AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11th DAY OF APRIL, 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	
	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
	Emily Gibson	-Planning Director
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADDENDUM - ADD TO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Darrell O. Sheppard and carried unanimously, the Board added the following addendum dated April 11, 2016 to Closed Meeting:

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

4. Shawsville Middle School Associated Property

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 A. Tuck	

INTO CLOSED MEETING

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 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
3. Riner Public Safety Site
4. Shawsville Middle School Associated 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. New River Community College Board
2. Parks & Recreation Commission
3. Alcohol Safety Action Program

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 Gary D. Creed, 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 Mary W. Biggs, seconded by Gary D. Creed 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

Supervisor DeMotts commented she excused herself from Closed Meeting during the discussion of the former Blacksburg Middle School Property for reasons she has stated in the past. Her significant other has potential business ties to this property.

Chair Tuck commented he excused himself from Closed Meeting during the discussion of the appointment to the Alcohol Safety Action Program (ASAP) as he is the Chair to the ASAP and he believes it to be a conflict to make a decision as to who should be appointed to ASAP.

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATIONS, RECOGNITIONS AND AWARDS

Virginia Department of Transportation

David Clarke, VDOT, provided an update on road projects/issues in Montgomery County. Mr. Clarke reported summer paving, patching and overlay is underway as well as brush/tree cutting through-out the County. Several Six-Year Road projects and Revenue Sharing Road projects are due to begin in the Spring, such as Blue Springs Road, Brush Creek Road, Sydney Church Road, and Piney Woods Road. Mr. Clarke stated that a petition for a speed study on Piney Woods Road was submitted and explained that the study would not be conducted until after the construction on the road is completed.

Mr. Clarke reported that Northfork Road (SR 603) is expected to be finished by mid-summer. There have been some issues with right-of-way and blasting.

Mr. Clarke stated that VDOT has several bridges scheduled for replacement in Montgomery County and should start the projects this summer. The bridge over Meadow Creek Road will be rebuilt and should expect one lane road until the project is completed. Also, Bow Hill Road bridge replacement is expected to start in September 2016.

Mr. Clarke also mentioned that the public hearing for the County's Six-Year Secondary Road Improvement Plan will need to be held soon and suggested May 9, 2016. He informed the Board that Montgomery County will not see an increase in funding for the Six-Year Secondary Road Improvement Plan.

Board of Supervisors had the following concerns:

Brooksfield Road (Prices Fork Road): Supervisor Sheppard received requests by businesses located on Brooksfield Road that the turn sign located on Prices Fork Road be moved around 400 ft. David Clarke reported that this should be looked at during the design stage of the new turn lanes at the old Prices Fork Elementary School. Mr. Clarke reported that a community meeting will be held to solicit public comments on this project.

Brooksfield Road: Supervisor Sheppard reported just before 2320 Brooksfield Road erosion has created a big hole in the road. Supervisor Sheppard stated that VDOT cleaned out the drainage pipes and culvert but asked VDOT to come out and inspect/repair this hole.

Blacksburg 460/North Main/Farmingdale Lane Intersection: Supervisor DeMotts expressed her concern with that the Town of Blacksburg's proposed project to fix the issues at the intersection will create more problems as it will force drivers to make a u-turn at the Coal Bank Hollow Road intersection.

Meadow Creek Road: Supervisor King addressed the problem with big trucks traveling this road. He asked how these trucks can be rerouted and/or restricted from using Meadow Creek Road. David Clarke stated there is a process to restrict truck traffic on a road. Signs may also be installed to make motorists award of the curves, etc. on the road.

177 Travel Center/Mudpike Road Intersection: Supervisor King expressed his concern about the number of wrecks at the 177 Travel Center entrance. David Clarke stated he would request a study of this intersection.

Long Shop Road: Supervisor Tuck reported that residents have asked for "Watch for Children" signs and a decrease of the speed limit on Long Shop Road. David Clarke stated that VDOT has given the localities the authority to approve "Watch for Children" signs. He will look into having a speed study done on the road.

Preserve Montgomery County, Va
Representatives with Preserve Montgomery County, Va made a presentation in regards to the Mountain Valley Pipeline project.

Diana Richardson stated Big Energy does not care about people in Montgomery County. She stated that Mountain Valley Pipeline (MVP) is in it to make money and are asking citizens to sacrifice everything. She indicated that the citizens are not powerless and stated the need to coordinate with neighboring localities to obtain expert legal advice.

Ms. Richardson expressed concerns with the role that the Federal Energy Regulatory Commission (FERC) has in approving and regulating pipelines as follows:

- Since 1986 FERC has been funded almost entirely by the industry it supposedly regulates.
- FERC's budget has grown 50% in the last decade, funded by the wealthy fossil fuel energy companies.
- FERC is a rubber stamp for whatever gas companies want. All but one pipeline has been stamped for approval.
- FERC regularly turns a blind eye to illegal pollution and damage inflicted during pipeline construction, maintenance and operation.
- FERC does not issue penalties for violations.
- Don't issue stop-work orders to require cleanup and compliance.
- Use regulations to block timely judicial review of its decisions while, at the same time, allowing pipeline construction to begin.
- Uses "tolling orders" to the advantage of the industry.
- Allows pipeline project to proceed so that even if a legal challenge to the pipeline construction is valid, it's too late to stop it.
- Allows construction without all necessary permits.
- Issues certificates without state 401 certification.

Ms. Richardson provided the following as to why we need assistance and what we don't know:

- Segmentation prohibited
- Review of the Programmatic Environmental Impact Statement
- Safety of 42" high pressure pipeline unknown

- Infrastructure damage and laws suits brought by unremitted repairs of roads, bridges, etc.
- Training costs of first responders
- Zoning and Ordinances violations that might lead to lawsuits
- Possible explosion costs
- Repairs of leaks, environmental destruction costs
- Responsibility for illness, livestock issues, noise, air pollution around compressor stations
- Upkeep of access roads, storage facilities, etc.
- Loss of property values and resulting tax rates
- Tourism loss

Ms. Richardson stated there are reasons for optimism in fighting MVP, as follows:

- Delaware River Keepers, NJ Sierra Club, NJ Highlands Coalition are in the D.C. Court of Appeals over pipeline segmentation and FERC's failure to cumulative impacts of pipelines.
- Court fight over structural bias by FERC that violates due process rights in violation of the 5th Amendment.
- Numerous petitions in progress asking for review of FERC.
- One pipeline, Jordan Cover, has been denied by FERC.
- Natural gas companies going bankrupt.
- Lower costs and technological advances are making clean energy much more affordable.

Ms. Richardson stated that Water and Power Law Firm has been obtained by Preserve NRV, Craig, Giles and Roanoke Counties for expert legal advice. Water and Power knows the inner workings and has personal contacts within FERC. They have a successful track record working with local governments. Ms. Richardson stated that Montgomery County can coordinate with the neighboring counties to have access to the best legal advice.

Ms. Richardson thanked the Board for allowing them time to present their concerns with the proposed pipeline.

PUBLIC HEARINGS

An Ordinance Vacating a 50' Ingress/Egress Easement

An Ordinance Vacating the 50' Ingress-Egress Easement Dedicated in Plat Book 21 at Page 1 Recorded in the Montgomery County Circuit Court Clerk's Office Located on Lot 3 of the Cleveland Lee Duncan, Lovely Mount Minor Subdivision Plat Recorded in Plat Book 22 Page 73 adjacent to Lovely Mount Drive (Rt. 664) in the Riner Magisterial District, of Montgomery County Virginia.

The County has received a request from SHAH Development to vacate a fifty (50) foot ingress easement that is located in the middle lot. An additional fifty foot right-of-way is located on the eastern portion of the property; therefore, there will still be an ingress/egress easement to access the adjoining lot.

Peggy Duncan spoke in opposition to the request to vacate the ingress/egress easement. Ms. Duncan stated that it was a stipulation in her divorce decree that an ingress/egress easement was to be dedicated in order for her to have access to her other property. This was one of the deciding factors before she deeded the property over to her ex-husband. This easement was to allow for a future access if needed. Ms. Duncan stated she would not have relinquished this lot if she was not granted an easement.

Roxanna Link, daughter of Peggy Duncan, spoke in opposition to the request. Ms. Link informed the Board that this is a private easement not a public easement. She stated this easement is for future use if there is a need to access the back property.

Thom Rutledge, property manager for SHAH Development, reported that in June 2000 a dedicated easement was recorded. Approximately eight months after the dedication of the easement another easement was dedicated located near the end of the property. Mr. Rutledge stated this easement was probably made to make the ingress/egress easier as the grade/slope is better. If the requested ingress/egress easement is vacated then the other easement is available for future access.

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

An Ordinance Vacating a Public Utility Easement - Insomnia Holding, LLC

An Ordinance Vacating the Public Utility Easement Dedicated in Plat Book 16 at Page 192 Recorded in the Montgomery County Circuit Court Clerk's Office located between Lots 2A and 2C adjacent to Enterprise Drive in the Shawsville Elliston-Lafayette Industrial Park, Shawsville Magisterial District, County of Montgomery, Virginia.

The County received a request from Insomnia Holdings, LLC to vacate a fifteen (15) foot public utility easement measuring approximately 395 feet in length. A certification statement from Mr. Neil Martin, Land Surveyor, indicates there are no public utilities within the existing easement. There is an existing Comcast distribution cable that serves only the Prochem building that provides cable and internet. It was noted that the request is time sensitive and the applicant would like to proceed as quickly as possible to vacate the public utility easement.

There being no speakers, the public hearing was closed.

The Board agreed to take action on Insomnia Holding's request to vacate the public utility easement.

ORD-FY-16-10

AN ORDINANCE VACATING THE PUBLIC UTILITY EASEMENT DEDICATED IN PLAT BOOK 16 AT PAGE 192 RECORDED IN THE MONTGOMERY COUNTY CLERK'S OFFICE LOCATED BETWEEN LOTS 2A AND 2C ADJACENT TO ENTERPRISE DRIVE IN THE SHAWSVILLE ELLISTON-LAFAYETTE INDUSTRIAL PARK, SHAWSVILLE MAGISTERIAL DISTRICT, COUNTY OF MONTGOMERY, VIRGINIA

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

WHEREAS, Insomnia Holding, LLC has requested the Montgomery County Board of Supervisors to vacate a public utility easement between lots 2A and 2C located in the Shawsville Elliston-Lafayette Industrial Park, recorded in plat book 16, page 192 in the Montgomery County Circuit Court Clerk's office, as shown more particularly on the Plat entitled "Plat of Public Utility Easement Vacation Prepared For Insomnia Holdings, LLC Located in Shawsville Magisterial District" dated September 23, 2015, plat prepared by Anderson & Associates, Inc. (the "Plat"); and

WHEREAS, Section 15.2-2272 of the Code of Virginia, as amended, provides that the Board of Supervisors may vacate a portion of a plat after sale of a lot by Ordinance; and

WHEREAS, The existing public utility easement is not necessary to provide services to surrounding properties.

NOW THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors in accordance with Section 15.2-2272 of the Code of Virginia, as amended, hereby authorizes the vacation of a public utility easement between lots 2A and 2C located in the Shawsville Elliston-Lafayette Industrial Park, recorded in plat book 16, page 192 in the Montgomery County Circuit Court Clerk's office, as shown more particularly on the Plat entitled "Plat of Public Utility Easement Vacation Prepared For Insomnia Holdings, LLC Located in Shawsville Magisterial District" dated September 23, 2015, plat prepared by Anderson & Associates, Inc. (the "Plat"); and

BE IT FURTHER ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes the Chair to sign the respective plat for recordation.

This Ordinance shall take effect upon adoption.

The vote on the foregoing ordinance 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	

INTO WORK SESSION

On a motion by Gary D. Creed, 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. FY 2017 Budget Update

The vote on the following 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	

FY 2017 Budget Update

Marc Magruder, Budget Manager, provided an update on the FY 2017 Budget. The advertised budget for FY 17 is based on $0.89 real estate tax rate and totals $182,106,061. Changes to the advertised budget included the following:

Revenues:

- The General Assembly added $57,305 in new state monies for local supported constitutional officers.
- Based on local building permit data, it appears that the County can add $103,596 in new real estate revenue for FY 17.
- Delinquent tax collections are down compared to prior years, requiring the County to reduce the proposed estimate by $100,000.
- Courthouse security fees are down due to fewer cases, requiring the County to reduce the proposed estimate by $52,810.
- Total revenue changes add $8,081 to the County's general fund.
- School Revenue Changes: General Assembly added $68,573 in new state monies.

Expenditures:

- A reduction in workers compensation premiums is $33,250.
    - $18,443 of the total is allocated for the Officer of Election Pay and the Children's Trust. $14,807 remains that can be reallocated to address other needs.

The additional revenue of $8,081 and the $14,807 in reduced expenditures totals $22,898 that can be used to address other needs or placed in Special Contingencies for future use in FY 2017.

Mr. Magruder stated the Board is scheduled to adopt the real estate tax rate and the FY 2017 budget on April 18, 2016.

The Board discussed the additional $22,898 and directed staff to add the monies to Special Contingencies. Several Board members stated they would like to see $10,000 earmarked to hire a firm for expert legal counsel regarding the Mountain Valley Pipeline and $5,000-10,000 to hire a technical expert to review the RAAP permit for open burning.

OUT OF WORK SESSION

On a motion by April N. DeMotts, 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 following motion 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	

RECESS

The Board took a fifteen minute recess at 9:15 p.m. and reconvened at 9:30 p.m.

PUBLIC ADDRESS

Sandy Schlaudecker submitted the following letter on behalf of Dennis Berube regarding his interaction with Mountain Valley Pipeline:

"April 10th, 2016

We live on Berry Patch Lane in Elliston. When MVP first showed their map plans, we were on the alternative route and they notified FERC that there were no homes on this road. There are 6 families living in this area. We immediately took photos and notified FERC of the discrepancy, showing the houses in this area. With the first draft, they were showing the pipeline going

virtually through our house. I got in touch with MVP and talked with Mike Robinson who told me that they would not go through any homes.

On August 10, 2015, we received a certified letter stating that they wanted to survey.
There were a total of 6 surveys that were going to be conducted.

Routing/survey 8/25-28/26
Cultural survey 09/8,9,10
Portal survey Sept 8-22
Wetland survey Sept 1 and 2
Geology Aug.27-28 Aug. 31, 2015
T&E Sept 8-22 (Loggerhead Shrike)

We sent in certified letters stating that they were not allowed on our land because of the planned pipeline locations in relation to the homes in this area. I notified Mr. Robinson that with all of the land here, they did not have to bring the pipeline through our homes and that they could go on the back of our land with one climb for the pipeline instead of 4 and would miss all of the homes. We said we would allow them to survey if they took this route. The head surveyor, Shawn Jenkins contacted us stating that they would be glad to look at our proposal and could he bring an engineer with him to look at the route. Throughout all of this, Mr. Jenkins has been very helpful and very cordial. Mr Collins (the engineer that came with him) was arrogant, sarcastic, hot-headed and very bullish, stating that the company wanted to put 2 lines through our property in different directions and bring them between our 2 neighbor's homes. When we told him that we didn't want the pipeline that close to our home, he sarcastically asked if 1000 feet was far enough away from our house. He was very rude and acted like they already had our land and he was ready to start digging. After Mr. Collins left, Mr. Jenkins stated that he knew Collins had upset me. At that meeting, Collins brought up talk of the compressor station and that they were considering putting it just over the ridge, this was the first we heard of it coming to this area. Mr. Jenkins even asked Collins why they could not run 2 lines in the same direction instead of opposing directions which would destroy ¾ of our forested land. Collins said they could not do that.

On October 8, 2015, I received a call from them and they now told me that they would stick with going over the ridge and putting both pipelines within the same trench. They said they have no intention on coming down through this valley. I told them that if they stick with the ridge, they could go ahead and survey. Also they were looking at the compressor station over between the rail yard and the gravel pit, or directly on our land. He said that after they run the flags, the other tests would follow. They came up, surveyed and put their flags in the ground.
In the meantime Mountain Valley filed their application with FERC. When we looked at the maps, the pipeline was not going where they had already completed the route survey and instead coming down the valley and right through our front yard only a few feet from our house. When they turned the application in to FERC, they also told the newspapers that there would be no compressor station in Virginia.

We received a call from Mike Clark on Friday December 11, 2015 (after the application with FERC had already been filed). He wanted to meet with us to show us the plan for the

compressor station on our land. He made a meeting for Monday Dec 14th. We received a call from him on Sunday Dec 13th stating that he had to cancel the meeting and he had to talk more with the MVP execs and he would contact us within the next couple of weeks. He still has not called us back on this. When he called on December 11th, I took the opportunity to ask him about the statement that there would be no compressor station in Virginia and his reply was "there has to be a compressor station in Virginia." I then asked him about them not telling FERC about the compressor station and he stated that FERC was no problem. He said that they would need 100 acres and they may have to take either all or part of our land and some of the adjoining land belonging to Mr. Howard.

On April 4, 2016, we received another certified letter that they want to conduct surveys on our land again. I called MVP and left a message for someone to call me. Mr. Jenkins was the one to return the call. He wanted the okay to bring in the wetlands survey crew. I asked him if I allow it, will it follow the already existing route on the ridge, away from all the houses. He said yes that their plan now is to follow the ridge (already surveyed) and not come down into the valley. He said he was about to bring me a new map showing the reroute across the ridge. That was at least good news to me and what I suggested to them in the beginning. He said the company still had me red listed as not being surveyed. He said he straightened it out and explained the route across the ridge. He did restate, that the company is looking at this area for a compressor station, which of course would be bad news, but that perhaps it would be located over the mountain more toward the gravel pit out there. Maybe, is what he said as the decision has not been made concerning the need or not for a compressor station. Our lawyer informed us that they could come on our land and we couldn't refuse them after 1 notification instead of 3. He also told me that they can change the pipeline route as they are putting it in the ground, which causes a lot of worry for the landowners. Mr. Jenkins is supposed to bring the plan this coming week when they come to survey and I will attempt to find out more about the location of the compressor station, which he talked about again, and about them putting the 2 pipelines across our land. People say, let the justice system work for you. But since the pipelines have been slated for Virginia, we have not seen any justice working in favor of the landowners. To make it worse, if FERC grants permission to these pipelines, the people still end up paying taxes on land that they cannot even use. Shouldn't the people that steal the land from us have to pay the taxes? This does not represent justice for all, it is tyranny. Samuel Adams stated in 1772, "Where is liberty when land is taken without consent." With all that we have heard, I have no doubt that Virginia will have a compressor station.

Dennis Berube
5723 Berry Patch Lane
Elliston, VA 24087
Vietnam Veteran"

Doug Chancey asked the Board to take a vote tonight on their request for the County to allocate $10,000 to hire a legal expert in the fight to stop the pipeline. Mr. Chancey stated he appreciates the Board's support to oppose the pipeline and he believes $10,000 will be a good use to help the citizens of Montgomery County. He stated the government needs to take the lead and put up obstacles now so it will not be feasible for Mountain Valley Pipeline to continue with their

project. Mr. Chancey also requested the Board consider installing solar panels at the new Courthouse.

Elizabeth Hahn requested the Board consider allocating $10,000 for legal funds to help fight Mountain Valley Pipeline. She believes the health, safety, land and quality of life will be threatened by the construction and operation of a pipeline. Forbes once again named Blacksburg as one of the top places to live and she wonders if this will be true in the future if there is a pipeline constructed in the County.

Joel Herbein addressed the Board regarding the Blacksburg 460/North Main Street/Farmingdale Lane Intersection. Mr. Herbein stated the Town of Blacksburg adopted a resolution seeking HB-2 transportation funding for improvements to this intersection; however, he believes the proposed improvements do not properly address the safety issues at this intersection. He stated that there is only one solution for this intersection, a grade-separated interchange, not a stop-gap that will cost $3 million. Mr. Herbein asked the Board to contact VDOT by May 27, 2016 deadline and oppose the current project submitted by the Town of Blacksburg. He also asked the Board to work with the Town to draft an interchange proposal for the HB-2 FY 17 cycle.

Julie Rosenberger expressed concerns with the intersection at 460/North Main Street. She asked the Board to contact VDOT to oppose the project application submitted by the Town of Blacksburg as she believes it does not properly address the safety issues at the intersection and will only move the accidents farther up U.S. 460.

Pat Tracy encouraged the Board to seek expert legal advice pertaining to the Mountain Valley Pipeline project. Ms. Tracy stated with legal help they may be able to either stop the pipeline from being constructed or get FERC to impose conditions.

Ellen Darden spoke on three issues as follows:

- Supports Montgomery County hiring expert counsel to get help on the proposed pipeline.
- Supports Montgomery County looking into the complaints against RAAP and providing funds for a technical review of RAAP's permit application.
- Supports a grade separated interchange at US 460 and North Main Street.

Cindy Turner thanked the Board for recognizing National Volunteer Week. Ms. Turner stated that there are numerous volunteers in Montgomery County who volunteer in all ranges of services. She also thanked the volunteer first responders who do not get paid. She stated that citizens can extend their appreciation by sending cards or personally shaking their hands. Ms. Turner thanked the Board for all their support and personally thanked Supervisor King for volunteering on the Riner Fire Department and Supervisor Creed for Shawsville Rescue Squad.

Bill Turner expressed his concern with the US 460/North Main Street Intersection and opposed the project recommended by the Town of Blacksburg. Mr. Turner believes this project is just a bandaid and will not solve the problems at this intersection.

Margaret Rosten shared her concerns about the US 460/North Main Street Intersection. She also addressed the Board regarding the Mountain Valley Pipeline. She suggested the County ask Virginia Tech to provide help by starting a student project. Ms. Rosten also expressed her appreciation to the volunteers in the County.

Javad Torabinejad expressed his concerns with the Town of Blacksburg's current application for HB-2 funding for the US 460/North Main Street intersection. Mr. Torabinejad believes this project shifts the problems to other areas of US 460. He asked the Board of Supervisors to get involved to reach a more comprehensive plan.

Elizabeth Struthers supports the County allocating funds to hire legal counsel in the fight against Mountain Valley Pipeline. Ms. Struthers stated that legal counsel can advise on whether the County ordinances such as the noise ordinance need to be amended and if fee structures need to be in place.

Roberta Bondred serves on the Preserve Roanoke County and on a Roanoke County Advisory Committee. Ms. Bondred stated that hiring a legal expert has helped Roanoke County on what they can do.

Bill Murray urged the Board to reach out to Craig and Giles Counties in regards to the pipeline. He also addressed the issues with the US 460/North Main Street intersection. Mr. Murray stated that he lives on Givens Lane and knows how dangerous this intersection can be. He believes the citizens need a permanent solution, not a temporary fix.

Louise Puckett supports seeking legal counsel to help with the proposed pipeline. Ms. Puckett cited numerous concerns that a pipeline will have on the region such as loss of economic benefits, ecology, and quality of life.

Val Dimel spoke in support of allocating funds to hire a legal expert to help fight Mountain Valley Pipeline. Mr. Dimel stated a legal expert will have the experience in dealing with FERC that Montgomery County may not have and will know how to move forward.

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

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the Consent Agenda dated April 11, 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	

Approval of Minutes
On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the minutes dated October 5 and October 13, 2015 were approved.

Appropriations and Transfers

A-FY-16-69
TECHNOLOGY RESERVE FUND

On a motion by Mary W. Biggs, seconded by Annette S. Perkins 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:

140	Information Technology	$15,000

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

451501	Designated Fund Balance – Technology Reserve	$15,000

Said resolution appropriates funds from the Technology Reserve for costs of maintaining the County's building inspections portal.

A-FY-16-70
SHERIFF'S DEPARTMENT
TRANSFER FROM SPECIAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by Annette S. Perkins 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:

960	Special Contingencies	($30,000)

TO:
320 Sheriff County $30,000

Said resolution transfers funds from Special Contingencies to the Sheriff's Office to cover the cost of paying overtime to deputies who supervise inmates cleaning the animal shelter.

Appointments

R-FY-16-113
PARKS & RECREATION COMMISSION
APPOINT VIRGINIA ANN PEEPLES
AS DISTRICT B REPRESENTATIVE

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Virginia Anne Peeples,** who resides in District B, to the **Parks and Recreation Commission** effective April 12, 2016 and expiring April 11, 2019.

R-FY-16-114
PARKS AND RECREATION COMMISSION
APPOINT CORY THOMPSON AS AN
AT-LARGE REPRESENTATIVE

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Cory Thompson**, who resides in District C, as an at-large representative to the **Parks and Recreation Commission** effective April 12, 2016 and expiring April 11, 2019.

NEW BUSINESS

R-FY-16-115
RESOLUTION TO DEFER TO THE APRIL 25, 2016 BOARD OF SUPERVISOR MEETING FOR CONSIDERATION THE ACCEPTANCE OF CONVEYANCE OF THE SHAWSVILLE MIDDLE SCHOOL ASSOCIATED PROPERTY AND A FACILITY USE AGREEMENT WITH THE MOUNTAIN VALLEY CHARITABLE FOUNDATION FOR USE OF THE SHAWSVILLE MIDDLE SCHOOL ATHLETIC COMPLEX FACILITIES

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following items are deferred from the April 11, 2016 Board of Supervisors meeting to the April 25, 2016 Board of Supervisors meeting for consideration:

1. Resolution Accepting the Conveyance of the Associated School Property to the Shawsville Middle School Deemed Surplus by the School Board.

2. Resolution Approving a Facility Use Agreement with Mountain Valley Charitable Foundation for use of the Shawsville Middle School Athletic Complex Facilities.

The vote on the foregoing resolution was as follows:

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

BOARD MEMBERS REPORTS

Supervisor Biggs stated the proposed line will affect Districts A,F & G. She asked the County Administrator if he could contact other localities regarding the law firm Water & Powers and ask how have the law firm helped them. She asked the County Administrator to add this item to the next County/Town Liaison meeting.

Supervisor Tuck suggested the Board hold a closed meeting to discuss the hiring of a legal expert and invite Water & Powers via Skype to talk with the Board. It was Board consensus to contact Water & Powers to set up a time to meet with the Board.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, April 18, 2016 at 7:15 p.m. The meeting adjourned at 10:25p.m.

APPROVED_____ ATTEST:_____

Christopher A. Tuck
Chair

F. Craig Meadows
County Administrator

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 18th DAY OF APRIL, 2016 AT 6:30 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 6:45 p.m.)	
	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 Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by Darrell O. Sheppard 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	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		

Supervisor Perkins arrived at 6:45 p.m.

OUT OF CLOSED MEETING

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

Christopher A. Tuck

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

Statement of Conflict:

Supervisor DeMotts excused herself from Closed Meeting during the discussion of the Former Blacksburg Middle School.

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 us 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.

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

OLD BUSINESS

R-FY-16-117
RESOLUTION ESTABLISHING THE
FY 2016-2017 BUDGET

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Annual Budget for Fiscal Year 2016-2017 be and the same is adopted in the amount of **$182,182,725**, which except in the case of the public school budget, shall be for informative and fiscal planning purposes only.

The vote on the foregoing 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	

R-FY-16-116
RESOLUTION SETTING THE
REAL ESTATE TAX RATE AND
OTHER PROPERTY TAXES

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

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby sets the real estate tax rate at **.89¢ per $100** of the assessed valuation of real estate based on 100% of fair market value.

BE IT FURTHER RESOLVED, That the Commissioner of the Revenue of Montgomery County, Virginia be, and she is hereby ordered to levy, beginning January 1, 2016 and ending December 31, 2016 the sum of **.89¢ per $100** of the assessed valuation of real estate based on 100% of fair market value.

FURTHER, The Commissioner of the Revenue is instructed to levy for said period other property taxes as follows:

Category	Tax Rate Per $100 of Assessed Valuation
Tangible Personal Property	$2.55
Machinery and Tools	$1.82
Merchants Capital	$3.05

FURTHER, That the Treasurer of Montgomery County, Virginia is hereby directed to collect the taxes so assessed, and the Clerk of the Board shall forward a copy of this order to said Commissioner of the Revenue and the Treasurer.

The vote on the foregoing 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	

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, April 25, 2016 at 6:00 p.m. The meeting adjourned at 7:25 p.m.

APPROVED_____ATTEST:_____

Christopher A. Tuck
Chair

F. Craig Meadows
County Administrator