

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: January 14, 2008

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

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

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Project # 2007-034
- (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 # 2007-025
- (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. CPMT
2. Community College Board
3. Office on Youth Advisory Board

III. OUT OF CLOSED MEETING

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

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. ELECTION OF CHAIR

A. SUBJECT: ELECTION OF CHAIR

**R-FY-08-
ELECTION OF CHAIR**

BE IT RESOLVED, That _____ be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2008 or until a successor is elected.

ISSUE/PURPOSE: The first item of business for the Board each calendar year is to elect a Chair. See TAB A for procedures.

VIII. ELECTION OF VICE-CHAIR

A. SUBJECT: ELECTION OF VICE-CHAIR

**R-FY-08
ELECTION OF VICE CHAIR**

BE IT RESOLVED, That _____ be and hereby is, elected as Vice Chair of the Montgomery County Board of Supervisors for calendar year 2008 or until a successor is elected.

ISSUE/PURPOSE: The Vice Chair is elected and term of office established by the same process as the Chair. See TAB B for procedures.

IX. ORGANIZATIONAL MATTERS

A. SUBJECT: SELECTION OF REGULAR MEETING DATES

**R-FY-08
SELECTION OF REGULAR MEETING DATE**

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2008 shall be the _____ and _____ of each month beginning at _____, if closed session is required, otherwise the meetings shall begin at _____ 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 _____. The continuance of the regular meeting shall be communicated to the members and the press as promptly as possible.

ISSUE/PURPOSE:

The Board is required to assemble at an office building owned by the County or such other public place as the governing body may prescribe at regular session not less than once each month. The Montgomery County Code enables the day(s) and time to be prescribed by resolution of the Board.

Currently, meeting dates are the 2nd and 4th Monday of each month beginning at 6:00 p.m., if closed session is required, otherwise the meetings begin at 7:15 p.m. at the Montgomery County Government Center. See TAB C for a copy of the Board's resolution adopted for 2007.

Currently, should the Chairman declare that weather or other conditions are such that it is hazardous for members to attend meetings, regular meeting is continued to the following Monday.

B. SUBJECT: RULES OF ORDER AND PARLIAMENTARY PROCEDURES

**R-FY-08
RULES OF ORDER AND
PARLIAMENTARY PROCEDURES**

SEE TAB **D** .

ISSUE/PURPOSE: Establish Rules of Order and Parliamentary Procedures for the Board of Supervisors.

C. SUBJECT: CODE OF ETHICS AND STANDARDS OF CONDUCT

**R-FY-08
CODE OF ETHICS AND
STANDARDS OF CONDUCT**

SEE TAB **E** .

ISSUE/PURPOSE: Re-adopt the Code of Ethics and Standards of Conduct for the Board of Supervisors.

X. PUBLIC HEARING

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on December 30, 2007 and January 6, 2008 and the News Messenger on December 29, 2007 and January 5, 2008.

1. **Montgomery County Budget for FY 2008-2009**
-The purpose of this hearing is to gather citizen comments on the upcoming fiscal year budget

2. **Gypsy Moth Suppression Program**
The current Gypsy Moth situation in Montgomery County; the proposal submitted to the Virginia Department of Agriculture and Consumer Services (VDACS) for 2008 suppression actions; and to identify public concerns

XI. PUBLIC ADDRESS

XII. ADDENDUM

XIII. CONSENT AGENDA

XIV. OLD BUSINESS

**A. SUBJECT: GYPSY MOTH SUPPRESSION PROGRAM
PESTICIDE AND BUFFER ZONE SIZE**

**R-FY-08-
GYPSY MOTH SUPPRESSION PROGRAM-
PESTICIDE AND BUFFER ZONE SIZE**

WHEREAS, The Gypsy moth has established high populations in small portions of Montgomery County and threatens to greatly increase its range and population in the County; and

WHEREAS, High population levels are known to create substantial damage to forestry and homeowner interests; and

WHEREAS, The Virginia Department of Agriculture and Consumer Services (VDACS) has offered the County an opportunity to participate in its Gypsy Moth Suppression Program; and

WHEREAS, VDACS requires participating counties to decide by January 15, 2008 which pesticide and what buffer zone will be used for the treatment blocks in that county; and

WHEREAS, The decisions on pesticide preference and buffer zone size do not imply Montgomery County is making a commitment to sign, by February 1, 2008 the Cooperative Agreement by which the County would incur an obligation to reimburse VDACS for all or a portion of the actual treatment costs.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the staff recommendations to use Btk on the four proposed treatment blocks on Brush and Gap Mountains, Dimilin on two blocks on Poor Mountain; and offer requesting landowners the option of a 150' buffer zone between their property line and the portions of treatment blocks to be sprayed is hereby approved.

ISSUE/PURPOSE: Approve the use of Btk on the four proposed treatment blocks on Brush and Gap Mountains, Dimilin on two blocks on Poor Mountain, and offer requesting landowners the option of a 150' buffer zone between their property line and the portions of treatment blocks to be sprayed.

JUSTIFICATION: See TAB G for supporting information and comparisons of health and environment, effectiveness, and cost for Gypsy moth suppression pesticides. TAB G also includes a copy of the proposed Agreement between VDACS and the County. The Agreement will be on the 1/28/08 agenda for the Board's consideration.

B. SUBJECT: AMEND 2008-2009 BUDGET CALENDAR
R-FY-08-
AMEND 2008-2009 BUDGET CALENDAR

WHEREAS, The Board of Supervisors of Montgomery County, Virginia adopted the FY 208-2009 Budget Calendar on September 24, 2007; and

WHEREAS, There is a conflict with two previously scheduled budget work session dates.

NOW, THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the FY 2008-2009 Budget Calendar is hereby amended as follows:

- January 21, 2008 Budget work session cancelled
- January 28, 2008 Budget work session topics include Preliminary Revenue Projections School Resource Officers and Annual vs Four Year Assessment

- February 7, 2008 Budget work session cancelled
- February 11, 2008 Budget work session added
Presentation of School Board Budget
(Regular Meeting)
- February 18, 2008 Budget Work Session Topics to include CIP
Presentation and Outside Agency Requests

Said resolution amends the 2009 Budget Calendar.

ISSUE/PURPOSE: Amendments to the 2009 Budget Calendar.

JUSTIFICATION: Budget work sessions were previously scheduled for January 21, Martin Luther King Day, and February 7, Legislative Day in Richmond. This resolution amends the calendar to cancel budget work sessions on these days, add a budget work session at the regular meeting on February 11, 2008 and reassign session topics.

XV. NEW BUSINESS

**A. SUBJECT: BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS,
COMMISSIONS AND COMMITTEES**

**R-FY-08-
BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS,
COMMISSIONS AND COMMITTEES
FOR 2008**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representative to the indicated boards, commissions and committees, effective January 1, 2008 and expiring December 31, 2008:

<u>Board/Commission</u>	<u>Supervisor</u>
AFD Advisory Board	_____
Chamber of Commerce Liaison	_____ (Chair)
	_____ (Vice-Chair)

County/School Liaison Committee _____(County Administrator)
_____ (Chair)

Economic Development Alliance (NRV) _____(County Administrator)
_____ (Chair)

Economic Development Commission
(Montgomery Regional) _____

Fairview District Home Board _____

Fairview Home, Inc. Board of Directors _____(County Administrator)

Finance Board _____(Chair)
_____ (County Administrator)

Legislative Liaison _____

Library Board Liaison _____

Metropolitan Planning Organization
(MPO) _____(Board Member)
_____ (Alternate)
_____ (County Administrator)

Montgomery County Improvement
Council (MCIC) _____

Parks & Recreation Commission
Liaison _____

Planning Commission Liaison _____
_____ (Alternate)

Real Estate Committee (2) _____

Resource Conservation &
Development District (RC&D) _____
_____ (Alternate)

Roads Committee (2)	_____

Road Viewers Board	<u>All Board Members</u>
School Board Liaison	_____
	_____ (Alternate)
Transportation Safety Commission	_____
Tourism Development Council	_____
	_____ (Parks & Recreation Director)
Utilities Committee	_____ (County Administrator)
	_____ (Chair)
Workforce Investment Act	_____
Virginia Tech Liaison	_____ (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.

JUSTIFICATION: See TAB H for a copy of last year's appointment resolution.

Any boards/commissions not listed in the above resolution are not annual appointments. Community Services Board, Fire and Rescue Commission, MBC Development Corporation, and Planning District Commission are 3-year appointments. Pepper's Ferry Regional Wastewater Treatment Authority, Social Services Board, Virginia's First Regional Industrial Facility Authority, and Virginia Tech/Montgomery Regional Airport Authority are 4-year appointments.

B. SUBJECT: FIRE AND RESCUE COMMISSION APPOINTMENTS

**R-FY-08-
FIRE AND RESCUE COMMISSION
APPOINTMENTS**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints/reappoints the following individuals to the Fire and Rescue Commission effective January 15, 2008 and expiring January 14, 2011:

Blacksburg Fire Department	Chief Keith Bolte or his designee
Blacksburg Rescue Squad	Captain Sid Bingley or his designee
Christiansburg Fire Department	Chief Jimmy Epperly or his designee
Christiansburg Rescue Squad	Captain Kelly Walters or his designee
Elliston Fire Department	Chief Malvin "Pug" Wells or his designee
Long Shop/McCoy Fire Department	Chief Gary Akers or his designee
Long Shop/McCoy Rescue Squad	Captain Steve Shelor or his designee
Riner Fire Department	Chief Mike Moles or his designee
Shawsville Rescue Squad	Captain Dave Hubler or his designee
Town of Christiansburg	Scot Shippee, Administration Officer
Board of Supervisors	
County Administrator	<hr/> B. Clayton Goodman, III or his designee

BE IT FURTHER RESOLVED, That appointment of members of the volunteer Fire Department or Rescue Squad are contingent upon active membership of the volunteer Fire Department or Rescue Squad; and

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; and

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.

JUSTIFICATION: By resolution dated October 25, 2004, the Board of Supervisors established the Fire and Rescue Commission. A copy of the resolution is provided in TAB I.

C. SUBJECT: REFER TO THE AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE THE COUNTY'S REQUEST TO WITHDRAW 20 ACRES FROM AFD-9 AND SCHEDULE A PUBLIC HEARING

**R-FY-08-
A RESOLUTION REFERRING TO
THE AGRICULTURAL AND FORESTAL DISTRICT (AFD)
ADVISORY COMMITTEE AND PLANNING COMMISSION FOR THEIR
RECOMMENDATION ON THE COUNTY'S REQUEST
TO WITHDRAW TWENTY (20) ACRES
(PART OF TAX MAP PARCEL 72(1)56)
TO BE USED FOR A NEW ELEMENTARY SCHOOL
FROM AFD DISTRICT 9 AND
TO SCHEDULE A PUBLIC HEARING ON THE SAID REQUEST**

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia has purchased twenty acres of the Fotheringay, LLC property (part of Tax Map Parcel 72(1)56) ("the Property") adjacent to U.S. Route 11/460 in the Elliston Community of Montgomery County, Virginia for the purpose of constructing a new elementary school on the property; and

WHEREAS, On behalf of the Board of Supervisors, County staff has applied to the County Planning Department to have the Property withdrawn from AFD District 9.

WHEREAS, Pursuant to the requirements of Section 15.2-4314 of the Code of Virginia, 1950, as amended, the Board of Supervisors is required to refer any request to withdraw land from an AFD to the Planning Commission and AFD Advisory Committee for their recommendation and to hold a public hearing on the request.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby refers the County of Montgomery's request to withdraw twenty (20) acres from AFD District 9 to the AFD Advisory Committee and the Planning Commission for their recommendation.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby schedules a Public Hearing on the County's request to withdraw the Property from AFD District 9 for Monday, February 25, 2008, at 7:15 p.m. or as soon thereafter in the Board of Supervisors Meeting Room, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments.

JUSTIFICATION: To refer to the AFD Advisory Committee the County's request to withdraw 20 acres from AFD-9 in order to construct a new elementary school and to schedule a public hearing on said request.

**D. SUBJECT: SCHEDULE PUBLIC HEARING
AMENDING CHAPTER 2, SECTION 2-107
ENTITLED TAX EXEMPTION AND
DEFERRALS FOR THE ELDERLY AND
HANDICAPPED**

**R-FY-08-
SCHEDULE PUBLIC HEARING
AMENDING CHAPTER 2, SECTION 2-107
TAX EXEMPTION AND DEFERRALS
FOR THE ELDERLY AND HANDICAPPED**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby schedules a public hearing on Monday, February 25, 2008 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia in order to hear citizens comments on the following:

Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.

An Ordinance Amending Chapter 2, Division 5 Entitled Tax Exemptions and Deferrals for Elderly and Handicapped, Section 2-107 of the Code of the County of Montgomery, Virginia by Increasing the Income Eligibility Limits for Exemption from or Deferral of Taxation of Real Estate for the Elderly and Disabled.

ISSUE/PURPOSE: Schedule a public hearing. See TAB **J** for a copy of the proposed ordinance.

E. SUBJECT: TRANSFER TO COUNTY CAPITAL PROJECTS – FIRE AND RESCUE

**A-FY-08-
TRANSFER TO COUNTY CAPITAL PROJECTS
FIRE AND RESCUE**

BE IT RESOLVED, That the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

451209 Transfer to County Capital Projects	\$500,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205 Undesignated Fund Balance	\$500,000
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BE IT FURTHER RESOLVED, That the County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

330 Fire and Rescue	\$500,000
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The source of the funds for the foregoing appropriation is as follows

Revenue Account

451100 Transfer from General Fund	\$500,000
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Said resolution appropriates funds from the General Fund to the County Capital Projects fund for fire and rescue equipment, as determined by the Fire and Rescue Commission.

ISSUE/PURPOSE: Said resolution appropriates funds from the General Fund to the County Capital Projects fund for fire and rescue equipment, as determined by the Fire and Rescue Commission.

JUSTIFICATION: During the FY 08 budget process, the County Administrator proposed using \$500,000 of the windfall generated in FY 07 from the real estate tax rate increase to fund fire and rescue equipment needs. This resolution appropriates those funds for

use as determined by the Fire and Rescue Commission.

F. SUBJECT: REQUEST TO NAME THE NEW ELLISTON FIRE STATION

**R-FY-08-
REQUEST TO NAME
THE NEW ELLISTON FIRE STATION**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the name _____ for the new Elliston fire station.

ISSUE/PURPOSE: Name the new fire station in Elliston.

JUSTIFICATION: This matter was discussed at the December 17, 2007 BoS meeting when the County Administrator reported that Pug Wells, Chief of the Elliston Volunteer Fire Department, suggested naming the new station the *Montgomery County Public Safety Building-Elliston Volunteer Fire Department*. Supervisor Gary Creed suggested *Eastern Montgomery County Public Safety Building-EVFD* would be an appropriate name. Since the Board of Supervisors has the final approval of naming the building, the above resolution is listed for the Board's consideration.

XVI. COUNTY ATTORNEY'S REPORT

XVII. COUNTY ADMINISTRATOR'S REPORT

1. Solar Energy – Tax Credit (See TAB **K**)
2. Town of Blacksburg Request for Additional Funding – New Blacksburg Fire Station (TAB **L**)

XVIII. BOARD MEMBERS' REPORT

1. Supervisor Brown
2. Supervisor Creed
3. Supervisor Politis
4. Supervisor Muffo
5. Supervisor Biggs
6. Supervisor Marrs
7. Supervisor Perkins

XIX. OTHER BUSINESS

XX. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, January 28, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Monday, February 11, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Adjourned Meeting
Monday, February 25, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda