

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 2ND DAY OCTOBER, 2000 AT 8:00 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT: Mary W. Biggs -Chair
Larry N. Rush -Vice Chairman
John A. Muffo -Supervisors
Annette S. Perkins
James D. Politis
C.P. Shorter
Joe C. Stewart
Jeffrey D. Johnson -County Administrator
Martin M. McMahon -County Attorney

CALL TO ORDER

The Chairman called the meeting to order.

INTO CLOSED MEETING

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

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

- Section 2.1-344(A) (7) Consultation with Legal Counsel and Briefings by 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 the Provision of Legal Advice by Such Counsel.
1. Appeal of Aubrey Dalton and Betty Eanes Dalton before the Adjustment and Appeals Board (Building Code).

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

On a motion by Joe C. Stewart, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That 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>
C.P. Shorter	None
James D. Politis	
Joe C. Stewart	
Annette S. Perkins	
John A. Muffo	
Larry N. Rush	
Mary W. Biggs	

CERTIFICATION OF CLOSED MEETING

On a motion by Larry N. Rush, seconded by James D. Politis 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 2.1-344.1 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

James D. Politis
Joe C. Stewart
Annette S. Perkins
John A. Muffo
Larry N. Rush
C.P. Shorter
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

OTHER BUSINESS

Amendment to Reimbursement Agreement Dated August 16, 2000, Between the Board of Supervisors of the County of Montgomery, Virginia and the Industrial Development Authority of Montgomery County, Virginia

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby approves the Amendment to the Agreement dated August 16, 2000, between the Board of Supervisors of the County of Montgomery, Virginia, and the Industrial Development Authority calling for the additional advancement of \$1,700,000 to the Industrial Development Authority to cover construction costs for the EchoStar facility until the Industrial Development Authority secures permanent financing for construction.

October 2, 2000

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BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to sign the Amendment to the Agreement on behalf of the Board of Supervisors of the County of Montgomery.

BE IT FURTHER RESOLVED, That the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2001 for the function and in the amount as follows:

810	Economic Development	\$1,700,000
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The source of funds for the foregoing appropriation is as follows:

Revenue Account:

451203	Undesignated Fund Balance	\$1,700,000
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Said resolution appropriates additional funds for advance to the Industrial Development Authority for construction costs of the EchoStar facility.

The vote on the foregoing resolution was as follows:

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

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously, the Board adjourned to Tuesday, October 10, 2000 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None

John A. Muffo
Larry N. Rush
C.P. Shorter
James D. Politis
Joe C. Stewart
Mary W. Biggs

The meeting adjourned at 8:45 p.m.