

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12th DAY OF APRIL 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marris	
	John A. Muffo	
	Steve L. Spradlin	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Karen Edmonds	-Human Resource Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary
ABSENT:	Annette S. Perkins	-Vice Chair

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

DELEGATION

Presentation of Resolution of Recognition - Eastern Montgomery High School Academic Team

Supervisor Gary Creed announced that the Academic Team from Eastern Montgomery High School won the Virginia High School League Scholastic Bowl 2004 State Championship. He presented a resolution of recognition to each member of the team: Kristin Wahlberg, Jenny Wahlberg, Kate Wahlberg, Tamera Harrisons (absent), Maggie Thornton, Brad Hinshelwood, and Bent-Lee Carr. A framed copy of the resolution was presented to their coach, Brenda Tester.

Saved by the Belt and Bag Award

Mr. Don Allen, Virginia Association of Chiefs of Police, presented the “Saved by the Belt and Bag” award to Jeremy Potter. Mr. Potter, a junior at Auburn High School, was involved in a motor vehicle crash on Route 8 shortly after leaving basketball practice, and by wearing his seatbelt his life was saved. Mr. Potter was doing everything right, his vehicle had an air bag that deployed, he was wearing his lap and shoulder seat belt, he was not speeding, and he was on his side of the road. The driver of the other vehicle fell asleep at the wheel and swerved into Jeremy’s lane. This is an excellent example of doing everything right but still becoming a victim of an automobile accident.

Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2003

Deanna Cox, Audit Manager with Robinson, Farmer, Cox Associates, presented the Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2003. Ms. Cox explained that the State General Board of Accounting implemented a new government-wide financial reporting system called GASB-34. Due to the new implementations that were required, the audit process took longer than normal this year. Ms. Cox also reported on several management issues that were found during the audit procedure and that these issues will be addressed by the Financial & Management Services Director and forwarded to the Board.

PUBLIC ADDRESS SESSION

Charlie Bowles expressed concerns with the cost for the Meadowbrook Public Library and the Courthouse renovations. He also expressed concerns with the request by the Schools for School Resource Officers for the middle schools.

The following letter was received and included in the record:

“Montgomery County Board of Supervisors:

Hello, my name is Kenny Clower, I live at 3444 Riner Rd., in Riner. I would like to address this as an open letter to all of the supervisors. I would like to know, before you vote on a tax increase for the county, could anyone tell the people of Montgomery County, what the \$80 million that the school board has requested for this year is going for? Do you have a line item list of what they want to use this money for? If not, then I think the Board of Supervisors should request one and post it in a public place for the people

of Montgomery County to see. Another question is, was there any money left over from last years school budget. If there was, then that should be subtracted from this year's budget.

The thing is that it has been a rough and tough year for everyone. The country as well as the state and this county. There were people losing jobs, homes, personal property, etc. Everyone has had to cut back to make ends meet. No where in the county budget, that I have seen, is anyone trying to cut back or even keep the same budget as last year. It's all increase! Can anyone of you on the Board of Supervisors tell his or her constituents in their district exactly where the \$80 million is going, with a clear conscience. If so, vote for the tax increase. If not, then I don't see how you can vote for an increase at all. You have got to think about the people that are on fixed incomes. A \$50 or \$100 increase on real estate taxes may not seem like a lot to you, but believe me it's the whole world to them.

Thanks for your time and thought on this subject.

Kenny Clower"

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

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated April 12, 2004 was approved.

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
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		
John A. Muffo		
James D. Politis		

Approval of Minutes

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Minutes dated March 8, March 18, and March 22, 2004 were approved.

Schedule Public Hearing - Proposed Ordinance Changing the D-3 Precinct Polling Place to the Bethel United Methodist Church

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing on Monday May 10, 2004, at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, in order to receive comments on the proposed Ordinance changing the D-3 Precinct polling place from the Bethel Elementary School located at 2306 Tyler Road to the Bethel United Methodist Church located at 1060 Lovely Mount Drive.

Other Agencies - Transfer from General Contingencies

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

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

FROM:

950 General Contingencies (\$3,576)

TO:

910 Other Agencies \$3,576
 Fairview Home \$2,576
 4-H Contest \$1,000

Said resolution transfers appropriated funds from General Contingencies to cover the County's share of the cost of equipment at the Fairview Home and to provide funding for the Wildlife Habitat Evaluation Program National Invitational hosted by Virginia Tech.

County Attorney - Transfer from General Contingencies

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

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

FROM:

950 General Contingencies (\$9,000)

TO:

120 County Attorney \$9,000

Said resolution transfers appropriated funds from General Contingencies to cover the cost of delinquent tax collection processes by the County Attorney.

General Services - Transfer from General Contingencies

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

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

FROM:

950 General Contingencies (\$26,855)

TO:

400 General Services \$26,855
Centralized Maintenance

Said resolution transfers funds from General Contingencies to cover the costs of upgrading the computer server room located in the Sheriff's Office.

Appropriation of Bond Proceeds - Courthouse Renovations and School Athletic Fields

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2004 for the function and in the amount as follows:

110 Courthouse Renovations \$15,000,000

600 School Athletic Fields \$ 5,000,000

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

Revenue Account

424244 Bonds Proceeds \$20,000,000

Said resolution appropriates the bond proceeds from the December 2003 and January 2004 bond issuance for the Courthouse Renovations, Building C Renovations, and School Athletic Fields.

Sheriff - Supplemental Appropriation

On a motion by Mary W. Biggs, seconded by John A. Muffo 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:

310	Sheriff – Comp Board	\$12,611
321	Sheriff – Grants	<u>\$ 1,010</u>
	Total	\$13,621

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

Revenue Account

423100	Shared Expense	\$ 12,611
424401	Project Life Saver and DMV grant	<u>\$ 1,010</u>
	Total	\$ 13,621

Said resolution appropriates funds received from the Compensation Board, Project Life Saver Contributions, and a DMV mini-grant.

Amendment to the County’s Classification Plan

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

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County’s FY 2003-2004 Position Classification Plan adopted July 28, 2003 is hereby

amended to include the following changes:

1. Reclassification of one vacant Information Management Analyst position (pay grade 22) to a System Engineer (pay grade 23).
2. Reclassification of one vacant Information Management Analyst position (pay grade 22) to a Database Administrator (pay grade 24).

This resolution reclassifies two vacant Information Analyst positions based upon recommendations from the County's technology consultants, Virtual IT, Inc.

Treasurer-Authorization to Sell Stock

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

WHEREAS, Roses Department Store owed taxes in Montgomery County when they filed for bankruptcy; and

WHEREAS, As part of the bankruptcy litigation, the Bankruptcy Court has approved Roses Department Store distributing 1,074 shares of stock to Montgomery County as compensation for the back taxes; and

WHEREAS, The Treasurer will need to trade the 1,074 shares of Roses Department Store stock for 537 shares of Web Financial stock, and in turn sell the 537 shares of Web Financial stock in order to receive cash.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes Richard Shelton, Montgomery County Treasurer, to sell, assign, transfer and/or deliver any and all stock , bonds or other securities now or hereafter registered in the name of Roses Department Store and Web Financial and place the proceeds of this sale of the Web Financial stock in the Montgomery County General Fund.

CERTIFICATION:

I, B. Clayton Goodman, III, County Administrator, hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Board of Supervisors of Montgomery County, Virginia at a meeting duly held on the 12th day of April, 2004 at which a quorum was present and voting throughout, and that same has not been repealed or amended, and remains in full force and effect.

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Request for Speed Studies - Amend Policy Procedures

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

WHEREAS, By resolution dated November 13, 1996 the Board of Supervisors adopted a resolution stating the County Administrator must receive a petition containing the signatures of at least 50% of the property owners along a specified length of roadway before requests for speed studies for the same specified stretch of road will be considered by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby amends the speed study policy to include the following:

1. When the petition is received with the required number of signatures, the Board of Supervisors will adopt a resolution requesting the Virginia Department of Transportation to conduct a speed study on the specified length of roadway requested in the petition
2. Upon notification from the Virginia Department of Transportation that the speed study has been completed, the Board of Supervisors will adopt a resolution acknowledging receipt of the results of the speed study.
3. The citizen who submitted the petition will be notified of the results of the speed study.

BE IT FURTHER RESOLVED, A speed study request will be initiated by the Board of Supervisors upon a written request to the County Administrator from the Transportation Safety Commission.

Acknowledge Speed Study - Brookfield Road (SR 654)

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

WHEREAS, The County Administrator received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Brookfield Road (SR 654) from 1824 Brookfield Road to 1886 Brookfield Road to improve the safety of this area; and

WHEREAS, By resolution dated December 15, 2003 the Board of Supervisors referred said request to the Virginia Department of Transportation for a traffic study on Brookfield Road (SR 654) to determine the feasibility of reducing and posting a speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDoT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study VDoT plans to post Brookfield Road (SR 654) for 35 mph and also plans to install several additional warning signs.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that a 35 mph speed limit will be posted and several additional warning signs will be installed on Brookfield Road (SR 654), and extends its appreciation to the Virginia Department of Transportation for the report.

Boundary Line Adjustment And Easement Vacation For Lots 708 And 825 in Preston Forest Subdivision

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

WHEREAS, The Plat of Boundary Line Adjustment of Lot 708 & 825 of Preston Forest Phases VII & VIII requests the vacation of 15' and 30' public utility and drainage easements on behalf of the landowner, Preston Forest LLC; and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate and relocate public utility and drainage easements upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat of Boundary Line Adjustment of Lot 708 & 825 of Preston Forest Phase VII & VIII (Anderson & Associates Inc. Document No. 22161-005 dated 17 Feb 04) for Tax Parcels Nos. 16-9-708 and 16-10-825 in the Mt. Tabor Magisterial District.

FURTHER, The Subdivision Agent is hereby authorized to sign said plat for recordation.

OLD BUSINESS

Remove from Table - School Resource Officer Incentive Grant Program

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

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby removes

the School Resource Officer Incentive Grant Program from the table.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	John A. Muffo	Annette S. Perkins
Steve L. Spradlin		
Gary D. Creed		
Mary W. Biggs		
James D. Politis		

School Resource Officer Incentive Grant Program - TABLED

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby tables the School Resource Officer Incentive Grant Program until additional information is received from the School Board regarding potential cost sharing for the School Resource Officer positions.

The vote on the forgoing resolution was as follows:

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

INTO WORK SESSION

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

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

1. Proposed FY 2004-2005 Budget

2. Merchants Capital Tax

The vote on the foregoing motion was as follows:

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

Proposed FY 2004-2005 Budget

The County Administrator gave a brief update on the proposed FY 2004-2005 budget. Due to health insurance savings and higher revenues received in meals tax and personal property, \$458,000 will be added to the budget. A chart with four options to consider for balancing the FY 05 budget was distributed. The options included raising the real estate tax from 2 cents to 5 cents and how each would effect the budget.

The County Administrator also recommended scheduling a work session for Monday, April 19, 2004. By consensus, the Board scheduled a work session on Monday, April 19, 2004 to discuss the proposed FY 04-05 budget.

Supervisor Biggs believes it will be impossible for the Board to adopt a budget with the uncertainties with the State budget. Until the State adopts a budget, how can the Board know the amount they will need to increase the real estate tax.

Supervisor Spradlin expressed concerns with the reassessment procedures. Every four years the residents of Montgomery County get sticker shock when their property is reassessed and which results in an increase in real estate taxes. He believes the Board needs a long range approach regarding reassessment. He also expressed concern with awarding companies outside of Montgomery County a contract to perform the reassessment when they have no knowledge of the County.

Merchants Capital Tax

Supervisor Politis stated that he has received several calls from business owners with concerns about the twice a year assessment for Merchants Capital Tax. Taking inventory twice a year will be a burden and will be costly. Supervisor Politis recommended the Board seek alternative revenue sources to replace the Merchants Capital Tax.

Supervisor Spradlin believes the County should explore all avenues regarding Merchants Capital Tax. He suggested the County form an Ad Hoc Committee representing business owners, (small, medium, large) tax payers, tax accountant, tax lawyer, and staff, to review the merchants capital tax and make recommendations back to the Board.

Following discussion of the Merchants Capital Tax, the County Attorney was instructed to review the procedures for forming an Ad Hoc Committee and report back to the Board.

OUT OF WORK SESSION

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

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

The vote on the foregoing motion was as follows:

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

BOARD MEMBERS' REPORTS

Supervisor Spradlin Parks & Recreation Commission At the last Parks and Recreation Commission meeting the Parks & Recreation Director presented the departments goals for FY 2004-2005. Also

discussed was the inclusion of two new programs that will be offered by Parks & Recreation, Parents Association for Youth Sports (PAYS) and National Youth Sports Coaches Association (NYSCA). These two programs will educate parents and coaches on the importance of good sportsmanship. The NYSCA is geared for the coaches, and all coaches in Montgomery County Parks and Recreation will be required to attend the program. The PAYS program is for the parents. This program is voluntary, but will be made mandatory by next year.

Prices Fork Road Supervisor Spradlin received a call from a gentleman who lives at 3929 Prices Fork Road with road concerns. According to the gentleman, VDOT took most of his front yard during the widening of Prices Fork Road and installing bike lanes, and that the road is practically at his front step. He would like to have a guardrail installed to prevent vehicles from coming into his yard. Also, he requested “School Bus Stop Ahead” signs be installed on both sides of the road, due to his granddaughter catching the bus at his house.

Supervisor Muffo Personal Property Tax on Aircraft Supervisor Muffo suggested he would like to take action on the request to reduce the personal property tax on aircrafts. He asked the Board if they would like to discuss it tonight or at the next meeting. The County Attorney advised that a public hearing is required before the tax can be lowered. After a brief discussion, it was the consensus of the Board that a public hearing be scheduled.

Schedule a Public Hearing - Ordinance Reducing the Personal Property Tax on Aircrafts

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing on Monday, May 24, 2004 at 7:15 p.m., or soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, in order to receive public comments on the proposed ordinance reducing the personal property tax on aircrafts from \$2.45 to \$1.23 per \$100.

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
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		
John A. Muffo		
James D. Politis		

Russian Wood- Processing Delegation - Supervisor Muffo informed the Board that the Russian Visitors have left and believes they enjoyed their visit to Montgomery County.

Planning Commission The Planning Commission held a joint meeting with the Town of Blacksburg and the Town of Christiansburg Planning Commissions to present the proposed revised Comprehensive Plan. Both towns agree that it is a solid comprehensive plan.

Broomin' and Bloomin' is scheduled for Saturday, April 17, 2004. All interested parties who would like to participate need to meet at 7:00 a.m. at the Christiansburg Recreation Center to receive all necessary material for the cleanup.

Supervisor Creed Broomin' and Bloomin' Supervisor Creed informed the residents in the Elliston/Shawsville area that they can meet at the B&B Bank. The Ruritans have already picked up the material needed.

Parks and Recreation - Supervisor Creed believes that the referees hired by the Parks and Recreation need to be trained on the rules of each game. There have been problems in the past with the referees not knowing the rules, causing confusion between the coaches and parents.

Supervisor Biggs Joint Meeting with School Board Supervisor Biggs reminded Board members about the joint meeting scheduled for Thursday, April 15, 2004 with the School Board. The meeting is scheduled for 6:00 p.m. at the Christiansburg High School. The School Board would like to discuss the old Blacksburg Middle School and the compensation plan for employees.

Computer Problems- Supervisor Biggs thanked the Information Management Systems (IMS) Department, especially Randall Gwinn, for the prompt attention to her computer and e-mail problems.

Supervisor Marrs reported back to the Board on their questions about the information message signs on Interstate 81 and VDOT's 511 number. Supervisor Marrs received a report from David Clarke, VDOT Resident Engineer, indicating there are 13 message signs in the I-81 Corridor in Montgomery County. The message sign at the Route 8 Exit is under test and should be operational soon. Also, the 511 number does work with all cell phone carriers except Verizon. Verizon refuses to participate unless they are compensated.

Constituent Concern Supervisor Marrs received a letter from Senator Brandon Bell regarding a constituent's concerns about two local issues. Harold Mullins, who lives at 2756 Height Street in Christiansburg, is concerned about the distance from his house to that of the closest rescue squad. He is

also concerned about the need to expand the bridge on 114 to accommodate the increasing level of traffic.

Supervisor Politis - Certificate of Appreciation from the Free Clinic of the New River Valley Supervisor Politis presented a certificate of appreciation from the Free Clinic of the New River Valley to the Board of Supervisors for their generosity and support for the Free Clinic.

Bounties on Coyotes Supervisor Politis informed the Board that the implementation of a coyote bounty was up to the locality. He believes Montgomery County should implement such a program and proposed a compensation of \$50. Supervisor Politis stated implementing this program would benefit Montgomery County as it would save farmers money from the loss of livestock.

Following discussion, staff was instructed to conduct a survey of surrounding localities to see if they impose a bounty on coyotes; how much do they pay; what are their policies and procedures; and how do they dispose of the coyotes.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, 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. Planning Commission Appointments

 - (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. For the Purpose of Discussing the County Jail

The vote on the foregoing motion was as follows:

AYE NAY ABSENT
John A. Muffo None Annette S. Perkins
Gary D. Creed
Steve L. Spradlin
Doug MARR
Mary Biggs
James D. Politis

OUT OF CLOSED MEETING

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

EXTEND THE BOARD OF SUPERVISORS MEETING

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board hereby extends the April 12, 2004 meeting for thirty (30) minutes.

The vote on the foregoing motion was as follows:

AYE NAY ABSENT
John A. Muffo None Annette S. Perkins
Gary D. Creed
Steve L. Spradlin
Doug MARR
Mary Biggs
James D. Politis

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by Mary W. Biggs 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. Planning Commission Appointments

(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. For the Purpose of Discussing the County Jail

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		
Steve L. Spradlin		
Doug Marrs		
Mary Biggs		
James D. Politis		

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>
John A. Muffo	None	Annette S. Perkins
Gary D. Creed		
Steve L. Spradlin		
Doug Marrs		
Mary Biggs		
James D. Politis		

CERTIFICATION OF CLOSED MEETING

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

James D. Politis

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins

ABSENT DURING MEETING

Annette S. Perkins

ADJOURNMENT

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously, the Board adjourned to Thursday, April 15, 2004 at 6:00 p.m. at the Christiansburg High School.

The vote on the foregoing motion was as follow:

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

The meeting adjourned at 11:50 p.m.

ATTEST:

James D. Politis
Chair

B. Clayton Goodman, III
County Administrator