TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Deputy County Administrator

DATE: November 12, 2014

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

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

Section 2.2-3711 (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. Human Relations Council
2. Planning District Commission

III. OUT OF CLOSED MEETING

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

IV. CERTIFICATION OF CLOSED MEETING

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

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

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

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. DELEGATIONS

A. Virginia Department of Transportation
David Clarke, VDOT, will provide an update on road projects/issues in Montgomery County.

VIII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the "NEW RIVER VALLEY" Section of the Roanoke Times on November 6, 2014 and November 9, 2014:

1. Appalachian Power Company – Request for Utility Easement
Appalachian Power Company's request for the Board of Supervisors to convey a ten-foot (10') wide easement and right-of-way to Appalachian Power Company adjacent to an existing easement on County Property Tax Map No. 54-A-4A commonly referred to as the former AEP Property off Nik Ryan Drive in the Mount Tabor Magisterial District. (See TAB **A**)

IX. INTO WORK SESSION

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

1. Parks and Recreation Master Plan
2. Sheriff – Funding for Remote Access Software and Mobile Data Terminals
3. Resolution – Mountain Valley Pipeline

X. OUT OF WORK SESSION

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

XI. ADDENDUM

XII. CONSENT AGENDA

XIII. NEW BUSINESS

A. SUBJECT: RESOLUTION IN OPPOSITION OF THE MOUNTAIN VALLEY PIPELINE

R-FY-15-
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY VIRGINIA OPPOSING THE MOUNTAIN VALLEY PIPELINE

WHEREAS, EQT Corporation, in a joint venture with NextEra Energy Resources, created Mountain Valley Pipeline, LLC ("Mountain Valley Pipeline") for the purpose of constructing and operating a 300 mile long 42 inch diameter natural gas transmission pipeline between Wetzel, West Virginia (Marcellus and Utica production regions) and Pittsylvania County, Virginia; and

WHEREAS, Mountain Valley Pipeline has initiated the Federal regulatory approval process to construct the pipeline by requesting use of the Federal Energy Regulatory Commission's ("FERC") pre-filing review process with the pre-filing of Docket No. PF 15-3-00; and

WHEREAS, Mountain Valley Pipeline has advised FERC in its pre-filing application that Mountain Valley Pipeline's current proposed route parallels the existing 760 kV AEP power line that traverses through Montgomery County starting at the Giles County border with the George Washington Jefferson National Forest heading southeast through Montgomery County to the Roanoke County border near Interstate 81; and

WHEREAS, The current proposed route through Montgomery County will have an adverse impact on a large number of developed residences in the highly developed Preston Forest Subdivision, and on scenic, recreational, and sensitive environmental areas in the County of Montgomery; and

WHEREAS, It appears there are several residences in the Preston Forest Subdivision that will have the pipeline either come through their property or closely adjoin their property which will have a negative impact on property

values, place their drinking well water at risk and unnecessarily place these residents living in Preston Forest at increased risk of life or property loss should an incident occur with the pipeline; and

WHEREAS, The proposed route of the pipeline should be moved away from the residences of Preston Forest in order to avoid the potential for catastrophic loss of both property and life should a pipeline incident occur; and

WHEREAS, There are several federal and/or state endangered species with habitats located within a three mile radius of the proposed pipeline route which would be harmed, not only should an incident occur with the pipeline but also during construction and maintenance of the pipeline and when herbicides and pesticides are applied to keep the right of way clear; and

WHEREAS, A large portion of the topography where the pipeline route is proposed through Montgomery County, is characterized by karst terrain, sink holes and caves. The construction of the pipeline through karst topography puts the groundwater and surface water resources at greater risk of contamination/pollution and puts the pipeline at greater risk, after construction, of an incident occurring due to subsidence or other earth movement as a result of dissolving bedrock; and

WHEREAS, The proposed pipeline route bisects two major fault lines located in Montgomery County which causes concern regarding the increased potential for a pipeline incident should the earth shift due to seismological activity; and

WHEREAS, There are two Agricultural Forrestal Districts ("AFD"), AFD#2 located in Catawba and AFD #9 located in Elliston/Pedlar Hills areas of Montgomery County that would be bisected by the proposed route of the pipeline. The construction and ongoing maintenance of the pipeline and the use of herbicides and pesticides to keep the rights-of-way clear will negatively impact the forestal and agricultural uses in these AFDs and conflict with the purpose of putting land in an AFD, namely to conserve and protect these lands as valued natural and ecological resources, which provide clean air sheds, watershed protection, wildlife habitat, aesthetic quality and other environmental purposes for the citizens of Montgomery County; and

WHEREAS, There are two impacted waterways in Montgomery County, the North Fork of the Roanoke River and Craig's Creek that flow within the proposed pipeline route. The construction and ongoing maintenance of the pipeline and the use of herbicides and pesticides to keep the right-of-way clear will likely lead to contamination/pollution of these two streams, further degrading these waters; and

WHEREAS, The construction of the proposed pipeline and the resulting permanent clearance of a seventy-five foot (75') wide right-of-way located through much of the most scenic, mountainous and rugged terrain in the County of Montgomery creates an adverse impact on one of the County's most valued resources, its beautiful viewshed; and

WHEREAS, The Board of Supervisors oppose the construction of the proposed Mountain Valley Gas Pipeline through the County of Montgomery, Virginia.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby opposes the proposed route of the Mountain Valley Gas Pipeline that is included in Mountain Valley Pipeline, LLC's pre-filing request Docket No. PF-15-3-00 with FERC because of the proposed route's adverse impacts on developed residences in the Preston Forest Subdivision within the proposed corridor and on the scenic, recreational and sensitive environmental areas in Montgomery County and that these adverse impacts to the County of Montgomery far outweigh any economic benefit the County might receive from the construction of the pipeline.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, request that FERC closely look at whether the proposed Mountain Valley Pipeline is needed in light of the Atlantic Coast Pipeline that is likewise proposed to transport gas from the same Marcellus and Utica production regions as the Mountain Valley Pipeline with a similar planned terminus in the Mid-Atlantic region;

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby directs the County Administrator to transmit this Resolution to FERC for inclusion in pre-filing Docket Number PF-15-3-00.

ISSUE/PURPOSE: Resolution opposing the proposed route of the Mountain Valley Pipeline.

B. SUBJECT: RESOLUTION APPROVING THE GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND PERFORMANCE AGREEMENT – WOLVERINE ADVANCED MATERIALS, LLC

R-FY-15-

RESOLUTION APPROVING THE GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND PERFORMANCE AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY, VIRGINIA WOLVERINE ADVANCED MATERIALS, LLC AND THE ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA

WHEREAS, Wolverine Advanced Materials, LLC ("Wolverine") is making a $10.625 million investment creating ninety-three (93) new jobs at their facility located in Montgomery County, Virginia; and

WHEREAS, The Virginia Economic Development Partnership Authority ("VEPD") awarded a $250,000 Governor's Development Opportunity Fund Grant ("GOF Grant") to be awarded to Wolverine through the County and EDA conditioned upon the parties entering into the Governor's Development Opportunity Performance Agreement which addresses the obligations of the parties.

WHEREAS, The Board of Supervisors desires to approve the Governor's Development Opportunity Performance Agreement.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Governor's Development Opportunity Performance Agreement between the County, the EDA and Wolverine and authorizes its Chair, William H. Brown, to execute the said Performance Agreement on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE:	Approve the Governor's Development Opportunity Performance Agreement between the County, the EDA and Wolverine.
JUSTIFICATION:	See TAB **C** for a copy of the Governor's Development Opportunity Performance Agreement.

XIV. PUBLIC ADDRESS

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORT

1. Supervisor Biggs
2. Supervisor Tuck
3. Supervisor Gabriele
4. Supervisor King

5. Supervisor Creed

6. Supervisor Perkins

7. Supervisor Brown

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, November 24, 2014
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting

Special Meeting
Legislative Meeting
Monday, December 8, 2014
6:30 p.m. Dinner
7:00 p.m. Meeting

Regular Meeting
Monday, December 15, 2014
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting