

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 10th DAY OF JANUARY, 2011 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug MARR	
	John A. Muffo	
	Annette S. Perkins	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

Chair Perkins called the meeting to order.

The first item of business is the election of a new chair for 2011. Chair Perkins turned the meeting over to the County Administrator to conduct the election.

ELECTION OF CHAIR

R-FY-11-56 ELECTION OF CHAIR CALENDAR YEAR 2011

On a motion by Doug MARR and carried unanimously,

BE IT RESOLVED, That **James D. Politis** be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2011 or until a successor is elected.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Mary W. Biggs	
Doug MARR	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

The meeting was turned over to Chair Politis to conduct the election of the Vice-Chair.

ELECTION OF VICE-CHAIR

**R-FY-11-57
ELECTION OF VICE CHAIR
CALENDAR YEAR 2011**

On a motion by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That **William H. Brown** be and hereby is, elected as Vice Chair of the Montgomery County Board of Supervisors for calendar year 2011 or until a successor is elected.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
Mary W. Biggs	
William H. Brown	
James D. Politis	

INTO CLOSED MEETING

On a motion by Annette S. Perkins, 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 (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 # 2010-007
- (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. Joinder Study with the Blacksburg, Christiansburg, VPI Water Authority
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Board of Zoning Appeals (BZA)
 2. Economic Development Authority

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Doug MARR	
James D. Politis	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

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

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Doug MARR	
John A. Muffo	
James D. Politis	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs 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

Annette S. Perkins
William H. Brown
Mary W. Biggs
Doug MARR
John A. Muffo
Gary D. Creed
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair. Chair Politis asked everyone to take a moment to remember Congresswoman Gabriell Giffords of Arizona and those who lost their lives or were injured during the shooting in Tucson Arizona. On January 8, 2011, Congresswoman Giffords was a victim of a shooting near Tucson, which was reported to be an assassination attempt on her, at a Safeway supermarket where she was meeting publicly with constituents. Congresswoman Giffords was critically injured by a gunshot wound to the head; six people were killed, among them federal judge John Roll, another thirteen people were injured in the shooting.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ORGANIZATIONAL MATTERS

**R-FY-11-58
SELECTION OF REGULAR MEETING DATE
FOR CALENDAR YEAR 2011**

On a motion by Annette S. Perkins, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2011 shall be the 2nd and 4th Monday of each month. The closed session portion of the meeting shall begin at 6:00 p.m., if closed session is required, or at a time prior to or after 6:00 p.m. as notified by the County Administrator, otherwise the meeting shall begin at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

BE IT FURTHER RESOLVED, That should the Chairman declare that the weather or other conditions are such that it is hazardous for members to attend the regular meeting, the regular meeting shall be continued to the following Monday. The continuance of the regular meeting shall be communicated to the members and the press as promptly as possible.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

**R-FY-11-59
RULES OF ORDER AND
PARLIAMENTARY PROCEDURES**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Rules of Order and Parliamentary Procedures for calendar year 2011.

RULES OF ORDER

- Rule 1** The current edition of *Roberts Rules of Order* shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.
- Rule 2** The Board may *temporarily suspend* any of its rules by a vote of two-thirds of the members present.
- Rule 3** No ordinance or resolution *appropriating money exceeding the sum of \$500*, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.
- Rule 4** A subject(s) may be *added to the Agenda* following the Delegation portion of the meeting.
- Rule 5** *Discussion of Agenda items* will occur only after a motion is made.
- Rule 6** In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.
- Rule 7** When any motion, resolution, or ordinance has been *once acted upon* by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.
- Rule 8** A motion to *reconsider* a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.
- Rule 9** When the Board wishes to *annul some action it has previously taken*, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.
- Rule 10** The County Administrator is hereby authorized to prepare for each meeting a *consent agenda* for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.
- Rule 11** Any member of the Board may request to have any item *removed from the consent agenda*. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.
- Rule 12** A single motion and roll call vote in favor thereof shall approve all items remaining on the *consent agenda*.
- Rule 13** The County Administrator is hereby authorized to *provide agendas* for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to *mail such agendas* to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.
- Rule 15** The County Administrator shall *mail agendas at the public expense* until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.

- Rule 16** Individual speakers will be limited to 5 minutes to address the Board during the public address and the public hearing portions of the meeting. *Applicants and/or agents of land use issues will be limited to 15 minutes to address the Board during the public hearing portion of the meeting.*
- Rule 17** Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.
- Rule 18** **Non-Agenda items** may be included for discussion and action during Board Members' Reports segment of the meeting.
- Rule 19** Motions for **tabling** an item shall include conditions for removal from the table.
- Rule 20** Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.
- Rule 21** Appointments of individual members of the Board of Supervisors for yearly **appointments** to various Boards, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year), unless the appointment to a Board, Commission, or Committees need to be made by the Board prior to January 1 of the effective year in which case the appointment will be made prior to the end of the year to be effective January 1, of the following year.
- Rule 22** On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
James D. Politis	

**R-FY-11-60
CODE OF ETHICS AND
STANDARDS OF CONDUCT
FOR CALENDAR YEAR 2011**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Code of Ethics and Standards of Conduct for calendar year 2011 as follows:

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.

4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.
17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.
3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
John A. Muffo
Gary D. Creed
Annette S. Perkins
William H. Brown
Mary W. Biggs
James D. Politis

NAY

None

DELEGATION

Virginia Department of Transportation

David Clarke, Residency Maintenance Manager, updated the Board on road issues/projects in Montgomery County. Mr. Clarke reported that VDOT has mainly been dealing with weather related issues, such as plowing/clearing of roads.

He reported that VDOT is starting work on Craig Creek Road (SR 621), which is included in the County's FY 2009-2010 Revenue Sharing Priority List. Craig Creek Road is currently listed as Priority #6 on the Six Year Secondary Road Improvement Plan. The Revenue Sharing project consists of brush cutting and spot widening. This project will be contracted out.

Mr. Clarke reported that a public hearing on the County's Six-Year Secondary Road Improvement Plan should be held sometime between February – April. Although it is anticipated that no new money will be allocated to the secondary road improvement plan, State Code requires that a public hearing be held each year. Mr. Clarke stated he will contact county staff to schedule a date for the public hearing.

Walnut Grove Road (SR 1006) – Supervisor Creed asked if a median could be installed on US 460 at Walnut Grove Road so motorists could somehow make a left turn onto US 460 instead of having to make a right then turn around at the Pair o Doc's crossing. David Clarke replied he will call Supervisor Creed and schedule a time to meet him at Walnut Grove Road to see what can be done.

Supervisor Creed also stated that a cul-de-sac was at the end of Walnut Grove Road and the road was extended. VDOT is not going to the end of the road for maintenance and snow removal. It appears they are going to where the cul-de-sac used to be and turning around. There use to be a state maintenance sign but someone moved it. He requested that Mr. Clarke look into why VDOT is not maintaining the entire length of the road.

PUBLIC HEARINGS

Montgomery County Budget for FY 2011-2012

The purpose of this hearing is to gather citizen comments on the upcoming fiscal year budget.

The County Administrator explained as part of the budget process they are seeking citizens comments on the upcoming FY 2011-2012 budget.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

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

CONSENT AGENDA

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated January 11, 2011 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
James D. Politis	

Approval of Minutes

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated August 9, August 23 and August 30, 2010 were approved.

APPROPRIATIONS AND TRANSFERS

**A-FY-11-56
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM**

On a motion by William H. Brown, seconded by Mary W. Biggs 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, 2011, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$132
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$132

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

**A-FY-11-57
SHERIFF
RECOVERED COSTS**

On a motion by William H. Brown, seconded by Mary W. Biggs 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, 2011, for the function and in the amount as follows:

310	Sheriff Comp	\$ 5,643
320	Sheriff County	\$50,448
322	Sheriff Project Lifesaver	<u>\$ 250</u>
	Total	\$56,341

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

<u>Revenue Account</u>		
419108	Recovered Costs	\$56,091
424401	Project Lifesaver	<u>\$ 250</u>
	Total	\$56,341

Said resolution appropriates Sheriff's Department recovered costs and Project Lifesaver funds.

**R-FY-11-61
RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR OR
HIS OR HER DESIGNEE TO SIGN REQUIRED CERTIFICATION FOR
SUBMITTALS UNDER SANITARY SEWER PERMIT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The County of Montgomery, Virginia has been issued a Sanitary Sewer Permit No. 2010-2 ("the Permit") by the Town of Christiansburg to discharge groundwater from the closed County landfill into the Town's sanitary sewer system; and

WHEREAS, Pursuant to the terms and conditions of the Permit, the County is required to submit to the Town certain reports, information and certifications to document that the County is in compliance with the terms of its Permit; and

WHEREAS, The Board of Supervisors desire to delegate the duty of certifying that the information submitted to the Town of Christiansburg as part of the County's Permit is true, accurate and complete to the County Administrator, who has the responsibility for the overall operation of the County, or his or her designees.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to delegate to the County Administrator or his or her designee, the responsibility to sign the required certification statement when submitting all applications, reports or information to the Town of Christiansburg pursuant to the County's Sanitary Sewer Permit No. 2010-2.

APPOINTMENTS

**R-FY-11-62
NEW RIVER VALLEY
ECONOMIC DEVELOPMENT ALLIANCE
REAPPOINTMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Larry N. Rush** as Montgomery County's at-large (private sector) representative to the **New River Valley Economic Development Alliance** effective January 1, 2011 and expiring December 31, 2011.

**R-FY-11-63
MONTGOMERY REGIONAL
ECONOMIC DEVELOPMENT COMMISSION (EDC)
REAPPOINTMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Michael B. Miller** to the **Montgomery Regional Economic Development Commission** effective January 1, 2011 and expiring December 31, 2013.

**R-FY-11-64
MONTGOMERY REGIONAL
ECONOMIC DEVELOPMENT COMMISSION (EDC)
REAPPOINTMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **John T. Overton** as a Town of Christiansburg representative to the **Montgomery Regional Economic Development Commission** effective January 1, 2011 and expiring December 31, 2013.

**R-FY-11-65
EMERGENCY SERVICES DIRECTOR-
REAPPOINT COUNTY ADMINISTRATOR**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **F. Craig Meadows** as **Director of Emergency Services** effective January 1, 2011 and expiring December 31, 2011.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

NEW BUSINESS

**R-FY-11-66
AMENDMENT TO THE AGREEMENT BY AND
BETWEEN MONTGOMERY COUNTY AND
NEW RIVER LAND TRUST FOR THE ESTABLISHMENT
OF A REVOLVING LOAN FUND TO COVER CERTAIN ADMINISTRATIVE COSTS
INCURRED IN ESTABLISHING CONSERVATION AND OPEN SPACE EASEMENTS**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby approves the amendment to the Agreement by and between Montgomery County and the New River Land Trust for the establishment of a Revolving Loan Fund to cover certain administrative costs incurred in establishing Conservation and Open Space Easements.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby authorizes the Chair of the Board of Supervisors to sign the Agreement on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
James D. Politis	

**AN AMENDMENT TO THE AGREEMENT BY AND BETWEEN THE COUNTY OF
MONTGOMERY, VIRGINIA AND THE NEW RIVER LAND TRUST FOR THE
ESTABLISHMENT OF A REVOLVING LOAN FUND TO COVER CERTAIN
ADMINISTRATIVE COSTS INCURRED IN ESTABLISHING CONSERVATION AND
OPEN SPACE EASEMENTS**

THIS AMENDED AGREEMENT, made and entered into this 10th day of January, 2011, by and between the County of Montgomery, Virginia, (hereinafter referred to as “the County”) and the New River Land Trust shall provide as follows:

W I T N E S S E T H

WHEREAS, the New River Land Trust assists landowners in Virginia’s New River Region in placing conservation and open space easements (“conservation easements”) on their

property as a way to protect and conserve the agricultural, environmental and open-space value of the property in exchange for federal and state tax credits and deductions for the land owners; and

WHEREAS, the County recognizes that by placing property in conservation easements that there is an overall public benefit to the community by preserving land for farming, forestry, natural habitat and recreation which in turn protects and enhances the County's rural character and scenic views; and

WHEREAS, there are certain up-front costs in placing a conservation easement on property such as appraisals and legal expenses that some lower income landowners in Montgomery County are unable to afford to pay up-front; and

WHEREAS, the County is willing to establish a Revolving Loan Fund subject to future annual appropriation, to assist certain lower income landowners in Montgomery County by making loan money available to fund these up-front costs; and

WHEREAS, the New River Land Trust is willing to establish and administer the Revolving Loan Fund subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and undertakings specified below, the parties agree as follows:

1. COUNTY OBLIGATIONS

The County agrees, subject to future annual appropriation by the Board of Supervisors, to provide a funding allocation to the New River Land Trust for the purposes of establishing and administering a Revolving Loan Fund For Conservation Easement Administrative Costs ("the Revolving Loan Fund") by the New River Land Trust in order to assist certain Landowners whose total household income shall not exceed 150% of the maximum eligibility limit to participate in the Montgomery County tax relief program offered to senior citizens and disabled citizens, as set by the Board of Supervisors by Ordinance. The Revolving Loan Fund shall be used to assist eligible landowners in meeting their up-front appraisal and legal expenses (the "administrative costs") incurred in establishing conservation easements on their property. The County agrees to initially make twenty thousand dollars (\$20,000) available to the New River Land Trust to be administered by the New River Land Trust through the Revolving Loan Fund. Any subsequent amounts to be made available to the Revolving Loan Fund shall be requested by the New River Land Trust on a fiscal year basis during the County budget cycle and shall be

subject to future Board approval and appropriation. The County shall notify the New River Land Trust, once the County Budget is approved, of the amount of money, if any, made available for the upcoming fiscal year.

2. NEW RIVER LAND TRUST OBLIGATIONS

A. The New River Land Trust agrees to establish and administer the Revolving Loan Fund in accordance with the loan and eligibility criteria established in this Agreement.

B. The New River Land Trust agrees that before a landowner may be eligible to receive a loan through the Revolving Loan Fund to assist the landowner in paying the up-front administrative costs the landowner shall meet the following criteria:

(a) The owners of the property, including all relatives that reside on the property, shall not have a total household income exceeding 150% of the maximum eligibility limit to participate in the Montgomery County tax relief program offered to senior citizens and disabled citizens, as set by the Board of Supervisors by Ordinance. The landowners shall provide the New River Land Trust with information documenting the annual household income for all the owners and for all relatives that reside on the property. The New River Land Trust shall retain and maintain all documentation associated with administering the Revolving Loan Fund for review by the County.

(b) The landowners of record shall not be delinquent on any local County taxes.

(c) The property shall be located in the County of Montgomery and shall be designated "Rural" or "Resource Stewardship" in the current Montgomery County Comprehensive Plan.

C. The New River Land Trust agrees to enter into a written agreement with each landowner that receives assistance from the Revolving Loan Fund. The agreement shall require the landowners to repay the loan amount within 60 days after selling all or any part of the tax credits received from donating a conservation easement, but no later than 13 months after the conservation easement is recorded. Once the loan is repaid by the landowner to the New River Land Trust, the Trust shall deposit the money back into the Revolving Loan Fund for future loans. If the landowner does not record a conservation easement within 12 months of receiving the loan, The New River Land Trust shall send a letter advising the landowner to repay the loan amount within thirty (30) days of receiving written notice from the New River Land Trust. The repayment of the loan shall be secured by a deed of trust that is not subject to any prior mortgage or lien on the landowner's property unless the mortgagee or lien holder subordinates its rights in the property to the right of the New River Land Trust to enforce its Deed of Trust.

3. RIGHT OF INSPECTION AND ANNUAL REPORT

A. The County shall have the right to inspect and request copies of all documentation associated with any loan request made to the New River Land Trust for assistance through the Revolving Loan Fund. The New River Land Trust shall make the

documents available within five business days of receiving the request from the County.

- B. The New River Land Trust shall provide an Annual Report documenting all the loan activity, the amount of acreage placed in conservation easements as a result of the Revolving Loan Fund Program and the status of all the loans made for the fiscal year. The Report shall be presented to the Board of Supervisors within thirty (30) days following the end of the fiscal year, ending June 30th.
- C. The New River Land Trust shall provide an annual audited financial statement or financial review by a Certified Public Accountant C.P.A. to the County for each fiscal year ending June 30th.

4. NOTICE

All notices or requests to the County shall be sent to the following address until such address is changed by notice in writing to the New River Land Trust:

County Administrator
County of Montgomery, Virginia
755 Roanoke Street
Suite 2E
Christiansburg, VA 24073

All notices or requests to the New River Land Trust shall be sent to the following address until such address is changed by notice in writing to the County:

Executive Director
New River Land Trust
P. O. Box 11057
Blacksburg, VA 24062

5. MISCELLANEOUS

A. The captions in this Amended Agreement are inserted only as a matter of convenience and shall not be construed as defining, limiting, extending or describing the scope of this Agreement, any section hereof, or the intent of any provision hereof.

B. The validity and construction of this Amended Agreement shall be determined in all respects in accordance with the laws of the Commonwealth of Virginia.

C. This Amended Agreement shall be effective when signed by all Parties and shall replace the previous Agreement between the parties dated March 28, 2005.

D. Time is of the essence with regard to each and every provision of this Amended Agreement.

E. This Amended Agreement may be terminated upon thirty (30) days notice be either party. Upon termination of the Agreement all monies remaining in the Revolving Loan Fund shall be returned to the County general fund within thirty (30) days of the termination date.

THE REMAINING PORTION OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed and delivered on their behalf by their duly authorized officer on the date first set out above.

COUNTY OF MONTGOMERY, VIRGINIA

James D. Politis → By: James D. Politis
Its Chairman

NEW RIVER LAND TRUST

John R. Eustis → By: John R. Eustis
Its President Executive Director

**R-FY-11-67
BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS
AND COMMISSIONS FOR 2011**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representative to the indicated boards and commissions, effective January 1, 2011 and expiring December 31, 2011

<u>Board/Commission</u>	<u>Supervisor</u>
AFD Advisory Board	<u>James D. Politis</u>
Chamber of Commerce Liaison	<u>James D. Politis</u> (Chair) <u>William H. Brown</u> (Vice-Chair)
County/School Liaison	<u>F. Craig Meadows</u> (County Administrator) <u>James D. Politis</u> (Chair)
Economic Development Alliance (NRV)	<u>F. Craig Meadows</u> (County Administrator) <u>James D. Politis</u> (Chair)
Economic Development Commission (Montgomery Regional)	<u>Annette S. Perkins</u>
Fairview District Home Board	<u>Doug Marrs</u>
Fairview Home, Inc. Board of Directors	<u>L. Carol Edmonds</u> (County Admin/Designee)
HOME Consortium (NRV)	<u>Steve Sandy</u> (Planning Director)

Legislative Liaison	<u>Mary W. Biggs</u>
Library Board Liaison	<u>Mary W. Biggs</u>
Metropolitan Planning Organization (MPO)	<u>Doug MARRS</u> (Board Member) <u>John A. Muffo</u> (Alternate) <u>F. Craig Meadows</u> (County Administrator)
Montgomery County Improvement Council (MCIC)	<u>John A. Muffo</u>
Parks & Recreation Commission Liaison	<u>William H. Brown</u>
Planning Commission Liaison	<u>John A. Muffo</u> <u>Mary W. Biggs</u> (Alternate)
Resource Conservation & Development District (RC&D)	<u>William H. Brown</u>
Road Viewers Board	<u>All Board Members</u>
School Board Liaison	<u>Mary W. Biggs</u> <u>Annette S. Perkins</u> (Alternate)
Transportation Safety Commission	<u>Gary D. Creed</u>
Tourism Development Council	<u>James D. Politis</u>
Virginia Tech Liaison	<u>F. Craig Meadows</u> (County Administrator)

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Doug MARRS	
John A. Muffo	
Gary D. Creed	
James D. Politis	

COUNTY ATTORNEY'S REPORT

Redistricting Process The County Attorney reported that Montgomery County will soon start the redistricting process that is required after the completion of the 2010 U.S. Census. The County must redraw its electoral boundaries based on the population. The U.S. Census Bureau is required to release the final population count by April 2011. Hopefully, the County will receive the final count in February.

COUNTY ADMINISTRATORS REPORT

The County Administrator reported on the following:

1. Long Shop McCoy Volunteer Fire Department installation of officers were held on Saturday, January 8, 1011.
2. Qualified School Construction Bonds (QSCB) – In November 2010, the School Board applied for \$15 million in QSCB's for the construction of a new Blacksburg High School. No information has been released yet on which localities have been awarded QSCB's.
3. Warm Hearth – Blacksburg Transit – Staff from the County and Blacksburg Transit met with representatives from Warm Hearth Retirement Center regarding transportation needs at Warm Hearth. Blacksburg Transit is willing to provide a bus route at Warm Hearth on a trial basis to see if the service will be used. During the trial basis, if the ridership is there then Blacksburg Transit will consider a permanent route to Warm Hearth.
4. Resolution of Appreciation – Dr. Jody Hershey – Dr. Jody Hershey has resigned from his position as the Director for the New River Health District. A resolution of appreciation will be included on the Board's January 24, 2011 agenda.
5. Economic Development 2010 Statistics - A copy of the Economic Development 2010 Statistics was distributed to the Board of Supervisors. In 2010, a total of 7 new/existing business announcements were made with the creation of 479 jobs for Montgomery County.
6. Inspections of County Facilities - Phase I of the Feasibility Study to conduct inspections on county facilities is being finalized. A total of 19 facilities will be inspected with a report due within 60-90 days.

BOARD OF SUPERVISORS' REPORTS

Supervisor Biggs congratulated Supervisor Politis and Supervisor Brown on being elected as Chair and Vice-Chair.

Library Board - The Library Board is expecting to receive additional state budget cuts in FY 12. The library system is targeted for another 2-6% budget cut which will reduce the Montgomery-Floyd Regional Library budget by \$4,600 - \$12,000. The Library Board will know more after the state budget is adopted.

Dr. Jody Hershey – Supervisor Biggs reported she is glad a resolution of appreciation for Dr. Hershey will be on a future agenda. She stated that Dr. Hershey opened up communication between the Health Department and the Board of Supervisors during his tenure. Dr. Hershey kept the Board well informed over the years, which she appreciated.

Other Board members also expressed their appreciation to Dr. Hershey.

Supervisor Muffo also congratulated Supervisor Politis and Supervisor Brown on being elected as Chair and Vice-Chair.

Supervisor Muffo announced that he will not be seeking re-election to the Board of Supervisors. He has served three terms, for a total of 12 years on the Board. His term expires at the end of this year. Supervisor Muffo stated he has enjoyed his time on the Board and is looking forward to working with the Board for the remainder of his term.

Supervisor Creed requested additional information on the School Board's report that the Auburn High School Auditorium and Gymnasium will be closed until structure repairs are made. He asked how many welds were found to be defective and what is the cost for repairs.

Supervisor Politis thanked the other Board members for their trust in him to lead the County for 2011. He is looking forward to serving as the Chair.

ADJOURNMENT

The Chair declared the meeting adjourned. The Board adjourned to Monday, January 24, 2011 at 6:00 p.m.

The meeting adjourned at 8:15 p.m.

APPROVED: _____ ATTEST: _____
James D. Politis F. Craig Meadows
Chair, Board of Supervisors County Administrator