AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 25th DAY OF JULY, 2016 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

| | | |
|---|---|---|
| PRESENT: | Christopher A. Tuck | -Chair |
| | Gary D. Creed | -Vice Chair |
| | Mary W. Biggs | -Supervisors |
| | April N. DeMotts | |
| | M. Todd King | |
| | Darrell O. Sheppard | |
| | Annette S. Perkins (arrived 7:20 p.m. left 8:25 p.m.) | |
| | F. Craig Meadows | -County Administrator |
| | L. Carol Edmonds | -Deputy County Administrator |
| | Martin M. McMahon | -County Attorney |
| | Vickie L. 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 Darrell O. Sheppard and carried unanimously,

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

Section 2.2-3711 (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 # 2016028
2. Project # 2016029

(3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Former Blacksburg High School Property

(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. Mountain Valley Pipeline

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

1. Personnel

The vote on the forgoing motion was as follows:

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

Supervisor Perkins arrived at 7: 20 p.m.

**OUT OF CLOSED MEETING**

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

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

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

**CERTIFICATION OF CLOSED MEETING**

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

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

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

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

VOTE

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

NAYS
None

ABSTAINED
Annette S. Perkins (not present during closed meeting)

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

## INVOCATION

A moment of silence was led by the Chair.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## PUBLIC ADDRESS

There being no speakers, the public address was closed.

## INTO WORK SESSION

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

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

1. Erosion & Sediment Control Ordinance
2. "Watch for Children" Sign Policy Revisions
3. VDOT Smart Scale Program – Proposed Road Projects

The vote on the foregoing resolution was as follows:

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

Erosion & Sediment Control Ordinance

Doug Burton, Director of Engineering and Regulatory Compliance, reported that the County's ordinance for Erosion and Sediment Control needs to be amended to comply with changes made to the state code. The amendments will help regulate steep slopes within the county. Mr. Burton also explained that he would like to establish a lump sum fee schedule to replace charging fees per acre in order to make the fees easier to manage, and eliminate monthly fees.

"Watch for Children" Sign Policy Revisions

Emily Gibson, Planning Director, reported that the Board of Supervisors adopted a "Watch for Children" Sign policy on June 12, 2000. Since the policy was adopted the State Code sections governing how VDOT is to process requests by localities have been revised. The County Policy needs to be updated to be in compliance with the State Code.

Ms. Gibson reported that the "Watch for Children" signs costs approximately $1,000 each and it is up to the locality to purchase and install the signs. A land permit fee is now required at $100 per sign. Ms. Gibson recommended that the County's policy be updated to stay consistent with the State Code and to enter into an Agreement with VDOT on the installation and maintenance of the signs. Ms. Gibson also stated that according to the Federal Highway Administration's Manual on Uniform Control Devices that signs of this nature are not effective.

VDOT Smart Scale Program – Proposed Road Projects

Emily Gibson, Planning Director, provided information on the Virginia Department of Transportation's new Smart Scale Program, formerly HB2 Program. Governor Terry McAuliffe in 2014 directed the Commonwealth Transportation Board (CTB) to develop and use a prioritization process to select transportation projects to be funded. The legislation is intended to improve the transparency and accountability of project selection, as well as provide improved stability in the Six-Year Improvement Program. The process will score projects based on an objective and fair analysis applied statewide. This process will help the CTB select projects that provide the maximum benefits for tax dollars spent.

Localities, MPO's, and Planning District Commissions are eligible to submit projects. Funding is available at the district and state level. The Smart Scale Program is not for secondary road projects.

The deadline to submit applications is September 30, 2016. Ms. Gibson recommended the following three projects be submitted for funding under the Smart Scale Program:

1. Intersection of Rt. 11/US 460 and Alleghany Springs Road.
2. Route 8/Union Valley Road/Fairview Church Road.
3. Intersection of Route 114 and Prices Fork Road.

Ms. Gibson stated she has worked with VDOT representatives on which projects should be submitted and they believe all three projects will get funded. The Board of Supervisors will

need to prioritize the order the projects should be submitted. A resolution to approve submitting an application and to prioritize the projects will be on a future agenda.

## OUT OF WORK SESSION

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

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

The vote on the foregoing motion was as follows:

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

## RECESS

The Board took a 10 minute recess at 8:25 p.m. and reconvened at 8:35 p.m.

Supervisor Perkins left the meeting at 8:25 p.m.

## CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Darrell O. Sheppard and carried unanimously, the Consent Agenda dated July 25, 2016 was approved. The vote was as follows:

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

Schedule Public Hearing

**R-FY-17-11**
**A RESOLUTION ESTABLISHING A PUBLIC HEARING ON THE PROPOSED ORDINANCE AMENDING CHAPTER 8 ENTITLED PLANNING AND DEVELOPMENT OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA AMENDING ARTICLE III EROSION AND SEDIMENT CONTROL SECTIONS 8-61 THROUGH 8-67 IN ORDER TO COMPLY WITH STATE LAW CHANGES CONCERNING LOCAL EROSION AND SEDIMENT CONTROL PROGRAMS AND SECTION 8-69 IN ORDER TO ESTABLISH A LUMP SUM FEE SCHEDULE**

On a motion by Mary W. Biggs, seconded by Darrell O. Sheppard 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 public hearing on Monday, August 22, 2016 at 7:15 p.m. or as soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia in order to receive citizen comments on the proposed Ordinance amending the following:

> **CHAPTER 8 ENTITLED PLANNING AND DEVELOPMENT OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA AMENDING ARTICLE III EROSION AND SEDIMENT CONTROL SECTIONS 8-61 THROUGH 8-67 IN ORDER TO COMPLY WITH STATE LAW CHANGES CONCERNING LOCAL EROSION AND SEDIMENT CONTROL PROGRAMS AND SECTION 8-69 IN ORDER TO ESTABLISH A LUMP SUM FEE SCHEDULE**

Appropriations and Transfers

**A-FY-17-12**
**ALLIANCE FOR BETTER CHILDCARE**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2017 for the function and in the amount as follows:

| | | |
|---|---|---|
| 910 | Outside Agencies – Alliance for Better Childcare | $13,335 |

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

| Revenue Account | | |
|---|---|---|
| 451500 | Undesignated Fund Balance | $13,335 |

Said resolution appropriates funds for the Alliance for Better Childcare.

**A-FY-17-13**
**ALLOCATION OF UNSPECIFIED**
**FIRE AND RESCUE CAPITAL FUNDING**

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

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

| | | | |
|---|---|---|---|
| FROM: | | | |
| 123301 | Unspecified Fire and Rescue Capital Projects | | ($1,122,000) |
| TO: | | | |
| 123301CB | Christiansburg Fire Department | | $925,000 |
| 123302SV | Shawsville Rescue Squad | | $197,000 |
| | | Total | $1,122,000 |

Said resolution transfers funds included in the FY 17 budget for fire and rescue equipment to specific projects as approved by the Fire and Rescue Commission.

Virginia Department of Transportation

**R-FY-17-12**
**ADDITION TO THE SECONDARY SYSTEM OF STATE HIGHWAYS**
**HOGANS RETREAT SUBDIVISION**
**OLD STAGE ROAD (SR 836)**
**HOGANS RETREAT (SR 535)**

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

WHEREAS, The street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on a plat in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised the Montgomery County Board of Supervisors that the street(s) meet the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the street(s) described below to the secondary system of state highways, pursuant to Section 33.2-705, Code of Virginia and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer:

ADDITION:

**Subdivision: Hogans Retreat**

| Name of Street: | Length |
|---|---|
| **Old Stage Road (SR 836)** | |
| From: Hogans Retreat (SR 835) | |
| To: Cul de Sac | 0.69 miles |
| Recordation Reference: PB #28, Page 118 | |
| **Hogans Retreat (SR 835)** | |
| From: Indian Valley Road (SR 737) | |
| To: Cul de Sac | 0.31 miles |
| Recordation Reference: PB #28, Page 118 | |

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50 feet, as described, and any necessary easements for cuts, fills, and drainage.

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

## OLD BUSINESS

**ORD-FY-17-01**
**AN ORDINANCE DESIGNATING CERTAIN PERSONAL PROPERTY OWNED BY BLACKSBURG HIGH SCHOOL BAND BOOSTERS, INC. EXEMPT FROM TAXATION**

On a motion by Mary W. Biggs, seconded by April N. DeMotts and carried unanimously,

WHEREAS, Blacksburg High School Band Boosters, Inc., is a 501(c)(3) non-profit corporation whose purpose is to provide financial and parental support for the music groups of the instrumental music department at Blacksburg High School; and

WHEREAS, Blacksburg High School Band Boosters, Inc. owns a 2006 Homesteader Trailer located in the County of Montgomery, Virginia, that is used to transport Blacksburg High School Marching Band equipment and instruments to football games and competitions; and

WHEREAS, Pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any County, City or Town may by designation or classification exempt from taxes, by Ordinance, property owned by a non-profit organization that uses such

property for religious, charitable, patriotic, historical, benevolent, cultural or public park or playground purposes; and

WHEREAS, Blacksburg High School Band Boosters, Inc., has requested the Board of Supervisors for exempt status for the 2006 Homesteader Trailer; and

WHEREAS, In response to this request, the Board of Supervisors of the County of Montgomery, Virginia, has conducted a public hearing, following proper notice, as required by Section 58.1-3651 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, has examined and considered the following factors before the adoption of this Ordinance designating certain property owned by the Blacksburg High School Band Boosters, Inc., as exempt from local taxation:

1. Blacksburg High School Band Boosters, Inc. is a private, non-profit 501(c)(3) organization that is exempt from federal income taxation pursuant to Section 501(c)(3)of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to the Blacksburg High School Band Boosters, Inc.
3. No directors, officers, trustees or employees of the Blacksburg High School Band Boosters, Inc., is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, trustee of employee actually renders.
4. No part of the net earnings of the Blacksburg High School Band Boosters, Inc., inures to the benefit of any individual. A significant portion of the service provided by Blacksburg High School Band Boosters, Inc., is generated by funds received from donations, contributions or local, state or federal funds.
5. Blacksburg High School Band Boosters, Inc., provides services for the common good of the public.
6. No part of the activities of the Blacksburg High School Band Boosters, Inc. involves carrying on propaganda or otherwise attempting to influence legislation. Blacksburg High School Band Boosters, Inc., does not participate in or intervene in any political campaign on behalf of any candidate for public office.
7. Blacksburg High School Band Boosters, Inc. has no rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.
8. In 2016, the 2006 Homesteader Trailer located at Blacksburg High School in the County of Montgomery, Virginia, is assessed at a value of $2,766 with an annual personal property tax liability of $70.58.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, as follows:

1. The Blacksburg High School Band Boosters, Inc., a non-profit organization is hereby designated as a charitable and benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. That the 2006 Homesteader Trailer located in the County of Montgomery, Virginia, owned and used by Blacksburg High School Band Boosters, Inc., exclusively for charitable and benevolent purposes on a non-profit basis is hereby designated to be exempt from taxation by the County of Montgomery, Virginia effective January 1, 2017. The continuance of the exemption shall be contingent on the continued use of the real property in accordance with the purpose for which Blacksburg High School Band Boosters, Inc. is designated as a charitable and benevolent organization. The exemption shall be effective until Blacksburg High School Band Boosters, Inc. no longer qualifies, until the specific use which the exemption is based ceases, or until revoked by the Board of Supervisors of the County of Montgomery, Virginia as provided by law, whichever occurs first.
3. Blacksburg High School Band Boosters, Inc. shall be required to file an application with the County Administrator every three (3) years as a requirement for retention of the exemption granted. The application shall be filed with the County Administrator no later than July 1 of the year preceding the tax year the exemption is sought to be continued. The application shall contain the information required by the Board of Supervisors' Policy Regarding Applications for Tax Exemption by Designation.

The vote on the foregoing ordinance was as follows:

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

**ORD-FY-17-02**
**AN ORDINANCE DESIGNATING CERTAIN PERSONAL PROPERTY OWNED BY NEW HOPE RESIDENTIAL SERVICES, INC. EXEMPT FROM TAXATION**

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

WHEREAS, New Hope Residential Services, Inc., is a 501(c)(3) non-profit corporation whose purpose is to provide support services for people with development disabilities; and

WHEREAS, New Hope Residential Services, Inc. owns a 2013 Chrysler Sports Van located in the County of Montgomery, Virginia, that is used exclusively to provide support for people with disabilities; and

WHEREAS, Pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any County, City or Town may by designation or classification exempt from taxes, by Ordinance, property owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural or public park or playground purposes; and

WHEREAS, The Trustees of New Hope Residential Services, Inc., have requested the Board of Supervisors for exempt status for the 2013 Chrysler Sports Van owned by New Hope Residential Services, Inc., in the County of Montgomery, Virginia; and

WHEREAS, In response to this request, the Board of Supervisors of the County of Montgomery, Virginia, has conducted a public hearing, following proper notice, as required by Section 58.1-3651 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, has examined and considered the following factors before the adoption of this Ordinance designating certain property owned by the New Hope Residential Services, Inc., as exempt from local taxation:

1. New Hope Residential Services, Inc. is a private, non-profit 501(c)(3) organization that is exempt from federal income taxation pursuant to Section 501(c)(3)of the Internal Revenue Code of 1986.
2. No current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to the New Hope Residential Services , Inc.
3. No directors, officers, trustees or employees of the New Hope Residential Services, Inc., is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, trustee of employee actually renders.
4. No part of the net earnings of the New Hope Residential Services, Inc., inures to the benefit of any individual. A significant portion of the service provided by New Hope Residential Services, Inc., is generated by funds received from donations, contributions or local, state or federal funds.
5. New Hope Residential Services, Inc., provides services for the common good of the public.
6. No part of the activities of the New Hope Residential Services, Inc. involves carrying on propaganda or otherwise attempting to influence legislation. New Hope Residential Services, Inc., does not participate in or intervene in any political campaign on behalf of any candidate for public office.
7. New Hope Residential Services, Inc. has no rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.
8. In 2016, the 2013 Chrysler Sports Van located in the County of Montgomery, Virginia, is assessed at a value of $17,225 with an annual personal property tax liability of $439.24.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, as follows:

1. The New Hope Residential Services, Inc., a non-profit organization is hereby designated as a charitable and benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.

2. That the 2013 Chrysler Sports Van located in the County of Montgomery, Virginia, owned and used by New Hope Residential Services, Inc., exclusively for charitable and benevolent purposes on a non-profit basis is hereby designated to be exempt from taxation by the County of Montgomery, Virginia effective January 1, 2017. The continuance of the exemption shall be contingent on the continued use of the real property in accordance with the purpose for which New Hope Residential Services, Inc. is designated as a charitable and benevolent organization. The exemption shall be effective until New Hope Residential Services, Inc. no longer qualifies, until the specific use which the exemption is based ceases, or until revoked by the Board of Supervisors of the County of Montgomery, Virginia as provided by law, whichever occurs first.

3. New Hope Residential Services, Inc. shall be required to file an application with the County Administrator every three (3) years as a requirement for retention of the exemption granted. The application shall be filed with the County Administrator no later than July 1 of the year preceding the tax year the exemption is sought to be continued. The application shall contain the information required by the Board of Supervisors' Policy Regarding Applications for Tax Exemption by Designation.

The vote on the foregoing ordinance was as follows:

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

**ORD-FY-17-03**
**AN ORDINANCE AMENDING CHAPTER 3 ENTITLED ANIMALS OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTION 3-31 BY INCREASING THE COMPENSATION FOR LIVESTOCK KILLED BY DOGS FROM NOT TO EXCEED FOUR HUNDRED DOLLARS PER ANIMAL TO NOT TO EXCEED SEVEN HUNDRED FIFTY DOLLARS PER ANIMAL AND BY ELIMINATING THE CERTIFICATION BY ANIMAL CONTROL**

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

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 3, entitled Animals of the Code of the County of Montgomery, Virginia Section 3-31 be amended and reordained as follows:

Sec. 3-31. - Compensation for livestock and poultry killed by dogs.

(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation from the governing body of the county the fair market value of such livestock or poultry, not to exceed ~~four hundred dollars ($400.00)~~ seven hundred fifty dollars ($750.00) per animal or ten dollars ($10.00) per fowl. Nothing in this section shall be construed as limiting the common law liability of an owner of a dog for damages committed by it.

(b) No payment by the county shall be made under this section until:

(1) The claimant has furnished evidence under oath to the board within sixty (60) days of discovery of the quantity and value of the dead or injured livestock or poultry and the reasons the claimant believes that death or injury was caused by a dog;

(2) The claimant has exhausted his or her remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought, and the claimant shall submit to the governing body evidence that he or she has exhausted his or her legal remedies against the owner of the dog, if such owner is known; and

(3) The owner of such livestock or poultry has notified the animal control officer for the county of the incident ~~of his or her intention to make a claim under this section and shall have afforded the animal control officer an opportunity to view such livestock or poultry~~ within seventy-two (72) hours of the discovery by the owner of the death of, or injury to, such livestock or poultry~~, and such animal control officer certifies to the governing body that he or she found physical evidence upon the livestock or poultry showing that one (1) or more dogs caused such injury or death~~.

Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

(c) Upon payment under this section the board shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

**State Law reference—** Compensation for livestock and poultry killed by dogs, Code of Virginia, § 3~~.1-796.118~~ 3.2-6553.

The vote on the foregoing ordinance was as follows:

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

**NEW BUSINESS**

**R-FY-17-13**
**RESOLUTION SUPPORTING GRANT REQUEST BY CITIZEN SUPPORT GROUP OF THE MONTGOMERY COUNTY SHERIFF'S OFFICE FOR FUNDING FROM THE COMMUNITY FOUNDATION OF THE NEW RIVER VALLEY**

On a motion by Mary W. Biggs, seconded by April N. DeMotts and carried unanimously,

WHEREAS, The Citizen Support Group of the Montgomery County Sheriff's Office was formed to support and recognize the individuals and organizations within the Montgomery County Sheriff's Office by (1) acknowledging the life events for those who serve in the Sheriff' Office; (2) by supporting community events to foster better County resident awareness of the duties and actions of the Sheriff's Office and (3) by assisting the Sheriff's Office as needed; and

WHEREAS, The Citizen Support Group of the Montgomery County Sheriff's Office has applied for a Four Thousand Dollar Grant ($4,000) from the Community Foundation of the New River Valley as seed funding to assist the group in supporting the Sheriff's Office in community outreach, employee life events and emergency response support where needed; and

WHEREAS, Due to the Citizen Support Group's ongoing support of the Montgomery County Sheriff's Office and the Group's work promoting community awareness of the duties and activities of the Sheriff's Office, the Board of Supervisors of the County of Montgomery, Virginia desires to express the Board's support for the Citizen Support Group of the Montgomery County

Sheriff's Office receiving the Grant requested from the Community Foundation of the New River Valley.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby expresses their support for the Grant Application filed by the Citizen Support Group of the Montgomery County Sheriff's Office and urge the Community Foundation of the New River Valley to approve the request for grant funding in order that the Citizen Support Group may continue to work to serve the Montgomery County Sheriff's Office and Community.

The vote on the foregoing resolution was as follows:

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

## COUNTY ATTORNEY'S REPORT

The County Attorney recommended the Board of Supervisors retain Carolyn Elefant to serve as outside counsel to represent the County with the propose Mountain Valley Pipeline. Ms. Elefant will review Mountain Valley Pipeline's application and review all submissions and advise Montgomery County on how to proceed.

Chair Tuck recommended that the funding be capped at $15,000.

**R-FY-17-14**
**RESOLUTION AUTHORIZING THE HIRING**
**OF AN OUTSIDE COUNSEL IN CONNECTION WITH**
**THE MOUNTAIN VALLEY PIPELINE CERTIFICATE PROCEEDING**

On a motion by Mary W. Biggs, seconded by Gary D. Creed 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 hire Carolyn Elefant, to serve as outside counsel for the County in connection with the MVP Pipeline certificate proceeding now pending before the Federal Energy Regulatory Commission.

The vote on the foregoing resolution was as follows:

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

## COUNTY ADMINISTRATOR'S REPORT

The County Administrator attended the Town of Blacksburg's public meeting regarding the safety issues at North Main Street/US 460 Bypass intersection. The Town presented four (4) options which can be found on the Town's website.

## BOARD MEMBERS REPORTS

**Supervisor Biggs** also attended the Town of Blacksburg's public meeting regarding the North Main Street/US 460 Bypass intersection project. She stated that any comments regarding the project are due August 1, 2016. There is a survey on the Town's website regarding the project. Supervisor Tuck suggested that the link to the survey be posted on the County's website.

**Supervisor Tuck** reported he received a request from the Montgomery Museum asking permission to use the parking lot at the Health and Human Services building for overflow parking when events are held at the Museum. Most of the events will be held on weekends or after business hours.

The County Administrator suggested that the Museum let his office know in advance of any events in order to avoid any conflicts with the parking.

By Board consensus the Montgomery Museum was given permission to use the parking lot at the Health and Human Services Building for their events.

Supervisor Tuck reported that another tragic police shooting took place in Louisiana leaving three police officers dead. Sheriff Partin has requested using the balance from the Dallas, Texas trip to send the County's honor guard to Louisiana to attend the funerals of the fallen officers.

GO Virginia – GO Virginia, a campaign initiated by the Virginia Business Higher Education Council (VBHEC) and the Council on Virginia's Future to foster private-sector growth and job creation through state incentives for regional collaboration by business, education, and government. Supervisor Tuck reported it has been debated as to whether Montgomery County should be linked with the Roanoke Valley area and Lynchburg. Montgomery County has always

been tied to the New River Valley not the Roanoke Valley. This is not the County's decision though, as it is part of the GO Virginia campaign.

## ADJOURNMENT

The Chair declared the meeting adjourned to Monday, August 1, 2016 at 6:00 p.m. The meeting adjourned at 8:50 p.m.

APPROVED_____ATTEST:_____

| | |
|---|---|
| Christopher A. Tuck | F. Craig Meadows |
| Chair | County Administrator |

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 1st DAY OF AUGUST, 2016 AT 6:00 P.M. IN THE MULTI-PURPOSE ROOM #2, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

| | | |
|---|---|---|
| PRESENT: | Christopher A. Tuck | -Chair |
| | Gary D. Creed | -Vice Chair |
| | Mary W. Biggs | -Supervisors |
| | April N. DeMotts | |
| | M. Todd King | |
| | Annette S. Perkins | |
| | Darrell O. Sheppard | |
| | F. Craig Meadows | -County Administrator |
| | L. Carol Edmonds | -Deputy County Administrator |
| | Martin M. McMahon | -County Attorney |
| | Ruth Richey | -Public Information Officer |

## CALL TO ORDER

The Chair called the meeting to order.

## INTO WORK SESSION

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

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

1. Board Room Renovations

The vote on the foregoing motion was as follows:

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

Board Room Renovations

Jack Murphy, Thompson & Litton, made a presentation on recommended changes to the Board of Supervisors meeting room. The renovations to the Board Room will enhance safety features through-out.

## OUT OF WORK SESSION

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

## ADJOURNMENT

The Chair declared the meeting adjourned to Monday, August 8, 2016 at 6:00 p.m. The meeting adjourned at 6:50 p.m.

APPROVED_____ATTEST:_____

Christopher A. Tuck
Chair

F. Craig Meadows
County Administrator