AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9TH DAY OF FEBRUARY, 2015 AT 6:30 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	-Supervisors
	Matthew R. Gabriele	
	M. Todd King	
	Annette S. Perkins (arrived 6:45 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
	Mark Magruder	-Budget Manager
	Emily Gibson	-Planning Director
	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 Christopher A. Tuck, seconded by Matthew R. Gabriele 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.

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 6:45 p.m.

OUT OF CLOSED MEETING

On a motion by Christopher A. Tuck, seconded by M. Todd King and carried unanimously,

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

The vote on the forgoing motion was as follows:

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

CERTIFICATION OF CLOSED MEETING

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law

were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES
Mary W. Biggs
Annette S. Perkins (for time present)
Christopher A. Tuck
Matthew R. Gabriele
Gary D. Creed
M. Todd King
William H. Brown

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATIONS, RECOGNITIONS, AND AWARDS

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

- North Fork Road (SR 603) - Construction on North Fork Road is on-going. Blasting is underway now. This project will take several years to complete with a portion of the road being closed.
- Mt. Pleasant Road (SR 639) , construction from the bridge to Split Rail is estimated to be complete in May 2015. Several road projects, Piney Woods Road and Sydney Church Road, will begin this summer.

- VDOT is continuing to work on road maintenance issues from the winter months.
- Sydney Church Road: Mr. Clarke asked the Board to consider adopting a resolution designating Sydney Church Road as a Rural Rustic Road at the meeting tonight. Currently, the project is on the Six-Year Road Improvement Plan. Mr. Clarke stated this road meets the requirements under the rural rustic road program; therefore, the project can be constructed to be more in line with the nature of the road. VDOT would like to get the Bid Ad released in March and issue a contract by May 2015.

Supervisor Creed asked VDOT to take a look at the bridge on Mt. Pleasant Road. He reported there are pot holes that are deep and it is a single lane bridge. Mr. Clarke stated he would include it on their maintenance list. He reported that this bridge is scheduled to be replaced and is on VDOT's six month inspection schedule.

Supervisor King reported that the low water bridge on Fairview Church Road is still flooding. Mr. Clarke stated that this is a project on VDOT's schedule and he will check the timeframe.

Supervisor Tuck stated that Elliott Road appears to had some maintenance done to it; however, there appears to be numerous small potholes along the road. Mr. Clarke replied that the slope on Elliott Road needs to be repaired as it is failing and creating cracks and the road needs an overlay.

Retired Seniors Volunteer Program (RSVP)

RSVP Director Angela Little thanked the Board for supporting the RSVP program. RSVP continues to grow and provide a positive service to the community. RSVP networks to create volunteer opportunities for seniors, 55 years or older, and serve as a resource for area organizations. The program links the skills, knowledge and experience of older adults with the needs of their community. In 2014, there was a total of 376 volunteers that provided 69,000 volunteer hours. Ms. Little provided an example of programs that RSVP helps, such as programs to feed the hungry (backpack program, feeding America, local food pantries, and delivering hot meals to the elderly), Non-Profit organizations by helping stuff fundraising envelopes, Reality Store at local High Schools, Literacy of the NRV, and the Radford/Fairlawn Daily Bread.

Deena Flinchum, a volunteer with RSVP, talked about the Virginia Insurance Counseling and Assistance Program (VICAP) Medicare Part B enrollment service offered by RSVP and the NRV Agency on Aging. They help citizens during the open enrollment for Medicare Part B. In 2014 this program saved residents in the New River Valley a total of $494,869.

Anna Stapleton, a five-year volunteer with RSVP, talked about her volunteer activities. Ms. Stapleton stated during her five years with RSVP she has volunteered with various organizations, such as the Good Samaritan Hospice Care and Health Department. She also helps with the food banks, sewing the Christmas tote bags, Supplies for Seniors and many more jobs. Ms. Stapleton stated that RSVP has provided her with friendship and sense for the community and a purpose. The Board thanked Ms. Little, Ms. Flinchum and Ms. Stapleton for all their hard work and dedication to the RSVP.

Fieldstone Housing Development

William Park with Pinnacle Construction and Development Corporation provided an update on the Fieldstone Housing Development in Blacksburg off Givens Lane. Mr. Park stated the location of the development is currently part of the Blacksburg Estates Mobile Home Park. They are proposing to develop 11 acres for 144 affordable apartment homes consisting of 60 senior residences and 84 family residences. The development will include a community building with a fitness center, gardens, playground and picnic area. The current residents within the location of the trailer park that is proposed for the new development will be relocated to another section of the Mobile Home Park.

Mr. Park stated a market study was done for Montgomery County and it was realized that the County is underserved with affordable housing. There are several barriers for affordable housing development with the County, such as land cost and limited infrastructure. This development will be located within the town limits of Blacksburg. The only way this project will work is to apply for tax credits through the Virginia Housing Development Authority (VHDA). This project will be ranked with other projects submitted to VHDA across the state.

Jim Cowan provided information about the process of the development. Mr. Cowan reported a rezoning request has been submitted to the Town of Blacksburg for approval. The Blacksburg Town Council is expected to take action on the request this month. If the rezoning is denied then the project will die. He asked the Board of Supervisors to approve a Resolution of Support for the project and to consider a Performance Agreement that would provide financial assistance in the form of freezing the real estate tax rate for 15 years. The resolution and performance agreement will help the project obtain higher points that will be needed for VHDA approval.

Supervisor Tuck asked who will be responsible for covering the relocation expenses of the residents who have to move. Mr. Cowan stated that the owner of the Blacksburg Estates Mobile Home Park will pay for all expenses related to the relocation and temporary housing if needed. The owners remain committed to working with every resident to insure a smooth relocation.

The County Administrator reported that a work session may be scheduled for the February 23, 2015 Board meeting, depending on action by the Blacksburg Town Council on the Fieldstone Development project.

PUBLIC ADDRESS

Robbie Jones spoke in support of the School Board budget. Ms. Jones acknowledged difficult decisions the Board of Supervisors has to make and how localities are burdened with unfunded mandates. She stated the School Board budget is a needs based budget, which includes a 2% step increase for employees. Ms. Jones expressed concerns with the School Board's proposal to cut the incentive pay to employees in order to cover the insurance costs for part-time employees as mandated by the Affordable Care Act. This is a huge impact to these employees with cuts from $700- $1,200 per month.

John Asconi addressed the Board about the School Board's proposed cuts to school employee's incentive pay. Mr. Asconi stated he is an Instructional Aid at Blacksburg High School. He is a veteran from the U.S. Army and receives medical services through the Veterans Affairs (VA) and therefore does not need insurance through the school system. He is not happy that his incentive pay will go towards a federal mandate that he will not need. He stated he needs his incentive pay and urged the Board of Supervisor to give serious thought to the School Board's budget request.

Michelle Broughton addressed the Board about the School Board's proposed cuts to school employees' incentive pay. Ms. Broughton stated employees that receive the incentive pay rely on the incentive every month and the loss of income will hurt. She stated she supports the School Board's budget request.

Ursula Halferty addressed the Board in regards to the proposed Mountain Valley Pipeline (MVP) project. Ms. Halferty stated she had the opportunity to watch the Board's meeting video where Supervisor Chris Tuck recommended the County provide an alternate route to the one being proposed by MVP. She is glad that the other Board members did not support Supervisor Tuck's suggestion as she does not support Montgomery County working with MVP to come up with new routes and that there is no benefit to working with MVP. She stated that the Federal Regulatory Commission (FERC) will not come up with alternate routes and will be up to MVP to do so.

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

ADDENDUM

On a motion by Christopher A. Tuck, seconded by Mary W. Biggs and carried unanimously, the following addendum dated February 9, 2015 was added to New Business:

- Naming the Bridge on I81 in Montgomery and Pulaski County as "Trooper Andrew Fox Memorial Bridge"
- Resolution designating Sydney Church Road as a Rural Rustic Road

The vote on the forgeoing motion was as follows:

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

CONSENT AGENDA

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously, the Consent Agenda dated February 9, 2015 was approved. The vote was as follows:

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

Approval of Minutes

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously, the minutes dated October 14, 2014 were approved.

Appropriations and Transfers

A-FY-15-65
SCHOOL OPERATING FUND
SUPPLEMENTAL APPROPRIATION

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2015, for the function and in the amount as follows:

640000 Operations and Maintenance		$306,820
650000 Non-Instruction		$300,000
	Total	$606,820

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

Revenue Account:		
Universal Services Discount		$306,820
Reimbursement – After School		$300,000
	Total	$606,820

Said resolution appropriates additional funds for the School Operating Fund.

A-FY-15-66
PARKS AND RECREATION
TRANSFER FROM CAPITAL RESERVE

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck 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, 2015, for the function and in the amount as follows:

700	Parks and Recreation	$1,600

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

451205	Designated Fund Balance – Capital Reserve	$1,600

Said resolution appropriates funds from the Capital Reserve for the one-time costs of maintenance of the playground at Meadowbrook Library.

Endorsements - VACo Steering Committee

R-FY-15-77
SUPERVISOR MARY BIGGS
VACO EDUCATION STEERING COMMITTEE
CONFERENCE PLANNING AND RESOLUTIONS COMMITTEE
FOR CALENDAR YEAR 2015

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

WHEREAS, Supervisor Mary W. Biggs has been invited to serve on the Virginia Association of Counties' (VACo) Education Steering Committee, Conference Planning Committee and Resolutions Committee for calendar year 2015.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses Supervisor Biggs' participation on the Virginia Association of Counties Education Steering Committee, Conference Planning Committee and Resolutions Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to reimburse Supervisor Biggs for expenses arising from attendance at committee meetings.

R-FY-15-78
ANNETTE S. PERKINS
VACO EDUCATION STEERING COMMITTEE
AND VACO CONFERENCE PLANNING COMMITTEE
FOR CALENDAR YEAR 2015

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

WHEREAS, Supervisor Annette S. Perkins has been invited to serve on the Virginia Association of Counties' (VACo) Education Steering Committee and Conference Planning Committee for calendar year 2015.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses Supervisor Perkins' participation on VACO'S Education Steering Committee and Conference Planning Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to reimburse Supervisor Perkins for expenses arising from attendance at committee meetings.

R-FY-15-79
COUNTY ADMINISTRATOR
VACO FINANCE COMMITTEE
FOR CALENDAR YEAR 2015

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

WHEREAS, F. Craig Meadows, County Administrator, has been invited to serve on the Virginia Association of Counties' (VACo) Finance Committee for calendar year 2015.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia endorses F. Craig Meadows' participation on VACo's Finance Committee.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes reimbursement to the County Administrator for expenses arising from attendance at committee meetings.

R-FY-15-80
NEW RIVER VALLEY
PLANNING DISTRICT COMMISSION
APPOINTMENT

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Michael W. Harvey** to the **New River Valley Planning District Commission** effective February 10, 2015 and expiring June 30, 2017.

Said appointment fills the unexpired term of Ray Chambers, resigned.

INTO WORK SESSION

On a motion by Matthew R. Gabriele, 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. Montgomery County School Board FY 16 Budget Presentation

The vote on the foregoing motion was as follows:

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

Montgomery County School Board FY 16 Budget Presentation

Joey Lyons, Chair of the Montgomery County School Board, provided opening comments to the Board of Supervisors. Mr. Lyons thanked the Board of Supervisors for their past support of the education system. He stated that state funding for Montgomery County Public Schools is still $7 million below where it was in 2008-09, with no increase on the horizon. Where the state has fallen short, the County has picked up and is appreciated by the School Board. Mr. Lyons appreciates the collaboration between both boards on working together and holding joint meetings.

He turned the presentation over to Brenda Blackburn, Superintendent of Montgomery County Public Schools, to provide the Board of Supervisor with a summary of the School Board's FY 16 Budget.

Brenda Blackburn provided the following comments:

"I appreciate the opportunity to speak with you about the MCPS proposed FY 2015-2016 Budget. I also thank you for your on-going support for MCPS. You have stepped up to the plate to offset loss of state funds, to fill some of the void created by the end of the stimulus dollars and you have made decisions in a tough economy to address some of our facility needs. We also greatly appreciate the fact that you have regularly supported the return of carryover funds to meet some of the otherwise unmet needs of the school division. Our work and your support

allows us to provide for the highly individualized needs of the 9,600 Montgomery County children that we serve every day in our classroom.

The budget before you this evening represents a needs based request for MCPS for the 2015-2016 school year. It is a budget that is presented after significant input from division leadership, staff members, the community and the School Board. Next week, I will begin a listening tour that will take me to each of the 4 high schools from 2 – 5 in the afternoon. My purpose is to specifically afford our employees an opportunity to speak with me directly about budget and other topics of interest. Budget updates are a regular part of the School Board's agenda and a major focus area for the division web site. It is our intent to provide budget information that is easy to understand and quickly accessible to the public.

Right now our total increase in state funds for 2015-2016 is $277,678 (majority categorical to support e-learning backpack one-to-one tablet initiative for 9th grade students in 3 of 4 high schools). As the legislators continue to meet and as you all analyze the county's financial picture, the information necessary to make real decisions about the MCPS budget becomes clearer. I call the current budget discussions Round 1 and I know that the upcoming rounds may be even more difficult than the current discussion.

As presented to you tonight, the gap between the 2014-2015 adopted budget and our needs based 2015-2016 request is $4.8 million. This number is offset in 2015-2016 budget by additional state money of $277,000 and accounting changes for the child care program and e-rate totaling $600,000. The gap we are requesting the supervisors to fill is $3.9 million.

Some highlights of the **MCPS 2015-2016 Needs Based Budget** are as follows:

- **Find Economies** – these efforts have been ongoing for the past five years. We continue to ask division staff to do more with less as positions have been reduced (89.82 positions), supply budgets reduced and operational changes have been made as we strive to provide a high quality education in our schools. This year we have added salary turnover and lapse ($1.4 m); VRS ($173,000); Postage ($15, 800). Much of the salary savings ($818,000) came from hiring over the summer of 80+ new hires, 60 came in at level 1 – 5 on the salary schedules and replaced more experienced employees who were much higher on the salary schedule.
- **Protect enhancements that are supporting student achievement gains** – investments in materials and instructional supports (instructional coaches, Read 180, Math 180, Reading Recovery). We are moving in the right direction and can't turn back now.
- **Implement a second year of the eLearning Backpack** program at 4 high schools; tablets for current 9th grade students have been distributed over the last 3 weeks.
- **Provide 2 step Salary Scale Enhancement** ($2.1 million) – Year 2 of implementing the Evergreen study. The legislature may ultimately help with some salary improvement dollars based on their most recent discussion. Attracting and retaining the best employees for our school system is a priority.
- **Address unfunded mandate of the Affordable Health Care Act provision to provide health insurance for 30-39.99 hour part time employees**. ($1.4 million off set by $230,000 already in the budget)

Tonight you also received the School Nutrition Budget. SNP is also impacted by the requirement of the ACA to provide 30 hour plus employees with health insurance. In the SNP budget the Labor and benefits line currently includes budgeting for 34 part time employees for health insurance at a cost of $265,175.52. As you know, the SNP is financially self-sustaining. The increase in cost must be recouped from increased sales and/or increase price of lunches.

- **Cover estimated increase in health insurance cost of $777,000 for currently covered employees**.
- **Restore some previous budget and personnel reductions and move some items from carryover funding to operations**. Each recurring cost funded through carryover is a strategic decision. The thought process is that we are better off with having this resource one year than not at all. (Social Worker, Governor's Summer School, College Application Week, Capital – roofs, buses, and technology which had previously been funded by 1 – time county funds). Of the $1.8 million in carryover funds in 2013-2014 significantly less than 10% was used for actual recurring expenses.
- **Safety Enhancements** ($25,000 state grant match --- we have received $160,000 from state over 2 year period)
- **Incorporate some changes in accounting processes and procedures (childcare; e-rate)**
- **Provide a more detailed view of the budget (breaks out cost into all applicable categories)**

As you consider the school budget request and the big and difficult decisions before you about our citizens, the advertised tax rate and community priorities, I ask you to include these facts in your consideration.

- State funding for education of MCPS students is $7 million below the level of 2008;
- State of Virginia per student spending remains below the level of 2008 and is growing very slowly.
- To meet the buying power of $97 million in 2008 I would need $108 million in 2015. Our current revenue projection is $97 million.
- Attracting and retaining a quality work force – teachers and support employees – requires competitive salary and benefits. Currently our starting salary for teachers ranks 11th of 13 surrounding counties. Our mid-career and top experience level teachers' rank 5th in the group of 13 counties.
- Great communities and great schools go hand in hand. "

Ms. Blackburn thanked the Board for allowing her to present the FY 16 School Budget and offered to answer questions.

Ms. Blackburn was asked to address the recommendation to cut part-time employee incentive pay. Ms. Blackburn replied that the incentive pay began 15 years ago to help provide a supplement to part-time employees to help cover health insurance costs or a retirement plan. As years passed it became too cumbersome and complex to keep track of and it was decided that the supplemental pay would roll-over as part of the employee paycheck to use however they see fit. In October 2015, the Affordable Health Care Act will require the school system to offer the same health insurance to 30-hour employees as it does to full-time employees. The cost to cover

insurance for employees who work 30+ hours per week is $1.4 million. This is an unfunded mandated by the Federal Affordable Health Care Act. It was proposed that the incentive be taken away in order to cover the cost of offering full health coverage; however, the School Board at their February 3, 2015 meeting agreed not to take the incentive away from the employees.

Mr. Lyons also replied that 88% of the school budget is spent on personnel costs and when the School Board is faced with an unfunded mandate as large as covering insurance cost for employees then they have to cut funding from somewhere or come up with additional revenue.

The Board of Supervisors also addressed the need for a School Capital Maintenance Budget and funding for project included in the Cardno Tec Study. Past years the School Board has requested one-time funding to be allocated for the purchase of school buses, technology and roofing. There is no permanent funding for these items or maintenance items in the budget.

Ms. Blackburn stated that there is no capital budget for the Schools. The School Board will need to include $2 million per year in order to have a high quality maintenance program. Ms. Blackburn stated that the Cardno Tec Study recommends $10.9 million for five years in order to cover the cost of the projects identified. She believes the Board of Supervisors will consider $250,000 before they would $3.9 million that would be needed for FY 16.

The Board thanked Ms. Blackburn and Mr. Lyons for their presentation.

OUT OF WORK SESSION

On a motion by Christopher A. Tuck, 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 foregoing motion was as follows:

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

NEW BUSINESS

R-FY-15-81
A RESOLUTION APPROVING A PLAN OF LEASE REFINANCING WITH THE ECONOMIC DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA, APPROVING THE FORM OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE SAME

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs 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 $16,805,000 Lease Revenue Bonds, Series 2000B (the "2000B Bonds"), and its $11,550,000 Lease Revenue Bonds, Series 2000C (the "2000C Bonds"), and loaned the proceeds thereof to the County of Montgomery, Virginia (the "County"), to finance improvements and renovations to the Blacksburg Middle School, renovations and improvements to certain of the County's other schools and related facilities and the acquisition, construction and equipping of a County administration building; and

WHEREAS**,** The Authority refunded portions of the 2000B Bonds and the 2000C Bonds by the issuance of its $10,800,000 Lease Revenue Refunding Bonds, Series 2005A (the "2005A Bonds"), and its $7,630,000 Lease Revenue Refunding Bonds, Series 2005B (the "2005B Bonds" and, together with the 2005A Bonds, the "2005 Bonds"); and

WHEREAS, As security for the repayment of the 2005 Bonds, the Authority entered into (a) an Amended Ground Lease dated as of May 1, 2005 (the "2005 Ground Lease"), with the County and the School Board of Montgomery County, Virginia (the "School Board"), pursuant to which the County and the School Board leased to the Authority the Blacksburg Middle School and the County administration building (as more specifically described in the 2005 Ground Lease, the "Premises"), and (b) an Amended Financing Lease dated as of May 1, 2005 (the "2005 Lease Agreement"), with the County, pursuant to which the Authority leased the Premises

to the County in exchange for which the County undertook to make rental payments sufficient to cover the annual debt service on the 2005 Bonds; and

WHEREAS, The Board of Supervisors of the County (the "County Board") now desires to realize debt service savings by effecting a refunding of the outstanding 2005 Bonds (the "Refunded Bonds") and has requested that the Authority issue one or more lease revenue refunding bonds (collectively, the "2015 Bond"), use the proceeds thereof to refund the Refunded Bonds and secure the repayment of the 2015 Bond by a lease of all or a portion of the Premises pursuant to the terms of a Ground Lease (as hereinafter defined) and a Lease Agreement (as hereinafter defined); and

WHEREAS**, T**he County has requested Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor"), to solicit bids from banking and other financial institutions for the purchase of the 2015 Bond; and

WHEREAS, There have been presented drafts of the following documents (collectively, the "Documents") that the County proposes to execute in support of the transactions described above, copies of which shall be filed with the records of the County:

(a) Amended and Restated Ground Lease (the "Ground Lease"), between the Authority, the County and the School Board, pursuant to which the County and the School Board will renew their lease of all or a portion of the Premises to the Authority; and

(b) Bond Purchase and Lease Agreement (the "Lease Agreement"), between the Authority, the County, the School Board and the Bondholder (as defined below) pursuant to which (1) the Authority will issue the 2015 Bond, (2) the Authority will agree to sell, and the Bondholder will agree to purchase, the 2015 Bond, (3) the Authority will use proceeds thereof to refund the Refunded Bonds and (4) the Authority will lease all or a portion of the Premises to the County and the School Board.

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

1. The following plan of lease refinancing is hereby approved: (a) the Authority shall issue the 2015 Bond in a principal amount not to exceed $12,500,000, (b) the County and the School Board will lease one or more of the properties constituting the Premises to the Authority pursuant to the terms of the Ground Lease, with an expiration not later than December 31, 2026, and (c) the Authority will lease the Premises back to the County and the School Board pursuant to the terms of the Lease Agreement, with an expiration not later than December 31, 2021. The County will undertake to make payments to the Authority of basic rent ("Basic Rent") and additional rent ("Additional Rent") under the terms of the Lease Agreement in amounts sufficient to pay when due the principal of and interest on the 2015 Bond and to pay the fees and expenses of the Authority. The obligation of the Authority to pay principal of and premium, if any, and interest on the 2015 Bond will be limited to payments of Basic Rent and Additional Rent received from

the County. The undertaking by the County to make payments of Basic Rent and Additional Rent will be subject to appropriations from time to time by the County Board of sufficient amounts for such purposes. Upon an event of default or an event of non-appropriation by the County Board under the Lease Agreement, the Authority shall have the right to exercise any remedies provided in the Lease Agreement, including the right to terminate the Lease Agreement and exclude the County and the School Board from possession of the Premises for the remainder of the term of the Ground Lease. The 2015 Bond will be secured in part by an assignment to the Bondholder of the Authority's rights to receive payments of Basic Rent. The 2015 Bond will be secured by an assignment to the Bondholder of the Authority's rights to receive payments of Basic Rent. This plan of lease refinancing shall contain such additional requirements and provisions as the County Administrator (which term for purposes of this Resolution includes any Deputy County Administrator) may approve and determine to be in the best interests of the County.

2. Subject to the pricing parameters of the 2015 Bond described below, the County Board hereby authorizes the County Administrator, in consultation with the Financial Advisor and the Authority, to review the bids received and to select the bid that the County Administrator determines to be in the best interests of the County. The banking or other financial institution submitting such winning bid shall be selected as the Bondholder.

3. The County Administrator is authorized and directed to execute the Documents, 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, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. In making completions to the Lease Agreement, the County Administrator shall provide for payments of Basic Rent on terms equivalent to the 2015 Bond, which shall (a) mature in installments ending no later than December 31, 2021; (b) have an aggregate principal amount not exceeding $12,500,000; (c) have a "true" or "Canadian" interest cost not exceeding 3.00%; (d) be subject to optional redemption on such terms that the County Administrator and the Chairman or Vice Chairman of the Authority determine to be in the best interests of the County and the Authority; and (e) be sold to the Bondholder at a price not less than 100% of the aggregate principal amount thereof. Following the sale of the 2015 Bond, the County Administrator shall file a certificate with the records of the County Board setting forth the final terms of the 2015 Bond and the Lease Agreement. The actions of the County Administrator in approving the terms of the 2015 Bond and the Lease Agreement shall be conclusive, and no further action shall be necessary on the part of the County. As set forth in the Lease Agreement, the County undertakes to pay from legally available funds such "late charges" and other charges as described therein.

4. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all actions necessary or desirable in connection with the execution and delivery of the Documents and the completion of the lease refinancing.

5. The undertaking by the County to pay any amounts under the Lease Agreement shall be limited obligations payable solely from funds to be appropriated by the County Board for such purpose and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the County beyond any fiscal year for which the County Board has lawfully appropriated funds from time to time. Nothing herein or in the Lease Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

6. The County Board believes that funds sufficient to make payment of all amounts payable under the Lease Agreement can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the County Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future County Boards do likewise during the term of the Lease Agreement. The County Board directs the County Administrator, the Director of Finance or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Lease Agreement an amount sufficient to make the payment of all amounts payable under the Lease Agreement. Within 10 days after adoption of the County's annual budget and related appropriation resolution, but not later than 10 days after the beginning of each fiscal year, the County Administrator is authorized and directed to deliver to the Authority and the Bondholder a certificate stating whether an amount equal to or credited to the payment of Basic Rent and Additional Rent that will be due during such fiscal year has been budgeted and appropriated by the County Board. So long as the 2015 Bond is outstanding, if at any time during any fiscal year of the County, the amount appropriated in the County's annual budget in such fiscal year is insufficient to pay when due the amounts payable under the Lease Agreement, the County Board directs the County Administrator or Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the County Board a request for a supplemental appropriation sufficient to cover the deficit.

7. (a) The County covenants that it will not take or omit to take any action the taking or omission of which will cause the 2015 Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause the interest due on the 2015 Bond to be includable in the gross income of the holder thereof under existing statutes. 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 any part of the earnings derived from the investment of the funds received under the Lease Agreement, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the 2015 Bond from being includable in the gross income for federal income tax purposes of the holder thereof under existing law.

(b) The County covenants that during the term of the Lease Agreement it shall not permit the proceeds of the 2015 Bond 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 2015 Bond 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.

8. 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 Lease Agreement 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.

9. The County Administrator is authorized and directed to take or direct the Authority to take all proper steps to call for redemption of the Refunded Bonds, to prepare and deliver any such notices and correspondences necessary therefor and to obtain any documents, certificates and approvals necessary to terminate or amend any prior lease agreements, trust agreements or investment contracts relating to the Refunded Bonds and/or the Premises.

10. The County Administrator is authorized and directed to execute an escrow deposit agreement (the "Escrow Agreement") between the County, the Authority and an escrow agent (the "Escrow Agent") to be selected by the County Administrator and the Chairman or Vice Chairman of the Authority for purposes of refunding the Refunded Bonds. The Escrow Agreement shall be in a form approved by the County Administrator, in collaboration with the County Attorney and the County's bond counsel, the execution thereof by the County Administrator to constitute conclusive evidence of the County Administrator's approval of the Escrow Agreement. The Escrow Agreement shall provide for the irrevocable deposit of a portion of the 2015 Bond proceeds (the "Refunding Portion") in an escrow fund (the "Escrow Fund") that shall be sufficient, when invested in United States Treasury obligations (the "Government Obligations"), to provide for payment of principal of and interest on the Refunded Bonds; provided, however, that such Bond proceeds shall be invested in such manner that the 2015 Bond will not be an "arbitrage bond" within the meaning of Section 148 of the Code. If requested by the County Administrator, the Escrow Agent is authorized to execute, on behalf of the County, an initial and final subscription form for the purchase of the Government Obligations.

11. All costs and expenses in connection with the refunding of the Refunded Bonds and the issuance of the 2015 Bond, including the Authority's fees and expenses and the fees and expenses of bond counsel, counsel for the Authority, the Bondholder and counsel to the Bondholder, shall be paid from the proceeds of the 2015 Bond or other legally available funds of the County. If for any reason the 2015 Bond is 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 and to record such document where appropriate.

13. All other actions of the officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of this lease refinancing are 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 forgoing resolution was as follows:

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

RECESS

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

New Business Continued

R-FY-15-82
RESOLUTION OF THE BOARD OF SUPERVISORS
AGREEING TO UNDERTAKE A NON-BINDING MORAL OBLIGATION
FOR 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 ("EDA") entered into a Lease Agreement with TORC Robotics LLC ("TORC") whereby the

EDA agreed to construct an Office/Manufacturing Building in the Blacksburg Industrial Park Phase V, in order to lease 15,659 sq. ft. to TORC ("Lease Agreement"); and

WHEREAS, The required construction and up-fit of the Building pursuant to the Lease Agreement was proposed to cost the EDA Two Million Five Hundred Thousand Dollars with the monthly debt service to be paid by monthly lease payments to be made by TORC pursuant to the Lease Agreement and from other future tenants in the Building; and

WHEREAS, The EDA secured Two Million Five Hundred Thousand Dollars in financing from First Bank and Trust and from the Virginia Small Business Financing Authority ("the Financing") and the Board of Supervisors agreed to be morally obligated to re-pay the $2.5 Million Dollar Financing should the EDA fail to make the required payments to either First Bank and Trust or the Virginia Small Business Financing Authority; and

WHEREAS, The EDA and TORC executed a First Lease Amendment with TORC whereby the EDA agreed to upfit the remaining 4,611 sq. ft. to warehouse space and TORC agreed to lease this additional 4,611 sq. ft., for a total of 20,270 sq. ft. of lease space; and

WHEREAS, The cost in upfitting the additional 4,611 sq. ft. to warehouse space and the unforeseen costs incurred in site work due to poor soils, the EDA needs to increase the Financing $200,000 from $2.5 Million to $2.7 Million and First Bank and Trust has agreed to provide the additional funding; and

WHEREAS, The Board of Supervisors desires to support the EDA in its efforts to finance the building construction required under the Lease Agreement with TORC by agreeing to increase the amount the Board will be morally obligated to repay from $2.5 Million to $2.7 Million under the Support Agreement with the EDA; and

WHEREAS, Section 15.2-953 of the Code of Virginia 1950, as amended, provides that any locality may appropriate money to an economic development authority for the purpose of promoting economic development.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby agrees:

1. Should the County receive written notice from the EDA that TORC has defaulted or otherwise vacated the Building and the EDA is no longer receiving rent payments from TORC that were intended to cover the loan payments owed under the First Bank and Trust Financing and the Virginia Small Business Financing Authority, the Board of Supervisors hereby agrees to undertake a non-binding moral obligation, in such manner that is consistent with both the Constitution and laws of the Commonwealth of Virginia, to appropriate money to the EDA sufficient to make up any deficiency and allow the EDA to continue to make its loan payments required under the First Bank and Trust and the Virginia Small Business Financing Authority Financing. The Board of Supervisors, while

recognizing that it is not hereby empowered to make any binding commitment to make such appropriation in future fiscal years, hereby states its intent to make such appropriations in future fiscal years and hereby recommends that future Boards do likewise.

2. Nothing herein contained is or shall be deemed to be a lending of the full faith and credit of the County of Montgomery to the EDA, First Bank and Trust, the Virginia Small Business Financing Authority or to any other person or entity and nothing herein contained is or shall be deemed to be a pledge of the full faith and credit or the taxing power of the County of Montgomery nor shall anything herein contained legally bind or obligate the Board of Supervisors to appropriate funds for the purpose described herein.

3. To enter into a Support Agreement between the County of Montgomery, Virginia, and the Economic Development Authority of Montgomery County, Virginia with terms consistent with the Board of Supervisors' stated intentions under this Resolution and authorizes William Brown, Chair, to execute the Support Agreement on behalf of the County of Montgomery, Virginia.

The vote on the forgoing resolution was as follows:

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

R-FY-15-84
RESOLUTION IN SUPPORT OF NAMING THE BRIDGE ON I-81 IN MONTGOMERY AND PULASKI COUNTY AS "TROOPER ANDREW FOX MEMORIAL BRIDGE"

On a motion by Christopher A. Tuck, seconded by M. Todd King and carried unanimously,

WHEREAS, Virginia State Police Trooper Andrew Fox of Draper in Pulaski County, died in the line of duty on October 5, 2012 after he was struck by a vehicle while directing traffic at the Virginia State Fair; and

WHEREAS, Andrew Fox took an active role in the community as a member of the Draper Volunteer Fire Department, Tazewell Baptist Church, and Wytheville Baptist Church; and

WHEREAS, Andrew Fox exemplified the integrity, devotion to duty, and courage displayed by members of the Virginia State Police as they strive to protect and serve the citizens of the Commonwealth; and

WHEREAS, Andrew Fox will be greatly missed and lovingly remembered by those who knew him; and

WHEREAS, This Board wishes to memorialize the life and sacrifice of Andrew Fox.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County does hereby request that the Commonwealth Transportation Board name the New River Bridge on Interstate 81 in Montgomery and Pulaski Counties as the **"Trooper Andrew Fox Memorial Bridge".**

BE IT FURTHER RESOLVED, Montgomery and Pulaski Counties will share the cost of the sign.

The vote on the forgoing resolution was as follows:

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

Supervisor Creed stated while he supports the naming of the bridge as "Trooper Andrew Fox Memorial Bridge"; he is abstaining due to the fact the appropriate State Offices did not inform the Board of Supervisors about the request especially when it mandates that the cost of the signs be borne by the locality.

Supervisor Gabriele also stated he supports the naming of the bridge as "Trooper Andrew Fox Memorial Bridge" but he does not appreciate the way some members of the Board of Supervisors were treated in public by state officials when they attended the annual VACo Legislative Day in Richmond over this issue. He believes a simple phone call would have been sufficient instead of it being addressed in public.

R-FY-15-83
RESOLUTION DESIGNATING
SIDNEY CHURCH ROAD AS RURAL RUSTIC

On a motion by M. Todd King, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, Any such road must be located in a low-density development area and have no more than 400 vehicles per day; and

WHEREAS, The Board of Supervisors of Montgomery, Virginia ("Board") desires to consider whether Sidney Church Road (SR 606), From: Fairview Church Road (SR 669) To: Camp Carysbrook Road (SR 673), a distance of 2.0 miles, should be designated a Rural Rustic Road; and

WHEREAS, The Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, The Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, This road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby designates Sidney Church Road (SR 606) a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, The Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

The vote on the forgoing resolution was as follows:

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

COUNTY ATTORNEY'S REPORT

The County Attorney reported the Beekeepers' Association submitted the following request:

To: Montgomery County Board of Supervisors

From: New River Valley Beekeepers' Association

The New River Valley Beekeeper's Association hereby requests the Board to consider amending Chapter 10 of the Montgomery County Code to permit beekeeping in residential zones of the county. As the largest beekeeping association in Virginia, with over 280 paid members, the majority being residents of Montgomery County, we believe that the current county zoning regulations are unnecessarily restrictive. We believe that, upon consideration of information that we can provide, you will agree.

While beekeeping is not specifically addressed in the current zoning ordinance, it is apparently prohibited by non-inclusion as a "by right" use and the absence of a provision for urban beekeeping. We would like to see beekeeping permitted in all residential zones, subject to common sense guidelines to ensure responsible, "good neighbor" beekeeping.

We offer the following points in support of our position:

- Honey bees are important pollinators and are an integral part of a balanced ecology.

- Honey bees are typically less aggressive than wasps, yellow jackets, and hornets, which are a natural part of the environment. In fact, our members who do bee removals from homes in the county find that some of the calls they receive are about other stinging insect species that have been misidentified as honeybees.

- The Commonwealth of Virginia has been promoting beekeeping, because honeybees are critical to many aspects of agriculture and everyone's well-being. In 2012, the Virginia General Assembly created the Beehive Grant Fund (Fund) for the purpose of promoting the establishment of new beehives in the Commonwealth. The program is administered by VDACS (Virginia Department of Agriculture and Consumer Services). Because bees range up to two miles from their hives in their search for food, colonies located on residential properties benefit nearby agricultural operations. The residents of residential zones of the county and their homes are a valuable pool of potential beekeepers and beehive sites.

- Beekeeping is allowed in many cities, including New York, San Francisco, Salt Lake City and Washington, DC. There are well accepted measures that beekeepers can take to minimize the potential for impacts on their neighbors. The City of Roanoke allows beekeeping, having written their ordinance with the advice of Dr. Richard Fell, Professor Emeritus of Entomology at Virginia Tech. Dr. Fell is a long time mentor of our Association. We are including below the pertinent language from the Roanoke zoning ordinance. Ordinances for other localities are available.

In summary, we hope that you will consider amending the current zoning ordinance to make it more "bee-friendly." If we can be of any further assistance please contact any of the officers listed below. Thank you for your consideration.

Sincerely,

Richard Reid, President, New River Valley Beekeepers' Association
James Hill, Vice President, New River Valley Beekeepers' Association
Sue Hossack, Secretary, New River Valley Beekeepers' Association
Jack Price, Treasurer, New River Valley Beekeepers' Association
Kent Murmann, Member, New River Valley Beekeepers' Association
Bob Whiton, Member, New River Valley Beekeepers' Association

New River Valley Beekeepers Association

Proposed Amendments to Montgomery County, Virginia Code

The New River Valley Beekeepers Association is proposing the following amendments to Chapter 10 of the Montgomery County Code. The purpose of the amendments is to make beekeeping legal in the residential zones of the County and to provide a framework of common sense rules to address both the concerns of neighbors and the practical needs of the beekeeper. The Association has borrowed from the City of Roanoke beekeeping rules, which have been in existence for some time and are working well.

PROPOSED AMENDMENTS: Added or modified text will be indicated by underlining.

Sec. 10-61. - Definitions.

Agriculture, small scale: The production of plants and animals useful to humans as defined under general agriculture above, of no greater than three (3) animal units per acre and no more than ten (10) animal units total on the tract. For honeybees the limit shall be four (4) animal units on lots up to 10,000 square feet in area, and an additional animal unit shall be permitted for every 2,000 square feet of area greater than 10,000 square feet up to one (1) acre in area. No limit will apply to the number of honeybee animal units on parcels greater than one (1) acre in area.

Animal unit: The equivalent of one (1) head of beef cattle. For the purposes of this chapter, the following equal one (1) animal unit: one (1) head of beef cattle; one (1) dairy cow; two (2) calves of less than one-year old; one (1) buffalo; one (1) llama; one (1) horse; one (1) mule; five (5) sheep; five (5) goats; two (2) swine; two (2) deer; one hundred (100) chickens; fifty (50) turkeys; three (3) ostriches; ~~or~~ one hundred (100) rabbits; or one (1) beehive.

Beehive: a single colony, hive or stand of bees, regardless of size.

Residential beekeeping: The keeping of honeybees in non-agriculturally zoned areas as an accessory use subject to the standards set out in section 10-41(19).

Sec. 10-41. - Supplemental district regulations.

19) Urban agriculture.

(a) *Residential chicken keeping* – Unchanged.

(b) *Residential beekeeping* as defined in section 10-61 of this chapter, is permitted in the Residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:

1. The owner of the bees must reside on the property on which the bees are kept or have written permission from the property owner.
2. Beehives shall be located in the rear yard only and shall be setback at least ten (10) feet from side and rear property lines unless the owner of the beehive(s) obtains written permission from the applicable adjacent property owner. In the latter case, when the beehive(s) are less than ten (10) feet from the property line, they must be separated from the property line by a flight path barrier consisting of a fence or plantings at least six (6) feet in height.
3. Beehives shall be located no closer than fifty (50) feet to any house or other building used for residential purposes by anyone other than the person maintaining the beehive or his immediate family or any apartment, hotel, motel, office, commercial establishment, church or school unless the owner of the beehives obtains written permission from the other party/parties.
4. Beehives shall be located no closer than thirty (30) feet to any "street" as defined in Section 10-61.
5. No person shall keep, place or maintain more than four (4) beehives on any parcel of real property which contains ten thousand (10,000) square feet or less in area. With respect to parcels larger than ten thousand (10,000) square feet in area, one (1) additional beehive shall be permitted for each two thousand (2,000) square feet of area in excess of ten thousand (10,000) square feet.
6. Notwithstanding the foregoing, during the months of April, May and June (swarm season) only, a person shall be permitted to keep two (2) additional beehives, over and above those permitted during the balance of the year, on any parcel of real property.

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7. The density restrictions established by this section shall have no application to beehives kept, placed or maintained on any parcel of real property of one (1) acre or larger
8. Water supply for bees. Every person owning, possessing or keeping any beehive shall maintain, within fifty (50) feet of each beehive, an adequate, accessible and useable supply of water for the bees.
9. Honeybees shall be kept primarily for the household's personal enjoyment. On-site commercial uses shall be prohibited. Off-site sale of surplus honey, beeswax or bees shall be permitted.
10. Residential beekeeping shall comply with chapter 3 and chapter 7, article III of the County Code, except that section 3-3 shall not be considered applicable to honeybees.
11. Paragraphs 1-10 of this section shall not apply to the keeping of bees within an educational institution, museum, physician's office, or laboratory for the purpose of study, observation, or medical research or treatment, provided that such bees are not permitted to fly at large.

The County Attorney reported that the Board could either send the request to the Planning Commission for further review or leave the County Code as is.

It was the consensus of the Board to refer the request to the Planning Commission to review. A resolution referring it to the Planning Commission will be on the next Board agenda.

COUNTY ADMINISTRATOR'S REPORT

No Report.

BOARD MEMBERS REPORTS

Supervisor Perkins attended the annual Virginia Association of Counties (VACo) Annual Legislative Day and Steering Committee meetings in Richmond on February 5, 2015. They met with Montgomery County's state representatives to discuss the Board's priorities and funding needs.

School Board FY16 Budget - Supervisor Perkins stated that she served on the School Board for seven years and is on her 18th year on the Board of Supervisors. During this entire time the School Board has never received full funding and she hopes she can see the day that the County can fund the School Board budget to the extent beyond a needs based budget. She stated that the School Board's FY 16 Budget does provide more than in the past years. The Board of Supervisors has to consider all requests, including the County's budget requests, with the resources they have.

Supervisor Tuck addressed the recent outbreak of German measles in other states. He urged everyone to get vaccinated and supports a resolution to encourage vaccinations. He explained he has a family member that is highly susceptible to contagious diseases that could be deadly to her condition.

Supervisor Biggs reported that Jim Shuler requested the Board to consider a resolution supporting the goals of OneVirginia2021, Virginians for Fair Redistricting. OneVirginia2021 focuses on the redrawing of legislative district lines with an approach that advocates for fairness, transparency and accountability, keeps the citizens' interests in mind, and encourages healthy debate and participation by the public in the process. This resolution will be added to the February 23, 2015 agenda.

VACo Legislative Day - Supervisor Biggs reported that she, along with Supervisor Perkins, Chair Brown and the County Administrator, attended the VACo Legislative Day in Richmond on February 4, 2015. As Supervisor Perkins reported, they met with the County's state representatives to discuss Montgomery County's needs. They urged their representatives to "Do No Harm", no unfunded mandates and support K-12 education. Supervisor Biggs believes that since it is election year that many policies and funding will not be adopted. She reported that the County's request to add Montgomery County to the list of counties who can require mandatory water and sewer connections pursuant to the authority, was not approve, nor was the County's request to be allowed to impose a cigarette tax.

Supervisor Brown thanked Vice-Chair Biggs for her hard work in Richmond during the VACo Legislative Day.

He also thanked fellow Board members for supporting the resolution to name the New River Bridge over I-81 in memory of Andrew Fox. The naming of the bridge will honor his memory.

ADJOURNMENT

The Chair declared the meeting adjourned to February 23, 2015 at 6:00 p.m. The meeting adjourned at 9:50 p.m.

APPROVED_____ ATTEST:_____

William H. Brown
Chair

F. Craig Meadows
County Administrator

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 23RD DAY OF FEBRUARY, 2015 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	-Supervisors
	Christopher A. Tuck	
	Matthew R. Gabriele	
	M. Todd King	
	Annette S. Perkins	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Director of Economic Development
	Vickie Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, 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 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business of Industry's Interest in Locating or Expanding Its Facilities in the Community

1. Project #2014-047

(7) Consultation With Legal Counsel and Briefings From Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body, and Consultation With Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. BackCountry.com
2. Aeroprobe

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment, Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Economic Development Authority

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Matthew R. Gabriele and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session. The vote was as follows:

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

CERTIFICATION OF CLOSED MEETING

On a motion by M. Todd King, seconded by Christopher A. Tuck 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 certified 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
M. Todd King
Christopher A. Tuck
Gary D. Creed
Annette S. Perkins
Mary W. Biggs
Matthew R. Gabriele
William H. Brown

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATIONS, RECOGNITIONS, AND AWARDS

Employee Retirement Service Award

The Board presented a plaque to Karen Edmonds in recognition of her years of service to Montgomery County. Karen was the Human Resources Director from 1999-2014.

PUBLIC ADDRESS

Bill Murray 401 Givens Lane, Blacksburg Mr. Murray addressed the Board about Fieldstone Development's proposed construction project to build 60 senior residences and 84 affordable workforce residences, and relocate citizens who are currently living in Blacksburg Estates Mobile Home Park. Mr. Murray is one of the residents of the mobile home park, and relocation is a problem for many of those living there. Most of the current residents in the park are living on some sort of disability or social security with an average income around $10,000. For the new

construction developers are proposing a rent of $435 per month which is over 50% of their income. It is not affordable and no senior on social security could continue to live there even if they were accepted into the development. Mr. Murray asked that this project be halted until details and relocation of all the residents are complete. He sees the problem spilling over into the County because where are the people going to live, there is no place in Blacksburg because of the high rent. Blacksburg and the County face the possibility of disabled and senior citizens being homeless.

Lynda Majors 2620 Mt. Tabor Road, Blacksburg Ms. Majors addressed her concerns about the alternative routes for the Mountain Valley Pipeline, two of which are in Montgomery County. One is 87 which goes along Coal Bank Hollow Road and goes through a conservation easement. The conservation easement prohibits grading, blasting and earth removal, but MVP went ahead and put it on the list. Ms. Majors believes this was done to avoid the Preston Forest area. Alternative 93 treks through Slusser Chapel's cave conservation area that has been identified by the state, and because of the karst terrain the water goes right down into the Mill Creek watershed. It seems to her that alternatives are being proposed that shouldn't even be proposed, that MVP is just drawing a line on a map, and she wanted to bring it to the Board's attention prior to their work session later in this meeting.

Tina Badger 4181 Bluebird Drive, Elliston Speaking on behalf of Preserve Montgomery County, Virginia, Ms. Badger spoke about Alternative 110 which takes the pipeline largely out of Montgomery County, but there is still a small corner down in Elliston that will be affected, and she asked that the Board continue to stand behind the citizens in opposing this. Ms. Badger stated that approximately a month ago, while driving down Northfork Road just past Lancer's Truck Stop, she noticed two Mountain Valley Pipeline survey stakes right off of Northfork Road , neither of which is on the published routes. They are obviously surveying different areas that they're not publishing routes for. There is no way they can go from the 110 route over in Roanoke County and cut back to this without cutting right across Fort Lewis Mountain and coming back down. Ms. Badger lives right on the Roanoke/Montgomery County line. She is a citizen of Montgomery County, but this would affect her even greater than it would if it stayed in the original route, so citizens of Montgomery County are still being affected regardless of whether they change their route.

Brad Klein 4656 Susannah Drive addressed his concerns about the alternate routes that are being proposed in Montgomery County for the Mountain Valley Pipeline. Mr. Klein believes there are too many routes that have been proposed that would affect the plight of the citizens of Montgomery County who would originally have been affected by the pipeline, and he doesn't think these routes are any different in terms of the dangers posed to the citizens of Montgomery County. He agrees that alternate routes 93 and 83, which appear to affect Preston Forest, would be a noose around the neck of Preston Forest. These alternate routes, as opposed to going through Preston Forest, go right around the edges of Preston Forest, and as such they introduce additional dangers to the residents in that area. Alternate route 93 now goes along Jefferson Forest Drive and cuts off egress for everyone on Jefferson Forest Drive in case of fire. It also cuts off egress for everyone on Susannah Drive because the only egress for people on Susannah Drive is Jefferson Forest Drive. Additionally, the alternate route 87 goes along Coal Bank Hollow and major egresses for Preston Forest would be cut off if there is a problem with that portion that goes along Coal Bank Hollow. The overriding issue is that the alternate routes do not do anything to improve the safety and wellbeing of the people in Montgomery County and Mr. Klein asked that the Board continue to oppose this project.

Margaret Roston 2124 Mt. Tabor Road, Blacksburg Ms. Rostan said obviously Preston Forest is being put in a stranglehold but Coal Bank Hollow and Coal Bank Ridge residents will be cut off completely if the pipeline goes down Coal Bank Hollow Road, but the point is, as far as she is concerned, the pipeline is not needed for anyone except to make money for the stock holders of this particular company, or the oil companies. Whether it's going farther down Mt. Tabor Road or into the next county, it's going to affect someone's water, it's going to cause forest fires somewhere. It is Ms. Rostan's understanding that the original route was going to go through the smallest portion of the national forest as possible, which would be a much straighter line than some of the other routes, but that means more national forest. We need our national forests, we need our national parks and it is up to entities like ours to say this is not good either. Why are we destroying national forests for the private interests of a handful of stockholders? She believes that natural gas is on its way out and will not be as important as other energy sources such as solar. That means we will be stuck with infrastructure for decades and the taxpayers will be left to pay for the cleanup.

Doug Chancey 2068 Lusters Gate Road, Blacksburg Mr. Chancey feels like we are still in the 20th century when corporations are in control of where oil and gas and fossil fuels are still trying to give the citizens the burden of their plans by bypassing any benefit for communities in the Appalachian Mountains. Not just Montgomery County, but the entire area and to think we can keep taking everything from Mother Earth is not forward thinking. He suggested that we start using our farms to locate solar panels, and put solar panels on the public buildings in downtown Christiansburg. We need the alternative energies that are the energies of the future and we should be using them right now. The production of fossil fuels needs to be stopped and we need to come up with better ways, one of which is industrial hemp which has just been legalized to grow as a research project and can be processed into fuel.

There being no further speakers, the Public Address session was closed.

CONSENT AGENDA

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously, the Consent Agenda dated February 23, 2015 was approved. The vote was as follows:

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

Approval of Minutes

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously, the minutes dated October 27, October 28, November 3, and November 5, 2014 were approved.

Schedule Joint Public Hearing with the Virginia Department of Transportation (VDoT)

R-FY-15-85
SCHEDULE JOINT PUBLIC HEARING WITH VDOT
6-YEAR SECONDAY ROAD IMPROVEMENT PLAN

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby schedules a joint public hearing for **Monday, April 13, 2015** at **7:15 p.m.** or soon thereafter, in the Board Chambers located on the Second Floor in the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the proposed **Six-Year Secondary Road Improvement Plan** for Montgomery County for Fiscal Years 2015/16 through 2020/21 and on the establishment of priorities for the 2015-2016 budget year. Rural Addition requests will also be received at this public hearing.

Schedule Public Hearing on a Request from Shentel for a Public Utility Easement at Blacksburg Middle School and Kipps Elementary School-Prices Fork Road

R-FY-15-86
A RESOLUTION SCHEDULING A PUBLIC HEARING ON SHENANDOAH CABLE TELEVISION, LLC'S ("SHENTEL") REQUEST FOR THE BOARD OF SUPERVISORS TO CONVEY A TEN FOOT EASEMENT TO SHENANDOAH CABLE TELEVISION, LLC ADJACENT TO PRICES FORK ROAD ON COUNTY PROPERTY COMMONLY REFERRED TO AS BLACKSBURG MIDDLE SCHOOL AND KIPPS ELEMENTARY SCHOOL

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to schedule a public hearing for **Monday, March 23, 2015** at **7:15 p.m.** or as soon thereafter in the Board Chambers at the Montgomery County Government Center, located at 755 Roanoke Street, Christiansburg, Virginia in order to hear citizen comments on Shenandoah Cable Television, LLC's request for the Board of Supervisors to convey a ten-foot (10') wide easement to Shenandoah Cable Television, LLC adjacent to Prices Fork Road on County Property Tax Map No. 283-1-6 commonly referred to as the Blacksburg Middle School and Kipps Elementary School in the Town of Blacksburg, Prices Fork Magisterial District.

Appropriations

A-FY-15-67
EMERGENCY SERVICES COORDINATOR
LOCAL EMERGENCY MANAGERS PLANNING GRANT

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck 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, 2015 for the function and in the amount as follows:

111	Emergency Services Coordinator Grants	$29,514

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

Revenue Account		
991111-424401	State Grants	$29,514

Said resolution appropriates the Local Emergency Managers Planning Grant (LEMPG) grant award.

A-FY-15-68
RSVP DONATIONS
AND FUNDRAISING

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck 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, 2015 for the function and in the amount as follows:

520	Human Services	$10,789

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

Revenue Account		
025202-416158	Donations RSVP	$10,789

Said resolution appropriates donations and fundraising monies for use by the RSVP.

A-FY-15-69
SHERIFF
RECOVERED COSTS

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck 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, 2015 for the function and in the amount as follows:

310	Sheriff Comp Board	$ 772
320	Sheriff County	$12,095
321	Sheriff County	$ 231
322	Sheriff Project Lifesaver	$ 185
	Total	$13,283

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

Revenue Account

419108 Recovered Costs		$12,867
419104 Confiscations		$ 231
424401 Project Lifesaver		$ 185
	Total	$13,283

Said resolution appropriates recovered costs, confiscations and Project Lifesaver funds.

Agreements

R-FY-15-87
RESOLUTION APPROVING THE AGREEMENT FOR SERVICES THE COUNTY OF MONTGOMERY COMMUNITY POLICY AND MANAGEMENT TEAM RELATING TO THE PROVISION OF SERVICES TO YOUTH AND THEIR FAMILIES UNDER THE COMPREHENSIVE SERVICES ACT FOR AT RISK YOUTH AND FAMILIES (CSA) FOR FY 2015-2016

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

WHEREAS, The Community Policy and Management Team (CPMT) has drafted an Agreement for Services for those providers of services to youth and their families through the CPMT and the Comprehensive Services Act for At-Risk Youth and Families (CSA); and

WHEREAS, The Board of Supervisors approves the proposed Agreement for Services between providers of services and the CPMT for FY 2015 and FY 2016 relating to the provision of services to youth and their families under the CSA.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the proposed Agreement for Services between providers of services and the Montgomery County CPMT for FY 2015 and FY 2016 relating to the provision of services to youth and their families under the CSA.

FURTHER, BE IT RESOLVED, That the Board of Supervisors authorizes the Chair of the CPMT to sign these provider agreements.

Refer to Planning Commission-Request from New River Valley Beekeepers Association to Amend County Code to Allow Keeping of Bees in Residential Zoning

R-FY-15-88
RESOLUTION REFERRING THE NEW RIVER VALLEY BEEKEEPERS' ASSOCIATION REQUEST FOR THE BOARD OF SUPERVISORS TO CONSIDER AMENDING THE COUNTY ZONING ORDINANCE TO PERMIT BEEKEEPING IN RESIDENTIAL ZONES TO THE PLANNING COMMISSION FOR THEIR REVIEW AND RECOMMENDATION

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

WHEREAS, The New River Valley Beekeepers' Association has requested the Board of Supervisors to consider amending the County Zoning Ordinance to permit beekeeping in residential zones in the County; and

WHEREAS, The Board of Supervisors desires to refer this request to the Montgomery County Planning Commission in order to have the Planning Commission study the request and make a recommendation to the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby refers the request made by the New River Valley Beekeepers' Association for the Board of Supervisors to consider amending the County zoning ordinance to permit beekeeping in residential zones to the Planning Commission in order for the Planning Commission to study the request and make a recommendation to the Board of Supervisors on whether beekeeping should be allowed in residential zones and if so under what regulations.

Appointments

R-FY-15-89
TRANPORTATION SAFETY COMMISSION
RE-APPOINT MCPS REPRESENTATIVE
REBECCA MUMMAU

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Rebecca Mummau** to the **Transportation Safety Commission** effective March 10, 2015 and expiring March 9, 2018.

INTO WORK SESSION

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

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

1. Commissioner of the Revenue-Proration of Personal Property Tax
2. Fieldstone Housing Development
3. Mountain Valley Pipeline (Officials from MVP will update the Board on information regarding the project)

The vote on the foregoing motion was as follows:

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

Commissioner of the Revenue-Proration of Personal Property Tax

Commissioner of the Revenue Helen Royal briefly reviewed the information she had gathered about pro-ration of personal property taxes from other counties in Virginia. Of the 95 counties in Virginia, 33 do pro-ration and 62 do not. Since Montgomery County has not done pro-ration before, the Commissioner explained that she would prefer to do a "test run" before going live with the pro-ration. If the Commissioner's office did six months of 2015, she believes they would be ready for January 1, 2016. She also advised the Board that the additional position she had requested for her office was included in her FY 2016 budget request.

Supervisor Gabriele sees pro-ration as a good value for the money and is something the Board should pursue. Supervisor Mary Biggs asked if the Board needed to act on the matter after going out of Work Session. The County Attorney advised that the Board would need to adopt an ordinance to implement pro-ration for personal property taxes, but it would be wise not to adopt an ordinance before January in order to find out if it works first.

Supervisor Gabriele asked if there was Board consensus to indicate interest in the Commissioner of the Revenue investigating or studying this further. The County Administrator said if there was consensus of the Board to move forward with this concept, then he will include it in the budget that is presented to the Board. Supervisor Gabriele indicated his willingness to go along with this as long as the Commissioner said there is clarity that this new position is a temporary position until January, until we decide to move forward with it.

There was consensus from the Board for the Commissioner of the Revenue to move forward with testing pro-ration of personal property taxes for six months of 2015.

Fieldstone Housing Development

The County Administrator explained that this matter was listed under work session for the purpose of discussion. Financial incentives the developer is seeking for this project includes approximately $605,000 from the Town of Blacksburg over 15 years for waived fees, and approximately $395,000 of in-kind value because of the use of a stormwater management facility that is located near the site. Using the same assumptions for the County in terms of value, 144 units investment of approximately $50,000 a year would result in about $7.2 million increase in property assessment, and if you take the annual increase over the current evaluation that would result in an incentive of a little less than $59,000 a year with a total of $883,000 over 15 years.

Supervisor Chris Tuck asked for clarification on their request that their property tax be assessed at current value for the next 15 years, and what would happen if the tax rates rise. The County Administrator responded that it would depend on what the Board would want to do. The Board could say we will provide 15 years' incentive based on the current rate, or you could say you'll provide 15 years of incentives based on whatever the rate is for that particular year. This is something that could be negotiated as a part of the package.

Supervisor Tuck asked if the Board of Supervisors had ever provided similar incentives. The County Administrator responded that a few years back there was a workforce housing project that was done on Pepper's Ferry Road across from Bethel Elementary School. There were several investors involved, but they did go through the EDA's financing.

Supervisor Mary Biggs addressed the fact that this particular project, Fieldstone Development, is in the Town of Blacksburg, which is a part of the County. But if you do something that's in one town, then it could be that another project would come along in Christiansburg, and we would be

expected to do it on the next project, and the next project, and so on. She has another concern after listening to Bill Murray, who spoke earlier in this meeting during public address. Mr. Murray is one of the residents in the mobile home park that will be displaced but cannot pay the high amount of rent that will be charged. Supervisor Biggs thought everything had been worked out with the developer to relocate these residents. She asked that a complete update be provided by the developer, to the Board of Supervisors.

Supervisor Tuck's understanding is that this development is not for low income, but for basically lower middle class and not designed for the people that are currently living in the mobile home park. When he asked the developer during his presentation at an earlier meeting if the developer was going to pay for the move of individuals' mobile homes over to another park, he said yes. Now some of the mobile homes can't be moved because of their age and stability issues, and the developer did not say that he would replace them.

Supervisor Bill Brown's impression was that they had worked out moving all but about 10 of the mobile homes, and the developers were still negotiating with those 10 people. He reminded the Board that there has been a lot of talk in both the towns and the county about the need for workforce housing. In being cautious, he hopes we don't miss the opportunity for low to moderate income people to have a place to live. We need to proceed cautiously because there are two parts to this puzzle, one being the town of Blacksburg and the other being the County. Supervisor Brown agreed with Supervisor Gary Creed, that if the Board decides to move forward, we need to make sure that the people who live there are taken care of and not put out to the street.

The County Administrator explained that he was looking for direction on whether to tentatively schedule a work session before Monday's PSA meeting to further discuss this, assuming that the Blacksburg Town Council approves their incentive package at tomorrow's Town Council meeting. If the Town Council doesn't take action or doesn't approve the developer's request for incentives, then there won't be a need for the meeting.

Supervisor Annette Perkins remembers that in getting these Tax Credit Incentives there is a lot of competitiveness and isn't sure if this comes through federal government or through state government. She suggested that the developer needs to provide information that will clarify how the process works.

The County Administrator recommended that, if the Town Council moves the project forward in some form or fashion at their meeting tomorrow, that the Board of Supervisors have this on as a work session item next Monday, and the developer will be asked to attend to answer questions. If the Town does not move it forward tomorrow night, the County Administrator can still forward some questions to the developer, but a work session will not be needed.

Supervisor Biggs made a point that the Board of Supervisors needs to remember that they are being asked to give up potential revenue from the one and only source that brings any revenue into the county. That needs to be weighed with what the good of it would be.

Supervisor Matt Gabriele agreed with Supervisor Biggs' comment, and also the comment that was made earlier about the development being entirely within the Town limits and the Board of Supervisors is being asked to intervene. Supervisor Gabriele said he would like to see some alternative suggestions.

The Chair summarized by saying that if nothing happens on this project the tax rate is going to stay the same anyway, and it might be assessed even lower with the mobile homes, so if the

developer did not go through with the plans, we still get the same money that we're getting even if it's the next 10 or 15 years. So, if we keep the same money over here and have some incentives for them to develop it we're getting about the same money, but eventually we will get some more money. It needs to be looked at both ways.

Mountain Valley Pipeline

Max Macon, representative for Mountain Valley Pipeline (MVP) provided the following update to the Board of Supervisors:

MVP representatives have spent the last several months talking to thousands of stake holders across the communities that the proposed pipeline will route through to hear their concerns and to carefully consider their feedback. MVP is committed to identifying the best route with the least impact to landowners, environment, and cultural resources, and are currently identifying and evaluating some alternative routes that have been mentioned. Those alternative options have been filed with the Federal Energy Regulatory Commission (FERC). They have begun contacting landowners in the communities that are involved in those alternate routes. The next few months will be spent evaluating the alternatives from a number of different aspects: topography, constructability, and evaluation of the environmental, historical and cultural resources impacted. The decision on whether to use any or all or some of these alternatives will be made as they continue through the pre-filing and scoping process with FERC. The MVP is approximately four months into a 24-month regulatory process with the FERC.

Following a question and answer period with Board members, Mr. Macon announced that the expected next step would be for FERC to hold their scoping meetings. MVP, as the applicant, held fourteen public open houses and FERC will come back into the communities and hold public meetings for Question and Answer with the FERC project manager. The MVP representative will notify the Board of Supervisors when the meetings have been scheduled. MVP will forward the final route report to the Board when they submit the filing to FERC, which should be in October 2015.

The next quarterly update from MVP is tentatively scheduled for the May 26, 2015 Board meeting.

OUT OF WORK SESSION

On a motion by Annette S. Perkins, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session. The vote was as follows:

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

The Chair declared a recess at 9:30 p.m. The Board reconvened at 9:45 p.m.

NEW BUSINESS

OneVirginia 2021-Virginians for Fair Redistricting

R-FY-15-90
RESOLUTION SUPPORTING THE EFFORTS OF THE ORGANIZATION ONE VIRGINIA 2021: VIRGINIANS FOR FAIR REDISTRICTING TO DEPOLITICIZE THE REDISTRICTING PROCESS OF LEGISLATIVE DISTRICT LINES

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

WHEREAS, Redistricting, the act of redrawing legislative district lines, is a necessary process that occurs after every decennial census to account for growth and settlement patterns over time with the benign goal of ensuring districts have roughly equal populations; and

WHEREAS, The organization OneVirginia2021 supports the belief that Virginia's historical practice of redistricting by the majority party in each legislative chamber is an outdated practice that stifles political competition, discourages compromise and ensures continued control by the party in power; and

WHEREAS, OneVirginia2021 believes that Virginia's state and congressional districts belong to its citizen s and not to any legislator, interest group or political party; and

WHEREAS, OneVirginia2021 believes the redistricting process should not be a tool used by those in power to protect and bolster their power, but should be designed with the best interest of Virginia's democracy and its citizens; and

WHEREAS, The current redistricting process has rendered up to 90 percent of all Virginia House of Delegates and U.S. congressional districts uncompetitive; and

WHEREAS, No disparagement is meant to any political party since each party within the current process has been guilty of setting the boundaries to its advantage; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia strives to promote, adopt, and support ideas that improve the democratic process and allow for better citizen representation; and

WHEREAS, The need is critical to restore trust, compromise and fair competition to Virginia politics.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board expresses its full support for the goals of OneVirginia 2021; Virginians for Fair Redistricting to depoliticize the redrawing of legislative district lines with an approach that advocates for fairness, transparency and accountability, keeps the citizens' interests in mind, and encourages healthy debate and participation by the public in the process.

The vote on the foregoing resolution was as follows:

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

Proclamation-Take Back the Night Rally and March

R-FY-15-91
PROCLAMATION
TAKE BACK THE NIGHT
RALLY AND MARCH

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

WHEREAS, The first ***Take Back the Night*** event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later in the United States, a ***Take Back the Night*** march was held in San Francisco where over 5,000 women from 30 states participated; and

WHEREAS, Since then, marches have been held throughout the U.S., Canada, Latin America, India, and Europe; and

WHEREAS, Take Back the Night marches have been held in Richmond and Charlottesville, and at Hollins University, Radford University, Roanoke College, and Virginia Tech; and

WHEREAS, Marchers have called attention to violence against women—sexual harassment, misogyny, rape, and murder, this violence affects both individuals in the community and the community as a whole; and

WHEREAS, The 26th annual ***Take Back the Night*** Rally and March will be held Thursday, March 26, 2015 beginning at 7:00 p.m., participants will gather on the Henderson Lawn at Virginia Tech to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia supports the 26th annual ***Take Back the Night*** event which is part of Women's Month 2015.

The vote on the foregoing resolution was as follows:

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

COUNTY ATTORNEY'S REPORT

No report from the County Attorney.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported good news from the General Assembly:

1) HB 1417 which was introduced by Delegate Joseph Yost to address some of the split precinct issues in District 7, 8, and 12, passed the Senate 22-18, and had been passed by the House so as soon as the Governor signs it, that will address our split precinct issue.

2) The budget conferees over the weekend agreed to remove the requirement for the $30 million reimbursement from localities, which will at least help a little as we move forward with the budget.

BOARD MEMBERS' REPORTS

Supervisor Tuck - CSX Train Derailment Supervisor Tuck shared information about the CSX train derailment up in West Virginia that resulted in a large fire that damaged CSX lines. As a result, CSX has contracted with Norfolk Southern to bring these oil trains through the New River Valley, probably five trains per day carrying anywhere from 24,000 and 70,000 barrels of oil, until CSX rail lines are repaired.

Supervisor Gabriele-Montgomery Regional Economic Development Commission (EDC) Supervisor Gabriele will attend the EDC meeting on Thursday and make a report to the BoS at the next meeting.

March 9th Meeting for Presentation of Budget Unfortunately, Supervisor Gabriele will be out of the country for a conference on March 9th and will not attend the March 9th BoS meeting.

Supervisor King – Thank you to employees Supervisors King expressed his appreciation to the employees in General Services for their work during the recent snow storm. They got out and worked half the night, or maybe all night. Supervisor King said he also appreciated everything they did for the citizens.

Supervisor Biggs –Upcoming meetings Supervisor Biggs will be attending the Library Board meeting on Wednesday, Community Services Board meeting on Thursday, and a County/School Liaison meeting on the 26th at 4:30 p.m.

Supervisor Perkins – Upcoming Meetings Supervisor Perkins will be attending the Roanoke Area MPO meeting tomorrow and the NRV Planning District Commission meeting on Thursday. She also participated in the budget committee meetings for Pepper's Ferry Regional Wastewater Treatment Authority.

Editorial in Sunday Newspaper Supervisor Perkins informed the Board of an editorial in Sunday's newspaper about Supervisor Tuck and the Mountain Valley Pipeline.

Supervisor Brown-Upcoming Meetings Supervisor Brown will be attending the Chamber of Commerce meeting as the Board's liaison representative, the County/School Liaison meeting along with Supervisor Biggs and the County Administrator, the Mayors and Chairs meeting in Roanoke, along with the County Administrator. They usually go to the Mayors and Chairs meetings at the PDC office in Radford with people from Pulaski County and Giles County, so this will be the first time attending Roanoke's Mayors and Chairs meeting, which is an opportunity to meet some of the people from our neighboring district.

ADJOURNMENT

The Chair declared the meeting adjourned to March 9, 2015.

The meeting adjourned at 10 p.m.

APPROVED: _____ ATTEST:_____

William H. Brown
Chair

F. Craig Meadows
County Administrator

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 2nd DAY OF MARCH, 2015 AT 6:00 P.M. IN MULTI-PURPOSE ROOM #2, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Matthew R. Gabriele	-Supervisors
	M. Todd King	
	Annette S. Perkins (arrived 6:10 p.m.)	
	Gary D. Creed (arrived 6:39 p.m.)	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Ruth Richey	-Public Information Officer
ABSENT:	Christopher A. Tuck	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO WORK SESSION

On a motion by Matthew R. Gabriele, 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. Fieldstone Housing Development

The vote on the forgoing motion was as follows:

AYE
M. Todd King
Mary W. Biggs
Matthew R. Gabriele
William H. Brown

NAY
None

ABSENT DURING VOTE
Annette S. Perkins (arrived 6:10 p.m.)
Gary D. Creed (arrived 6:39 p.m.)

ABSENT
Christopher A. Tuck

Fieldstone Housing Development

The County Administrator updated the Board on the Fieldstone Housing Development on Givens Lane within the Blacksburg town limits. On February 24, 2015, the Town of Blacksburg approved an ordinance rezoning approximately 10.97 acres on Givens Lane from Planned Manufactured Home District to Planned Residential District. The Town of Blacksburg also approved a resolution expressing the Town's commitment to support the development of affordable housing on Givens Lane. The Town committed to the following financial support to the Fieldstone Housing Development as follows:

A. Support valued at $395,258.46, by permitting the use of an existing stormwater management facility (including the upper basin and appmienances) on Town property.

B. Waiver of building permit fees for the Fieldstone development as follows:
a. Fieldstone Senior: $12,250.00
b. Fieldstone Family: $21,000.00

C. Waiver of Water and Sewer Connection (Tap) Fees as follows:
a. Fieldstone Senior: $275,220.00
b. Fieldstone Family: $ 80,565.00

D. An annual grant through the Montgomery County Economic Development Authority for fifteen years in the amount of Town real estate taxes on the tax increment (the amount of future increases in the real estate tax assessment above the existing assessment) of the Fieldstone property which shall be determined by subtracting (i) the stipulated current assessed value of the Fieldstone property ($584,000) from (ii) the future assessed value of the Fieldstone property (as determined by the Montgomery County Commissioner of the Revenue) on an annual basis, subject to annual appropriation, beginning on January 1 following the issuance of a final certificate of occupancy for the Development.

The County Administrator reported that Montgomery County has been asked by the Fieldstone Housing Development to provide financial support to the project similar to the Town of Blacksburg in order to ensure additional points for the VHDA Tax Credit Application.

According to the Developer, the utilization of affordable housing tax credits is the only viable way to finance affordable housing. The allocation of the tax credits is a very competitive annual process determined by quantitative ranking procedures. Projects are awarded additional points if a locality provides financial incentives to encourage affordable housing.

The financial support from the County that is being requested is as follows:

Current property assessment of Blacksburg Estates - $584,300
Estimated increase in property assessment -144 units @$50,000 per unit = $7,200,000
Annual financial incentive - ($7,200,000 - $584,000)/100 X$0.89 tax rate = $58,882.40 per year (total financial incentive of $883,236 over 15 years)
A resolution of financial support will be added to the Board's March 9, 2015 agenda for consideration.

OUT OF WORK SESSION

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

INTO CLOSED MEETING

On a motion by M. Todd King, seconded by Annette S. Perkins 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 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2014-047

The vote on the forgoing motion was as follows:

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

OUT OF CLOSED MEETING

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

CERTIFICATION OF CLOSED MEETING

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

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

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

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

VOTE

AYES
Matthew R. Gabriele
Gary D. Creed
M. Todd King
Mary W. Biggs
Annette S. Perkins
William H. Brown

NAYS
None

ABSENT DURING VOTE
Christopher A. Tuck

ABSENT DURING MEETING
Christopher A. Tuck

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, March 9, 2015 at 6:00 p.m. The meeting adjourned at 7:53 p.m.

APPROVED_____ATTEST:_____

William H. Brown	F. Craig Meadows
Chair	County Administrator