

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13th DAY OF AUGUST 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahan	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Sandy	-Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC ADDRESS

April Peacock addressed the Board about concerns with the lack of posted speed limit signs on Plank Drive in Blacksburg Country Club Estates. Ms. Peacock stated she has repeatedly requested speed limit signs be posted at the entrance and along Plank Drive. She received a letter from VDOT stating that due to no reported accidents, no signs would be posted. Ms. Peacock is concerned about excessive speeding along Plan Drive. There are small children who play, bicyclists, and golf carts that travel along this road, and there are numerous driveways with blind curves that make it difficult to pull out onto the road. She requested the Board's support in getting speed limit signs posted on Plank Drive.

David Duncan addressed the Board with his concerns about the lack of posted speed limit signs on Plank Drive. He believes that it is just a matter of time before an accident does occur. He also suggested that “Children at Play” signs need to be posted throughout the neighborhood.

John Pettengill addressed the Board about the courthouse renovation and expansion project. Mr. Pettengill suggested that the General District Court be moved permanently into Building C of the Montgomery County Government Center instead of temporarily, to eliminate the need to expand the courthouse.

Audrey Nunley requested the Board’s help in obtaining a variance for property located in Dry Valley. Ms. Nunley explained she would like to put a mobile home on her property, which already has two dwellings, in order to move closer to her family. She was told by the Planning Department that she would have to submit an application for a property variance. She asked the Board to waive this requirement in order for her to put a mobile home on the property.

Larry Linkous spoke in support of the Kevin Fletcher and S.A Davie rezoning request and special use permit for a paintball recreational facility. The applicants have accepted all proffers recommended by the Planning Department and have gone beyond what is necessary in order to please the residents along Blue Springs Road. Mr. Linkous pointed out that the Planning Commission has found this request to be compatible with the comprehensive plan and recommended approval and he requested the Board to follow the Planning Commission recommendation and vote for approval.

Erma Cox spoke in opposition to the rezoning and special use permit for a paintball recreational facility. Ms. Cox expressed her concerns on the ingress and egress to the Davie property. The only way to get to his property is across the White’s property, which is through a gated fence. Ms. Cox stated they already have problems with traffic and trash along Blue Springs Road and believes that a business along this road will only increase the problems. She asked the Board to consider the rights of the farmers and protect their land by denying this request.

Matt Davie spoke in support of the Kevin Fletcher and S.A Davie rezoning request and special use permit for a paintball recreational facility. As the owner of the paintball operation, Mr. Davie said he would like to clarify a few misunderstandings. He stated that the paintball business would only be operating on the weekends and they would hold only 1-2 tournaments a year. There would only be approximately 30 people maximum per weekend, and 20 vehicles once a week is not a dramatic increase. Mr. Davie also addressed the noise issue. He stated he did a noise test 1,000 feet away from the proposed playing field and noise cannot be heard at this distance. Mr. Davie asked the Board to take everything into consideration and support the request.

Travis Deckor spoke in support of the Kevin Fletcher and S.A Davie rezoning request and special use permit for a paintball recreational facility. Mr. Deckor's main concern is there is no where in Montgomery County to play paintball. Virginia Tech and Radford University have paintball teams and this is becoming a popular sport. There has been no misrepresentation with the request and the noise should not be a problem. He would appreciate the Board's support in this matter.

S.A. Davie spoke in support of his rezoning request and special use permit for a paintball recreational facility. Mr. Davie stated he is shocked at the attack on his character by some individuals in the community. If he had to this all over again he would not. He is just trying to help his son start a business and asked the Board to support this request.

Kendall Clay spoke in opposition to the Kevin Fletcher and S.A Davie rezoning request and special use permit for a paintball recreational facility. Mr. Clay pointed out the neighborhood opposes this recreational facility, and that neither Mr. Fletcher nor Mr. Davie live in the community. Blue Springs Road is a rural/agricultural community and the operation of a business would impact the life of the community. Mr. Clay asked the Board to respect and protect the expectations of the community and deny this request.

Kitty Brennan addressed the Board tonight as a member of the Planning Commission to explain her vote of abstinence regarding the Kevin Fletcher and S.A. Davie request at the Planning Commission level. She knows both the Whites and the Davies and the Davies have been wonderful neighbors. She believes this request is not an appropriate community activity, it is a war game, which is not acceptable to the community. The community should be preserved as an environmental park, and she hope this matter can be settled without any hard feelings.

Mark Black, attorney for Mr. Fletcher and Mr. Davie, addressed the Board on behalf of the applicants. Mr. Black indicated there were many misconceptions regarding his clients request. The rezoning and special use permit request is for a recreation facility to play paintball, there will not be any manufacturing paintball supplies on the property. The rezoning specifically states that there will be no commercial business other than a paintball facility. Mr. Black stated the Planning Commission and Planning Department have analyzed this request and recommended strict conditions on the rezoning. Mr. Black believes the proposed request is a good use for the land and urged the Board to move forward.

Billy Morris spoke in support of the request for a paintball facility on Blue Springs Road. Mr. Morris lives on Blue Springs Road and believes an area to play paintball is an excellent idea. He believes the community will not be adversely effected by this rezoning and urged the Board to approve the request.

Rachael White addressed the Board in opposition to the proposed rezoning and special use permit for a paintball facility. Ms. White expressed her concerns with the number of people who will be coming to this facility and crossing her land. She asked the Board to deny this request.

Dedri Hale spoke in opposition to the proposed request for a paintball facility. She is concerned with the condition of the road and believes that the road will not be able to handle an increase in traffic. There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated August 13, 2003 were approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
C.P. Shorter	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Larry N. Rush	

Approval of Minutes Dated July 14, 2003

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously, the minutes dated July 14, 2003 was approved.

Schedule Public Hearing - Proposed Conveyance of Easements - Town of Christiansburg

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby schedules a public hearing for Monday, September 22, 2003 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia in order to hear citizens comments on the following:

Proposed conveyance of a Permanent Public Utility and Temporary Construction Easements to the Town of Christiansburg, across a portion of the Huckleberry Trail lying and being in the Town of Christiansburg, Riner Magisterial District of Montgomery County. The Easements would

cross the Huckleberry trail on a portion of the property the County acquired from Norfolk Southern Railroad and on a portion of the property acquired from William H. Price.

Dog and Cat Sterilization-Supplemental Appropriation

On a motion by Annette S. Perkins, seconded by C.P. Shorter 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, 2004, for the function and in the amount as follows:

340 Animal Control \$ 1,887

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

Revenue Account

451203 Undesignated Fund Balance \$1,887
Dog & Cat Sterilization

Said resolution appropriates monies received as part of the Dog and Cat Sterilization Program.

Speed Study Request - Flick Drive (SR 816)

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Flick Drive (SR 816) to consider lowering the speed limit to 25 mph to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit and posting the speed limit to improve the safety of this area.

OLD BUSINESS

Special Use Permit - Jeanette Shepard Orlic

On a motion by C.P. Shorter, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Jeanette Shepard Orlic request for a Special Use Permit on a 15.385-acre tract in Agriculture (A-1), to allow an additional family subdivision of property in excess of the four (4) divisions allowed under sliding scale is hereby approved subject to the following conditions:

1. The proposed lot shall be transferred to a child of Mrs. Orlic.
2. A paved apron shall be installed at the intersection of Waterworks Road and Route 114 as per VDOT regulations prior to the issuance of a building permit for any of the lots created by the subdivision of Mrs. Orlic's property.

The property is located on the west side of Waterworks Road approximately 1,400 ft. north of the Crabapple Road intersection, and is identified as Tax Parcel No. 64-A-71 (Acct ID # 026235) in the Prices Fork Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
C.P. Shorter	
Larry N. Rush	

Rezoning Request - Kevin Fletcher and S.A. Davie - DENIED

On a motion by John A. Muffo, seconded by James D. Politis and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by Kevin Fletcher and S.A. Davie to rezone certain tracts or parcels of land consisting of 15 acres of land from the zoning classification of Agriculture (A-1) to Community Business (CB) located at 6501 Blue

Springs Road, and is identified as Tax Parcel No. 142-A- 2-7 (Acct. ID # 000317) in the Riner Magisterial District is hereby **DENIED**.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	Annette S. Perkins
John A. Muffo	Mary W. Biggs
James D. Politis	C.P. Shorter
	Larry N. Rush

The motion was for approval.

Authorization to Proceed - Courthouse Renovation Project - TABLED

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **authorization to proceed with the courthouse renovation project** is hereby **tabled** in order for Board members to review additional information received.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
C.P. Shorter	
Annette S. Perkins	
James D. Politis	
Gary D. Creed	
Larry N. Rush	

Reimbursement Resolution Relating to the Renovations of the Montgomery County Courthouse and the Montgomery County Government Center - Building C Project - TABLED

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the

reimbursement resolution relating to the renovations of the Montgomery County Courthouse and the Montgomery County Government Center-Building C Project is hereby **tabled** in order for Board members to review additional information received.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
John A. Muffo	
C.P. Shorter	
Annette S. Perkins	
James D. Politis	
Gary D. Creed	
Larry N. Rush	

ADD TO THE AGENDA

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the following was added to the agenda under Closed Meeting:

- Section 2-2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. Courthouse Property

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
James D. Politis	
C.P. Shorter	
Mary W. Biggs	
Larry N. Rush	

NEW BUSINESS

Free Clinic Project -Asbestos Abatement Appropriation

On a motion by Annette S. Perkins, seconded by C.P. Shorter 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, 2004 for the function and in the the amount as follows:

801 Free Clinic Project \$30,000

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

Revenue Account

02-451203 Undesignated Fund Balance \$30,000

Said resolution appropriates funds for the Free Clinic project to cover the cost of asbestos abatement at the 215 Roanoke Street Building.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
Annette S. Perkins	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Larry N. Rush	

INTO WORK SESSION

On a motion by C.P. Shorter, 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. Merchants Capital Tax
2. Hazard Mitigation Grant Program

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
C.P. Shorter	
Larry N. Rush	

Merchants Capital Tax

The Assistant County Administrator gave a brief report on the Merchants Capital subcommittee review of the Merchants Capital Tax. The subcommittee reviewed the following options for addressing concerns regarding the Merchants Capital tax:

- Option 1: Reduce the tax from \$6.05 to \$3.03.
- Option 2: Reduce the first \$10,000/\$20,000 of taxable value and assess the value 2 times per year, January and August, averaging the two assessments.
- Option 3: Eliminate the Tax.
- Option 4: Exempt the first \$1,000 in taxable value, cap the total taxable at \$4 million, and use tax rate of \$6.05.
- Option 5: Exempt the first \$1,000 in taxable value, cap the total taxable at \$2.4 million, and use a rate of \$6.05. Above \$2.4 million in taxable value, use a tax rate of \$1.50.

The Assistant County Administrator stressed three assumptions: 1) Values of assessments would increase, not decrease; 2) No vehicles or any other taxable property would not be moved from the County; and 3)

Total value of Shelor Automotive is assumed to be \$35 million with taxable value of being \$7 million. At least the same amount of value for taxation as of January 1, 1997 from the remaining dealerships would exist, and value from businesses other than dealerships would not decrease. The Assistant County Administrator explained that if the Board desires to make changes to the Merchants Capital tax a public hearing will need to be held no later than October 27, 2003. The changes would be effective January 1, 2004.

The Board discussed each option and how it would effect the County's revenue base. Option 1 and Option 2 would create a reduction in revenue. If the tax was cut in half, \$420,000 would need to come from another source. If the tax was eliminated entirely, a real estate tax rate increase of 3 cents would be required or a reduction in expenditures of \$1.3 million. The other three options would create additional revenue, assuming no vehicles are moved from the County.

By consensus of the Board the following two options are to be placed on the August 25, 2003 agenda for consideration:

- Option 1: Reduce the Merchants Capital tax from \$6.05 to \$3.03 per \$100 in value and exempt the first \$1,000 in taxable value.
- Option 2: Reduce the Merchants Capital tax from \$6.05 to \$4.50 per 100 in value; assess the value 2 times per year; and exempt the first \$1,000 in taxable value.

Hazard Mitigation Grant Program (HMGP)

The Planning Director gave a brief overview of the Hazard Mitigation Grant Program. The HMGP assists States and local communities in implementing long-term hazard mitigation measures following a major disaster declaration. Montgomery County was part of a presidential declaration after the winter storm/flooding in 2003 and is eligible to participate in the program. The purpose of the HMGP is to reduce or eliminate future risks to lives or property from natural hazards. Funds are provided to help implement projects previously identified by the hazard mitigation plan and to enable mitigation measures during the immediate recovery from a disaster. Funding can be used towards acquiring or relocating structures, construction of certain types flood control projects, constructing safe rooms inside high schools or other buildings in tornado prone areas and developing a mitigation plan. Montgomery County is proposing the following plans: 1) Identification and Study of Floodplains - \$30,000; 2) Residential Acquisition at 764 Elliott Creek Road - \$175,000; 3) Equalization Basin at the Shawsville Water Plant - \$250,000; and 4) Early Warning System/Reverse 911 - \$60,000. Montgomery County's floodplain maps are approximately 30 years old and funding from the HMGP will help the County update these maps by using the Geographic Information System. 75% of the cost is provided by federal funds, 20% by state and 5% of the cost is provided by the local government and can be covered through in-kind services or donations. Montgomery

County's long term hazard mitigation plan is to identify and study areas of the County to determine all floodplains, adopt a mitigation plan, convert and update paper floodplain maps to be compliant through FEMA's Cooperating Technical Partners, create a community disaster resistance public education program, develop and coordinate a flood warning system, infrastructure measures, and acquisition, retrofitting, elevating or relocating structures in the floodplains.

OUT OF WORK SESSION

On a motion by James D. Politis, seconded by C.P. Shorter 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:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
C.P. Shorter	
Annette S. Perkins	
Larry N. Rush	

COUNTY ADMINISTRATOR'S REPORT

Community Development Block Grant (CDBG) Planning Grant Program The Planning Director briefly explained the Planning Grant Program. The Library is interested in applying for a Planning Grant in the amount of \$25,000 to help with the planning of the Allegheny Branch Library in the former Meadow Brook Nursing Home in Elliston. Up to \$25,000 can be received and can be used for community service facilities. At least 51% of the benefits must be provided to low and moderate income persons. The County must submit a letter of intent by September 30, 2003. The Department of Housing and Community Development (DHCD) will respond within 30 days to conduct a preliminary needs assessment. If DHCD determines the project is eligible, then DHCD invites the County to submit a planning grant proposal.

The County must determine if the library will be serving at least 51% of low to moderate income citizens. A door to door survey may have to be conducted to determine this, if the 2000 census data cannot be used. The Planning Director indicated that since they are in the final stages of updating the comprehensive plan, staff will not have the time to conduct a survey. Chair Rush asked if it would be feasible to out source the surveying if need be.

BOARD MEMBERS' REPORTS

Supervisor Shorter requested that Stroubles Creek Road (SR 619), right off Coal Hollow Road, be included in the Six Year Road Plan in order to be considered under the Rural Rustic Road program. VDOT will be paving Coal Hollow Road under this program and they will be willing to pave Stroubles Creek Road at the same time. In order to add Stroubles Creek Road to the Six Year Road Plan a public hearing on the changes must be held.

Schedule Public Hearing - Amend the Six Year Road Plan

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby schedules a public hearing for Monday, September 8, 2003 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia in order to hear the citizens comments on the following:

Amendment to the Six Year Road Plan for Improvement to the State Secondary Highway System in Montgomery County, Virginia for Fiscal Years 2003-2009 to include Stroubles Creek Road (SR 619).

The vote on the foregoing motion was as follows:

AYE

John A. Muffo None

Gary D. Creed

Annette S. Perkins

NAY

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Mary W. Biggs
C.P. Shorter
James D. Politis
Larry N. Rush

Board Reports Continued

Supervisor Muffo reported that the Blacksburg Town Council has stated they are interested in a land swap with Montgomery County. He suggested the Real Estate Committee form a sub-committee in order to meet with the Blacksburg Town Council to discuss the details. By consensus of the Board, Supervisor Creed and Supervisor Muffo will serve on the Real Estate sub-committee.

Supervisor Perkins Shelor Lane Supervisor Perkins suggested that a gate be installed at the end of Shelor Lane that leads into county land that was donated by American Electric Power. She believes this will help reduce traffic that is going onto the property, therefore eliminating trash and partying. It was the consensus of the Board to install a gate leading into the property.

Virginia Tech/Montgomery Regional Airport Authority - Supervisor Perkins reminded Board members that the Airport Authority's picnic is scheduled for Friday, August 15th and hopes they can make it.

Supervisor Creed Wayside Drive (Old Christianburg Road) - Supervisor Creed reported that VDOT did not fix the problem on Wayside Drive as he previously reported. VDOT is supposed to be back to work on the problem.

Audrey Nunley's Variance Request Supervisor Creed reported he has spoken with Ms. Nunley about her request to install a mobile home on her property in Dry Valley, which already has two dwellings. According to staff, Ms. Nunley needs to check with the Health Department to see if she can obtain a permit to hook up another dwelling to the septic before they can assess the situation. The Board directed staff to advise Ms. Nunley on the proper procedure.

Supervisor Biggs - LGOC Annual Conference Supervisor Biggs attended the annual LGOC conference August 10-12, 2003. She attended the VACo Education Steering Committee meeting and stated they are drafting a resolution requesting the General Assembly to fully fund for at-risk students. The final resolution will be voted on at VACO's Annual Conference in November.

INTO CLOSED MEETING

On a motion by C.P. Shorter, seconded by James D. Politis 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 (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. Lease of Meadowbrook Nursing Home - Library Site

(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 Negotiation Strategy of the Public Body

1. Courthouse Property

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
C.P. Shorter	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Larry N. Rush	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

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

Session.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs

C.P. Shorter

James D. Politis

Annette S. Perkins

Gary D. Creed

John A. Muffo

Larry N. Rush

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by John A. Muffo, seconded by C.P. Shorter 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

C.P. Shorter

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James D. Politis
Annette S. Perkins
Gary D. Creed
John A. Muffo
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, August 25, 2003 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs

C.P. Shorter

James D. Politis

Annette S. Perkins

Gary D. Creed

John A. Muffo

Larry N. Rush

NAY

None

The meeting adjourned at 10:50 p.m.

ATTEST:

Larry N. Rush, Chair

Jeffrey D. Johnson County Administrator