:00 p.m. The meeting adjourned at 11:40 p.m.

APPROVED_____ATTEST:_____

William H. Brown
Chair

F. Craig Meadows
County Administrator