AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 7TH DAY OF MARCH, 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
	April N. DeMotts	
	M. Todd King	
	Annette S. Perkins (arrived 6:30 p.m.)	
	Darrell O. Sheppard	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Director of Financial & Management Services
	Marc Magruder	-Budget Manager
	Ruth Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO WORK SESSION

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

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

1. Presentation of the FY 2017 Proposed Budget.

The vote on the following motion was as follows:

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

Presentation of the FY 2017 Proposed Budget

The County Administrator provided the following opening remarks:

The proposed FY 2017 Budget totals $182,106,061. I recommend that the real estate tax rate for FY 2016-17 remain at 89 cents, which represents no change from the current fiscal year. Two cents of the 89 cent rate will continue to go to the School Capital Fund. One cent of the real estate tax rate will be transferred to the County Capital Fund to replace fire and rescue equipment. In addition, I am recommending a one-time additional allocation to the County's Capital Fund of $374,000, which equals approximately ½ cent of revenue from the real estate tax rate, to assist our fire and rescue departments with a backlog of equipment needs. No changes are recommended to the County's personal property tax rates for FY 2016-17.

The proposed $45.5 million in County funds for the School Operating Budget represents an increase of $1.3 million (3%) from the current fiscal year. While the recommended budget does not fully meet the school's funding request, the County has increased local funding for the schools by over $9.1 million in the past five years. This increase is equivalent to 12.2 cents on the real estate tax rate, and does not reflect the additional debt service for new schools construction or other one-time funds provided to address capital or other school needs.

In addition to the operating budget, I am also proposing $750,000 in year-end carryover funds from the County to be used by the school system for the purchase of school buses, school facilities repairs, and technology upgrades as requested by MCPS. This would provide the school system with a total of $2,060,831 in additional funding to address their FY 2016-2017 budget needs. Also, I am cautiously optimistic that additional state funds for public education will be provided by the General Assembly, which would further address funding needs for the schools.

Again this year, I express my sincere gratitude to Marc Magruder, Angie Hill, Ruth Richey, and Carol Edmonds for their assistance with the preparation and presentation of the proposed annual budget. Marc, Angie, and Carol spent countless hours reviewing, adjusting, and reviewing again the numbers to ensure that the information you receive is as accurate as possible. Ruth ensures that my budget message is clearly stated and that our presentation to you looks its very best. Thanks also go to Susan Dickerson, who coordinates the outside agency requests, prepares many of the forms used in the budget development process, and compiles the budget document for publication. I would not be able to present a recommended budget to you each year without these individuals' support.

The Deputy County Administrator at this time provided a highlight of the proposed budget. Total requests from the County and the School totaled $7,416,147, with new revenues totaling $3.2 million that leaves $4.1 million dollars short to cover the total requests. To fund all requests would require over a 5 cent increase in the real estate tax rate.

Marc Magruder, Budget Manager, outlined the estimated growth for FY 2017 as follows:

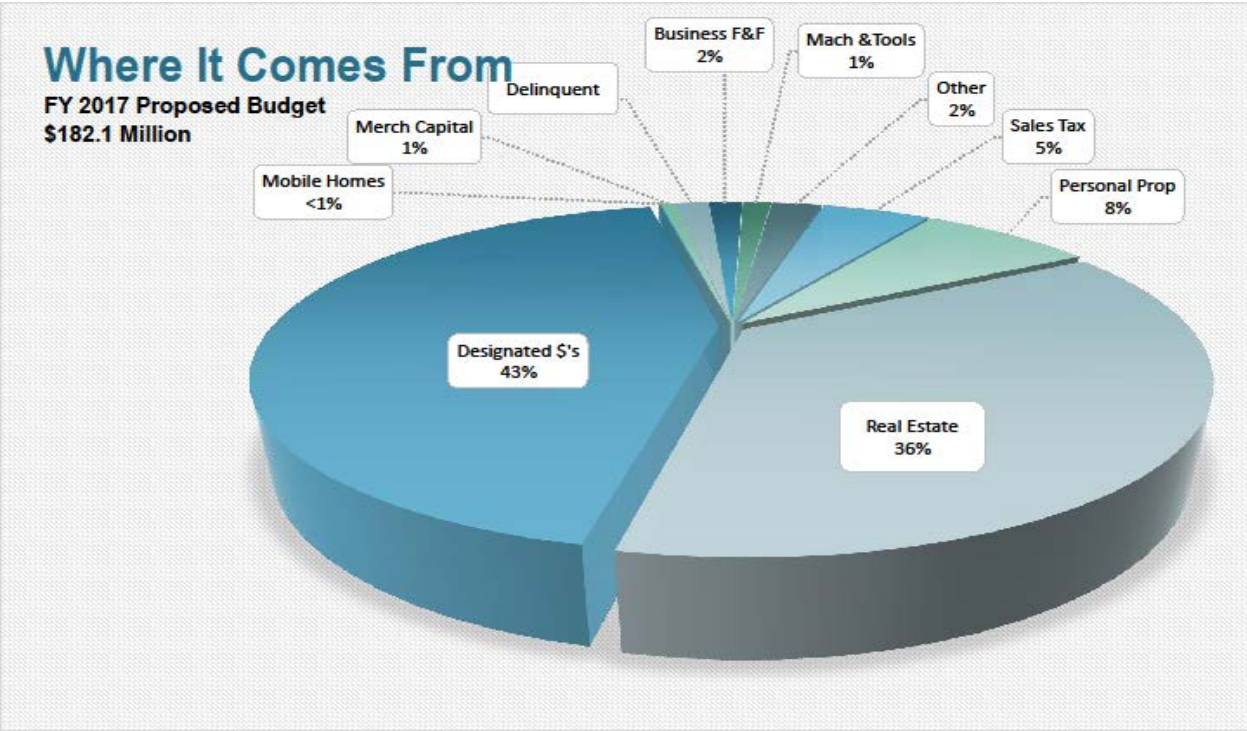
Undesignated Dollars

- Estimated growth from proration = $1.0 million
- Other personal property growth =$0.5 million
- Growth from new construction = $1.3 million
- Net of other local taxes = $0.3 million

Increase in undesignated dollars = $ 3.1 million
No tax rate increases.

Of the $3.1 million dollars in growth, $1.2 million is being proposed to go to School Operating Budget and $1.1 million to the County Operating Budget.

Mr. Magruder provided the following charts:



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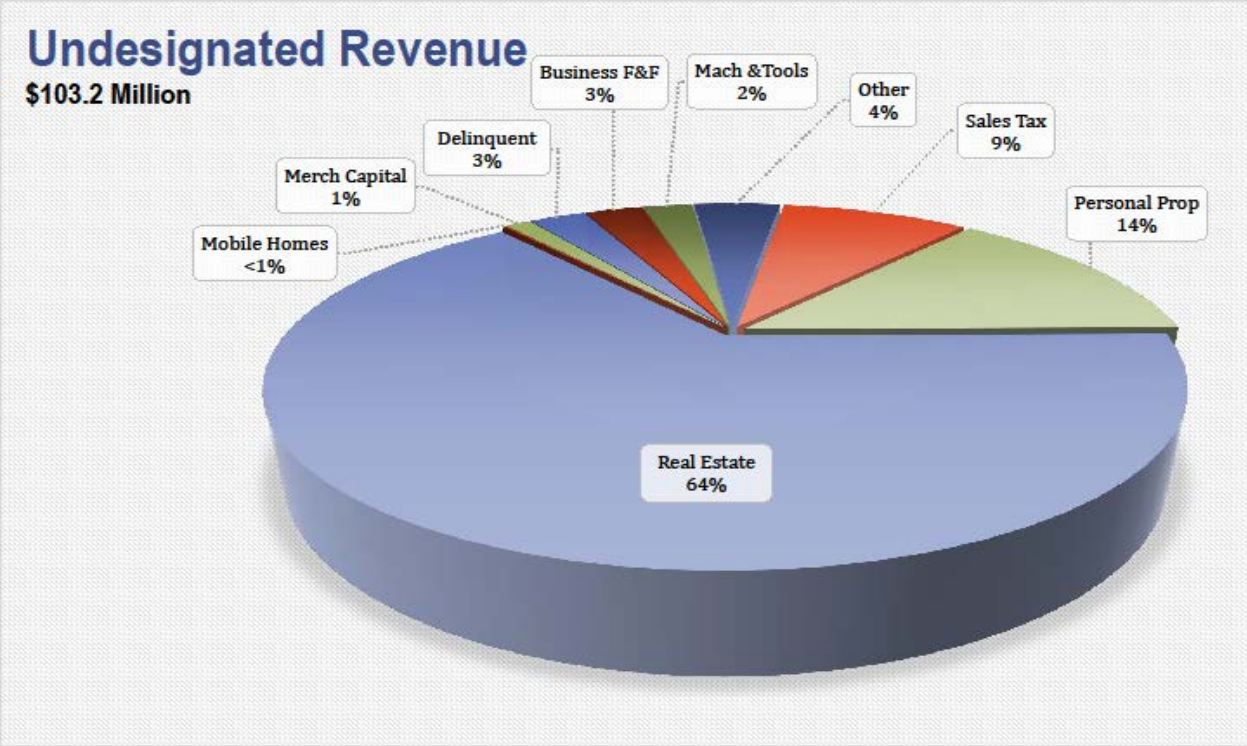
Undesignated Revenue
$103.2 Million
Business F&F 3%
Mach &Tools 2%
Other 4%
Sales Tax 9%
Delinquent 3%
Merch Capital 1%
Personal Prop 14%
Mobile Homes <1%
Real Estate 64%

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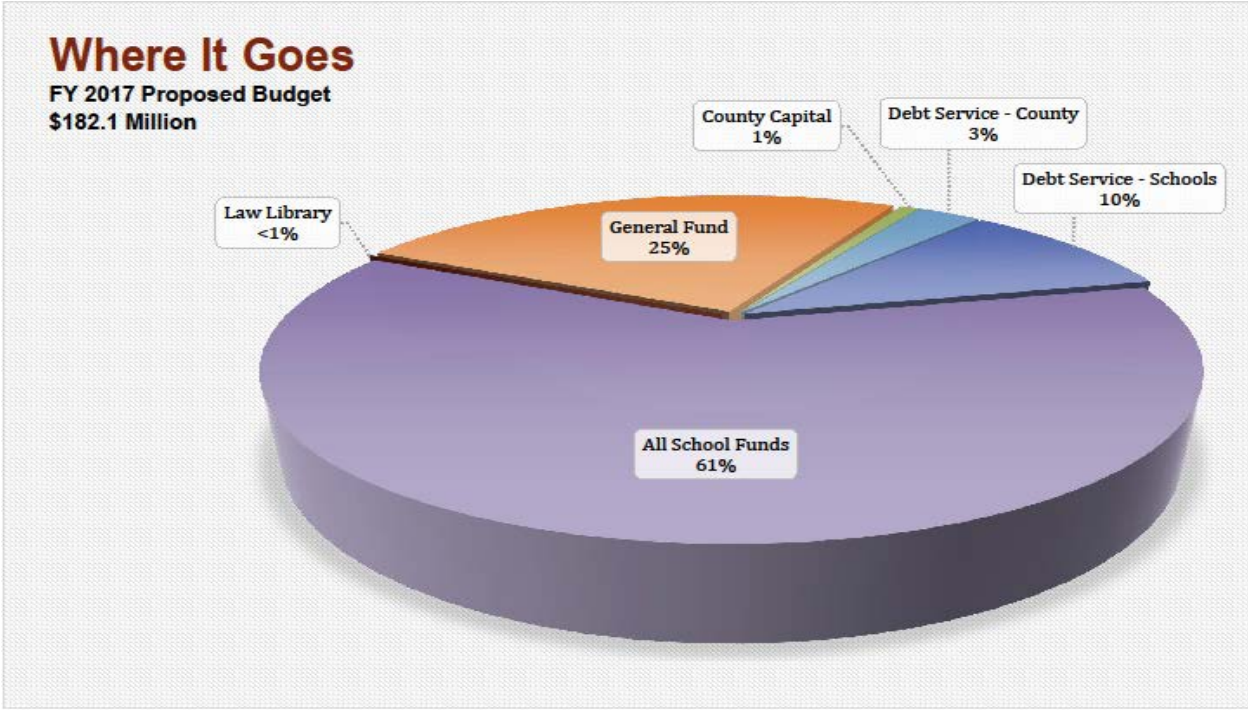
Where It Goes
FY 2017 Proposed Budget
$182.1 Million
County Capital 1%
Debt Service - County 3%
Debt Service - Schools 10%
Law Library <1%
General Fund 25%
All School Funds 61%

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The Deputy County Administrator at this time discussed FY 17 required County expenses totaling $290,299 and additional funding to address needs in the the Sheriff's Office and fire and resecue equipment. Funding is also put in Special Contingencies to cover employee compensation, costs associated with the new Animal Care and Adoption Center, future technology upgrades and county capital projects.

Angie Hill, Finanical & Management Services Director, addressed the Board on Debt Service. Ms. Hill explained that the FY 17 Proposed Budget includes a cost savings of $190,579 in debt service. A total of three cents on the real estate tax rate goes towards debt service.

The Deputy County Administrator stated that for every tax dollar, 71 cents goes towards schools and 29 cents towards the County. Of the 29 cents, 25 cent is for county functions, 3 cents for county debt and one cent for county capital.

Next steps:

Work Session	March 14, 2016 if needed
Establish the Advertised Budget and Advertised Tax Rate	March 21
Work Session	April 4
Public Hearing	April 7
Adopt Budget and set Tax Rate	April 18

OUT OF WORK SESSION

On a motion by M. Todd King, seconded by Darrell O. Sheppard and carried unanimously,

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

The vote on the following motion was as follows:

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

INTO CLOSED MEETING- 6:50 p.m.

On a motion by Darrell O. Sheppard, seconded by M. Todd King 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 (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

The vote on the forgoing motion was as follows:

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

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by M. Todd King and carried unanimously,

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

The vote on the forgoing motion was as follows:

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

CERTIFICATION OF CLOSED MEETING

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

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

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

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

VOTE

AYES
Mary W. Biggs
April N. DeMotts (for time present)
Darrell O. Sheppard
M. Todd King
Gary D. Creed
Annette S. Perkins
Christopher A. Tuck

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

Supervisor DeMotts excused herself from the Closed Meeting during the discussion of the former Blacksburg Middle School for the following reason:

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 is 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.

4. 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.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, March 14, 2016 p.m. at 6:00 p.m. The meeting adjourned at 8:00 p.m.

APPROVED_____ATTEST:_____

Christopher A. Tuck
Chair

F. Craig Meadows
County Administrator

AT A SPECIAL JOINT MEETING OF THE BOARD OF SUPERVISORS AND THE SCHOOL BOARD OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 29th DAY OF FEBRUARY, 2016 AT 6:30 P.M. IN MULTI-PURPOSE ROOM #2, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Christopher Tuck	-Chair
	Gary D. Creed	-Vice Chair
	Mary W. Biggs	-Supervisors
	April N. DeMotts	
	M. Todd King	
	Annette S. Perkins	
	F. Craig Meadows	-County Administrator
	Martin M. McMahon	-County Attorney
	Ruth Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
	Gunin Kiran	-Chair, School Board
	Connie L. Froggatt	-Vice-Chair School Board
	Jamie Bond	-School Board Members
	Penny Franklin	
	Mark F. Cherbaka	
	Marti Graham	
	James E. Lyons, III	
	Mark Miear	-Superintendent
	John Staten	-Assistant Superintendent for Operations
	Lois Graham	-Assistant Superintendent
	Joseph Makolandra	-Director of Human Resources
	Dan Berenato	-Director of Facilities and Planning
	Katie Miano	-Controller
	Brenda Drake	-Clerk/Public Information Officer
ABSENT:	Darrell O. Sheppard	-Board of Supervisor

CALL TO ORDER AND DINNER – 6:30 p.m.

The Chair called the meeting to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

INTO WORK SESSION

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

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

1. FY 2016-2017 Budget
2. Christiansburg School Strand
3. Status of OBMS/OBHS properties
4. Recent accomplishments/achievements

The vote on the forgoing motion was as follows:

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

OUT OF WORK SESSION

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

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

The vote on the forgoing motion was as follows:

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

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, March 7, 2016 at 6:30 p.m. The meeting adjourned at 8:30 p.m.

APPROVED_____ATTEST:_____

Christopher A. Tuck	F. Craig Meadows
Chair	County Administrator

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22nd DAY OF FEBRUARY, 2016 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Christopher A. Tuck	(arrived 6:02)	-Chair
	Gary D. Creed		-Vice Chair
	Mary W. Biggs		-Supervisors
	April N. DeMotts		
	Darrell O. Sheppard		
	M. Todd King		
	Annette S. Perkins		
	F. Craig Meadows		-County Administrator
	L. Carol Edmonds		-Deputy County Administrator
	Martin M. McMahon		-County Attorney
	Emily Gibson		-Planning Director
	Ruth Richey		-Public Information Officer
	Vickie L. Swinney		-Secretary, Board of Supervisors

CALL TO ORDER

The Vice-Chair called the meeting to order.

ADD TO CLOSED MEETING:

On a motion by Mary W. Biggs, seconded by Darrell O. Sheppard and carried unanimously the addendum dated February 22, 2016 was added to Closed Meeting as follows:

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

2. Riner Public Safety Site

The vote on the foregoing motion was as follows:

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

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by M. Todd King 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 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Former Blacksburg High School Property
2. Riner Public Safety Site

(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. Elimination of Compensation stipend for the position of Clerk of the Circuit Court

(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. Economic Development Authority
2. Parks & Recreation Commission
3. Transportation Safety Commission

The vote on the forgoing motion was as follows:

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

OUT OF CLOSED MEETING

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

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

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARING

Special Use Permit – Appalachian Power Company

A request by the Appalachian Power Company for a Special Use Permit (SUP) on approximately 3.559 acres in an Agricultural (A-1) zoning district to allow expansion of a 138 kv electric substation to upgrade equipment for reliability. The property is located at 1214 Panorama Drive, Blacksburg, Va and is identified as Tax Parcel No. 029- A 6 (Account No. 032009) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

Emily Gibson, Planning Director, provided a summary on Appalachian Power Company's (APCo) request for Special Use Permit. APCo is proposing to expand an existing non-conforming electric substation, North Blacksburg Substation. The existing substation was constructed in 1965 prior to the requirement for a special use permit. The current zoning ordinance allows for electric substations by special use permit and approval of the request would allow the expansion. The expansion is needed to maintain continued reliable electric service and to address the growing electric needs in Montgomery County.

At their February 10, 2016 meeting, the Planning Commission recommended approval of the special use permit.

There being no speakers, the public hearing was closed.

At this time Chair Tuck relinquished the position as Chair and turned the meeting over to the Vice-Chair, Gary Creed, in order to make a presentation regarding the Clerk of Circuit Court.

INTO WORK SESSION

On a motion by Christopher A. Tuck, seconded by Darrell O. Sheppard and carried unanimously,

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

1. Discussion on Clerk of Circuit Court of Montgomery County

The vote on the forgoing motion was as follows:

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

Clerk of Circuit Court of Montgomery County

Supervisor Tuck made a presentation regarding the Clerk of the Circuit Court office. He started off by showing a picture of himself and his family with President Jimmy Carter. He wanted to show that he is bipartisan, with him as a Republican and President Carter as a Democrat.

He then reminded everyone that the Board has requested from Erica Williams, Clerk of Circuit Court, an explanation for the high employee turnover rate in the Clerk's Office and to the attendance record of the Clerk. The Board received a letter from Ms. Williams' attorney offering a response to the Board of Supervisors' request. Supervisor Tuck stated that Ms. Williams declined to discuss any personnel matters in any inappropriate and/or public forum. At this time he showed a video of a candidate forum where the Clerk made a rebuttal regarding the high turn-over rate in her office. She stressed two points: 1) She had employees who desired to further their education and moved on for better opportunities and 2) She has challenges to pay her employees what they are worth. Supervisor Tuck pointed out that the General District Court Clerks make significantly less than Circuit Court Clerks, yet there is a 155% turnover rate in the Circuit Clerk's Office compared to a 50% turnover rate in General District Court.

Supervisor Tuck presented evaluation information on the five employees that were not reappointed. He commented that all five employees were given top scores with their performance either being exceeding the supervisors expectations or performance is competent. Evaluations were not conducted consistently as some employees were last evaluated in 2010 and some last evaluated in 2014. One of the five employees refused to sign a pledge of loyalty to the Clerk of Circuit Court after witnessing her four co-workers being fired.

Supervisor Tuck also presented information on the number of hours the Clerk of Circuit Court had worked during the months of October – December 2015 that was compiled from the Clerk's swipe card as follows:

October 2015	86.76 hours
November 2015	78.20 hours
December 2015	92.73 hours

Supervisor Tuck stated that the Clerk's office could not operate at the same capacity the first week of January and believes it hurt the County when the Clerk let experienced employees go. It is his opinion that the county's pay supplement to the Clerk should be eliminated.

Vice-Chair Creed opened up the floor for Board members comments.

Supervisor Sheppard agreed with Supervisor Tuck and he also believes the Clerk does not deserve supplemental pay.

Supervisor King pointed out that this is not a Democratic and Republican issue. This is an issue that affects the entire citizenship. He believes the Clerk needs to be held accountable to the citizens of Montgomery County.

OUT OF WORK SESSION

On a motion by Christopher A. Tuck, seconded by Darrell O. Sheppard and carried unanimously,

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

The vote on the forgoing motion was as follows:

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

The Vice-Chair turned the meeting back over to Chair Tuck to preside over the remainder of the meeting.

PUBLIC ADDRESS

Marshall Frank, an attorney in Montgomery County, addressed the Board regarding issues related to the Clerk of Circuit Court. Mr. Frank first of all thanked the Board for their service to Montgomery County. He also challenged Chair Tuck to continue to keep a non-partisan Board. Mr. Frank stated he has practiced law in Montgomery County for 30 years and is in the Circuit Court Clerk's Office 4-5 days per week. He is friends with the former deputy clerks and with the Clerk of Circuit Court. Mr. Frank noted that he may not have agreed with how the Clerk handled the situation of not reappointing employees; however, it still is the Clerk's decision on how she operates her office. He does not see how the Clerk's style of management is either criminal or malfeasance in office. He stated that since the Clerk is not an employee of the County then the Board of Supervisors does not have the authority to attack her punitively. Mr. Frank also believes that if the Board should choose to eliminate the supplemental stipend from only one constitutional officer then it is considered an "Arbitrary and Capricious" use of power as a public body. In closing, Mr. Frank believes the Montgomery County Clerk of Circuit Court to be among the best in the Commonwealth and that the Clerk's office will continue to function exceptionally well under her leadership.

Mary Alison Galway believes the Board of Supervisors will be setting a precedent if the Board decides to eliminate the supplemental pay to the Clerk of Circuit Court. She questioned what will happen in the future if the Board disagrees with the other Constitutional Officers. She stated that Constitutional Officers are not employees of the Board of Supervisors. She questioned if a structural change needs to be made on the how the Board works with the Constitutional Officers.

Devawn Bledsoe expressed concerns with the open air burning and pollution at the Radford Army Ammunition Plant (RAAP). Ms. Bledsoe informed the Board that RAAP is one of the top polluters in the Commonwealth of Virginia. She asked that the Board review the latest inspection report issued by the Department of Environmental Quality.

Sadie Gary expressed her support for the Clerk of Circuit Court and urged the Board not to eliminate the Clerk's supplemental pay.

Michael Abraham spoke in support for the Clerk of Circuit Court. Mr. Abraham stated he does not know why the Clerk made the decision to not reappoint members of her staff; however, the positions were filled by equally high level people and the office is functioning now. He reiterated that the Clerk has the right to appoint her staff. He believes the Board of Supervisors is wasting time and money on a needless action and suggested they return to work for the voters.

Alan Moore stated he launched a new business in Montgomery County which he questions now due to the environmental issues at RAAP. He does not have a clear picture of exactly what is going on at RAAP but he has read reports of toxins released and record levels of pollution. Mr. Moore looks to the leadership of the County to communicate with RAAP and to make sure RAAP is accountable to the citizens of the County.

James Jones shared his experiences in dealing with the Clerk of Circuit Court office. He stated he had a six year battle in a divorce and discovered 912 pages missing that were not filed. Mr. Jones stated that the employees in the Clerk's Office were very helpful; however, the Clerk did not notify the Judge that there were missing exhibits.

Kenneth Hester commented on the issues with the Clerk of Circuit Court. Mr. Hester stated he understands that the Clerk has the right to manage her office; however, he questioned her leadership and how the Clerk has dealt with the issues at hand. He disagrees with the previous statement that the Board is micromanaging the Constitutional Officers. It is being asked to take away the supplemental pay for the Clerk of Circuit Court.

Katrina Milburn addressed the Board regarding the Clerk of Circuit Court. Ms. Milburn indicated that she has seen first-hand unethical behavior by the Clerk and believes everything will eventually come out.

Jeff Vaught commented that he is helping to circulate the petition to remove the Clerk of the Circuit Court from office. Mr. Vaught stated that democrats who have signed the petition felt they were mislead by the Clerk's actions. He stated that the Board of Supervisors controls the taxpayers dollars and urged the Board to eliminate the supplemental pay to the Clerk.

Juliet Lewis stated she is troubled that the Board of Supervisors is spending all this time over the issues with the Clerk of Circuit Court considering they have no jurisdiction over Constitutional Offices.

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

RECESS

The Board took a fifteen minute recess and reconvened at 8:40 p.m.

CONSENT AGENDA

On a motion by M. Todd King, seconded by Darrell O. Sheppard and carried unanimously, the Consent Agenda dated February 22, 2016 was approved. The vote was as follows:

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

APPROPRIATIONS AND TRANSFERS

A-FY-16-60
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM

On a motion by M. Todd King, seconded by Darrell O. Sheppard 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:

200	Commonwealth's Attorney	$2,383

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

Revenue Account	
419104 Confiscations	$2,383

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

A-FY-16-61
REGISTRAR
TRANSFER FROM GENERAL CONTINGENCIES
PRESIDENTIAL & U.S. HOUSE OF REPRESENTATIVES 2016 PRIMARIES

On a motion by M. Todd King, seconded by Darrell O. Sheppard and carried unanimously,

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

FROM:		
950	General Contingencies	($38,200)
TO:		
170	Registrar	$38,200

Said resolution transfers funds from General Contingencies to the Registrar for costs associated with the dual presidential primary on March 1 and the U.S. House of Representatives primary in June.

A-FY-16-62
REVENUE REFUNDS
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by M. Todd King, seconded by Darrell O. Sheppard and carried unanimously,

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

FROM:		
950	General Contingencies	($15,000)
TO:		
900	Revenue Refunds	$15,000

Said resolution transfers funds from General Contingencies to Revenue Refunds to provide sufficient funds to comply with the 177 Corridor Revenue Sharing Agreement with the City of Radford.

A-FY-16-63
SHERIFF
RECOVERED COSTS

On a motion by M. Todd King, seconded by Darrell O. Sheppard 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:

310	Sheriff Comp Board		$ 4,904
320	Sheriff County		$ 1,134
321	Sheriff Grants		$ 1,162
		Total	$ 7,200

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

Revenue Account			
419108	Recovered Costs		$ 4,904
424404	Federal Confiscations		$ 1,134
419104	Confiscations		$ 1,162
		Total	$ 7,200

Said resolution appropriates recovered costs and confiscations for the Sheriff's Office.

APPOINTMENTS

R-FY-16-90
COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)
APPOINT LAURA H. TAYLOR

On a motion by M. Todd King, seconded by Darrell O. Sheppard and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Laura H. Taylor** to the **Community Policy and Management Team (CPMT)** as representative of a private organization or association of providers for children or family services, effective February 23, 2016 and expiring June 30, 2016.

Said appointment fills the unexpired term of Brian Hoff, resigned.

OLD BUSINESS

R-FY-16-91
RESOLUTION APPROVING THE PERFORMANCE AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY, VIRGINIA, THE ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA AND FIELDSTONE SENIOR LP AND FIELDSTONE FAMILY PARTNERS, LP SUPPORTING THE DEVELOPMENT OF AFFORDABLE WORKFORCE AND SENIOR HOUSING IN THE COUNTY OF MONTGOMERY, VIRGINIA

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

WHEREAS, On March 23, 2015, the Montgomery County Board of Supervisors approved a Resolution expressing the County's commitment to support the Development of Affordable Workforce and Senior Housing on Givens Lane in the Town of Blacksburg, County of Montgomery, Virginia; the Resolution is hereby attached and made a part of this Resolution; and

WHEREAS, The Board of Supervisors decided, subject to annual appropriation, to provide grants through the Montgomery County Economic Development Authority based on a percentage of taxes paid by Fieldstone based on the increased real estate assessment over a ten year period in return for Fieldstones' promise to develop, operate and maintain age and income restricted multi-family residential housing project in Montgomery County; and

WHEREAS, The Board of Supervisors desires to enter into the proposed Performance Agreement by and between the County of Montgomery, Virginia, the Economic Development Authority of Montgomery County, Virginia and Fieldstone Senior, LP and Fieldstone Family Partners, LP, ("the Performance Agreement"), which said Performance Agreement is consistent with the Board's March 23, 2015 Resolution expressing the County's commitment to support the development of affordable workforce and senior housing in the County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Performance Agreement dated February 22, 2016, by and between the County of Montgomery, Virginia, the Economic Development Authority of Montgomery County, Virginia and Fieldstone Senior, LP and Fieldstone Family Partners, LP supporting the development of Affordable Workforce and Senior Housing on Givens Lane in the Town of Blacksburg, County of Montgomery, Virginia; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes Christopher A. Tuck, Chair, to execute the said Performance Agreement on behalf of the County of Montgomery, Virginia.

The vote on the following resolution was as follows:

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

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, made and entered into this 22nd day of February, 2016, by and between the COUNTY OF MONTGOMERY, VIRGINIA, hereinafter referred to as the "County", the ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA, hereinafter referred to as the "EDA", and FIELDSTONE SENIOR LP, a Virginia limited partnership, ("FS Senior") and FIELDSTONE FAMILY PARTNERS LP, a Virginia limited partnership ("FS Family") and collectively with FS SENIOR, the "Developer of Fieldstone");

W I T N E S S E T H:

WHEREAS, the Developer of Fieldstone intends to develop affordable workforce and senior housing at 401 Givens Lane in the Town of Blacksburg, County of Montgomery, Virginia, in conformance with the zoning application approved by the Blacksburg Town Council on February 10, 2015; and

WHEREAS, the Town of Blacksburg has provided land use approval of the Developer of Fieldstone's proposed affordable workforce and senior housing project and has committed to financially supporting the project by waiving building permit, water and sewer connection fees and by providing an annual grant over a fifteen (15) year period equal to the increased Town real estate taxes paid by the Developer based on the increased assessment due to the Developer's investment; and

WHEREAS, the Board of Supervisors of the County of Montgomery, Virginia ("Board of Supervisors") desire to promote and encourage affordable quality housing for all income levels in the County of Montgomery; and

WHEREAS, on March 23, 2015, the Board of Supervisors adopted a Resolution expressing the County's commitment to support the development of affordable workforce and senior housing on Givens Lane in the Town of Blacksburg, County of Montgomery, Virginia by agreeing, subject to annual appropriation, to provide annual grants through the EDA based on a certain percentage of the taxes paid by the Developer of Fieldstone due to the increased real estate assessment; and

WHEREAS, the EDA desires to promote and encourage the economic development and vitality of the Town of Blacksburg and the County of Montgomery and assist in providing affordable quality housing in the County by agreeing to provide the Developer of Fieldstone with any grants submitted to the EDA by the County to support the development of affordable workforce and senior housing in the County; and

WHEREAS, the Board of Directors of the EDA approved a Resolution on February 23, 2016, agreeing to the terms of this Performance Agreement and authorized the Chairman of the EDA to sign this Agreement on behalf of the EDA; and

WHEREAS, the Board of Supervisors of the County of Montgomery, Virginia approved a Resolution on February 22, 2016, agreeing to the terms of this Performance Agreement and authorized Christopher A. Tuck, Chair to sign this Agreement on behalf of the County.

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations herein contained and other good and valuable consideration the parties agree as follows:

1. The Developer of Fieldstone agrees to the following:

   a) The Developer of Fieldstone specifically agrees to develop, as set forth in the zoning application approved by the Blacksburg Town Council on February 10, 2015 (Town Ordinance 1758), in substantial conformity with the plans shown therein and the proffers submitted as a part thereof, Age and Income Restricted Multi-Family Residential Dwellings. The FS Family specifically agrees to develop on the FS Family Parcel eight-four (84) units reserved for households with incomes less than 60% Area Median Income (AMI) and FS Senior agrees to develop on the FS Senior Parcel sixty (60) units reserved for senior households with incomes less than 40%, 50% and 60% AMI as part of the development ("the Project"). FS Senior and FS Family shall each certify annually to the County Administrator that these affordable housing uses are continuing with respect to their respective parcels.

   b) The FS Senior and FS Family agree to continuously operate and to maintain their portions of the affordable housing project during the term of this Agreement. If the use of a respective portion of the Project changes during the term of this Agreement the County and the EDA shall no longer have any obligation to provide the Performance Incentive Grants to FS Senior of FS Family, as applicable. FS Senior and FS Family shall be responsible for paying all their annual County and Town taxes owed for the calendar year prior to receiving any Performance Incentive Grants from the County and the EDA.

   c) The Developer of Fieldstone shall obtain site plan and building permit approval from the Town of Blacksburg to construct sixty (60) senior residences and eighty-four (84) affordable workforce residences on 401 Givens Lane. The Developer of Fieldstone shall certify to the County that FS Senior and FS Family have been awarded Federal Low Income Housing Tax Credits eligible for affordable housing

development and has obtained approval from a reputable financial institution agreeing to finance the construction of the buildings and appurtenant site improvements. The Developer shall provide the County with a copy of the plan of development (including a conceptual elevation and site plan for the purposed housing and associated improvements prepared by a registered engineer or land surveyor) approved by the Town that provides for the construction of eight-four (84) units reserved for affordable workforce households and sixty (60) units reserved for senior households on the Fieldstone Property. The Developer of Fieldstone shall certify to the County that the existing mobile home tenants on the Project site have been relocated to the satisfaction of the Town of Blacksburg.

d) The Developer of Fieldstone agrees to begin construction of the Project within One Hundred Eighty (180) days of obtaining site plan approval from the Town of Blacksburg, subject to force majeure events or written agreement of the parties extending such time period.

e) The Developer shall substantially complete the construction of the project and the associated improvements in substantial accordance with the approved conceptual elevation and site plan and obtain the required Certificate of Occupancy from the Town within twenty-four (24) months from the date construction begins, subject to force majeure events or written agreement of the parties extending such time period.

2. The County agrees to the following:

a) The County agrees to provide, subject to annual appropriation by the Board of Supervisors, to the EDA funding for a Performance Incentive Grant over a nine (9) year grant period. The Grant shall not exceed a total payout of Four Hundred Twelve Thousand, One Hundred Eighteen Dollars ($412,118) over the nine year period with year one beginning on January 1 following the issuance by the Town of Blacksburg of the final Certificate of Occupancy for the Development. The Performance Incentive Grant shall be as follows:

(1) In years 1-5, subject to annual appropriation by the Board of Supervisors, the annual grant shall be based on 100% of the Real Estate Taxes paid to the County by the Developer of Fieldstone that were assessed based on the increased real estate assessment of up to $7,200,000 above and beyond the stipulated current assessed value of the Fieldstone property of $658,000 allocated as follows: (i) $397,824.20 for the 6.630 acre parcel acquired by FS Senior (the "FS Senior Parcel") and (ii) $260,175.80 for the 4.336 acre parcel acquired by FS Family ("the FS Family Parcel") due to the Developer of Fieldstone affordable workforce and senior housing project, not to exceed a maximum annual grant in any of the years 1-5 of $58,874.

(2) In year 6, subject to annual appropriation by the Board of Supervisors, the annual grant shall be based on 80% of the Real Estate Taxes paid to the County by the Developer of Fieldstone that were assessed based on the

increased real estate assessment of up to $7,200,000 above and beyond the stipulated current assessed value for the FS Senior Parcel and FS Family Parcel stated above in paragraph 2(a)(1), not to exceed a maximum annual Performance Incentive Grant in year 6 of $47,099.

(3) In year 7, subject to annual appropriation by the Board of Supervisors, the annual grant shall be based on 60% of the Real Estate Taxes paid to the County by the Developer of Fieldstone that were assessed based on the increased real estate assessment of up to $7,200,000 above and beyond the stipulated current assessed value for the FS Senior Parcel and the FS Family Parcel stated above in paragraph 2 (a)(1) not to exceed a maximum annual performance incentive in year 7 of $35,324.

(4) In year 8, subject to annual appropriation by the Board of Supervisors, the annual grant shall be based on 40% of the Real Estate Taxes paid to the County by the Developer of Fieldstone that were assessed based on the increased real estate assessment of up to $7,200,000 above and beyond the stipulated current assessed value for the FS Senior Parcel and FS Family Parcel stated above in paragraph 2 (a)(1), not to exceed a maximum annual grant in year 8 of $23,550.

(5) In year 9, subject to annual appropriation by the Board of Supervisors, the annual grant shall be based on 20% of the Real Estate Taxes paid to the County by the Developer of Fieldstone that were assessed based on the increased real estate assessment of up to $7,200,000 above and beyond the stipulated current assessed value for the FS Senior Parcel and FS Family Parcel stated above in paragraph 2 (a)(1), not to exceed a maximum annual grant in year 9 of $11,775.

b) The County shall provide to the EDA the required funding for the Performance Incentive Grant each year subject to the terms and conditions of this Agreement and annual appropriation by the Board of Supervisors. The County shall provide the EDA the required funding for the Performance Incentive Grant only after FS Senior and FS Family, respectively, have paid the full amount of the assessed Town and County real estate taxes due.

3. The EDA agrees to the following:

a) The EDA agrees within thirty days of receipt of the annual Performance Incentive Grant funding from the County to disburse the Grant funding proceeds to FS Senior and FS Family respectively consistent with the terms and conditions of this Agreement as requested by the County.

b) The EDA shall have no obligation to the Developer of Fieldstone to provide the Performance Incentive Grant if the County does not first appropriate the proceeds and provide the EDA with the funds. The EDA's only obligation to the Developer

of Fieldstone under this Performance Agreement is to provide the Developer with the Performance Incentive Grant funds that were provided to the EDA by the County.

4. This Performance Agreement shall be governed by, construed, interpreted and the rights of the parties determined in accordance with the applicable laws of the United States and the Commonwealth of Virginia. The venue for any dispute between the parties relating to this Performance Agreement shall be exclusively state courts of competent jurisdiction in Montgomery County, Virginia or the United States District Court, Western District of Virginia, Roanoke, Virginia.

5. Notice and other correspondence regarding this Performance Agreement shall be hand delivered or mailed through the U.S. Mail or by national overnight carrier to the following addresses, or to such other or additional addresses as the parties may designate in writing:

EDA:	Brian Hamilton Secretary, EDA 755 Roanoke Street, Suite 2H Christiansburg, VA 24073
Developer:	Fieldstone Senior LP and Fieldstone Family Partners LP Attention: William Park 1821 Avon Street Extension Charlottesville, VA 22902
County:	County of Montgomery, Virginia F. Craig Meadows, County Administrator 755 Roanoke Street, Ste. 2E Christiansburg, VA 24073

6. This Agreement may be assigned by FS Senior or FS Family (only as to such party's respective rights and obligations) without the written consent of the EDA or the County to an entity wholly owned by such party so long as the new entity expressly assumes the obligations herein and remains fully liable under this Performance Agreement.

7. This Agreement embodies the entire understanding of the parties, there being no promises or undertakings, written or oral, other than those expressly set forth herein. This Agreement shall be governed by the laws of the Commonwealth of Virginia.

8. Each party shall execute and deliver, or cause to be executed and delivered, any and all instruments, documents and conveyances, and take any and all action as shall be necessary or convenient, required to vest in each party all rights, interests and benefits intended to be conferred in and under this Agreement.

9. This Agreement may be executed in Counterparts, each one of which, when all parties have signed, may be conformed and shall constitute an original document.

10. This Agreement shall be binding on the parties, their respective successors and assigns.

11. This Agreement is the full and complete agreement between the parties and no amendment or modification can be made to this Agreement unless and until it is reduced to writing and executed and delivered by all parties.

WITNESS the following signatures and seals.

ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY

By:_____
ERIC JOHNSEN, Chair

COMMONWEALTH OF VIRGINIA,
COUNTY OF MONTGOMERY:

Acknowledged before me this ____day of February, 2016, by Eric Johnsen, Chair of the Economic Development Authority of Montgomery County.

_____
Notary Public

Registration No. _____
My Commission expires: _____

COUNTY OF MONTGOMERY, VIRGINIA

By:_____
CHRISTOPHER A TUCK, Chair

COMMONWEALTH OF VIRGINIA,
COUNTY OF MONTGOMERY:

Acknowledged before me this ____ day of February, 2016, by Christopher A. Tuck, Chair for the Board of Supervisors of Montgomery County, Virginia.

_____
Notary Public

Registration No. _____
My Commission expires: _____

FIELDSTONE SENIOR LP

By: Fieldstone Realty Partners LLC, a Virginia limited liability company, its general partner

By: Bluestone Land, L.L.C., a Virginia limited liability company, its manager

By: _____
William N. Park, Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF _____

Acknowledged before me this ____day of February, 2016, by William N. Park, Manager of Bluestone Land, L.L.C., a Virginia limited liability company, in its capacity as manager of Fieldstone Realty Partners LLC, a Virginia limited liability company, in its capacity as general partner of Fieldstone Senior LP, a Virginia limited partnership.

_____
Notary Public

Registration No. _____
My Commission expires: _____

FIELDSTONE FAMILY PARTNERS LP

By: Fieldstone Family LLC, a Virginia limited liability company, its general partner

By: Bluestone Land, L.L.C., a Virginia limited liability company, its manager

By: _____
William N. Park, Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF _____

Acknowledged before me this ____day of February, 2016, by William N. Park, Manager of Bluestone Land, L.L.C., a Virginia limited liability company, in its capacity as manager of Fieldstone Family LLC, a Virginia limited liability company, in its capacity as general partner of Fieldstone Family Partners LP, a Virginia limited partnership.

_____
Notary Public

Registration No. _____
My Commission expires: _____

NEW BUSINESS

R-FY-16-92
RESOLUTION ELIMINATING THE COMPENSATION SUPPLEMENT FOR THE POSITION OF CLERK OF THE CIRCUIT COURT OF MONTGOMERY COUNTY, VIRGINIA

On a motion by M. Todd King, seconded by Darrell O. Sheppard and carried,

WHEREAS, Section 15.2-1605.1 of the 1950 Code of Virginia, as amended, empowers the Board of Supervisors in its discretion, to elect to supplement the compensation of a Constitutional Officer or any of the Officers' deputies or employees above the salary established by the Compensation Board; and

WHEREAS, The Board of Supervisors currently supplements the compensation for the position of Clerk of the Circuit Court of Montgomery County, Virginia; and

WHEREAS, The Board of Supervisors has the discretion to reduce or eliminate at any time any compensation supplement provided to one of the Constitutional Officer positions; and

WHEREAS, The Board of Supervisors desires to eliminate the compensation supplement provided by the Board to the Compensation Board salary for the position of the Clerk of the Circuit Court of Montgomery County, Virginia.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby agrees to eliminate and discontinue providing any compensation supplement to the Compensation Board salary for the position of the Clerk of the Circuit Court of Montgomery County, Virginia effective March 1, 2016.

The vote on the following resolution was as follows:

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

The following Board members asked that their comments be included in the record:

Supervisor Biggs

"I have thought a great deal about what I might say tonight. My thoughts seem to fall out under 4 questions I asked myself. How did we get here? What do we do now? Where does this leave us? What does this mean for the future? So what follows are my thoughts surrounding the resolution on our agenda tonight. I would ask that you please bear with me as I present them to you.

First, How did we get here? The Clerk of Court did not reappoint certain members of her staff, and one staff member decided to leave. Legally, Mrs. Williams can make appointments, reappointments, or non-reappointments.

Citizens then came to our Board meetings and e-mailed us their concerns and thoughts about the actions of the Clerk and how those actions effected the clerk's office.

We discussed the fact that as a Board of Supervisors, we have no control of Constitutional Officers' appointments, reappointments, and non-reappointments of staff members to their respective offices.

Now, enter into the discussion the fact that on Feb. 28, 2000, a resolution was passed by the Board of Supervisors at that time, with Ms. Perkins and I both voting yes, to approve an agreement that in part, offered each Constitutional Officer and their employees the opportunity to participate in the County's Compensation and Classification Plans. This agreement was passed

to help with inconsistencies that existed between the County's and the VA's Compensation Board's compensation and classification systems that had resulted in disparities that affected the workplace.

For example, it was brought to our attention by the Sheriff at the time, Doug Marrs, that deputies were being trained at the county's expense and then leaving for higher paying positions in law enforcement. We also had employees in our county offices and constitutional offices performing the same jobs, but being compensated differently. The idea was to try to correct disparities between jobs and to HELP our county be more competitive in the job market.

Memorandums of Agreement were created and signed by Constitutional Officers, the Board of Supervisors' Chair, and the County Administrator. In these agreements it states that the "Constitutional Officer shall continue to be included as an exempt service employee within the County service in recognition of their status as an elected official which precludes their total inclusion as a regular employee as defined in Section 1.10 of the Personnel Policies Manual. Further, employees of this officer will be exempt from the County's Employee Grievance Procedure." No where is it stated in the resolution we passed in 2000, or the Memorandum of Agreements that the Board of Supervisors will evaluate Constitutional Officers, which legally we can't, and then withhold supplements based on our evaluations.

Secondly, What do we do now? Yes, we have the right as a Board to take the money away, as our attorney has stated, but he has also shared with us that quote "No decision by the Board should be based on any preconceived judgment or opinion formed without just grounds or before sufficient knowledge is obtained, or because of a dislike for someone based on race, gender, age, nationality or religion". The part that resonates in my thinking is "before sufficient information is obtained".

Here lies one issue for me...FAIRNESS...as a former teacher I always stressed hearing both sides of a story, or dispute, from the individuals involved, before any action is taken. We have heard from citizens on both sides, but Mrs. Williams, herself, has not been able to respond due to these issues being personnel issues. I would think Mrs. Williams' sharing of personnel information could take place if the recall petition goes forward to be heard in a court situation, but we as a board, at this point in time, do not have "the other side's story".

So where does this leave us? We can vote to take away Mrs. Williams' supplemental pay starting in March, because we can, even though I personally think "sufficient knowledge" has not been obtained, or we can vote not to do this at this time. We can vote to take her pay away, to show displeasure for the actions she took, that legally she could take, but what would that accomplish? Would the non-reappointed individuals be reappointed, or would the idea be just to single out and punish the Clerk for her actions?

Third, What does this mean for the future? If our board wants to become one that evaluates or judges Constitutional Officers by giving or withholding their supplemental pay, shouldn't this be a discussion at budget time? The original resolution has been in place for the last 16 years, and did not contain the component of evaluation in regards to supplemental money, and we are looking to change its intent and use it in a different way based on board meetings of the last 2

months. Does this benefit our working relationship with our Constitutional Officers so that we have open communications with each other, and understand the needs and responsibilities all of us face as elected officials who are here to serve the citizens of Montgomery County?

So in closing, after thinking through this issue, I do empathize with the individuals that no longer have their jobs, but I cannot support the proposed resolution to take away the Clerk's supplement because I think it sets a precedent that could possibly be challenged in court, and I would suggest if our board wants to pursue a discussion of supplements to Constitutional Officers and their employees, we do so at budget time and perhaps solicit the Constitutional Officers' thoughts on this issue. Since all of this has happened, the Constitutional Officers might prefer not to be included in supplements. The way things stand now, the question could be asked by any of our Constitutional Officers, "Who is next to lose his/her supplement?" As Martin Luther King once said, "The time is always right to do what is right," and my personal opinion, based on the information I have before me now, is that taking away one Constitutional Officer's supplement is not the right thing to do, and the issue of supplements to Constitutional Officers should be discussed during our budget discussions."

Supervisor DeMotts

"We've received a lot of citizen emails on this subject in the past few weeks. Some are calling for us to take action and remove the supplement. Some urging us to be more thoughtful in our decision and leave things as they are. In weighing the facts of this decision, I want to share with you some excerpts of emails we have received.

1. Not only has she shown exemplary leadership in this job, but she is a fairly elected official. I doubt that any of us are privy to the reasons for her actions on personnel issues.

2. People are often quick to judge and complain. At our Clerk's office, there is currently no reason for complaint.

3. There is no indication of providing or not providing stipends based on merit. My research suggests that singular action against one recipient of the stipend is an arbitrary and capricious use of your power as a public body.

4. As a constitutional office, Erica Williams has the right to appoint the staff that she chooses. I believe our Clerk of Court did not make her decisions lightly, and I believe that each of these employees knows exactly to why they were not reappointed.

5. The BOS may open itself to lawsuits. I fear that you are in the process of overstepping your bounds and that your actions ultimately may be injurious and costly to the citizens of Montgomery County.

Some of my own responses to these emails have included similar concerns. In fact, I fear that we are opening the door for a lawsuit if we proceed with this action. Further, the legal fees and related costs associated with such action could result in a price tag significantly higher than the savings associated with any punitive action we take here tonight. Again, I'll say we are exposing ourselves to a very valid and real threat of a lawsuit if we proceed on this matter.

The MOA's that are in place with our constitutional officers do not call for evaluation, oversight, or retaliation by this board. This action is, in my mind, an abuse of power by this board and I do not support it.

Finally, though I sympathize with the individuals that were not reappointed, I do think it is necessary to point out that each of these jobs came with a set term of employment. These terms expired on December 31, 2015. Nobody was fired from the Circuit Clerk's office, rather, contracts were not renewed and offers of reappointment were not made.

This is helpful information to understand as we try to understand why Ms. Williams made her decisions.

Perhaps Ms. Williams is entitled to have a staff that believes in and supports her future vision for her office? Perhaps Ms. Williams is entitled to have a team in place that works cohesively and follows her lead? Regardless, our role is not to evaluate or manage Constitutional Officers. I question the direction this board is taking and am very concerned about how actions taken tonight will negatively impact the working relationships between Montgomery County's elected officials, constitutional officers, and employees moving forward. We could be setting a very bad precedent."

Supervisor Perkins

Supervisor Perkins commented that she has spent numerous hours thinking about this issue and is concerned that the Board of Supervisors lacks real information. Why is the Board spending time and resources on this issue? As Supervisor Biggs stated we do not have enough sufficient information to make a decision and this action will set a precedence.

Supervisor Perkins commented that many have stated that what the Clerk did was legal but it is not right. By whom? Everybody thinks differently and interprets what is moral or not differently.

Supervisor Perkins cannot comprehend why two political parties are at odds over this issue. She stated that the Board should step back and take another look and decide what the Board wants to do. Is the Clerk accountable for her actions? Yes, just like all elected officials are accountable to the citizens they serve; however, the Clerk is not accountable to the Board of Supervisors for her actions. She stated she could not support the resolution and asked what have they gained after all is said and done.

Chair Tuck thanked the County Attorney for providing legal breakdown on this issue. The petition circulating to remove the Clerk of Circuit Court from office is not affiliated with the Board of Supervisors in any way. The petition is being spearheaded by voters in Montgomery County.

Chair Tuck stated that the Board of Supervisors does have the legal right to eliminate the salary supplement from a Constitutional Officer. The Board does have the responsibility to know how money is spent.

A-FY-16-64
SCHOOL OPERATING BUDGET
TRANSFER BETWEEN CATEGORIES

On a motion by M. Todd King, seconded by Gary D. Creed and carried unanimously,

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

FROM:		
09 610000	Instructional	($99,984)
TO:		
09 630000	Transportation	$99,984

Said resolution transfers funds between categories for the purchase of a special education bus.

The vote on the following resolution was as follows:

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

R-FY-16-93
RESOLUTION OF APPRECIATION
SNOWVILLE VOLUNTEER FIRE DEPARTMENT

On a motion by M. Todd King, seconded by Darrell O. Sheppard and carried unanimously,

WHEREAS, On February 15, 2016 the Riner Volunteer Fire Department responded to a house fire on Childress Road in Montgomery County; and

WHEREAS, Although located in Pulaski County, the Snowville Volunteer Fire Department provided aid to the Riner Fire Department with an outstanding response to the call; and

WHEREAS, The efforts of the Snowville Volunteer Fire Department were critical in containing the fire.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby expresses its gratitude and appreciation to the members of the Snowville Volunteer Fire Department for the outstanding response from their members to provide aid to the Riner Volunteer Fire Department and citizens of Montgomery County in their time of need.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the members of the Snowville Volunteer Fire Department and that a copy be made a part of the official minutes of Montgomery County.

The vote on the following resolution was as follows:

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

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported that Supervisors Biggs, DeMotts, Perkins, King and Chair Tuck along with himself attended the Virginia Association of Counties (VACo) Government Day in Richmond. They had the opportunity to meet with the County's legislative representatives and staff to discuss the County's priorities.

BOARD MEMBERS REPORTS

Supervisor Biggs reported while attending the VACo Government Day she had the opportunity to meet with the Lt. Governor.

Supervisor Biggs asked staff to look into wheter the local government can do anything about citizens' concerns with Radford Arsenal's open burn of their hazardous waste. Chair Tuck suggested that staff look into this after the budget process is over. He stated the entire month of March will be focusing on budget.

Supervisor DeMotts reported she has received numerous phone calls regarding the Mountain Valley Pipeline. She asked if the County has applied with FERC to become a Consulting Party for the National Historic Preservation Act – Section 106 Process. Does the County want to join forces with Giles and Roanoke County who have obtained an outside attorney who specializes in legal matters relating to pipelines.

Supervisor DeMotts requested that the during the County's budget process the Board consider unfreezing the position for a long-range planner in the Planning Department. She believes this position is needed to help with the long range planning in environmental and development needs in the county.

She also thanked the Board for entertaining closed meetings for the former Blacksburg High School site. It is important to keep on-going discussions regarding this site.

Supervisor DeMotts asked that the issue with chlorate in drinking water be added to a future Public Service Authority (PSA) meeting for discussion. Supervisor King, who is Chair for the PSA, stated he will inform the PSA Director.

Supervisor Tuck clarified incorrect information he provided at the last meeting regarding Union First Bank. He previously stated that he thought Union First had closed down their main operation and had only branch banks left in the County. Union First actually has five branch banks operating in Montgomery County with 35 employees and still has the main operation open on Arbor Drive with 25 associates still employed at this location.

ADJOURNMENT

The Chair declared the meeting adjourned to February 29, 2016 at 6:30 p.m. The meeting adjourned at 9:37 p.m.

APPROVED_____ ATTEST:_____

Christopher A. Tuck
Chair

F. Craig Meadows
County Administrator