

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22<sup>nd</sup> DAY OF SEPTEMBER 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

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

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

### **PUBLIC HEARINGS**

#### Special Use Permit

**Town of Christiansburg (Agent: Omnipoint) requests a Special Use Permit for the replacement of a telecommunication tower in Agriculture (A-1).** The property is located at 1306 Buffalo Drive and is identified as Tax Parcel No. 92-A-62C (Account ID #071113) in the Riner Magisterial District. The property lies in an area designated as Agricultural Area in the Comprehensive Plan.

The Zoning Administrator presented a brief presentation on the request. The Town of Christiansburg has requested a special use permit in order to replace an existing 105 ft. lattice telecommunications tower with a 125 ft. monopole structure to allow the attachment of Omnipoint cellular antennae. At their September 10, 2003 meeting, the Planning Commission found this request to be in conformance with the comprehensive plan and recommended approval with six conditions.

Ambre Blatter, applicant, was present to answer any questions the Board may have. Ms. Blatter stated that Omnipoint agrees with all the conditions recommended by the Planning Commission.

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

#### Rezoning Request and Special Use Permit

**Carl L. & Sharla Conner (Wolf's Ridge Paintball Inc.) request to rezone 9 acres from Agriculture (A-1) to Community Business (CB), with possible proffered conditions, and a Special Use Permit to allow an outdoor recreation paintball facility.** The property is located at 3994 Pilot Road, and is identified as Tax Parcel No. 121-A-59 (Acct. ID # 021267) in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Zoning Administrator presented a brief presentation and video on the request. Carl and Sharla Conner are requesting a rezoning of 9 acres from Agriculture to Community Business and a special use permit to allow an outdoor recreation paintball facility. The Conner's operate Wolf's Ridge Paintball Inc., and have ceased operation of the business until all permits have been obtained. The paintball facility is specifically for entertainment of groups and the general public. No tournaments will be held at this facility. The Zoning Administrator explained that one concern of the operation was the entrance to the site. The existing entrance does not meet the approval of the Virginia Department of Transportation due to the site distance. The applicant has been working with VDOT to construct another entrance to the facility that will meet VDOT's requirements. At their September 10, 2003 meeting, the Planning Commission found this request to be in conformance with the comprehensive plan and recommended approval with ten conditions for the rezoning request and one condition for the special use permit.

Carl Conner, applicant, addressed the Board on behalf of his request. Mr. Conner stated it was his desire to continue the operation of Wolf's Ridge Paintball. The facility is family oriented and a safe place for paintball recreation.

Donald Duncan spoke in favor of the rezoning and special use permit. Mr. Duncan has played at Wolf's Ridge for the past three years where the rules and regulations are strictly enforced. He urged the Board to support this rezoning request.

Robert Hall spoke in favor of rezoning and special use permit. Mr. Hall stated his son has been playing paintball for the past six months at Wolf's Ridge. Wolf's Ridge is a safe family oriented facility. There are numerous church groups and youth groups that enjoy this facility. He asked that the Board vote for approval of this request.

Aaron Kroll spoke in favor of the rezoning and special use permit. Mr. Kroll stated he has been playing paintball for the past three years and enjoys playing at Wolf's Ridge.

Michael Maxwell spoke in favor of the rezoning and special use permit. Mr. Maxwell stated he has been playing paintball for the past three years which has taught him teamwork. He stated that Wolf's Ridge is a very safe place to play and numerous youth groups play at this field.

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

Renewals and Additions to the following Agricultural and Forestal Districts:

**Agricultural & Forestal District – 1 (Price's Fork)**

Thomas Frith, Jr.	103 acres
James Hoge, Jr.	498 acres
James McDonald	153 acres
Walter Simpkins	208 acres
Sarah M. Wall	284 acres
Joseph L. Wall	108 acres
Garth Wilkes	321 acres
TOTAL:	1,675 acres

**Agricultural & Forestal District – 2 (Catawba Road)**

Virginia Absher	45 acres	Andrew Hutton	295 acres
Oscar Blake	227 acres	David Kohl	74 acres
James Brown	690 acres	David McPherson	43 acres
William Caldwell(addition)	39 acres	David & James McPherson	142 acres
Leonard Cessac	19 acres	James McPherson	10 acres
Carolyn O. Clayton	74 acres	Leslie Orr	705 acres
Charles L. Eakin	21 acres	Myrtle Mitchell & Francis Parsons	460 acres
Warren B. Eakin	277 acres	John Sutphin	179 acres
Kathleen Grubb	245 acres	Anna Tribble	138 acres
M.V. Hanbury	135 acres	Randolph K. Vaden	182 acres
Samuel Hancock	402 acres	Samuel & Dennis Wall	97 acres
		Edward Yost	294 acres

TOTAL: 5,690 acres

**Agricultural & Forestal District – 15 (Taylor Hollow)**

Larry Linkous	129 acres
Antonio Perez	117 acres
Antonio Perez (addition)	112 acres
TOTAL:	358 acres

The Planning Director explained that several Agricultural and Forestal Districts ( AFD) are up for renewal. Land in the AFD’s are in for a term of eight years. All property owners are required to have a “Best Management Practices Statement” on the land in an AFD. Any new AFD’s submitted, or change of ownership of existing land in an AFD, have one year to prepare either a conservation plan, forestry management plan, or stewardship plan.

The AFD Advisory Committee conducted a field review of the AFD’s up for renewal on July 22, 2003 and recommended approval.

James Howe Brown spoke in favor of renewing the AFD’s. Mr. Brown owns property on Catawba Road which is included in AFD-2. He asked that the Board of Supervisors continue to preserve the 5,690 acres that is currently in AFD-2.

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

Proposed Conveyance of a Permanent Public Utility and Temporary Construction Easement to the Town of Christiansburg

**Proposed conveyance of a Permanent Public Utility and Temporary Construction Easement 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.

The County Attorney explained that the Town of Christiansburg is requesting permanent public utility easement and a temporary construction easement along a portion of the Huckleberry Trail that is located in Montgomery County.

There being no speakers, the public hearing was closed.

Ordinance Amending the Merchant's Capital Tax

**An Ordinance to exempt the first \$1,000 in taxable value (20% of total value); and to reduce the tax rate from \$6.05 per \$100 in value to \$3.03 per \$100 in value.**

J.C. Adkins spoke in favor of reducing the Merchant's Capital Tax rate from \$6.05 to \$3.03. Mr. Adkins is a small business owner and stated if the tax could not be abolished then reducing the rate by 50% would help.

Doug Amos spoke in favor of reducing the Merchant's Capital Tax. Mr. Amos stated he has been in the car industry for years and reducing the Merchant's Capital Tax will be beneficial. He urged the Board to consider reducing the tax by 50% in order to collect more revenue rather than the revenue being collected by Pulaski County.

Kim Martin spoke in favor of reducing the Merchant's Capital Tax. Mr Martin explained that he is a small business owner and is required to carry a large amount of inventory. This tax impacts small businesses just as it does the large businesses. He urged the Board to consider reducing the Merchant's Capital Tax by 50%.

Wayne Jenkins spoke in favor of reducing the Merchant's Capital Tax. Mr. Jenkins believes that receiving half the tax is better than receiving nothing at all due to business moving their inventory out of the County.

Caryn Bushong spoke in favor of reducing the Merchant's Capital Tax. Ms. Bushong stated that the Merchant's Capital Tax is an old law on the books which is difficult to enforce due to the fact that it is legal to move your inventory out of the County. Also, the Commissioner of Revenue's Office does not have the staff to enforce and audit the businesses. Ms. Bushong pointed out that Montgomery County offers tax incentives to businesses to come to the County and believes that reducing the Merchant's Capital Tax by 50% will give a tax break to businesses already in Montgomery County. She urged the Board to consider reducing the tax by 50%.

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

Ordinance Amending the Merchant's Capital Tax

**An Ordinance to exempt the first \$1,000 in taxable value (20% of total value); to return as merchants' capital the average amount of capital held out for sale on January 1 of each year and**

**the following August 1 of each year; and to reduce the tax rate from \$6.05 per \$100 in value to \$4.50 per \$100 in value.**

There being no speakers, the public hearing was closed.

**PUBLIC ADDRESS**

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

**ADD TO THE AGENDA - ADDENDUM**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously, the following addendum dated September 22, 2003 was added to the Consent Agenda:

1. Appointment - Animal Control Officer
2. Resolution accepting the Montgomery-Floyd Regional Library Board of Trustees name for the new branch library located in the Shawsville/Elliston area.

The vote on the foregoing motion was as follows:

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

**CONSENT AGENDA**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated September 22, 2003 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Annette S. Perkins

Gary D. Creed  
John A. Muffo  
Mary W. Biggs  
Larry N. Rush

James D. Politis

**Approval of Minutes Dated August 25, 2003**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously, the minutes dated August 25, 2003 were approved.

**Social Services - Appropriation and Transfer from Special Contingencies**

On a motion by John A. Muffo, seconded by Gary D. Creed 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:

540	Social Services	\$174,316
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The sources of the funds for the foregoing appropriation is as follows:

**Revenue Account**

424102	Public Assistance	\$174,316
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FURTHER, BE IT RESOLVED, That a transfer is hereby authorized, as follows:

**FROM:**

960	Special Contingencies	(\$750)
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**TO:**

540	Social Services	\$750
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Said resolution appropriates additional state funding for the TANF-Hard to Serve, Cooling Program, Child Day Care Quality Initiative Program, Independent Living, Adoption Incentive, TANF-Job Retention, and Foster Parent Training and Medicaid Prescreening programs and transfers the required local match.

**Social Services-Appropriation Adjustment and Transfer from Special Contingencies**

On a motion by John A. Muffo, seconded by Gary D. Creed 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, 2004 for the function and in the amount as follows:

540	Social Services	\$451,354
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424102	Public Assistance Payments	\$451,354
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FURTHER, BE IT RESOLVED, That a transfer is hereby authorized as follows:

**FROM:**

960	Special Contingencies	(\$ 18,177)
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**TO:**

540	Social Services	\$18,177
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Said resolution adjusts the FY 04 appropriation to match local mandates within the state approved budget for the Department of Social Services and transfers funds from Special Contingencies to reflect the increase in local public assistance mandates.

**RSVP Grant - Appropriation**

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

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

520	RSVP	\$2,257
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The source of funds for the foregoing appropriation is as follows:



**Library - Supplemental Appropriation**

On a motion by John A. Muffo, seconded by Gary D. Creed 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:

710	Montgomery Library	\$68,761
720	Floyd Library	<u>8,848</u>
	Total	\$77,609

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

**Revenue Account**

451205	Fund Balance	\$77,609
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Said resolution appropriates escrow funds for use by the Library for materials for patrons and equipment.

**Veterans Day Parade - Transfer From General Contingencies**

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

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

**FROM:**

950	General Contingencies	(\$1,000)
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**TO:**

910	Other Agencies	\$1,000
	29103VP	

Said resolution transfers funds from General Contingencies to support the annual Veterans Day Parade sponsored by the Christiansburg High School.

**Board of Supervisors Meeting-Change of Meeting Date**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in November on **Wednesday, November 12, 2003 at 7:15 p.m.**

BE IT FURTHER RESOLVED, The Board of Supervisors hereby moves the regular meeting of December 8, 2003 to **Monday, December 15, 2003 at 7:15 p.m.** and cancels its second meeting for the month of December.

**E-911 Street Name - Request for Street Name - Bronco Lane**

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

WHEREAS, There are three (3) residences along a private road located off Crozier Road (SR 833), and the property owners have petitioned the County to name this street Bronco Lane; and

WHEREAS, Bronco Lane complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that, after duly considering said request, the Board approves the use of the name Bronco Lane.

**Appointment - Animal Control Officer**

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Charles Ray Helmick is hereby appointed Animal Control Officer for Montgomery County.

FURTHER, BE IT RESOLVED, That said term shall not expire as was previously established under the Code of Virginia, but said officer shall continue employment with Montgomery County under the same terms and conditions as all other County employees under the direction of the County Administrator.

**Resolution Accepting the Name of Meadowbrook Public Library for the New Branch Library**

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

WHEREAS, The Montgomery-Floyd Regional Library Board of Trustees adopted a resolution dated September 17, 2003 approving the name of Meadowbrook Public Library for the new branch library within the Montgomery-Floyd Regional Library system.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby accepts the Montgomery-Floyd Regional Library Board of Trustees naming of the new branch library as Meadowbrook Public Library.

## **OLD BUSINESS**

### **Amendment - Six Year Road Improvement Program FY 2003-2009**

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

WHEREAS, The Board of Supervisors of Montgomery County, in cooperation with representatives of the Virginia Department of Transportation, has prepared a Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary Highway System in Montgomery County for which funds are to be budgeted in fiscal years 2003-2009; and

WHEREAS, A duly advertised public hearing was conducted at the Montgomery County Government Center in Christiansburg, Virginia at 7:15 p.m. on September 8, 2003, for the purpose of informing interested citizens of an amendment to the Six-Year Plan and for soliciting public input in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to the amendment of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County hereby approves the amendment to the Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years 2003-2009, as follows:

1. Add Stroubles Creek Road (SR 619)

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Virginia Department of Transportation Resident Engineer.

The vote on the foregoing resolution was as follows:

AYE

NAY

ABSENT

Gary D. Creed None  
John A. Muffo  
Mary W. Biggs  
C.P. Shorter  
Larry N. Rush

Annette S. Perkins  
James D. Politis

**NEW BUSINESS**

**New Blacksburg Middle School - Access Roads**

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

WHEREAS, Access Roads have been constructed for the Blacksburg Middle School located on Prices Fork Road; and

WHEREAS, The Montgomery County School Board is requesting that the access roads be added to the Secondary System.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Town Council of the Town of Blacksburg to add the access roads into the Blacksburg Middle School compound into their secondary system pursuant to Section 33.1-68 of the Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, The Board of Supervisors guarantees a minimum right-of-way of 60' free of all cost to the Town of Blacksburg and that the access roads have been constructed with at least 6" of base stone, 24' width, and that adequate drainage has been provided.

The vote on the foregoing resolution was as follows:

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

**Help America Vote Act - Resolution Requesting Full Federal Funding**

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

WHEREAS, The Help America Vote Act (HAVA) was passed by Congress in 2002; and

WHEREAS, The primary and costly mandates of HAVA are the replacement of all punch card and lever voting machines and installation of a HAVA compliant statewide voter registration system; and

WHEREAS, HAVA authorizes \$2.162 billion for FY 2003, but the current appropriation is for only \$1.5 billion in FY 2003; and

WHEREAS, If fully funded Virginia would receive \$46.5 million, but the current appropriation for Virginia is only \$32.4 million which is \$14.1 million short; and

WHEREAS, HAVA authorizes \$1.045 billion for FY 2004 while President Bush's budget request is for only \$500 million in FY 2004; and

WHEREAS, If fully funded Virginia would receive \$23.7 million, but the current budget request for Virginia is for only \$11.6 million which is \$12.1 million short; and

WHEREAS, If a locality needs to replace lever voting machines or punch cards, the State Board of Elections (SBE) can allocate HAVA dollars to replace only two machines in each precinct at the current funding level and the local government must fund the remaining replacement machines; and

WHEREAS, Full funding would provide localities with more assistance in replacing the voting equipment; and

WHEREAS, Full funding would allow Virginia to assist the localities in voter education, training of election officials, poll workers and volunteers, and make polling places accessible to handicapped voters; and

WHEREAS, The State will be forced to reduce the amounts budgeted for these items if HAVA is not fully funded..

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia strongly urges Senator John Warner, Senator George Allen and Congressman Rick Boucher to support full funding of the Help America Vote Act.

The vote on the foregoing resolution was as follows:

AYE

NAY

ABSENT

John A. Muffo None  
Mary W. Biggs  
C.P. Shorter  
Gary D. Creed  
Larry N. Rush

Annette S. Perkins  
James D. Politis

**Long Shop/McCoy Fire/Rescue Building - Reimbursement of Land Purchase**

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 a transfer of appropriation in the County Capital Projects Fund is hereby authorized as follows:

**FROM:**

960 Capital Projects Reserve Fund (\$71,000)

**TO:**

330 Long Shop/McCoy Fire/Rescue Building \$71,000

Said resolution reimburses the building account with funds from the Capital Reserve funds used for the purchase of additional land at the site.

The vote on the foregoing resolution was as follows:

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

**COUNTY ADMINISTRATOR'S REPORT**

**Fund Balance Report**

The Assistant County Administrator presented an annual report on the County's General Fund Balance for the Fiscal Year ending June 30, 2003. The numbers provided are preliminary and the final figures will be

available upon completion of the County audit. The actual cash in the General Fund as of June 30, 2003 totaled \$17.5 million, of this amount \$3.7 million is the undesignated cash balance. The Assistant County Administrator reported that revenue collections estimated for FY 2003 was \$66.9 million with a total collected of \$67.2 million. Even though revenue collected exceed the estimate there were a number of factors that contributed to this. Repayment of loans from the Public Service Authority and Industrial Development Authority totaled \$890,655. Next, property tax collections were below the estimates by \$1.3 million but \$2.1 million in delinquent taxes were collected. If the repayment of loans and collection of delinquent taxes did not occur, there would have been a shortfall in revenue by \$2.9 million.

### **Officers of Election**

The County Administrator received a request from the Registrar asking if county employees could serve as officers of election on election day without having to take annual leave. The Board expressed concerns that employees would be paid their regular pay plus the stipend from the Board of Elections. A suggestion from Supervisor Muffo was to pay the employee their regular pay and request the Board of Elections to reimburse the County with the stipend pay to offset the costs.

Following a brief discussion, the Board by consensus approved county employees working the polls on election day contingent upon staff receiving only their regular pay or the stipend, but not both. The County Administrator was instructed to work out the details with the Registrar.

### **MPO Recommendations - Improvements to Interstate 81**

The County Administrator reported that two bidders have submitted formal plans to widen Interstate 81 through Virginia in response to the Virginia Department of Transportation's request for proposals. Several localities have adopted resolutions requesting the development of rail freight and passenger service that would parallel I-81 in order to move larger volume of long-distance freight traffic from truck to freight trains. The Metropolitan Planning Organization (MPO) after discussing the issue, supports looking into including the concept of rail service as part of the Environment Study being conducted by VDOT.

The County Administrator asked if it was the Board's desire to consider supporting the rail concept. The Board directed the County Administrator to add this item to the Board's agenda on October 14, 2003.

### **BOARD MEMBERS' REPORTS**

Supervisor Muffo attended the New River Valley Community Services annual recognition dinner.

Tour of Park Land - Town of Blacksburg and Montgomery County - Supervisor Muffo reported he along with Supervisor Creed and representatives from the Town of Blacksburg toured the Shelor Lane property donated to the County by American Electric Power; and property along Nellies Cave Road. They will be

exploring the future use of public land. Supervisor Muffo commented there is a six- mile loop on Nellies Cave Road that is publicly owned that he believes could be used as a trail in the future and could be linked to the Montgomery County Park.

Supervisor Shorter - Sunnyside War Memorial - Supervisor Shorter attended the Second Annual War Memorial Fundraiser. Approximately 100 people attended and raised \$1,300. This money will be used toward the upkeep and maintenance of the war memorial.

Warmhearth World War II Memorial - Supervisor Shorter attended the dedication of the World War II Memorial at Warmhearth.

Firewise Demonstration - Supervisor Shorter announced a firewise demonstration will be held Thursday in Elliston. This demonstration will educate landowners who have property bordering the forest, how to clear and maintain their property to protect it from forest fires.

Supervisor Rush informed Board members that the Fairview District Home is interested in selling five acres of land owned by the Fairveiw Home. There are five jurisdictions that proportionally own the Fairview Home and each jurisdiction needs to hold a public hearing and approve the sale of the land.

### **Schedule Public Hearing - Proposed Sale of Land by the Fairview District Home**

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

BE IT RESOLVED, By the Board of Supervisors of the Montgomery County, Virginia that a public hearing is scheduled for Tuesday, October 14, 2003 at 7:15 p.m. or as soon thereafter, in the Board of Supervisors Meeting Room in the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Va in order to consider citizens comments on the following:

The proposed sale of 5 acres of the existing 10 acre parcel owned by the members of the Fairview Home Board located adjacent to Virginia Routes 643 and 807 in the County of Pulaski. The property is proportionally owned by the five members of the Fairview Home consisting of the Counties of Montgomery, Pulaski, Giles, and Craig and the City of Radford.

The vote on the foregoing resolution was as follows:

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

### **INTO CLOSED MEETING**

On a motion by John A. Muffo, seconded by Gary D. Creed 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
- (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. Agency on Aging ( 2 Appointments)
    2. County Administrator
  
  - (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. Business not previously announced
  
  - (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. Water Agreement - Town of Christiansburg

The vote on the foregoing motion was as follows:

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

**OUT OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by C.P. Shorter 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:

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

**CERTIFICATION OF CLOSED MEETING**

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

John A. Muffo  
Gary D. Creed  
C.P. Shorter  
Mary W. Biggs  
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins  
James D. Politis

ABSENT DURING MEETING

Annette S. Perkins  
James D. Politis

APPOINTMENTS

Agency on Aging

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Robert E. Gribben** to the **Agency on Aging** effective October 1, 2003 and expiring September 30, 2004.

The vote on the foregoing resolution was as follows:

AYE

NAY

ABSENT

Mary W. Biggs None  
C.P. Shorter  
Gary D. Creed  
John A. Muffo  
Larry N. Rush

Annette S. Perkins  
James D. Politis

**Agency on Aging- Alternate**

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Neil Turner** as an **alternate** to the **Agency on Aging** effective October 1, 2003 and expiring September 30, 2004.

The vote on the foregoing resolution was as follows:

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

**ADJOURNMENT**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Wednesday, October 1, 2003 at 5:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo None		Annette S. Perkins
Gary D. Creed		James D. Politis
C.P. Shorter		

Mary W. Biggs  
Larry N. Rush

The meeting adjourned at 10:05 p.m.