

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24th DAY OF JANUARY 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Steve L. Spradlin	-Vice Chair
	Mary W. Biggs	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	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 HEARING

Special Use Permit

Ernie R. and Jacqueline P. Marshall (Agent: William Tucker, US Cellular) requests a Special Use Permit in Agriculture (A-1) on 138.7329 acres, with possible conditions, on Tax Parcel No. 138-A-51 (Account ID# 005526) for a 249 foot Telecommunication Tower. The property is located on the north side of Riner Road and the entrance to the proposed site is located between Harvest Road and Design Lane on Riner Road in the Riner Magisterial District. The property lies within an area designated as a Rural Stewardship Area in the Comprehensive Plan.

Chair Creed reported by letter dated January 24, 2005, the agent requested a continuance due to illness.

**RESOLUTION TO CONTINUE
PUBLIC HEARING FOR
ERNIE R. AND JACQUELINE P. MARSHALL
SPECIAL USE PERMIT**

On a motion by Steve L. Spradlin, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By Board of Supervisor of the County of Montgomery, Virginia that the Ernie R. and Jacqueline P. Marshall (Agent: William Tucker, US Cellular) request for Special Use Permit in Agriculture (A-1) on 138.7329 acres, with possible conditions, on Tax Parcel No. 138-A-51 (Account ID# 005526) for a 249 foot Telecommunication Tower is hereby continued until February 14, 2005.

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
Steve L. Spradlin		James D. Politis
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		

Since the public hearing was duly advertised for the January 24, 2005 meeting, any citizens who would like to speak on this subject was given the opportunity to speak.

There being no speakers, the public hearing was continued to February 14, 2005.

PUBLIC ADDRESS SESSION

Debbie Nuss spoke on behalf of the League of Women Voters regarding the purchase of additional WIN Vote Voting Machines. The League of Women Voters urges the Board of Supervisors to delay voting on the request by the Electoral Board to purchase additional machines until the General Assembly has time to review the voting machines and the concerns about the lack of a paper trail.

Jonathan McGlumphy spoke in opposition to the additional purchase of voting machines at this time. Mr. McGlumphy expressed concerns about the lack of a paper trail for the voting machines and citing problems in other counties with the WinVote Machine. He urged the Board to considered denying the request to purchase additional machines.

Mary Houska asked the Board to consider delaying the purchase of additional voting machines. Ms. Houska is concerned that if the voting machines are purchased at this time and the county expended all funds available, where would the funding come from if the Hugo Committee recommends a different type of voting machine. Ms. Houska asked the Board to consider delaying the purchase of the additional machines until they receive the Hugo Committee's report.

Carl McDaniel addressed the Board with concerns about the request to purchase additional voting machines. Mr. McDaniel stated there are numerous points of view and advised the Board to be cautious and delay any vote until some issues are clarified. He also spoke about the Sequio Voting Machine in use in California that does provide a verifiable paper trail to its citizens. Mr. McDaniel urged the Board to take their time and make the best decision for the citizens of Montgomery County.

Lucy Goldberg spoke in opposition to the additional purchase of WINVote voting machines. Ms. Goldberg expressed several concerns with the WINVote machine such as the lack of a paper trail, hackers, and computer malfunctions. She believes it would be premature to purchase additional machines at this time.

Phyllis Albritton read the following letter into the record on behalf of Robert G. Dyck, who could not attend the meeting tonight due to health related reasons:

“If I were able to come, I would speak against the pending resolution to purchase 89 additional Win-Vote computerized voting machines. I believe that the evidence shows that it is totally inappropriate to buy into technology that does not come with a built-in paper trail. As demonstrated in a number of states during the past election, including Ohio, Florida, and others, a voter-verifiable paper trail is the only secure way to protect the vote from manipulation, and it is also the only method that can be used for accurate recounts when necessary. See the recent Conyers’ Committee reports for detailed verification of this information.

A recent 2004 report of the Fairfax County (VA) Republican Committee shows that miscounting problems, using computerized voting machines, were also experienced in Fairfax County during the 2003 elections. That report urges a legislative mandate for a voter-verifiable paper trail as the only basis for guaranteed voter security.

There is plenty of time for reconsideration of this matter following appropriate direction from Congressional and Commonwealth oversight committees. It is premature and a waste of taxpayer money to buy into a technology or a company whose machines are not yet included in a fail-safe guidelines for purchase of electronic voting machine technology, together with voter-verified paper trail technology, as approved by higher levels of government.

I urged the MBOS to vote against purchase of the 20 demonstration voting machines in the first place, during public hearing held some months ago. The arguments I presented then are the same as now, the only difference being that the body of evidence, in the meantime, has increased substantially against electronic voting machines purchased without integral equipment for producing voter-verifiable paper trails.

Thanks, Phyllis, for reading this into the record of the meeting.

Best, Bob
01-24-05

Robert G. Dyck”

Ms. Albritton stated that there are compelling arguments to not purchase the additional voting machines. She asked that the Board of Supervisors delay their decision until the Hugo Committee can meet and make recommendations.

David Scheim spoke in opposition to the purchase of additional WINVote Voting machines. Mr. Scheim submitted copies of a report by the Fairfax County Republican Committee called "Operation Ballot Integrity". This report shows serious problems relating to the WINVote machine. Mr. Scheim urged the Board to delay their decision to purchase additional machines and wait for the Hugo Committee report.

Randy Wertz, Montgomery County Voter Registrar, addressed the Board in favor of the purchase of the additional voting machines. Mr. Wertz indicated that the State Board of Elections has set aside funding for paper trail equipment if needed. He expressed concerns if the County did not purchase the additional machines in time for proper training and set up for the November 2005 election. Also, in order to use federal money, all reimbursement forms must be submitted by January 2006.

Dean Dowdy, Chair Montgomery County Board of Elections, addressed the Board in support of the purchase of additional WINVote machines. Mr. Dowdy explained that the Board of Elections decision to purchase the WINVote machines was not done in haste. They took their time and researched and studied all six machines that were approved by the Virginia Board of Elections. Of the six machines, they felt that the WINVote Machine was the best machine. He indicated that there is a prototype printer by WINVote for a verifiable paper trail once approved by the state. Mr. Dowdy encouraged the Board to approve the request to purchase the additional machines needed.

Mary Ann Getty expressed concerns about the lack of a paper trail, which she believes is necessary. She stated there are numerous reasons to be concerned about with electronic voting machines. Ms. Getty urged the Board of considering delaying the request to purchase the additional voting machines.

Thomas Day asked the Board to delay their vote on the request to purchase additional voting machines. He expressed concerns about possible malfunctioning of the electronic voting machines and the possibility of losing votes. Mr. Day urged the Board to delay their vote until all options are considered.

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

CONSENT AGENDA

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated January 24, 2005 was approved with the following item being removed at the request of Supervisor Biggs:

Amendment to the Term of Office to the Pepper's Ferry Regional Wastewater Treatment Authority – Annette S. Perkins

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		

Amendment to the Term of Office to the Pepper’s Ferry Regional Wastewater Treatment Authority – Annette S. Perkins

Supervisor Biggs expressed concern with the language in the resolution regarding Supervisor Perkins’ appointment to the PFRWTA shall be conditioned upon Ms. Perkins remaining in office as a member of the Montgomery County Board of Supervisors and should Ms. Perkins leave office as a member of the Board of Supervisors it shall constitute as a voluntary resignation from the PFRWTA.

Supervisor Biggs asked why this language was included. The County Administrator explained that it was the consensus of the Board that appointments for select Boards/Commissions/Authorities be a Board member. At the end of the term for a Board of Supervisors seat, if the Board member elects not to run for office or is not elected then it would constitute their resignation as Board appointee to those Boards/Commissions/Authorities. The County Administrator explained that in the past a Board of Supervisors member was no longer elected but still served on these Boards/Commissions/Authorities. Their term on these offices did not coincide with their Board of Supervisors term and therefore, remained as Board representative on these Boards/Commissions/Authorities. They were asked to submit a letter of resignation in order to appoint a Board of Supervisors member. This additional language is for the sole purpose of preventing this problem in the future. Supervisor Biggs asked that the County Administrator provide the Board as to when they agreed to this policy.

This item is to be added to the February 14, 2005 agenda in order to provide additional information to the Board.

**R-FY-05-127
REQUEST FOR TURN LANE
ON ROUTE 114 ONTO ROLLING HILLS DRIVE**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors has expressed grave concern relative to conditions on Virginia Route 114, a major transportation artery serving as an east-west connector through the New River Valley which passes through residential and commercial development; and

WHEREAS, Residents who live along Route 114 and the surrounding area have expressed concerns in the past to the Board of Supervisors requesting that the safety of this road be enhanced, including turn lanes and widening of the road; and

WHEREAS, The Board of Supervisors has expressed concerns relative to conditions and safety on Route 114 at the entrance of Rolling Hills Drive (SR 1286).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to consider adding a turn lane on Route 114 at the entrance of Rolling Hills Drive (SR 1286).

R-FY-05-128
REQUEST FOR A TURN LANE ON ROUTE 8
AT SMITH CREEK ROAD

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors has expressed grave concern relative to conditions on Virginia Route 8 in Montgomery County; and

WHEREAS, Route 8 is a high traffic road with high population growth along the Route 8 corridor and provides the only access to Floyd County from Interstate 81 at Christiansburg; and

WHEREAS, The Board of Supervisors has expressed concerns relative to conditions and safety on Route 8 at the entrance of Smith Creek Road (SR 675).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to consider adding a turn lane on Route 8 at the entrance of Smith Creek Road (SR 675).

R-FY-05-129
ACKNOWLEDGE RESPONSE TO
REQUEST FOR SPEED STUDY
ON STRALEY VALLEY ROAD (SR 708)

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors received a petition from concerned citizens requesting a speed study on Straley Valley Road (SR 708) from the intersection of Norris Run Road (SR 708) to the National Forest Service Road to reduce the speed limit to 25 mph; and

WHEREAS, By resolution dated August 23, 2004 the Board referred said request to the Virginia Department of Transportation (VDoT) for a traffic study on Straley Valley Road (SR 708) to determine the feasibility of reducing the speed limit; and

WHEREAS, The Resident Engineer has responded that VDoT does not post speed limits on unpaved roads.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's response that speed limit signs are not posted on unpaved roads.

R-FY-05-130
RESOLUTION TO REAPPOINT
COUNTY ADMINISTRATOR AS
DIRECTOR OF EMERGENCY SERVICES

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints B. Clayton Goodman, III as Director of Emergency Services effective January 1, 2005 and expiring December 31, 2005.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative of Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

OLD BUSINESS

R-FY-05-131
CONTINUE TO TABLE
RIVERBEND WATER COMPANY
(AGENT: VICTORY RESTORATION CENTER)
VACATION OF LOTS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board hereby agrees to keep the Riverbend Water Company's request to vacate lot numbers 13 through 20 and 28 through 37 of the Rolling Hills Subdivision Section IV along with the 50' right-of-way contiguous to lots 20 and 28 through 38 in order to create single parcel approximately 10 acres for the development of a church **on the table** and continue any further discussion of this item until **April 25, 2005 or sooner** if the issue with problems with the septic system on Lot 9 in the Rolling Hills Subdivision is resolved.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	James D. Politis
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		

R-FY-05-132
PURCHASE OF ADDITIONAL WIN-VOTE
VOTING MACHINES

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs for the amended resolution and carried unanimously,

WHEREAS, The Montgomery County Electoral Board has studied, evaluated and selected the WIN-Vote machine produced by Advanced Voting Solutions; and

WHEREAS, By resolution dated September 13, 2004 the Board of Supervisors authorized the purchase of 21 WIN-Vote machines in order for citizens of the County to preview the machines at the voting precincts during the November 2004 election; and

WHEREAS, The Montgomery County Electoral Board has requested authorization to purchase an additional 94 WIN-Vote machines produced by Advanced Voting Solutions.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the purchase of 94 additional WIN-Vote machines produced by Advanced Voting Solutions, as requested by the Montgomery County Electoral Board.

BE IT FURTHER RESOLVED, By the Board of Supervisors, That should a verified paper trail become available for the Win-Vote machine and approved by the proper authorities, Montgomery County shall seek federal and state funding to purchase the verifiable paper trail technology.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
John A. Muffo		
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		

During discussion by the Board of Supervisors on the additional purchase of the WINVote Voting Machines several members expressed concern with the lack of a verifiable paper trail and waiting until the Hugo Committed reported their recommendations. Detailed discussion included the timing issue and when new machines had to be purchased according to the HAVA requirement. It appears any recommendation from the Hugo Committee would not be forthcoming any time soon. By Board consensus, the resolution requesting the additional purchase of the WINVote Machines be amended to state that should a verifiable paper trail be approved then the Board would seek funding from the federal and state government.

R-FY-05-133
AMENDMENT POLICY FOR CHANGES
TO THE 2025 COMPREHENSIVE PLAN POLICY MAP

On a motion by John A. Muffos, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The 2025 Comprehensive Plan Policy Map designates Planning Policy Areas; These Planning Policy Areas establish boundaries for distinct urban and rural areas and identify preferred development patterns in order to:

1. Promote growth where it can be supported by infrastructure improvements,
2. Maintain existing community character, and
3. Preserve agriculture, forestry, and related uses where most appropriate based on natural resources and where existing development and land use patterns support the continuation of these uses, and

WHEREAS, PLU 1.1.1 of the 2025 Comprehensive Plan calls for the development of a policy for the periodic consideration by the county of landowner requests to change Planning Policy Area designations.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Amendment Policy for Changes to the 2025 Comprehensive Plan Policy Map as shown in Exhibit 1 entitled “Montgomery County Amendment Policy for Changes to the 2025 Comprehensive Plan Policy Map”, which said attached Policy is incorporated and made a part of this Resolution, and hereby requests that the Montgomery County Planning Commission schedule a public hearing and provide a recommendation to the Board on the proposed Policy.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		

Exhibit 1
Montgomery County Amendment Policy for Changes
to the 2025 Comprehensive Plan Policy Map

General - The 2025 Comprehensive Plan Policy Map designates Planning Policy Areas. These Planning Policy Areas establish boundaries for distinct urban and rural areas and identify preferred development patterns in order to:

- a. Promote growth where it can be supported by infrastructure improvements,
- b. Maintain existing community character, and

- c. Preserve agriculture, forestry, and related uses where most appropriate based on natural resources and where existing development and land use patterns support the continuation of these uses.

PLU 1.1.1 of the 2025 Comprehensive Plan calls for the development of a policy for the periodic consideration by the county of landowner requests to change Planning Policy Area designations.

Initiation of Amendment Requests - Amendment requests to change the designation of Planning Policy Areas may be initiated by the:

- a. Landowner,
- b. Planning Commission, or
- c. Board of Supervisors.

Amendment requests from landowners, the Planning Commission and the Board of Supervisors are accepted and processed semi-annually between February 1st and March 1st and between August 1st and September 1st each year commencing August 1, 2005. In addition, the Planning Commission and Board of Supervisors may initiate amendments that concern a particular village during the consideration of each of the six village plans.

Criteria for Amendments – A request to change the designation of a particular Planning Policy Area shall be approved only if one or more of the following criteria are met:

- a. The subject property was misinterpreted or overlooked in the comprehensive plan.
- b. Conditions have changed substantially since the last comprehensive plan update necessitating a change (e.g., changes in surrounding land use or economic conditions).
- c. An undue hardship exists which substantially limits the use of the subject property.
- d. The amendment will effectively aid in the implementation of other goals of the comprehensive plan.

Amendment requests are considered based on the preceding qualifications.

Consideration of Amendments - All amendment requests shall be forwarded to the Planning Commission. The Planning Commission shall give notice in accordance with Section 15.2-2204 of the Code of Virginia, and hold a public hearing on all amendment requests. After the public hearing, the Commission shall approve, amend and approve or disapprove the amendment to the plan. The Commission shall by resolution make its recommendation known to the Board of Supervisors.

The Board of Supervisors shall give notice in accordance with Section 15.2-2204 of the Code of Virginia, and hold a public hearing on the request. The Board of Supervisors shall take action to approve, amend and approve or deny the amendment request within ninety (90) days of the Planning Commission's recommending resolution.

INTO WORK SESSION

On a motion by Annette S. Perkins, seconded by Steve L. Spradlin and carried unanimously,

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

- 1. FY 2005-2006 Budget

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Mary W. Biggs		
Doug Marris		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		

Fiscal Year 2005-2005 Budget

The Assistant County Administrator made a presentation on the initial stages of the FY 2005-2006 County Budget, including funding requests, mandated expenses, debt service costs, health insurance increases and estimated revenues.

OUT OF WORK SESSION

On a motion by Annette S. Perkins, 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 forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marris		
Steve L. Spradlin		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		

COUNTY ATTORNEY'S REPORT

Auction – Real Estate - Delinquent Real Estate Taxes The County Attorney reported the auction to sell tax parcels delinquent in real estate taxes was held. Approximately 250 attended and all 13 parcels were sold for a total of \$455,000. Another auction is scheduled for April 22, 2005 for three more parcels delinquent in real estate taxes.

The County Attorney explained that any money remaining after the taxes and expenses are paid will be deposited into an interest bearing account. Any heirs can claim the remaining money for up to two years. If no one claims this money it will then be placed in the County's general fund.

COUNTY ADMINISTRATOR'S REPORT

Shawsville Ruritan Club The County Administrator received a letter from the Shawsville Ruritan Club requesting additional street lights be installed by AEP in Shawsville. Since AEP only deals with government bodies, Montgomery County will need to request AEP to install these lights on behalf of the Ruritan Club. The Ruritan Club will be responsible for all costs related to the installation. A resolution will be added to the next agenda requesting AEP to install the additional street lights.

BOARD MEMBERS' REPORTS

Supervisor Muffo Planning Commission Appointments – Supervisor Muff asked when the interviews will be scheduled for the applicants interested in serving on the Planning Commission. The County Administrator reported he will schedule a meeting with Supervisor Spradlin and Supervisor Muffo to set up times.

Loop Trail Supervisor Muffo updated the Board on the progress of the Loop Trail. He also reported that the Town of Blacksburg has a comprehensive trail plan and suggested that the County should incorporate a comprehensive trail plan while planning the six village plans.

Supervisor Biggs attended the Library Board meeting held January 19, 2005. The Library Board thanked the Board of Supervisors for all their support for the Meadowbrook Library. The wall smashing for the Meadowbrook Library is scheduled for Tuesday, January 25, 2005. The Library also discussed presenting their budget to the Board of Supervisors in February.

School Board Meeting Supervisor Biggs distributed a copy of the agenda for the School Board's meeting held on January 18, 2005. A presentation was given on the School Board's FY05-06 Budget.

HB 2157 – Transfer of Vacant School Property Supervisor Biggs expressed concerns about the HB 2157 sponsored by Delegate Dave Nutter. This bill introduces legislation that would transfer vacant school property left vacant for six months automatically to the local governing body.

Supervisor Biggs expressed her concerns that Montgomery County was not made aware of HB 2157 by Delegate Nutter before he submitted it to the General Assembly and if adopted how it will affect all School Boards and governing bodies across the State.

By consensus of the Board, Supervisor Biggs was directed, as county liaison to the legislators, to contact Delegate Nutter and find out more information regarding HB 2157.

Supervisor Marrs submitted a letter to the County Administrator concerning a citizen's complaint on a towing charge. He requested the County Administrator forward this letter to the Towing Advisory Board.

Supervisor Spradlin attended the Fire and Rescue Commission meeting on January 20, 2005. They elected officers as follows:

President:	Jimmy Epperly
Vice-President:	Wayne Myers
Secretary/Treasure:	Ray Chandler

Whitethorne Boat Landing Supervisor Spradlin reported that Whitethorne Boat Landing is in need of lighting. The Long Shop/McCoy Resuce/Fire Department has to set up portable lights when they have to answer calls or conduct training at this site. Apparently, AEP cannot installed utility lines due to extension of the utility lines will cross Norfolk-Southern property and easements will have to be obtained. In looking at other options, the only solution is to install solar lights. The General Services Department has sent a letter of request to the Department of Game & Inland Fisheries, who owns and operates the boat dock, to install lights. The Department of Game and Inland Fisheries has responded that they could not fund this request. Supervisor Spradlin asked the Board if they would consider purchasing two solar lights to be installed at the Whitethorne Boat Landing.

R-FY-05-134
AUTHORIZATION TO PURCHASE
AND INSTALL LIGHTING
AT WHITETHORNE BOAT DOCK

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the purchase of two solar lights to be installed at the Whitethorne Boat Landing not to exceed \$6,000.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Annette S. Perkins		
Steve L. Spradlin		
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		

Supervisor Creed Meadowbrook Library – Supervisor Creed invited everyone to attend the wall smashing ceremony at the Meadowbrook Library to be held Tuesday, January 25, 2005 at 5:30 p.m. This is a kick-off for the Meadowbrook Library renovation project.

INTO CLOSED MEETING

On a motion by Doug MARRS, seconded by John A. Muffo 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. AFD Advisory Board
 - 2. Office on Youth Advisory Board (3 Appointments)
 - 3. Parks & Recreation Commission (3 Appointments)

 - (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. Purchase or Sale of Property-Bethel Elementary School

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug MARRS		
Steve L. Spradlin		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by John A. Muffo 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>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		

CERTIFICATION OF CLOSED MEETING

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

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

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

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

VOTE

AYES

Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
John A. Muffo
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

APPOINTMENTS

**R-FY-05-136
PARKS AND RECREATION COMMISSION**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Alan Graybill**, who resides in **District C**, to the Parks and Recreation Commission effective January 11, 2005 and expiring January 10, 2008.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Steve L. Spradlin		
John A. Muffo		
Doug Marrs		
Annette S. Perkins		
Gary D. Creed		

**R-FY-05-137
PARKS AND RECREATION COMMISSION**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby **reappoints Kirk L. Sutphin**, who resides in **District D**, to the Parks and Recreation Commission effective January 11, 2005 and expiring January 10, 2008.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Steve L. Spradlin		
John A. Muffo		
Doug Marrs		
Annette S. Perkins		
Gary D. Creed		

R-FY-05-138
PARKS AND RECREATION COMMISSION

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Susan M. Miller**, who resides in **District D**, to the Parks and Recreation Commission effective January 11, 2005 and expiring January 10, 2008.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Steve L. Spradlin		
John A. Muffo		
Doug Marris		
Annette S. Perkins		
Gary D. Creed		

R-FY-05-139
AFD ADVISORY BOARD
APPOINTMENT

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **John Garrett** to the Agricultural and Forestal District (AFD) Advisory Board.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Steve L. Spradlin		
John A. Muffo		
Doug Marris		
Annette S. Perkins		
Gary D. Creed		

Office on Youth Advisory Board

It was Board consensus to interview all applicants to the Office on Youth Advisory Board; therefore no appointments were made.

ADJOURNMENT

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously, the Board adjourned to Monday, February 14, 2005 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
Steve L. Spradlin		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		
Gary D. Creed		

The meeting adjourned at 11:30 p.m.

APPROVED: _____ ATTEST: _____
Gary D. Creed B. Clayton Goodman, III