AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11th DAY OF JANUARY, 2016 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Christopher A. Tuck	-Chair
	Gary D. Creed	-Vice Chair
	Mary W. Biggs	-Supervisors
	M. Todd King	
	Annette S. Perkins (arrived 6:30 p.m.)	
	April N. DeMotts	
	Darrell O. Sheppard	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Ruth Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The County Administrator called the meeting to order.

INTO CLOSED MEETING

On a motion by M. Todd King, seconded by Christopher A. Tuck 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 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Mountain Valley Charitable Foundation –Shawsville Middle School Athletic Facilities

(3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Former Blacksburg Middle School Property
2. Former Blacksburg High School Property

(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. Parks and Recreation Commission

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT DURING VOTE
Gary D. Creed	None	Annette S. Perkins
M. Todd King		
Mary W. Biggs		
April N. DeMotts		
Darrell O. Sheppard		
Christopher A. Tuck		

Supervisor Perkins arrived at 6:30 p.m.

Supervisor DeMotts excused herself from the Closed Meeting discussion pertaining to the former Blacksburg Middle School property.

OUT OF CLOSED MEETING

On a motion by Christopher A. Tuck, seconded by Mary W. Biggs 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
M. Todd King	None
Mary W. Biggs	
Annette S. Perkins	
April N. DeMotts	
Darrell O. Sheppard	
Christopher A. Tuck	
Gary D. Creed	

CERTIFICATION OF CLOSED MEETING

On a motion by M. Todd King, 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
Mary W. Biggs
Annette S. Perkins (for the time present)
April N. DeMotts
Darrell O. Sheppard
Christopher A. Tuck
Gary D. Creed
M. Todd King

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

Supervisor DeMotts certified that she removed herself from discussion of the former Blacksburg Middle School property as follows:

Pursuant to the Virginia Conflict of Interest Act, I, April DeMotts, a member of the Board of Supervisors of the County of Montgomery, Virginia, make the following disclosure:

1. The Board of Supervisors are currently considering proposals that were received in response to the Request for Proposals the Board issued seeking an interested Purchaser of the Old Blacksburg Middle School property. The names of the bidders who submitted proposals in response to the Board RFP have not been released to the public because the Board is still in the process of considering the proposals and has not selected an offeror.

2. I am currently in a long term relationship with a man (I am not married so I will refer to him as "my significant other") whom I reside with along with our children, and I share with him in the day to day household finances.

3. My significant other owns a small business in Montgomery County and has a personal interest in the Old Blacksburg Middle School Property RFP transaction being considered by the Board due to having an on-going business relationship with one of the business entities that has submitted a proposal to purchase the Old Blacksburg Middle School. My Significant other may realize a reasonable foreseeable direct or indirect economic benefit should the business he has an on-going business relationship with acquire the property from Board of Supervisors and develop the property.

3. I wanted to be clear in my disclosure that my significant other does not meet the definition of immediate family as that term is currently defined under the Virginia Conflict of interest Act. However, with the exception of having a marriage license, our relationship is very much like a married couple in that we share a home together, share in the finances and in the raising of our children.

5. Because my significant other has a business relationship with one of the entities bidding on the Old Blacksburg Middle School Property and in order to avoid any appearance of impropriety on my behalf, I will be abstaining from voting on the selection of bidders seeking to purchase the Old Blacksburg Middle School Property at this time and will not be participating in the Old Blacksburg Middle School RFP process currently before the Board.

INVOCATION

A moment of silence was led by the County Administrator.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ELECTION OF CHAIR

The County Administrator opened the floor for nominations. Supervisor Creed nominated Supervisor Tuck for Chair for calendar year 2016. There were no further nominations; the County Administrator closed the nominations.

R-FY-16-56
ELECTION OF CHAIR
CALENDAR YEAR 2016

On a motion by Gary D. Creed and carried,

BE IT RESOLVED, That **Christopher A. Tuck** be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2016 or until a successor is elected prior to December 31, 2016.

The vote on the foregoing resolution was as follows:

AYE	NAY
M. Todd King	Annette S. Perkins
Darrell O. Sheppard	Mary W. Biggs
Gary D. Creed	April N. DeMotts
Christopher A. Tuck	

Chair Tuck expressed his appreciation to his fellow Board members for electing him chair for 2016. He referred to a statement that previous Chair Bill Brown made through-out his term as Chair that the Board is a heart with seven chambers and need to beat as one. Chair Tuck stated he will try his best to follow in the footsteps of the previous Board Chairs, Bill Brown and Jim Politis.

ELECTION OF VICE-CHAIR

The Chair opened the floor for nominations for Vice-Chair. Supervisor DeMotts nominated Supervisor Biggs for Vice-Chair. Supervisor Tuck nominated Supervisor Creed for Vice-Chair for calendar year 2016. There were no further nominations; the Chair closed the nominations.

The vote to elect Supervisors Biggs failed as follows:

AYE	NAY
April N. DeMotts	Darrell O. Sheppard
Annette S. Perkins	Gary D. Creed
Mary W. Biggs	M. Todd King
	Christopher A. Tuck

R-FY-16-57
ELECTION OF VICE CHAIR
CALENDAR YEAR 2016

On a motion by M. Todd King and carried,

BE IT RESOLVED, That **Gary D. Creed** be and hereby is, elected as Vice Chair of the Montgomery County Board of Supervisors for calendar year 2016 or until a successor is elected prior to December 31, 2016.

The vote on the foregoing resolution was as follows:

AYE	NAY
Darrell O. Sheppard	Annette S. Perkins
Gary D. Creed	Mary W. Biggs
M. Todd King	April N. DeMotts
Christopher A. Tuck	

ORGANIZATIONAL MATTERS

R-FY-16-58
SELECTION OF REGULAR MEETING DATE

On a motion by Mary W. Biggs, seconded by April N. DeMotts and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2016 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 motion was as follows:

AYE	NAY
Annette S. Perkins	None
Darrell O. Sheppard	
Gary D. Creed	
M. Todd King	
Mary W. Biggs	
April N. DeMotts	
Christopher A. Tuck	

R-FY-16-59
RULES OF ORDER AND
PARLIAMENTARY PROCEDURES

On a motion by Mary W. Biggs, seconded by Darrell O. Sheppard 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 2016.

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 Items requiring Board action not on the Board's agenda that are proper for Board consideration may be added during the meeting under the Addendum portion of the Agenda by a motion to Amend the Agenda, followed by a second and majority vote of the Board.

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 ***Presentations during the Presentations, Recognition and Awards section of the agenda*** will not exceed ***15*** minutes unless prior approval is obtained from the Administrator.

Rule 18 The **Board Member report** portion of the Agenda is intended to provide Board Members an opportunity to provide updates and information of a general interest to fellow Board Members, staff and the General Public.

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 Committee 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:

AYE	NAY
Gary D. Creed	None
M. Todd King	
Mary W. Biggs	
April N. DeMotts	
Darrell O. Sheppard	
Annette S. Perkins	
Christopher A. Tuck	

R-FY-16-60
CODE OF ETHICS AND
STANDARDS OF CONDUCT

On a motion by M. Todd King, seconded by Mary W. Biggs 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 2016 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	NAY
M. Todd King	None
Mary W. Biggs	
April N. DeMotts	
Darrell O. Sheppard	
Annette S. Perkins	
Gary C. Creed	
Christopher A. Tuck	

PRESENTATIONS

Virginia Department of Transportation - David Clarke, VDOT, provided an update on road projects/issues in Montgomery County as follows:

- Brush Creek Road (SR 617) – Still repairing section of the road that was damaged due to the flooding in September.
- Ellett Road (SR 723) – patching work near the town limits. \
- North Fork Road (SR 603) – major construction project to upgrade the road is on-going.
- Piney Woods Road (SR 600) project still on-going.
- Six-Year Road Improvement Plan for Secondary Roads – Mr. Clarke requested the Board hold their public hearing for the Six-Year Road Plan in April. He reported that small amount of funding received is already allocated to the roads on the current Six-Year Road Plan. He did recommend adding Fairview Church Road to the list in order to replace the low water bridge.

Board of Supervisors Comments:

Supervisor King expressed his appreciation for the work VDOT performed on Brush Creek Road and for the brush cutting on Union Valley Road.

Supervisor Creed received several phone calls complimenting VDOT for the work done on Willis Hollow Road as it was the best grading job done on the road.

Supervisor Perkins asked if there is any additional information to be provided on the Town of Blacksburg's request for funding to improve the intersection at U.S. 460 and South Main Street. Mr. Clarke replied that the Town of Blacksburg submitted an application and is still in the evaluation stage.

Supervisor Sheppard expressed concern with the speed limit on Merrimac Road near the one lane bridge and asked if it could be reduced. The majority of the road is 35 mph. Mr. Clarke stated he will request a speed study to be performed since there has been growth in the area, but would like Board consensus. By consensus, the Board agreed that a speed study needs to be done on Merrimac Road to reduce the speed limit.

Parents Advocacy and Advisory Council of Southwest Virginia - Teresa Barringer made a presentation on the Parents Advocacy and Advisory Council of Southwest Virginia (PACC). Ms. Barringer reported that the PACC is a group advocating for the intellectually and developmentally disabled adults by petitioning to keep the Southwest Virginia Training Center in Hillsville, Virginia open. The Southwest Virginia Training Center in Hillsville serves Montgomery County and 16 other counties and four cities in Southwest Virginia which is scheduled for closure in 2018.

Virginia had five training centers when the United States Department of Justice initiated an investigation into Virginia's system in response to a complaint that an IDD family member was capable of living in a community setting, yet they remained at a training center. After a three-year investigation, DOJ determined that the state was "warehousing" the people in the institutions instead of providing adequate community-based services.

After a year of negotiations between Virginia and the Justice Department, then-Governor Bob McDonnell signed an Executive Order to close four of the state's five training facilities. One, in Petersburg, has already been closed, and SWTC is slated to close in June, 2018.

Even though the Governor ordered the facilities closure, the ruling judge stated "nothing in the decrees compels Virginia to close any facility. If it deems wise, the General Assembly (or the Governor) can appropriate funds to continue to operate some or all of the Training Centers, even while funding the Medicaid waivers."

Ms. Barringer asked the Board's support in contacting the Virginia General Assembly to prevent the closing of the Southwest Virginia Training Center.

PUBLIC HEARING

Fiscal Year 2016-2017 County Budget
The purpose of this public hearing is to gather citizen comments on the upcoming FY 2016-2017 fiscal year budget.

Randy Bond, representing the New River Valley Children's Advocacy Center (NRVCAC), spoke about their request in the FY 2017 Budget for funding. Mr. Bond provided information on services the Children's Advocacy Center provides and how it benefits the community. Since it's opening in 2012 the NRVCAC has interviewed 323 children, with 163 children from Montgomery County. Mr. Bond thanked the Board for the opportunity to submit a budget request and asked the Board for their consideration for funding during their budget process.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Clarence Worrell, who worked 15 years in the Clerk of the Circuit Court Office, addressed the Board about not being reappointed to his position. Mr. Worrell stated it has been an honor serving the citizens of Montgomery County. He also read several letters he has received over the years from citizens expressing their appreciation for his help when they came into the Clerk's office.

James Willis expressed his concerns with the Clerk of the Circuit Court for not reappointing four senior staff members and the demotion of one staff person who decided to resign. Mr. Willis believes that the Clerk acted in a way that constitutes not only an abuse of her office but also demonstrates incompetence in the performance of her duties. He stated the Clerk, during her campaign, continually talked about her dedicated staff. Mr. Willis stated that the Board does have means to hold the Clerk of Circuit Court accountable for her actions. He stated that the voters also have the means by state law to remove the Clerk. Mr. Willis reported he has drawn up a petition to allow the registered voters of Montgomery County to have Erica Williams removed from the office of the Clerk of Circuit Court.

Vicki Jo Naff Duncan expressed her concerns with the Clerk of Circuit Court removing five staff members from the Clerk's office. Ms. Duncan believes it was the work ethic of these five employees that made Ms. Williams look good the last eight years. Ms. Duncan also pointed out that the five employees removed from office did not openly campaign for Ms. Williams as the remaining employees did.

Parker Walters expressed his disappointment in the Clerk's actions by not reappointing five valuable employees. Mr. Walters stated he had a wonderful experience getting his passport with the help of Clarence Worrell.

Barbara Middleton stated that the action of the Clerk of Circuit Court was a true eye-opener and asked if the employees can be reinstated. Ms. Middleton stated it is a shame that Diana Vaughn, who is months away from retirement, has been cheated on her years of service. She praised each employee that was not reappointed.

Betty Greene stated she does not know the five employees that were dismissed from the Clerk's Office and does not know Erica Williams, the Clerk. She stated that as a taxpayer in Montgomery County she is appalled by the actions of the Clerk and questioned the Clerk's judgment. It makes her wonder how Ms. Williams will handle the Office of the Circuit Court for the next eight years. Ms. Greene asked if the decision to dismiss the employees was the right thing to do and in the manner in which the Clerk did it.

Kenneth Hester questioned the manner and timing of the dismissal of the five employees in the Clerk's Office. Mr. Hester stated that the Clerk of the Circuit Court let 56% of her staff go and questioned how she can effectively operate an office without 56% of her staff. Mr. Hester questioned how another office knew that employees of the Clerk's Office were not going to be reappointed before the employees themselves knew.

Anthony Needham, who serves as the Democratic Chair for District B and also an attorney, spoke about the actions of the Clerk of the Circuit Court. Mr. Needham spoke on how important the Clerk's Office is to the citizens of the County and how the Clerk has crippled the office by not reappointing five employees. He stated that this has created a burden to other Clerk of the Circuit Court offices that has provided help to Montgomery County and believes the County will feel the effects of this action. He asked when did the Democratic Party become about taking up with the big guy to take advantage of the little guy. He stated that Ms. Williams has not acted in a way that the Democratic Party should act. Mr. Needham asked the Board to eliminate any county supplemental funding to Ms. Williams' salary.

Laura Helms requested the Board to ask the Virginia Department of Transportation to repair Yellow Sulphur Road. Ms. Helms indicated that Yellow Sulphur Road has several large potholes. Ms. Helms also addressed the actions taken by the Clerk of the Circuit Court. She believes that all constitutional offices should be eliminated and not be politically based. She asked that the County consider a benefit package for the dismissed employees to help with their insurance costs for a couple of months.

Kim McKittrick, Clerk for the General District Court, stated there is a code of conduct that prevents her from speaking freely; however, she spoke highly of the five employees that were dismissed from the Clerk of Circuit Court Office. Ms. McKittrick stated she is accountable for all her hours and is expected to be a leader and takes up for her staff.

Jeremy Cultice expressed his concerns about the Clerk of Circuit Court not reappointing five staff members. He believes that she needs to be held accountable for her actions, and he is upset that a portion of his tax dollars goes toward supplementing the Clerk's salary.

Fran Echols, President of Thompson Tire, commented that what she has witnessed in Montgomery County is awful. She believes that no office should be that powerful, to remove employees in such a manner. Ms. Echols pointed out that the Clerk can be removed from the office.

Dan Brann stated what the County needs is for the five employees to work and let the Clerk stay home.

Zachary Delaney stated he was taught in his high school government class that government can be cold but Allan Worrell in the Clerk's Office taught him different. It upsets him to think that the Clerk's Office can do something so cold and there is nothing we can do about it.

Christine Nester moved to Montgomery County and is now concerned about what Montgomery County is becoming. She hopes that the Clerk of Circuit Court's actions do not cause the younger demographic to leave because of bad government. She emphasized that the Clerk's office needs experienced staff members.

Bruce Altis deens it is a shame that an elected official has treated employees who have served the County for numerous years the way she has. The employees have served most of their lives in the Clerk's office and have gone above and beyond the call of duty. He also sees this as a slap

in the face to terminate an employee who is within four months of retiring. He offered to be the first one to sign the petition to remove Erica Williams from office.

Teresa Pettus requested that the Board of Supervisors hold a forum for citizens so questions can be answered regarding the Clerk of Circuit Court's decision not to reappoint five of her staff members. Ms. Pettus also urged the Board to reinstate the employees insurance for a little while until the employees can figure out what they will do.

Dee Costello described how she has used the Clerk's Office numerous times over the years and have received wonderful customer service. She believes what the Clerk has done was wrong and asked the Board to do what they can in order to get the five staff people their jobs back.

Bill Turner thanked VDOT for making repairs on Ellett Road. Mr. Turner also urged the Board to do what they can to help the five staff members who lost their job.

Rob Kissling stated he has his own business and has to hire and fire people in the course of business. Mr. Kissling expalined that there has to be a lot of documentation to fire employees and he believes the five employees fired from the Clerk's Office were doing their jobs.

Wayne Worrell questioned the Clerk of Circuit Court's character.

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

RECESS

The Board took a 15 minute recess at 9:20 p.m. and reconvened at 9:35 p.m.

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by M. Todd King and carried unanimously, the Consent Agenda dated January 11, 2016 was approved. The vote was as follows:

AYE	NAY
Annette S. Perkins	None
April N. DeMotts	
Darrell O. Sheppard	
M. Todd King	
Gary D. Creed	
Mary W. Biggs	
Christopher A. Tuck	

A-FY-16-55
FIRE PROGRAM FUND

On a motion by Annette S. Perkins, seconded by M. Todd King 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, 2016 for the function and in the amount as follows:

23311	Fire Program Fund Distribution	$87,658

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

Revenue Account		
424401	Fire Program Fund Distribution	$87,658

Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

A-FY-16-56
COMMISSIONER OF THE REVENUE
APPROPRIATION OF FUNDING TO CONVERT
A FULL-TIME TEMPORARY POSITION FOR PRORATION
INTO A FULL-TIME PERMANENT POSITION

On a motion by Annette S. Perkins, seconded by M. Todd King 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, 2016, for the function and in the amount as follows:

152	Commissioner of the Revenue Assessments	$24,232

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

Revenue Account		
451500	Undesignated Fund Balance	$24,232

Said resolution appropriates undesignated fund balance to convert a full-time temporary position for proration into a full-time permanent position.

R-FY-16-61
PUBLIC SERVICE AUTHORITY
APPOINTMENTS

On a motion by Annette S. Perkins, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **April N. DeMotts and Darrell O. Sheppard,** are hereby appointed to the **Public Service Authority** effective January 12, 2016 and expiring December 31, 2019 or until a successor is elected; and

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **Mary W. Biggs and Christopher A. Tuck,** are hereby reappointed to the **Public Service Authority** effective January 12, 2016 and expiring December 31, 2019 or until a successor is elected.

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.

R-FY-16-62
AGENCY ON AGING-REAPPOINT
RAYMOND LYONS, JR. AS ALTERNATE

On a motion by Annette S. Perkins, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Raymond E. Lyons, Jr.** as an **alternate** to the **New River Valley Agency on Aging** effective January 12, 2016 and expiring September 30, 2016.

NEW BUSINESS

R-FY-16-63
RESOLUTION AUTHORIZING THE SECOND AMENDMENT TO THE LEASE AGREEMENT DATED OCTOBER 14, 2002 BY AND BETWEEN THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA AND THE FREE CLINIC OF THE NEW RIVER VALLEY

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

WHEREAS, The Board of Supervisors of Montgomery County, Virginia (hereinafter the "County") and the Free Clinic of the New River Valley, Inc. (hereinafter referred to as "the Free Clinic") have entered into a Lease Agreement dated October 14, 2002, as amended by the First Amendment to the Lease dated May 9, 2003, whereby the Free Clinic provides health services to low and moderate income persons within the New River Valley at the County owned office

building located at 215 Roanoke Street, Christiansburg, Virginia ("the Leased Premises"); and

WHEREAS, The Free Clinic was recently awarded a Health Infrastructure Investment Program Grant totaling One Million Dollars ($1,000,000) in federal funds from the Health Resources and Services Administration ("HRSA") to provide renovations and expansion of services at the Leased Premises; and

WHEREAS, As a condition of receiving the HRSA Grant the County and the Free Clinic agree to amend the Lease Agreement by adding five additional years to the Term of Lease so that the Lease will expire in 2027 and include additional provisions whereby HRSA is notified by the County of any default by the Free Clinic and HRSA is given the opportunity to remedy the default or designate a new entity to replace the Free Clinic subject to the County's approval for the balance of the Lease Term.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves and agrees to enter into the Second Amendment to the Lease Agreement dated January 11, 2016, with the Free Clinic, the Second Amendment to the Lease Agreement being attached and hereby made a part of this Resolution; and

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby authorizes the Chair of the Board of Supervisors to execute the Second Amendment to the Lease Agreement on behalf of the County.

The vote on the foregoing resolution was as follows:

AYE	NAY
Mary W. Biggs	None
April N. DeMotts	
Darrell O. Sheppard	
Annette S. Perkins	
Gary D. Creed	
M. Todd King	
Christopher A. Tuck	

THIS SECOND AMENDMENT to the Lease Agreement dated January 11, 2016, by and between the **BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA**, hereinafter referred to as "the County" and the **FREE CLINIC OF THE NEW RIVER VALLEY, INC.**, hereinafter referred to as "the Free Clinic".

W I T N E S S E T H :

WHEREAS, the County and the Free Clinic have entered into a Lease Agreement dated October 14, 2002, whereby the Free Clinic is providing health services to low and moderate income persons within the New River Valley at the County's office building located at 215 Roanoke Street, Christiansburg, Virginia (the "Leased Premises") ; and

WHEREAS, the County and the Free Clinic entered into an Amendment to the Lease Agreement dated May 9, 2003, whereby the Free Clinic agreed to be responsible for providing One Hundred Ten Thousand, Five Hundred Ninety-Five Dollars ($110,595) in additional funding to cover the initial renovations of the Leased Premises; and

WHEREAS, the Free Clinic was recently awarded a Health Infrastructure Investment Program Grant totaling One Million Dollars ($1,000,000) in federal funds from the Health Resources and Services Administration ("HRSA") to provide renovations and expansion of services at the Leased Premises (the "HRSA Grant"); and

WHEREAS, as a condition of receiving the HRSA Grant the County and the Free Clinic agree to amend the current Lease by adding five additional years to the Term of Lease so that the Lease will now expire in 2027 and to include the following restrictive terms that address the HRSA Grant:

a) The Free Clinic agrees not to sublease, assign or otherwise transfer the property or use the property for a non-HRSA Grant purpose(s) without written approval from HRSA at any time during the term of this Lease Agreement;
b) The County shall inform HRSA of any default by the Free Clinic under the Lease Agreement;
c) The County Agrees at any time during default, to delay exercising any remedy under the Lease until HRSA has had sixty (60) days from the date of receiving notice of default in which to attempt to eliminate the default.
d) The County agrees that HRSA may intervene to insure the default is eliminated by the Free Clinic or by another entity named by HRSA.
e) The County agrees to accept payment of money or performance of any other obligation by the HRSA's designee, for the Free Clinic, as if such payment of money or performance had been made by the Free Clinic; and
f) The County and Free Clinic agree that in the event that the Free Clinic defaults, the Grant is terminated or the Free Clinic vacates the Leased Premises before the end of the Lease Term, HRSA shall have the right to designate a replacement for the Free Clinic for the balance of the Lease Term, subject to approval by the County, which shall not be withheld except for good reason.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree to amend the Lease Agreement as follows:

1) The paragraph entitled Term of Lease on Page 1 of the Lease Agreement is hereby amended to reflect that the Term of the Lease shall expire Twenty-Five (25) years after the Commencement Date.

2) The paragraph entitled Use of Premises on Page 2 of the Lease Agreement is hereby amended to add that the Leased Premises shall not be used for non-HRSA Grant purposes without written approval from HRSA.
3) The paragraph entitled Default on Pages 5 and 6 of the Lease Agreement is hereby amended to add the following:

   a) The County agrees to provide HRSA with notice of any default by the Free Clinic. HRSA may intervene to insure the default is eliminated by the Free Clinic or another entity named by HRSA. The County shall, in the event of a default, delay exercising any remedy under the Lease until HRSA has had sixty (60) days from the date of receiving notice of default in which to attempt to eliminate the default.
   b) The County agrees to accept payment of money or performance of any other obligation by the HRSA's designee, for the Free Clinic, as if such payment of money or performance had been made by the Free Clinic; and
   c) The County and Free Clinic agree that in the event that either the Free Clinic defaults, the HRSA Grant is terminated or the Free Clinic vacates the Leased Premises before the end of the Lease Term, HRSA shall have the right to designate a replacement for the Free Clinic for the balance of the Lease Term, subject to approval by the County, which shall not be withheld except for good reason.
4) The paragraph entitled Assignment and Sublease on Page 6 of the Lease Agreement is hereby amended to add that this Lease may not be assigned, transferred or sublet by the Free Clinic without the County's and HRSA's prior written approval.
5) All other provisions and covenants contained in the Lease Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to the Lease Agreement this _____ day of _____, 2016.

BOARD OF SUPERVISORS OF THE COUNTY
OF MONTGOMERY, VIRGINIA

By: _____
Christopher A. Tuck, Chair

FREE CLINIC OF THE NEW RIVER VALLEY, INC.

By: _____
Michelle Brauns, Chief Executive Officer

COMMONWEALTH OF VIRGINIA
COUNTY OF MONTGOMERY

The foregoing instrument was acknowledged before me in the County and State aforesaid, this _____ day of January, 2016 by Christopher A. Tuck, Chair of the Board of Supervisors of the County of Montgomery, Virginia.

My commission expires:
Registration Number:

_____
Notary Public

COMMONWEALTH OF VIRGINIA
COUNTY OF MONTGOMERY

The foregoing instrument was acknowledged before me in the County and State aforesaid, this _____ day of January, 2016 by Michelle Brauns, Chief Executive Officer of the Free Clinic of the New River Valley, Inc.

My commission expires:
Registration Number:

_____
Notary Public

R-FY-16-64
BOARD OF SUPERVISORS ANNUAL APPOINTMENTS TO BOARDS AND COMMISSIONS FOR 2016

On a motion by M. Todd King, seconded by April N. DeMotts 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, 2016 and expiring December 31, 2016:

Board/Commission	Supervisor
AFD Advisory Board	Christopher A. Tuck
Chamber of Commerce Liaison	Christopher A. Tuck (Chair) Mary W. Biggs

County/School Liaison	F. Craig Meadows (County Administrator) Annette S. Perkins Mary W. Biggs (Alternate)
Economic Development Alliance (NRV)	F. Craig Meadows (County Administrator) April N. DeMotts (Chair or Designee) Annette S. Perkins (Alternate)
Economic Development Commission (Montgomery Regional)	Darrell O. Sheppard Christopher A. Tuck (Alternate)
Fairview District Home Board	Annette S. Perkins M. Todd King (Alternate)
Fairview Home, Inc. Board of Directors	L. Carol Edmonds (County Admin/Designee)
Legislative Liaison	Mary W. Biggs
Library Board Liaison	Mary W. Biggs
Metropolitan Planning Organization (MPO)	Annette S. Perkins (Board Member) Mary W. Biggs (Alternate) F. Craig Meadows (County Administrator)
Montgomery County Improvement Council (MCIC)	Christopher A. Tuck
Parks & Recreation Commission Liaison	Gary D. Creed
Planning Commission Liaison	Christopher A. Tuck April N. DeMotts (Alternate)
Road Viewers Board	All Board Members
School Liaison	All Board Members
Transportation Safety Commission	Gary D. Creed
Virginia Tech Liaison	F. Craig Meadows (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 IF 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:

AYE	NAY
April N. DeMotts	None
Darrell O. Sheppard	
Annette S. Perkins	
Gary D. Creed	
M. Todd King	
Mary W. Biggs	
Christopher A. Tuck	

R-FY-16-65
WESTERN VIRGINIA REGIONAL JAIL
AUTHORITY-APPOINTMENTS FOR 2016

On a motion by April N. DeMotts, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints the following individuals to the Western Virginia Regional Jail Authority effective January 1, 2016 and expiring December 31, 2016.

M. Todd King, Board of Supervisors **Mary W. Biggs (alternate)**

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:

AYE	NAY
Darrell O. Sheppard	None
Annette S. Perkins	
Gary D. Creed	
M. Todd King	
Mary W. Biggs	
April N. DeMotts	
Christopher A. Tuck	

R-FY-16-66
APPOINTMENT
FIRE AND RESCUE COMMISSION

On a motion by Mary W. Biggs, seconded by Darrell O. Sheppard and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Christopher A. Tuck** as the Board of Supervisors representative on the **Fire and Rescue Commission** to fill the unexpired term of William H. Brown, effective January 1, 2016 and expiring May 27, 2017.

Said appointment fills the unexpired term of Supervisor William H. Brown, whose term on the Fire and Rescue Commission corresponded with his elected term which expired on December 31, 2015.

The vote on the foregoing resolution was as follows:

AYE	NAY
Annette S. Perkins	None
Gary D. Creed	
M. Todd King	
Mary W. Biggs	
April N. DeMotts	
Darrell O. Sheppard	
Christopher A. Tuck	

R-FY-16-67
RESOLUTION TO AUTHORIZE MONETARY SUPPORT
FOR THE DIALOGUE ON RACE ANNUAL EVENT

On a motion by Mary W. Biggs, seconded by April N. DeMotts and carried unanimously,

WHEREAS, The Dialogue on Race is an annual event to promote the discussion of issues relating to diversity and race relations in Montgomery County; and

WHEREAS, The Board of Supervisors has been asked to support this event and to contribute $1,500 toward the costs of the Dialogue on Race annual event; and

WHEREAS, Monies are available within the Board of Supervisors annual budget to fund this request.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby approves $1,500 to support the Dialogue on Race event to be funded through the Board's current operating budget.

The vote on the foregoing resolution was as follows:

AYE	NAY
M. Todd King	None
Mary W. Biggs	
April N. DeMotts	
Darrell O. Sheppard	
Annette S. Perkins	
Gary D. Creed	
Christopher A. Tuck	

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

- Distributed a copy of the FY 2017 Budget Calendar. He made note special budget work session meetings as follows: March 7, March 21 and April 18. The public hearing on the FY 2107 Budget is scheduled for Thursday, April 7, 2016.
- The County Administrator welcomed the new Board members, April DeMotts and Darrell Sheppard.
- Congratulated Supervisor Tuck and Supervisor Creed for being elected Chair and Vice-Chair.
- Reminder – Board Planning Work Session scheduled for February 5 & 6, 2016.
- Catawba Hospital Closing: Roanoke County Administrator called requesting Montgomery County's support in opposing the closing of Catawba Hospital. Board members requested staff provide a draft resolution at their next meeting for consideration. There is a great need for residential care for those who can't take care of themselves.

BOARD MEMBERS REPORTS

Supervisor King thanked the citizens who attended the Board meeting tonight. He also thanked the County Administrator for all that he does. Supervisor King invited everyone to attend the Riner Fire Department Annual Oyster & Turkey Dinner Fundraiser on Saturday, February 1, 2016.

Supervisor Biggs welcomed April DeMotts and Darrell Sheppard as new Board members. She also congratulated Supervisor Tuck and Supervisor Creed for being elected Chair and Vice-Chair.

Supervisor Biggs requested a resolution of recognition for Coach Frank Beamer, retiring as head coach at Virginia Tech and for Joe Ivers and Sarah Woosley for serving on the Montgomery County School Board.

Supervisor Biggs asked if there is a way to educate the citizens on the Board of Supervisors' role regarding elected officials. The County supplements the Constitutional Officers' salaries.

Supervisor Perkins asked the process for a recall election. The County Attorney explained the process according to the Code of Virginia. A Constitutional Officer may be removed from office by a judge for neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of office. A petition has to have 10% of the number of registered voters who voted in the election for that office. In the November 2015 election, 18,472 votes were cast for the Clerk of Circuit Court office. The petition will require 1,847 signatures of registered voters.

The Board asked the County Attorney to advise them about its legal options regarding personnel decisions made by the Clerk of Circuit Court. Supervisor Tuck suggested a closed session if it is appropriate. Several Board members stated the discussion should be open to the public unless it was a personnel matter, then a closed session was preferred, but the Board should address the public at some point.

Supervisor Perkins congratulated Supervisor Tuck and Supervisor Creed on being elected Chair and Vice-Chair. She also welcomed the new Board members. She is looking forward to working with the new leadership and new board members as the County moves forward into a new year. She advised don't let your yesterday control your today.

Supervisor Sheppard thanked everyone for helping him and making him feel welcome.

Supervisor DeMotts revealed that she is nervous and excited at the same time for her first meeting. She congratulated Supervisor Creed and Supervisor Tuck on being elected Vice-Chair and Chair.

Supervisor DeMotts reported that she, along with Supervisor Sheppard, attended the Virginia Association of Counties New Supervisor Forum where they both received a lot of good information.

Supervisor Tuck thanked all the citizens who came out to the Board meeting tonight. He stated on a personal level and as an attorney that it hard to see five long-term employees in the Clerk of Circuit Court office dismissed. He is disappointed in the Clerk's actions.

Supervisor Tuck welcomed new Board members, April DeMotts and Darrell Sheppard. He explained that he and Supervisor Sheppard share a common bond as they are both related to former Board member Ira D. Long.

ADJOURNMENT

The Chair declared the meeting adjourned to January 25, 2016 at 6:00 p.m. The meeting adjourned at 10:40 p.m.

APPROVED_____ATTEST:_____

Christopher A. Tuck	F. Craig Meadows
Chair	County Administrator