AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 26th DAY OF OCTOBER , 2015 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed (left 7:15 p.m.)	-Supervisors
	Matthew R. Gabriele	
	M. Todd King	
	Annette S. Perkins (arrived 6:30 p.m.)	
	Christopher A. Tuck	
	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
	Dari Jenkins	-Zoning Administrator
	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 M. Todd King, seconded by Christopher A. Tuck and carried unanimously,

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

Section 2.2-3711 (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
2. Former Blacksburg Middle School

(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. Personnel

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT DURING VOTE
Gary D. Creed	None	Annette S. Perkins
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
William H. Brown		

Supervisor Perkins arrived at 6:30 p.m.
Supervisor Creed left meeting at 7:15 p.m.

OUT OF CLOSED MEETING

On a motion by Christopher A. Tuck, seconded by Mary W. Biggs and carried unanimously,

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

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT
M. Todd King	None	Gary D. Creed
Mary W. Biggs		
Annette S. Perkins		
Christopher A. Tuck		
Matthew R. Gabriele		
William H. Brown		

CERTIFICATION OF CLOSED MEETING

On a motion 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
Annette S. Perkins
Christopher A. Tuck
Matthew R. Gabriele
M. Todd King
William H. Brown

NAYS
None

ABSENT DURING VOTE
Gary D. Creed

ABSENT DURING MEETING
Gary D. Creed

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATIONS, RECOGNITIONS AND AWARDS

Montgomery Tourism Development Council
Lisa Bleakley, Executive Director, provided an update on tourism activities. Ms. Bleakley reported on visitor spending in the Commonwealth of Virginia and Montgomery County:

2014 Statewide Statistics:
$22.4 billion in visitor spending
$98.7 million in state taxes,
$595 million on local taxes
216,949 jobs
$5 billion in payroll.

2014 Montgomery County Statistics:
$136.3 million in visitor spending
$8.1 million in state and local taxes
1,330 jobs
$25.3 million in payroll

Ms. Bleakly stated Montgomery County has shown a steady increase in tourism. The Town of Christiansburg's lodging taxes collected went from $919,744 in 2012 to $1,289,100 in 2014. Food taxes collected in 2012 was $5.6 million to 6.1 million in 2014.

Ms. Bleakly reported that the Montgomery Tourism Development Council goals are to increase tourism marketing, improve tourism infrastructure, develop partnerships, develop tourism education programming & advocacy and enable growth through program and policy.

Ms. Bleakley also recognized David Pearce, who designed Montgomery County's Holiday Ornament that will be on the holiday tree in the Virginia Executive Mansion.

PUBLIC HEARINGS

Dari Jenkins, Zoning Administrator, reported that nTelos seeks to upgrade equipment on eight (8) towers located throughout Montgomery County to 4G/LTE technology as listed below. Existing Special Use Permits approved are subject to certain conditions that prohibit nTelos from making 4G/LTE upgrades and amendments to the existing special use permits are necessary. NTelos indicated that upgrades to the eight towers to 4G/LTE will enhance in-building and indoor coverage, improve call performance, faster data speeds, and extend the footprint of coverage of the nTelos and Sprint network in Montgomery County and improve the service of the network.

Ms. Jenkins stated that the requested modifications to the existing Special Use Permits are as follows:

- Replace flush mount antenna applications with low-profile antenna mount systems.
- Upgrade equipment supporting wireless antenna facilities mounted towers.
- Modify certain conditions of existing special use permits to accommodate the low-provide antenna mount systems.

Ms. Jenkins provided an overview on the location of each of the eight towers, existing equipment and proposed changes.

At their October 14, 2015 meeting, the Planning Commission recommended approval of nTelos request to amend the conditions of the Special Use Permits for all eight telecommunications towers.

Max Wiegard, Agent for nTelos, spoke regarding nTelos request for amending the existing Special Use Permits to allow upgrades on the eight telecommunications towers located in Montgomery County. The upgrades will allow for 4G/LTE technology and provide the necessary growth for Montgomery County. Mr. Wiegard thanked the Board for their consideration of the request.

1. A request by **Charles Lewis Wheeling & Willie Doyle Wheeling (Agent: Gentry Locke Rakes & Moore LLP)** to amend conditions of a Special Use Permit (R-FY-09-38) previously approved October 14, 2008 to allow a 135 ft. telecommunications tower, as follows:

    - Amend Condition No. 2 to reference the plans prepared by Warren William & Associates (WW&A), dated May 19, 2015, as supplemented by the plans prepared by Mead & Hunt, last revised on August 24, 2015, and filed with the SUP application for this property submitted to Montgomery County in 2015.
    - Amend Condition No. 3, to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 72 inches). Tower shall be of a "monopole stealth design" and painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
    - Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

    The property is located at **174 Friendship Road** and is identified as Tax Parcel No. 082-A-158 (Acct # 020687) in the Shawsville Magisterial District (District C). The 24.19 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

There being no speakers the public hearing was closed.

2. A request by **Sandra Gail Jordan (Agent: Gentry Locke Rakes & Moore LLP)** to amend conditions of a Special Use Permit (R-FY-09-29) previously approved September 8, 2008 to allow a 165 ft. telecommunications tower, as follows:

    - Amend Condition No. 2 to reference the plans prepared by Mead & Hunt, last revised on August 24, 2015, and filed with the SUP application for this property submitted to Montgomery County in 2015.
    - Amend Condition No. 3, to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 72 inches). Tower shall be of a "monopole stealth design" and painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
    - Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

    The property is located at **473 Alleghany Spring Rd** and is identified as Tax Parcel No. 83-A-27; 27D (Acct # 026123) in the Shawsville Magisterial District (District C). The property is zoned Agricultural (A-1) and currently lies in an area designated as Village Expansion/Resource Stewardship in the 2025 Comprehensive Plan.

There being no speakers the public hearing was closed.

3. A request by **Den Hill Road, LLC. (Agent: Gentry Locke Rakes & Moore LLP)** to amend conditions of a Special Use Permit (R-FY-09-63) previously approved on November 24, 2008 to allow a 120 ft. telecommunications tower, as follows:

    - Amend Condition No. 2 to reference the plans prepared by Mead & Hunt, last revised on August 21, 2015, and filed with the SUP application for this property submitted to Montgomery County in 2015.
    - Amend Condition No. 3 to remove the modified flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole in the top position, remove language allowing Verizon to collocate with a modified flush mount design, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 72 inches). Tower shall be of a "monopole stealth design" and painted brown (Wood Cabin or similar color brown). All wiring and cables shall be located inside the pole structure.
    - Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

    The property is located at **906 Den Hill Road** and is identified as Tax Parcel No. 68-A-145 (Acct # 006179) in the Mount Tabor Magisterial District (District C). The 44.923 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

Bill Turner spoke in support of the proposed upgrades to the Den Hill Road telecommunications tower. Mr. Turner stated the tower is within one mile of his home and he still cannot get cell service in his home. He stated that the County needs to take advantage of what is being offered by nTelos.

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

4. A request by **Charles McDonald Wall & Richard F. Wall (Agent: Gentry Locke Rakes & Moore LLP)** to amend conditions of a Special Use Permit (R-FY-09-39) previously approved on October 14, 2008 to allow a 135 ft. telecommunications tower, as follows:

   - Amend Condition No. 2 to reference the plans prepared by Warren William & Associates (WW&A), dated May 19, 2015, and filed with the SUP application for this property submitted to Montgomery County in 2015.
   - Amend Condition No. 3, to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 72 inches). Tower shall be of a "monopole stealth design" and painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
   - Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

   The property is located at **1483 Matamoros Lane** and is identified as Tax Parcel No. 52-A-100 (Acct # 020270) in the Prices Fork Magisterial District (District E). The 64 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

There being no speakers the public hearing was closed.

5. A request by **Phillips Family Trust (Agent: Gentry Locke Rakes & Moore LLP)** to amend conditions of a Special Use Permit (R-FY-09-19) previously approved on August 11, 2008 to allow a 100 ft. telecommunications tower, as follows:

   - Amend Condition No. 2 to reference the plans prepared by Warren William & Associates (WW&A), dated May 19, 2015, as supplemented by the plans prepared by Mead & Hunt, last revised August 24, 2015 and filed with the SUP application for this property submitted to Montgomery County in 2015.
   - Amend Condition No. 3, to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 72 inches). Tower shall be of a "monopole stealth design"

and painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.

- Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

The property is located at **3160 Riner Road** and is identified as Tax Parcel No. 106-4-10B;10A;1 (Acct # 014354) in the Riner Magisterial District (District D). The 58.893 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

There being no speakers the public hearing was closed.

6. A request by **Vickie Jean Gruver, ET AL (Agent: Gentry Locke Rakes & Moore LLP)** to amend conditions of a Special Use Permit (R-FY-07-38) previously approved on September 11, 2006 to allow a 120 ft. telecommunications tower, as follows:

   - Amend Condition No. 2 to reference the plans prepared by Warren William & Associates (WW&A), dated May 19, 2015, as supplemented by the plans prepared by Mead & Hunt, last revised on August 24, 2015 and filed with the SUP application for this property submitted to Montgomery County in 2015.
   - Amend Condition No. 3 to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 72 inches). Tower shall be of a "monopole stealth design" and painted brown (Twisted Branch or similar). All wiring and cables shall be located inside the pole structure.
   - Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

   The property is located at **4180 Pandapas Pond Road** and is identified as Tax Parcel No. 14-A-2D (Acct # 190148) in the Mount Tabor Magisterial District (District A). The 11.884 acre parcel is zoned General Business (GB) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

Suzanne de Rooy spoke in opposition to any upgrades to the tower located on Pandapas Pond Road. Ms. de Rooy stated that the tower is less than a quarter of mile from her house and boarders the Jefferson National Forest. She expressed concern with the attached platform going from 12 inches from the pole to 72 inches from the pole all way around. She also expressed concern with any high noise levels and with the health dangers of living near cell towers.

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

7. A request by **Walter T. & Sherry K. Saville (Agent: Gentry Locke Rakes & Moore LLP)** to amend conditions of a Special Use Permit (R-FY-09-141) previously approved on April 13, 2009 to allow a 152 ft. telecommunications tower, as follows:

   - Amend Condition No. 2 to reference the plans prepared by Mead & Hunt, revised August 21, 2015, and filed with the SUP application for this property submitted to Montgomery County in 2015.
   - Amend Condition No. 5 to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 72 inches). Tower shall be of a "monopole stealth design" and painted brown (Umbra). All wiring and cables shall be located inside the pole structure.
   - Delete Condition No. 7, requiring no platforms or dishes be permitted above the tree line.

   The property is located at **2418 Poverty Creek Road** and is identified as Tax Parcel No. 38-A-153 (Acct # 016650) in the Prices Fork Magisterial District (District E). The 7.743 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

There being no speakers the public hearing was closed.

8. A request by **Virginia Tech Foundation, Inc. (Agent: Gentry Locke Rakes & Moore LLP)** to amend conditions of a Special Use Permit (R-FY-09-140) previously approved on April 13, 2009 to allow a 125 ft. telecommunications tower, as follows:

   - Amend Condition No. 2 to reference the plans prepared by Mead & Hunt, revised on August 21, 2015, and filed with the SUP application for this property submitted to Montgomery County in 2015.
   - Amend Condition No. 4 to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 72 inches). Tower shall be of a "monopole stealth design" and painted brown (Umbra) matte finish. All wiring and cables shall be located inside the pole structure.
   - Delete Condition No. 6 requiring no platforms or dishes be permitted above the tree line.

   The property is located at **2797 Stroubles Creek Road** and is identified as Tax Parcel No. 65-A-5 (Acct # 021713) in the Prices Fork Magisterial District (District E). The property is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

There being no speakers the public hearing was closed.

PUBLIC ADDRESS

Tim Humphries, owner and operator of Dead Oaks Hollow Farms, updated the Board on their operation of business. Mr. Humphries stated they are an agri-tourism business that operates a small farm with pumpkins and corn, boards horses and hay, and operates a haunted house, The Gallows, for ten nights in October. He stated that during the first few days of operation for the haunted house they had significant traffic backup on Burkette Road in Elliston; however, after meeting with VDOT officials and the Sheriff's office they have worked out a plan. There were no issues with traffic backup after the plan was put in place. Mr. Humphries hope they will have continued growth with the farm and have received valuable resources from the Cooperative Extension so far. He always gives back to the community and donates to numerous charities. He acknowledges that haunted houses create negative feelings for some.

David Moore addressed the Board about a program called Smart Beginnings in the New River Valley. Smart Beginnings NRV is a coalition of business, nonprofit and governmental leaders in the New River Valley working for wise public investments in the infrastructure for early childhood development. With the majority of a child's brain developing during the first five years of life, the quality of care a child receives during this time is critical. Children with access to high quality early learning experiences are more likely to acquire the skills they need to enter kindergarten ready to succeed and adapt to new learning and social environments. Smart Beginnings NRV is part of a statewide network of local and regional projects sponsored by the Virginia Early Childhood Foundation.

Kristi Snyder addressed the Board regarding the importance of early headstart and the Smart Beginnings NRV program. Ms. Snyder owns and operates Rainbow Riders in two locations in Montgomery County and understands the need for high quality care and meaningful learning at an early age. She reported that through a grant funding and partnership with St. Luther's Church an Early Headstart program was started for 16 children who may not otherwise be able to afford to attend preschool/headstart. Ms. Snyder stated the Smart Beginnings NRV works with the community, business and local governments.

Samuel Raines expressed concerns about the operation of the haunted house, The Gallows, in Elliston. Mr. Raines, who lives next to the property, does not understand how a permit was issued to operate a haunted house without the Board of Supervisors first holding a public hearing. He stated that the Gallows is a haunted house and cannot be called a farm.

Kevin Smith speaking on behalf of his grandmother who live near the haunted house, Mr. Smith reported the first couple of weekends the haunted house was open the traffic was awful and backed up. The owners did have a traffic control plan in place last weekend that seemed to help. Mr. Smith stated that the owners rented a field from a neighbor where visitors park and they have to walk through the field to the haunted house, which he believes is a safety issue. He stated the neighborhood is a quite community and does not need this sort of disruption.

Brian Early expressed his concerns about the operation of the haunted house in Elliston. Mr. Early stated the hours of operation go beyond 11:00 p.m., as there are loud noises, screaming and chain saws that can be heard up to 2:00 a.m. He stated it took him 30 minutes to get to his house due to

the traffic on Burkette Road. He expressed concern if there was a medical emergency along this road because an emergency vehicle would not be able to get through the traffic. Mr. Early stated since the field has been rented for parking the vehicles there are hundreds of people walking behind his house to get to the haunted house who are loud, screaming, urinating and taunting digs. He questioned how the property owners got a permit to operate a haunted house.

Rickey Early addressed the Board about issues with the haunted house located on Burkette Road in Elliston. Mr. Early stated that he used to farm the land that the Gallows is located on and is disappointed to see a mad house located on it now. He stated Burkette Road is a private road not intended to be used for the amount of traffic going to the haunted house. Mr. Early also expressed concerned about the noise.

Rob Hurt expressed his concerns with the heavy traffic and backup at the intersection of North Fork Road and Burkette Road. Mr. Hurt stated it took him 30 minutes to get home due to the backup.

Mary Casey spoke in support of the haunted house. Ms. Casey stated she is the mother of Tim Humphries, who is the owner and operator of Dead Oaks Hollow Farm. It has always been her son's goal to own a farm. She stated that the business has followed all codes and guidelines and they want to work with everyone. Ms. Casey stated they realized the traffic situation the first week of operation and they worked with VDOT to remedy the situation. They hired parking staff and rented an adjoining lot to park the cars. She also stated that one neighbor drove down their exit and parked a car creating the backup. Ms. Casey stated they have plans to expand the farm by raising angus beef cattle and potentially a tulip farm.

Paul Kirsch expressed concerns about the haunted house operating on Burkette Road. Mr. Kirsch believes the owner is using a farm business as a pretense in order to operate a carnival. He believes it to be a fraudulent use and asked how it can constitute being classed as agritourism. He addressed the traffic issues and how the residents on Burkette Road are stuck in the middle.

Jennifer Meredith stated she lives on Burkette Road and does not understand all the neighbors complaining. She stated that the haunted house attraction backs up to her property and she does not hear any noise. There is just laughing and people enjoying themselves and does not know how her neighbors on the far end of the road can hear anything. Ms. Meredith stated the attraction is kid friendly. She also stated that some of the neighbors were the cause of some of the backup by parking cars in the road.

Nancy Mills asked if the haunted house was a seasonal event or will it be going all year long. She believes that the owner can make the event a fun event like Sinkland Farms.

Bruce Nester lives ½ mile from the haunted house. He believes that the attraction is in a bad location. He stated that people leaving the event are being diverted down Ironto Road, which has 3 one-lane bridges and are not safe. Mr. Nester questioned who decides what is a farm and what is allowed under agritourism. He believes the owner has no right to operate this type of attraction in this area.

Larry Smith stated he lives on Burkette Road and supports the haunted house. He helped with the traffic and agreed that the first night was a mess but after working out a plan with VDOT and the Sheriff's Office the traffic was more manageable. Mr. Smith stated the haunted house will operate one month out of the year and the first year will be trial and errors and believes they need to be given an opportunity.

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

The County Attorney at this time clarified that the operation of the haunted house on Burkette Road in Elliston did not require a zoning change or a Special Use Permit by the County. State law allows for farms in Virginia, under agritourism, to operate certain activities, such as haunted barns, corm maze, etc. The General Assembly adopted legislation to allow these activities for farmers. The County Attorney reported that when the County started receiving complaints about the traffic then a meeting was held with VODT representatives and the Sheriff's Office to work out the problems. The County will continue to monitor the traffic and noise issues.

RECESS

The Board took a 10 minute recess at 9:20 p.m. and reconvened at 9:40 p.m.

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. FY 15 Year-End Report
2. Revenue Sharing – FY 17

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT
Annette S. Perkins	None	Gary D. Creed
Christopher A. Tuck		
Matthew R. Gabriele		
M. Todd King		
Mary W. Biggs		
William H. Brown		

FY 15 Year-End Report

Marc Magruder, Budget Manager, made a presentation on the County's FY 2014-2015 Year-End Report. Mr. Magruder reported the revenue collections, excluding grants and the windfall, exceeded estimates by $650,625. Designated General Fund revenues were less than the estimates due largely to the Comprehensive Services Act costs were less than expected. The total undesignated revenue collections exceeded the estimates by $1.9 million as follows:

- $676,608 in windfall from maintaining a real estate rate of $0.89/100 and retaining 1% of the allowable value from the reassessment.
- $479,610 in prepaid taxes that were not due until December 2015,
- $584,335 primarily from the sale of the Prices Fork Elementary School property.

Mr. Magruder stated the County is in the process of projecting revenues for the FY 17 budget. These estimates will be evaluated and refined through the County's December collections.

Angie Hill, Financial & Management Services Director, made a presentation on the County's General Fund Balance. Ms. Hill reported on the following:

WINDFALL DOLLARS – ONE TIME FUNDS

Available Dollars	$678.707
Uses:	
Library Master Plan	(35,000)
Reserved Library Drainage Repair	(15,000)
Parental Leave Reserve	(75,000)
Reserved Frog Pond Refurbishment	(250,000)
School Bus Replacements (2)	(153,707)
Technology – Schools	(150,000)
Total Uses	(678,707)

UNDESIGNATED DOLLARS – ONE TIME FUNDS

Available Dollars	$404,360
Uses:	
Transfer to School Capital for SES	(74,700)
Restore Capital Reserve for FY 16	(29,327)
Reserved Burn Building waterline	(13,000)
Animal Shelter	(287,333)
Total Uses	(404,360)

Ms. Hill reported on the County's cash flow and requirement to maintain a certain cash reserve for emergencies and ability to pay expenses.

Revenue Sharing – FY 17

Emily Gibson, Planning Director, made a presentation on VDOT's Revenue Sharing Program for FY 2017. Ms. Gibson gave an overview of the County's revenue sharing items as follows:

- FY 2013 Revenue Sharing projects: Realignment of Meadow Creek Road and Barn Road, Exit 109
- FY 2017 Request by Virginia Tech – Western Perimeter Road
- FY 2017 Requests by Montgomery County – Prices Fork Road Turn Lane project and Brush Creek Road

Staff recommends applying for a total of $375,000 in Revenue Sharing funds for the two County projects (Prices Fork Road and Brush Creek Road). Staff also recommends applying for $5 million as a partnership with Virginia Tech for the construction of the Western Perimeter Road.

Ms. Gibson reported that the developer is ready to move forward on the Meadow Creek/Barn Road realignment project. The project was approved in FY 2013 with the developer covering the County's share of the matching funds. Staff recommends the Board approve the Development Agreement on this project.

OUT OF WORK SESSION

On a motion by Matthew R. Gabriele, seconded by M. Todd King 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
Christopher A. Tuck	None	Gary D. Creed
Matthew R. Gabriele		
M. Todd King		
Mary W. Biggs		
Annette S. Perkins		
William H. Brown		

ADD TO THE AGENDA – CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele and carried unanimously, the following Addendum dated October 26, 2015 was added to the Consent Agenda under Appropriations and Transfers:

- Social Services – Appropriate Additional FY 15 Carryover Funds, $1,000

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT
Matthew R. Gabriele	None	Gary D. Creed
M. Todd King		
Mary W. Biggs		
Annette S. Perkins		
Christopher A. Tuck		
William H. Brown		

CONSENT AGENDA

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated October 26, 2015 was approved. The vote was as follows:

The vote on the forgoing motion was as follows:

AYE	NAY	ABSENT
M. Todd King	None	Gary D. Creed
Mary W. Biggs		
Annette S. Perkins		
Christopher A. Tuck		
Matthew R. Gabriele		
William H. Brown		

Approval of Minutes

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously, the minutes dated July 13, 2015 were approved.

Appropriations and Transfers

A-FY-16-38
COUNTY FY 15 YEAR-END CARRYOVER

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

100	Board of Supervisors	$36,068
110	County Administration	$30,824
120	County Attorney	$1,125
130	Finance	$10,400
152	Assessment	$9,954
162	Treasurer – Collections	$8,650
170	Registrar	$11,201
180	Internal Services	$58,000
200	Commonwealth Attorney	$70,600
210	Circuit Court	$3,489
220	General District Court	$2,775
230	Juvenile & DR Court	$854
240	Magistrate	$364
320	Sheriff – County	$110,311
400	General Services	$58,448
420	Engineering & Reg. Compliance	$104,128
540	Social Services	$125,100
700	Parks and Recreation	$37,887
710	Regional Library	$41,795
800	Planning & GIS	$8,100
810	Economic Development	$650
	Total	**$730,723**

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

Revenue Account
02 451500 Undesignated Fund Balance **$730,723**

Said resolution appropriates amounts recommended to be carried forward for use in the current year.

A-FY-16-39
TRANSFER TO SCHOOL CAPITAL PROJECTS

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

570190	Transfer to School Capital Projects	$702,931

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

Revenue Account		
415208	Sale of Real Estate	$147,417
451500	Undesignated Fund Balance	$555,514
	Total	$702,931

BE IT RESOLVED, That the School Capital 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:

660	Future School Projects	$702,931

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

Revenue Account		
451020	Transfer from the General Fund	$702,931

Said resolution transfers proceeds from the sale of surplus school property, former Prices Fork Elementary School and former School Administration Building, to the School Capital Fund.

A-FY-16-40
SHAWSVILLE ELEMENTARY SCHOOL DEMOLITION

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

570120	Transfer to County Capital Projects	$78,000

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

451501 Fund Balance – Capital Reserve $78,000

BE IT FURTHER RESOLVED, The County Capital Projects 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:

128165 Shawsville Elementary School $78,000

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

451020 Transfer from General Fund $78,000

Said resolution appropriates funds from the Capital Reserve to the County Capital Projects Fund for the demolition of the former Shawsville Elementary School building.

A-FY-16-41
PLANNING GRANT
CDBG – PRICES FORK FOOD INITIATIVE

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

801 Planning Grant $30,000

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

Revenue Account
424402 Federal Grants $30,000

Said resolution appropriates Community Development Block Grant funds to support the Price's Fork Food Initiative.

A-FY-16-42
RSVP GRANT

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

520	Human Services	$3,000

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

Revenue Account		
025202-433107	Grant	$3,000

Said resolution appropriates additional grant funds for the RSVP program from the Corporation for National and Community Service.

A-FY-16-43
VDOT REVENUE SHARING
PRICES FORK ROAD PROJECT

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors 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:

930	VDOT Revenue Sharing	$1,000,000

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

Revenue Account		
419108	Recovered Costs	$550,000
451500	Undesignated Fund Balance	$450,000
	Total	$1,000,000

Said resolution appropriates VDOT Revenue Sharing funds for the Prices Fork Road Project.

A-FY-16-44
PLANNING DEPARTMENT
LETTER OF CREDIT
HOGAN'S RETREAT SUBDIVISION

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors 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:

800	Planning	$75,000

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

Revenue Account
419108 Recovered Costs $75,000

Said resolution appropriates funds from letter of credit to the Planning Department.

A-FY-16-45
SOCIAL SERVICES
FY 16 BUDGET RECONCILIATION

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was reduced for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

540 Social Services ($98,710)

The associated sources of the funds are reduced as follows:

Revenue Account		
State & Federal		($82,876)
451500 Undesignated Fund Balance		($15,834)
	Total	($98,710)

Said resolution reconciles Social Services County FY 16 approved budget to State FY 16 budget.

A-FY-16-46
SOCIAL SERVICES
FY 15 CARRYFORWARD REQUEST

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016 for the function and in the amount as follows:

540 Social Services $1,000

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

Revenue Account
451501 Designated Fund Balance $1,000

Said resolution re-appropriates FY 15 funds to provide for a foster parent recognition event.

NEW BUSINESS

R-FY-16-29
RESOLUTION TABLING THE REQUEST BY THE MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY FOR THE COUNTY TO PHASE OUT THE AFFAIRS OF THE PUBLIC SERVICE AUTHORITY AND TAKE OVER THE DUTIES AND OBLIGATIONS OF THE AUTHORITY CONDITIONED UPON THE COUNTY FIRST OBTAINING FROM THE GENERAL ASSEMBLY THE POWER TO REQUIRE MANDATORY CONNECTIONS TO WATER AND SEWAGE SYSTEMS

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the request by the PSA for the Board of Supervisors to take over the functions of the PSA of providing water and sewage service; to assume all the obligations of the PSA; to acquire all the assets of the PSA; and begin the process of phasing out the affairs of the PSA conditioned upon the County first obtaining from the Virginia General Assembly the authority to require mandatory connections to water and sewage systems is hereby **TABLED** to the November 16, 2015 Board of Supervisors meeting.

The vote on the foregoing resolution was as follows:

AYE	NAY	ABSENT
M. Todd King	None	Gary D. Creed
Mary W. Biggs		
Annette S. Perkins		
Christopher A. Tuck		
Matthew R. Gabriele		
William H. Brown		

R-FY-16-30
RESOLUTION APPROVING A PLAN TO REFINANCE CERTAIN PUBLIC FACILITIES PROJECTS THROUGH THE ISSUANCE OF PUBLIC FACILITIES LEASE REVENUE REFUNDING BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA

On a motion by Mary W. Biggs, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, The Economic Development Authority of Montgomery County, Virginia, formerly the Industrial Development Authority of Montgomery County, Virginia (the "Authority"), was created under and is authorized to exercise all the powers set forth in the

Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49, Code of Virginia, as amended (the "Act"), which include, among other things, the powers (a) to make loans to, among others, a county in furtherance of the Act, (b) to finance or refinance facilities and lease facilities for use by, among others, a county, (c) to issue its revenue bonds, notes and other obligations from time to time for such purposes and (d) to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from the leasing by the Authority of such facilities or from any source as security for the payment of principal of and interest on any such obligations; and

WHEREAS, The Authority previously issued its $77,000,000 Public Facilities Lease Revenue Bonds (Public Projects), Series 2008 (the "Series 2008 Bonds"), and loaned the proceeds thereof to Montgomery County, Virginia (the "County"), to finance costs related to the design, acquisition, construction, renovation, expansion and equipping of (a) a renovated County Public Safety Building, (b) improvements and renovations to the County Jail, (c) a stadium at Blacksburg High School, (d) two new public schools (the "Elliston School" and the "New School") (together, the "Schools Project"), (e) a new County Courthouse Building and the land on which it is located (the "Courthouse Project") and (f) to the extent funds were available, other County or School capital projects, as well as for reimbursement to the County for the cost of purchase of land for public school and other County use (collectively, the "Project"); and

WHEREAS, As security for the repayment of the Series 2008 Bonds, the Authority entered into (a) a Ground Lease dated as of August 1, 2008 (the "Original Ground Lease"), with the County and the Montgomery County School Board (the "School Board"), pursuant to which the County and the School Board leased to the Authority certain real property (both the land and the improvements thereon) consisting of (i) the Courthouse Project, (ii) the Elliston School and (iii) the Blacksburg High School (which, by the terms of the Original Ground Lease, was later released and the New School substituted as collateral) (collectively, the "Leased Property"), and (b) a Financing Lease dated as of August 1, 2008 (the "Original Financing Lease"), with the County, pursuant to which the Authority leased back to the County the Leased Property in exchange for which the County undertook to make rental payments sufficient to cover the annual debt service on the Series 2008 Bonds and other costs related to the financing; and

WHEREAS, The County desires to refinance the Project and realize debt service savings by requesting the Authority to issue its public facilities lease revenue refunding bonds (the "Series 2016 Bonds"), and use the proceeds thereof to (a) refund all or a portion of the Series 2008 Bonds (such refunded portion, the "Refunded Bonds"), (b) fund a reserve fund, if desired to improve the marketing of the Series 2016 Bonds, and (c) pay the related costs of issuing the Series 2016 Bonds and refunding the Refunded Bonds; and

WHEREAS, The County proposes that the Authority issue the Series 2016 Bonds as additional parity bonds under the terms of a supplement to the Indenture of Trust dated as of August 1, 2008 (the "Master Indenture"), between the Authority and U.S. Bank National Association, as trustee (the "Trustee"), and secure the Series 2016 Bonds by the same collateral securing the Series 2008 Bonds by amending the various lease financing documents described below; and

WHEREAS, There have been presented to this meeting drafts of the following documents (collectively, the "Documents") providing for the issuance and sale of the Series 2016 Bonds and the refunding of the Refunded Bonds, copies of which shall be filed with the records of the County:

(a) First Supplemental Indenture of Trust (together with the Master Indenture, the "Indenture"), between the Authority and the Trustee, and which is to be acknowledged and consented to by the County, that supplements the terms of the Master Indenture and includes the form of the Series 2016 Bonds;

(b) Preliminary Official Statement of the Authority relating to the public offering of the Series 2016 Bonds (the "Preliminary Official Statement");

(c) Continuing Disclosure Agreement (attached as Appendix E to the Preliminary Official Statement), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Series 2016 Bonds;

(d) Notice of Sale (attached as Appendix F to the Preliminary Official Statement) (the "Notice of Sale") (applicable only if the Series 2016 Bonds are sold through a competitive sale);

e) First Amendment to Ground Lease (the "First Amendment to Ground Lease"), amending the Original Ground Lease (as amended, the "Amended Ground Lease"), between the Authority, the School Board and the County, conveying to the Authority a leasehold interest in Leased Property;

(f) First Amendment to Financing Lease (the "First Amendment to Financing Lease"), amending the Original Financing Lease (as amended, the "Amended Financing Lease"), between the Authority and the County, leasing the Leased Property back to the County in exchange for payments of Basic Rent and Additional Rent;

(g) First Amendment to Assignment of Rents and Leases (the "First Amendment to Assignment"), amending the Assignment of Rents and Leases dated as of August 1, 2008, each between the Authority and the Trustee and consented to by the County, assigning to the Trustee certain rights of the Authority under the Ground Lease and the Financing Lease; and

(h) First Amendment to Option Agreement (the "First Amendment to Option Agreement"), amending an Option Agreement dated as of August 1, 2008, each between the Authority, the County and the School Board.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA:

1. The following plan for refinancing the Project and refunding the Refunded Bonds is hereby approved: (a) the Authority shall issue the Series 2016 Bonds in an aggregate principal amount not to exceed $61,500,000, (b) the County and the School Board will lease the Leased Property to the Authority pursuant to the terms of the Amended Ground Lease, with an expiration not later than December 31, 2038, and (c) the Authority will lease the Leased Property back to the County pursuant to the terms of the Amended Financing Lease, with an expiration not later than December 31, 2030. Pursuant to the Amended Financing Lease, the County will undertake to make certain payments of Basic Rent and Additional Rent (each term as defined in the Amended Financing Lease) to the Authority in amounts sufficient to amortize the Series 2016 Bonds and the unrefunded Series 2008 Bonds (if any), to pay the fees and expenses of the Authority and the

Trustee and to pay certain other related costs. The obligation of the Authority to pay principal of and premium, if any, and interest on the Series 2016 Bonds will be limited to payments of Basic Rent and certain Additional Rent received from the County. The Series 2016 Bonds will be secured, on a parity with the unrefunded Series 2008 Bonds (if any), by an assignment of the payments of Basic Rent and certain Additional Rent due under the Amended Financing Lease, all for the benefit of the holders of the Series 2016 Bonds and the unrefunded Series 2008 Bonds (if any). The undertaking by the County to make payments of Basic Rent and Additional Rent will be subject to the appropriation by the Board of Supervisors of the County (the "Board of Supervisors") from time to time of sufficient amounts for such purposes. Upon an event of default or an event of non-appropriation by the Board of Supervisors under the Amended Financing Lease, the Authority shall have the right to exercise any remedies provided in the Amended Financing Lease, including the right to terminate the Amended Financing Lease and exclude the County and the School Board, as applicable, from possession of the Leased Property for the remainder of the term of the Amended Ground Lease. This plan of refinancing shall contain such additional requirements and provisions as the County Administrator (which term for purposes of this Resolution includes any Deputy County Administrator) and the Chairman or Vice Chairman of the Authority may approve and determine to be in the best interests of the County and the Authority.

2. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make appropriations in future fiscal years in amounts sufficient to make all payments due under the Amended Financing Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Amended Financing Lease. The Board of Supervisors hereby confirms that the facilities constituting the Project are essential to the efficient operation of the County, and the Board of Supervisors anticipates that the facilities constituting the Project will continue to be essential to the operation of the County during the term of the Amended Financing Lease.

3. The County Administrator is hereby authorized and directed to execute the Documents to which the County is a signatory, which shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator, the execution and delivery thereof to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. The County Attorney is hereby authorized to cause the First Amendment to Ground Lease, the First Amendment to Financing Lease, the First Amendment to Assignment and other documents as are necessary to be recorded in the Clerk's Office of the Circuit Court of Montgomery County.

4. In making completions to the Amended Financing Lease, the County Administrator, in collaboration with Davenport & Company LLC, the County's financial advisor (the "Financial Advisor"), and the Authority, shall provide for payments of Basic Rent in amounts equivalent to the payments due on the Series 2016 Bonds, which shall be sold to the purchaser thereof on terms as shall be satisfactory to the County Administrator; provided that the payments of Basic Rent shall be equivalent to the Series 2016 Bonds (a) maturing in installments or subject to mandatory sinking fund redemption ending not later than December 31, 2030, (b) having a true or "Canadian" interest cost not exceeding 5.00% (taking into account any original issue discount

or premium), (c) being subject to optional redemption, if at all, at a premium not to exceed 2.00% of their principal amount and (d) being sold to the purchaser thereof at a price not less than 98% of the aggregate principal amount thereof (without taking into account any original issue discount or premium). The County Administrator is also authorized to approve a lesser principal amount for the Series 2016 Bonds, a maturity schedule (including serial maturities and term maturities for the Series 2016 Bonds) and the redemptions provisions of the Series 2016 Bonds, all as the County Administrator shall determine to be in the best interests of the County.

5. The Board of Supervisors approves the following terms of the sale of the Series 2016 Bonds:

(a) The Series 2016 Bonds shall be sold through a competitive sale or a negotiated sale, as the County Administrator, in collaboration with the Financial Advisor and the Authority, determines to be in the best interests of the County.

(b) If the County Administrator determines that the Series 2016 Bonds shall be sold by competitive sale, the County Administrator is authorized to receive bids for such Series 2016 Bonds and award such Series 2016 Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in paragraph 4. Following a competitive sale, the County Administrator shall, in collaboration with the Chairman or Vice Chairman of the Authority, file a certificate with the Authority and the Board of Supervisors setting forth the final terms of the Series 2016 Bonds. The actions of the County Administrator, in collaboration with the Chairman or Vice Chairman of the Authority, in selling the Series 2016 Bonds by competitive sale shall be conclusive, and no further action with respect to the sale and issuance of the Series 2016 Bonds shall be necessary on the part of the Board of Supervisors.

(c) If the Series 2016 Bonds are sold by competitive sale, the County Administrator, in collaboration with the Financial Advisor and the Authority, is authorized and directed to take all proper steps to advertise the Series 2016 Bonds for sale substantially in accordance with the form of the Notice of Sale, which is hereby approved; provided that the County Administrator, in collaboration with the Financial Advisor and the Authority, may make such changes in the Notice of Sale not inconsistent with this Resolution as he may consider to be in the best interests of the County and the Authority.

(d) If the County Administrator determines that the Series 2016 Bonds shall be sold by negotiated sale, the County Administrator is authorized, in collaboration with the Financial Advisor and the Authority, to choose one or more investment banks or firms to serve as underwriter(s) for the Series 2016 Bonds and to execute and deliver to the underwriter(s) a bond purchase agreement (the "Bond Purchase Agreement") in a form to be approved by the County Administrator in consultation with the Financial Advisor, the Authority, the County Attorney and the County's bond counsel. The execution of the Bond Purchase Agreement by the County Administrator shall constitute conclusive evidence of his approval thereof. Following a negotiated sale, the County Administrator shall file a copy of the Bond

Purchase Agreement with the records of the Board of Supervisors. The actions of the County Administrator in selling the Series 2016 Bonds by negotiated sale to the underwriter(s) shall be conclusive, and no further action with respect to the sale and issuance of the Series 2016 Bonds shall be necessary on the part of the Board of Supervisors.

6. The Preliminary Official Statement in the form submitted to this meeting is approved with respect to the information contained therein (excluding information pertaining to the Authority). The County authorizes distribution of the Preliminary Official Statement to prospective purchasers of the Series 2016 Bonds in a form deemed to be "near final," within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (the "Rule"), with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator. Such distribution shall constitute conclusive evidence that the County has deemed the Preliminary Official Statement to be "final" as of its date within the meaning of the Rule, with respect to the information therein pertaining to the County. The County Administrator is authorized and directed to approve such completions, omissions, insertions and other changes to the Preliminary Official Statement that are necessary to reflect the terms of the sale of the Series 2016 Bonds, determined as set forth in paragraph 4, and the details thereof and that are appropriate to complete it as an official statement in final form (the "Official Statement"), and distribution thereof to the purchaser(s) of the Series 2016 Bonds shall constitute conclusive evidence that the County has deemed the Official Statement "final" as of its date within the meaning of the Rule.

7. The County covenants that it shall not take or omit to take any action the taking or omission of which shall cause the Series 2016 Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations thereunder, or otherwise cause interest on the Series 2016 Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States of America any part of the earnings derived from the investment of the gross proceeds of the Series 2016 Bonds. The County shall pay from its legally available general funds any amount required to be rebated to the United States of America pursuant to the Code.

8. The County covenants that during the term of the Amended Financing Lease it shall not permit the proceeds of the Series 2016 Bonds or the facilities refinanced therewith to be used in any manner that would result in (a) 10% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of such facilities, (b) 5% or more of such proceeds or facilities being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Series 2016 Bonds from being includable in the gross income for

federal income tax purposes of the holder thereof under existing law, the County need not comply with such covenants.

9. Such officers of the County as may be requested by bond counsel for the County are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Amended Financing Lease in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with bond counsel for the County, and such elections shall be made after consultation with bond counsel.

10. The County Administrator is hereby authorized to take or direct the Authority to take all proper steps to call for redemption the Refunded Bonds, to prepare and deliver any such notices and correspondence necessary therefor and to execute and deliver an escrow agreement with respect to the Refunded Bonds.

11. All costs and expenses in connection with the refinancing of the Project, the refunding of the Refunded Bonds and the issuance of the Series 2016 Bonds, including the Authority's fees and expenses and the fees and expenses of bond counsel, counsel for the Authority and the Financial Advisor for the sale of the Series 2016 Bonds, shall be paid from the proceeds of the Series 2016 Bonds or other legally available funds of the County. If for any reason the Series 2016 Bonds are not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

12. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto.

13. All other acts of the County Administrator and other officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Series 2016 Bonds and the refunding of the Refunded Bonds are hereby approved and ratified.

14. All resolutions or parts of resolutions in conflict herewith are repealed.

15. This Resolution shall take effect immediately.

The vote on the foregoing resolution was as follows:

AYE	NAY	ABSENT
Mary W. Biggs	None	Gary D. Creed
Annette S. Perkins		
Christopher A. Tuck		
Matthew R. Gabriele		
M. Todd King		
William H. Brown		

R-FY-16-31
FY 2017 VDOT REVENUE SHARING FUNDS
MONTGOMERY COUNTY

On a motion by Christopher A. Tuck, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Revenue Sharing Program allows the Virginia Department of Transportation (VDoT) to provide state funds to match local funds for the construction, maintenance, or improvements of secondary highways; and

WHEREAS, The Montgomery County Board of Supervisors desires to submit an application for an allocation of funds of up to $375,000 through the Virginia Department of Transportation Fiscal Year 2016-2017 Revenue Sharing Program to be matched on a dollar-for-dollar basis by Montgomery County; and

WHEREAS, The $375,000 in state funds to be matched with the $375,000 provided locally is to fund the following projects:

1. Road widening of Prices Fork Road (SR 685) in a 0.27 mile section from 0.07 miles east of Brooksfield Road (SR 654) to 0.07 mile west of Thomas Lane (SR 737) to incorporate left turn lanes. This is the second phase of two-phase funding, Phase 1 was applied for in FY 2015-2016 in the amount of $500,000 in state funds and $500,000 in local funds which was approved for FY2015-2016 Revenue Sharing. This request is for Phase 2, in the amount of $150,000 in state funds and $150,000 in local funds is being requested for FY 2016-2017. This project is located in District E.

2. Reconstruction (new construction) of Brush Creek Road (SR 617) from Route 677 to 0.55 miles north of Route 677 in the amount of $225,000 in local funds to be matched by $225,000 in state funds. This project is located in District D.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the filing of an application through the Virginia Department of Transportation Revenue Sharing Program to be matched with local funds for the above construction projects and authorizes the County Administrator to execute all documents on behalf of the Board of Supervisors, in order to make application for funding through the VDoT Revenue Sharing Program.

The vote on the foregoing resolution was as follows:

AYE	NAY	ABSENT
Annette S. Perkins	None	Gary D. Creed
Christopher A. Tuck		
Matthew R. Gabriele		
M. Todd King		
Mary W. Biggs		
William H. Brown		

R-FY-16-32
FY 2017 REVENUE SHARING FUNDS
VIRGINIA TECH

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, The Revenue Sharing Program allows the Virginia Department of Transportation (VDoT) to provide state funds to match local funds for the construction, maintenance, or improvements of secondary highways; and

WHEREAS, The Montgomery County Board of Supervisors desires to submit an application, on behalf of Virginia Tech, for an allocation of funds of up to $5,000,000 through the Virginia Department of Transportation Fiscal Year 2016-2017 Revenue Sharing Program to be matched on a dollar-for-dollar basis by Virginia Tech through Montgomery County; and

WHEREAS, The $5,000,000 in state funds to be matched with the $5,000,000 provided locally is to fund the following project:

1. Construction of a new road by Virginia Tech (to be known as Western Perimeter Road) ultimate four lane divided with shared use paths, four pedestrian underpasses and three roundabouts starting at University City Boulevard and ending at Southgate Drive and an approximate length of 1.51 miles total. The total project is estimated at $34.4 million dollars. The application for FY2016-2017 funding is for $5,000,000 in state funds to be matched with $5,000,000 in local funds, sourced from Virginia Tech.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the filing of an application through the Virginia Department of Transportation Revenue Sharing Program to be matched with the local funds provided by Virginia Tech for the above construction project and authorizes the County Administrator to execute all documents on behalf of the Board of Supervisors, in order to make application for funding through the VDoT Revenue Sharing Program.

The vote on the foregoing resolution was as follows:

AYE	NAY	ABSENT
Christopher A. Tuck	None	Gary D. Creed
Matthew R. Gabriele		
M. Todd King		
Mary W. Biggs		
Annette S. Perkins		
William H. Brown		

R-FY-16-33
REVENUE SHARING PROJECT FOR IMPROVEMENTS
AT MEADOW CREEK ROAD- UPC #102763
AUTHORIZATION TO SIGN THE DEVELOPMENT AGREEMENT

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

WHEREAS, Montgomery County approved a request by RWW36, LLC ("the Developer") to rezone 6.047 acres from Agricultural to General Business for a total of 12.07 acres zoned General Business near the intersection of Meadow Creek Road and Barn Road in the Riner Magisterial District; and

WHEREAS, As a condition of the rezoning, the Developer is required to design and construct the realignment of Meadow Creek Road in a form acceptable to the Virginia Department of Transportation (VDOT); and

WHEREAS, The County applied for and received FY2013 revenue sharing State funds through VDOT that may be used to assist the Developer in funding the required improvements, conditioned upon the Developer agreeing to provide the required local match to receive the funds; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia hereby desires to enter into the Development Agreement in order to accept funding from the Developer for the local match portion of VDOT revenue sharing project UPC #102763 (Meadow Creek Road).

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Development Agreement by and between Montgomery County, Virginia and RWW36, LLC.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes F. Craig Meadows, Montgomery County Administrator, to execute the Development Agreement on behalf of the County of Montgomery.

The vote on the foregoing resolution was as follows:

AYE	NAY	ABSENT
Matthew R. Gabriele	None	Gary D. Creed
M. Todd King		
Mary W. Biggs		
Annette S. Perkins		
Christopher A. Tuck		
William H. Brown		

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following items:

- Paid Parental Leave: Staff is working on the development of a policy for paid parental leave. The goal is to have the draft policy available to discuss at the Board's November 16, 2015 meeting. Supervisor Gabriele asked if it was possible to have the policy drafted in order to schedule a work session before the PSA meeting on November 2, 2015. The County Administrator reported he would check with the Human Resources Director to determine if the policy would be ready by November 2, 2016; however, this only allows for one week to have the policy ready.

- Update on Mountain Valley Pipeline: Mountain Valley Pipeline has filed a formal application with the Federal Energy Regulation Commission (FERC). Staff is still digesting all the information that was filed. The County Attorney is working on a resolution to authorize the County to file a motion with FERC to intervene in the Mountain Valley Pipeline Application. The County has 90 days to file a motion with FERC.

BOARD MEMBERS REPORTS

Supervisor Biggs asked if the County is monitoring complaints received regarding the Gallows, such as traffic backup, noise, trespassing and urination on adjoining property. The County Attorney stated that County Administration and the Sheriff's Office is aware of all the complaints. The County Administrator also reported that VDOT has been very helpful monitoring the traffic problems.

Supervisor Tuck reminded everyone that November 3, 2015 is Election Day. A tidbit of information is that citizens cannot be summoned to court on Election Day.

Supervisor Brown reported he received a letter from Carl Absher expressing his concerns with bikes traveling along Catawba Road. Supervisor Brown submitted the letter to the County Administrator to forward to VDOT.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, November 16, 2015 at 6:00 p.m. The meeting adjourned at 10:22 p.m.

APPROVED_____ATTEST:_____

William H. Brown	F. Craig Meadows
Chair	County Administrator