

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 23RD DAY OF OCTOBER, 2000 AT 7:15 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
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

DELEGATIONS

Virginia Sheriff's Association - Virginia Law Enforcement Challenge Award

The Montgomery County Sheriff's Department received state and national recognition as a role model law enforcement agency for their creative and effective efforts in promoting traffic safety in Montgomery County. Sheriff Wakey Howard, Virginia Sheriff's Association, presented Sheriff Doug Marrs, Montgomery County Sheriff's Department with the Virginia Law Enforcement Challenge Award. Montgomery County received first place in the State and also first place in the National Chief's Challenge.

Rural Addition Request - Opal Lane

The Planning Director gave a video presentation on Opal Lane. The Board of Supervisors received a letter

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of request and petition from residents on Opal Lane requesting this road be admitted into the Rural Addition Program.

PUBLIC HEARINGS

Change of Boundary Lines Between Montgomery County and Roanoke County

Boundary line changes between Montgomery County and Roanoke County to permit changes of the Montgomery County/Roanoke County boundary line crossing:

1. The property of Arthur W. Heslep, Jr. and Annie L. Heslep (Montgomery County Tax Map No. 47-A-43); said property to be added to Montgomery County containing 3.720 acres; and
2. The property of Thomas, Ltd. (Roanoke County Tax Map No. 63.03-01-01); said property to be added to Roanoke County containing 36.726 acres; and
3. The property of Richard A. Heslep (Montgomery County Tax Map No. 47-A-62); said property to be added to Montgomery County containing 1.960 acres; and
4. The property of Thomas, Ltd. (Roanoke County Tax Map No. 63.03-01-01); said property to be added to Roanoke County containing 0.882 acre.

Ed Natt, Attorney, spoke on behalf of all the parties, and explained the request. He stated the boundary line adjustment would be beneficial to all parties involved.

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

Special Use Permit

Bobby L. Wells request for a Special Use Permit (Tax Parcel No. 60-1-1B) to allow office use in an existing garage for Wells General Contractors and contractor's equipment storage yard in an Agriculture (A-1) District. Property is located at 9700 Roanoke Road in the Shawsville Magisterial District. The property lies in an area designated as a Rural Expansion Area in the Comprehensive Plan.

Bobby Wells spoke on behalf of his request. He stated he was available to answer any questions the Board may have.

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

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The next three public hearings will be continued to November 27, 2000 due to the Planning Commission tabling their decision to November 8, 2000.

Rezoning Request

Ernest J. Woods request to rezone 5.652 acres (Tax Parcel No.106-7-6) from Agriculture (A-1) to Industrial (M-1) with a Special Use Permit for a contractor's equipment storage yard. Property is located on the South side of Flanagan Drive, Gardner Estates approximately 1000 feet west of the Flanagan Drive/Riner Road intersection in the Riner Magisterial District. The property lies in an area designated as Rural Area in the Comprehensive Plan.

David Yopp spoke in opposition to the rezoning request by Ernest Woods. Mr. Yopp expressed his concerns with the location and the use of the property in a residential neighborhood.

James Simpkins spoke in opposition to the rezoning request by Ernest Woods. Mr. Simpkins expressed his concerns with heavy equipment being driven on Flanagan Drive, a narrow residential road.

There being no further speakers, the public hearing was continued to November 27, 2000.

Rezoning Request

Park Real Estate (Agent: Nathaniel Haile) request to rezone 38.71 acres (Tax Parcel No. 77-A-120) from Residential (R-2) to Agriculture (A-1) with a Special Use Permit to allow a golf driving range, offices and retail areas for concrete manufacture and plant nursery, office and construction yard for landscape contractor and research and outreach area for collegiate landscape architecture. Property is located on Route 114 approximately 2.15 miles west of the intersection of US 460 and Route 114 in the Riner Magisterial District. The property lies in an area designated as Urban Expansion in the Comprehensive Plan.

Chair Biggs received the following letter to be included in the record:

“The Honorable Mary Biggs 701 Hutcheson Drive
Blacksburg, Virginia 24060

Dear Mary:

Please read the following into the record at the public hearing October 23 regarding the rezoning request

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by Park Real Estate. I will be unable to attend.

The community along Virginia 114 is a residential and agricultural community. The historic core of the community fronts on 114. Subdivisions extend from single connectors to the highway enabling it to function as a high traffic connector for the county and New River Valley. With careful planning this arterial highway can function in this historic fashion. However, creeping and spot commercial growth which draws traffic from outside the Belmont community will add to the hazards and slow traffic. It will frustrate the intention of the tax dollars invested in the improvement to 114 and add peril to those who travel the highway.

This acreage is located where my neighbors have experienced the trauma of multiple deaths, injuries, and property damage as a consequence of accidents on 114. Adding another high traffic left turn at the bottom of two slopes will only exacerbate a bad situation.

Surely there is another better suited site for these businesses in an established commercial zone. There is no compelling reason to introduce these types on commercial development into a residential community.

I ask you to deny the special use permit. An agriculture zoning could be appropriate for a different use. It is not in the interest of the community and detracts from the character of the community. It adds hazards with no benefits to the community.

Thank you for your consideration.

Sincerely,

(s) Ann L. Hess ”

There being no further speakers, the public hearing was continued to November 27, 2000.

Rezoning Request

VMH, Inc. (Agent: LMW, P.C.) request to rezone 22.35 acres (Tax Parcel No. 55-(A)-27,28) from General Business & Residential (GB & R-2) to Residential (R-3). Property is located adjacent to the Town of Blacksburg, East of Cedar Hill Drive in the Mt. Tabor Magisterial District. The property lies in an area designated as Agricultural Area in the Comprehensive Plan.

There being no speakers, the public hearing was continued to November 27, 2000.

PUBLIC ADDRESS SESSION

Margaret Smith requested clarification from the Board concerning the Carilion Health System's request to issue Virginia Hospital Revenue Bonds from the City of Roanoke. Ms. Smith asked how approval of this

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agreement would pertain to the development of the I77 corridor in the future.

Larry Martin expressed concerns about the Industrial Development Authority entering into a deed of trust encumbering land at Falling Branch Industrial Park as collateral for the financing of the EchoStar Facilities in the Falling Branch Industrial Park. Mr. Martin also urged the Board not to join the proposed Virginia Tech Regional Airport Authority. He stated that the County joining the Authority would not benefit the citizens of Montgomery County.

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously, the Consent Agenda dated October 23, 2000 was approved. The vote was as follows:

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

Approval of Minutes

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously, the minutes dated September 25, September 27, and October 2, 2000 were approved.

Blacksburg Volunteer Fire Department

On a motion by Larry N. Rush, seconded by Joe C. Stewart 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 the fiscal year ending June 30, 2001, for the function and in the amount as follows:

330 Blacksburg Volunteer Fire Department \$29,508

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

Revenue Account

419108	Recovered Costs	\$29,508
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Said resolution appropriates the Blacksburg Volunteer Fire Department's share of the cost of a mini-pumper.

Montgomery Museum Grant - Supplemental Appropriation

On a motion by Larry N. Rush, seconded by Joe C. Stewart 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, 2001, for the function and in the amount as follows:

911	Montgomery Museum Grant	\$3,500
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account:

424401	State Grants	\$3,500
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Said resolution appropriates grant funds received for the Montgomery Museum.

Speed Study - Merrimac Road

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to lower the speed limit on Merrimac Road (State Route 637) to 35 mph to improve the safety in this area; and

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

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

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E-911 Street Naming - River Ridge Lane

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously,

WHEREAS, There are six residences on a private road off Riner Road, (Virginia State Primary 8), and the property owners have petitioned the County to name this street River Ridge Lane; and

WHEREAS, River Ridge 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 River Ridge Lane.

Appointments - Zoning Administrator

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints Steven M. Sandy as Zoning Administrator for the purpose of carrying out the responsibilities of administering the Montgomery County Zoning Ordinance.

Board of Supervisors Meeting-Change of Meeting Date

On a motion by Larry N. Rush, seconded by Joe C. Stewart and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby cancels its second meeting for the month of December, as the second meeting date falls on Christmas Day.

OLD BUSINESS

Ordinance Amending Chapter 2 Article II, Division 4, Section 2-88, Consumer Utility Tax

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously,

ORDINANCE 2000 - 18
AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II,
DIVISION 4, ENTITLED CONSUMER UTILITY TAX,
SECTION 2-88 OF THE CODE OF THE
COUNTY OF MONTGOMERY, VIRGINIA,
IN ORDER TO CHANGE HOW THE TAX IS COMPUTED
FOR CONSUMERS OF ELECTRICITY AND NATURAL GAS

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Article II, Division 4, Section 2-88 of the Code of Montgomery County, Virginia, be amended and reordained as follows:

Sec. 2-88. Tax rate; levy; procedure as to payment.

There is hereby imposed and levied by the county upon each and every purchaser of a utility service a tax, the revenues derived from such source, to the extent necessary, to be used for solid waste disposal, but otherwise for general purposes in the following amounts:

- (1) On purchasers of utility services for residential purposes, the tax shall be in the amount of twenty (20) percent of the charge (exclusive of any federal or state tax thereon) made by the seller against the purchaser with respect to such residential utility service, provided that in case any monthly bill of such residential user shall exceed fifteen dollars (“\$15.00) per month, no tax shall be computed on such excess.
- (2) On purchasers of utility services for commercial or industrial purposes, the tax shall be in the amount of twenty (20) percent of the charge (exclusive of any federal or state tax thereon) made by the seller against the purchaser with respect to such commercial or industrial utility service, provided, that in case any monthly bill of such commercial or industrial user shall exceed one hundred dollars (\$100.00), no tax shall be computed on such excess. Where a commercial or industrial user is serviced by more than one (1) meter the maximum amount of charge subject to tax shall be computed as to each meter.
- (3) Effective with the first bill for electric energy rendered for meter readings on or after January 1, 2001, the tax for consumers of utility services provided by electric utility suppliers shall be based on kilowatt hours (kwh) delivered per meter, including twenty (20) percent of the service providers customer charges and the rate of tax on the electric energy delivered to an ultimate consumer shall be as follows:
 - (a) Residential and master metered customers \$0.01500 per kilowatt hour (kwh) delivered

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per meter, including twenty (20) percent of the service providers customer charges up to a maximum tax of \$3.00 per month.

(b) Commercial customers \$0.01330 per kilowatt hour (kwh) delivered per meter, including twenty (20) percent of the service providers customer charges up to a maximum tax of \$20.00 per month.

(c) Industrial customers \$0.0148 per kilowatt hour (kwh) delivered per meter, including twenty (20) percent of the service providers customer charges up to a maximum charge of \$20.00 per month.

(4) Effective with the first bill for natural gas energy rendered for meter readings on or after January 1, 2001, the tax for consumers of utility services provided by natural gas utility suppliers shall be based on CCF delivered monthly to consumers, including twenty (20) percent of the service providers customer charges, the rate of tax on the natural gas delivered to an ultimate consumer shall be as follows:

(a) Residential and master metered customers \$0.1809 per CCF delivered per meter, including twenty (20) percent of the service providers customers charges up to a maximum tax of \$3.00 per month.

(b) Commercial/ Industrial customers \$0.1669 per CCF delivered per meter, including twenty (20) percent of the service providers customer charges up to a maximum tax of \$20.00 per month.

(c) Industrial Interruptible customers \$0.0013 per CCF delivered per meter, including twenty (20) percent of the service providers customer charges up to a maximum tax of \$20.00 per month.

(5)(3) Bills shall be considered monthly bills if submitted twelve (12) times annually for a period of approximately one (1) month or portion thereof. If bills shall be rendered for utility services herein stated on a basis other than one (1) month, the tax imposed hereby shall be computed pro rata as if such bill was rendered on a monthly basis with the rates provided in this section.

This Ordinance shall take effect January 1, 2001.

ADOPTED By the Board of Supervisors of the County of Montgomery, Virginia, this 23rd day of October, 2000.

The vote on the foregoing ordinance was as follows:

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AYE

James D. Politis

C.P. Shorter

Larry N. Rush

John A. Muffo

Annette S. Perkins

Joe C. Stewart

Mary W. Biggs

NAY

None

Public Service Authority - Financial and Management Analysis

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

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to issue a Request for Proposal for a financial and management analysis of the Montgomery County Public Service Authority.

BE IT FURTHER RESOLVED, That the analysis shall include, but not be limited to, the following components:

-Evaluation of the current and future financial position of the Authority including operations, capital projects and debt capacity.

-Evaluation of the assets and infrastructure of the Authority.

-The effectiveness of the organizational and management structure of the Authority.

-Evaluation of current and projected service areas.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter

Larry N. Rush

John A. Muffo

Annette S. Perkins

James D. Politis

Mary W. Biggs

NAY

Joe C. Stewart

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Industrial Development Authority - Deed of Trust - Falling Branch Industrial Park

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

**RESOLUTION AUTHORIZING THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY
TO ENTER INTO A DEED OF TRUST ENCUMBERING
THE REMAINING PORTION OF THE
FALLING BRANCH INDUSTRIAL PARK
AS COLLATERAL FOR THE FINANCING
OF THE ECHOSTAR LEASE PROJECT**

WHEREAS, The Industrial Development Authority of Montgomery County (the “Authority”) has been entrusted by the Board of Supervisors of the County of Montgomery, Virginia, to manage the development of the Falling Branch Industrial Park; and

WHEREAS, The Authority is presently constructing a 100,000 square foot facility in the Falling Branch Industrial Park which will be leased to EchoStar as its Customer Service Center (the “EchoStar Lease Project”); and

WHEREAS, The Authority has obtained a financing commitment from SunTrust Bank subject to the Authority agreeing to provide SunTrust with a first lien deed of trust on the remaining one-hundred forty (140) acres in the Falling Branch Industrial Park; and

WHEREAS, SunTrust has agreed to allow for the partial release of the encumbered property subject to the Authority agreeing to pay down the existing principal at a rate of \$11,500 per acre released; and

WHEREAS, The Industrial Park Property Transfer Agreement between the Board of Supervisors and the Authority, dated September 16, 1996, requires the Industrial Development Authority to obtain the Board of Supervisors review and approval prior to any sale, lease, transfer, conveyance or encumbrance of any property by the Authority in the Falling Branch Industrial Park; and

WHEREAS, The Authority desires to obtain approval from the Board of Supervisors for the Authority to encumber the remaining one-hundred forty (140) acres in the Falling Branch Industrial Park by including the property as collateral in a deed of trust to SunTrust Bank.

THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves of the Authority encumbering the remaining one-

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hundred forty (140) acres in the Falling Branch Industrial Park as collateral in a deed of trust that is part of the financing package provided by SunTrust Bank for the construction of the EchoStar Lease Project by the Authority in the Falling Branch Industrial Park.

The vote on the foregoing motion was as follows:

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

Carilion Health System

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA AUTHORIZING THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF ROANOKE, VIRGINIA TO HOLD A PUBLIC HEARING IN CONNECTION WITH THE ISSUANCE IN ONE OR MORE SERIES OF NOT TO EXCEED \$255,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF ROANOKE, VIRGINIA HOSPITAL REVENUE BONDS (CARILION HEALTH SYSTEM OBLIGATED GROUP PROJECT)

WHEREAS, Montgomery County, Virginia (the “County”) is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

WHEREAS, Carilion Medical Center (“CMC”), is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Roanoke Memorial Hospital in the City of Roanoke, Virginia; and

WHEREAS, CMC also owns and operates Carilion Roanoke Community Hospital in the City of Roanoke, Virginia; and

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WHEREAS, Carilion Giles Memorial Hospital (“CGMH”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Giles Memorial Hospital in the Town of Pearisburg, Giles County, Virginia; and

WHEREAS, Carilion Bedford Memorial Hospital (“CBMH”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Bedford Memorial Hospital in the City of Bedford, Virginia; and

WHEREAS, Carilion New River Valley Medical Center (“CNRV”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion New River Valley Medical Center in the County; and

WHEREAS, Carilion Franklin Memorial Hospital (“CFMH”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia which owns and operates Carilion Franklin Memorial Hospital in the Town of Rocky Mount, Franklin County, Virginia; and

WHEREAS, Carilion Saint Albans Hospital (“CSAH”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates Carilion Saint Albans Hospital in Pulaski County, Virginia; and

WHEREAS, The Industrial Development Authority of the City of Roanoke, Virginia (the “Roanoke Authority”) has by resolution adopted on May 11, 2000 (the “Inducement Resolution”) evidenced its desire to issue one or more series of its revenue bonds for the following purposes: (1)(a) paying, or reimbursing CMC for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Roanoke Memorial Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Roanoke Memorial Hospital (the “Carilion Roanoke Memorial Hospital Project”), (b) paying, or reimbursing CMC for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Roanoke Community Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Roanoke Community Hospital (the “Carilion Roanoke Community Hospital Project”), (c) paying, or reimbursing CGMH for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Giles Memorial Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Giles Memorial Hospital (the “Carilion Giles Memorial Hospital Project”), (d) paying, or reimbursing CBMH for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Bedford Memorial Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Bedford Memorial Hospital (the “Carilion Bedford Memorial Hospital project”), (e) paying, or reimbursing CFMH for paying, a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Franklin Memorial Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Franklin Memorial Hospital (the

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“Carilion Franklin Memorial Hospital Project”), (f) paying, or reimbursing CNRV for paying, a portion of the costs of (i) renovating or expanding certain portions of Carilion New River Valley Medical Center and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion New River Valley Medical Center (the “Carilion New River Valley Medical Center Project”), and (g) paying, or reimbursing CSAH for paying a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Saint Albans Hospital and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Saint Albans Hospital (the “Carilion Saint Albans Hospital Project”) (the Carilion Roanoke Memorial Hospital Project, the Carilion Roanoke Community Hospital Project, the Carilion Giles Memorial Hospital Project, the Carilion Bedford Memorial Hospital Project, the Carilion Franklin Memorial Hospital Project, the Carilion New River Valley Medical Center Project and the Carilion Saint Albans Hospital Project are hereinafter collectively referred to as the “Project”); (II) paying a portion of the interest accruing on said revenue bonds during the acquisition, construction, renovation and equipping of the Project; (III) refunding (a) the Roanoke Authority's outstanding Hospital Revenue Bonds (Roanoke Memorial Hospitals, Community Hospital of Roanoke Valley, Bedford County Memorial Hospital, Giles Memorial Hospital, Radford Community Hospital, Franklin Memorial Hospital and Saint Albans Psychiatric Hospital Project), Series 1995A, Series 1995B, Series 1995C and Series 1995D (collectively, the “Series 1995 Bonds”) and (b) the Roanoke Authority's outstanding Hospital Revenue Bonds (Carilion Health System Obligated Group Project), Series 1997A and Series 1997B (collectively, the “Series 1997B Bonds” and, together with the Series 1995 Bonds, the “Prior Bonds” which definition of Prior Bonds specifically does not include any Series 1997 Bonds (approximately \$54,000,000) relating to facilities of CMC or CNRV (or related entities) which are located in the County, including, but not limited to the Carilion New River Valley Medical Center (hereinafter the “Montgomery Prior Bonds”) since the concurrence of the County’s Board of Supervisors to any such financing (which includes refinancing or refunding thereof) is required under Section 15.2-4905 of the Industrial Development Revenue Bond Act (the “Act”) and such concurrence will not be approved or given without prior agreement as to the County’s Annual Authority fee being paid therefor); and (IV) paying certain expenses incurred in connection with the issuance of said revenue bonds; and

WHEREAS, The Roanoke Authority has delivered or caused to be delivered to the County a copy of the Inducement Resolution; and

WHEREAS, Prior to the issuance of said revenue bonds, it is required by state and federal law that a public hearing be held during which members of the public are given an opportunity to express their views on the proposed issuance of said revenue bonds; and

WHEREAS, CMC, CGMH, CBMH, CFMH, CNRV and CSAH have requested the Roanoke Authority to hold a public hearing in the City of Roanoke, Virginia on behalf of the City of Roanoke, Virginia, the County of Giles, Virginia, the City of Bedford, Virginia, the County of Montgomery, Virginia, the County of Pulaski, Virginia and the County of Franklin, Virginia in connection with the issuance of said revenue bonds; and

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WHEREAS, The Roanoke Authority has requested that the County of Giles, Virginia, the City of Bedford, Virginia, the County of Montgomery, Virginia, the County of Pulaski Virginia and the County of Franklin Virginia (a) authorize the Roanoke Authority to hold a public hearing in connection with the issuance of said revenue bonds and (b) concur with the adoption of the Inducement Resolution but limited to the extent provided herein and to the conditions precedent hereto;

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

SECTION 1. The County hereby (a) authorizes the Roanoke Authority to hold a public hearing on its behalf in connection with the proposed issuance by the Roanoke Authority of one or more series of its Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group Project) in the aggregate principal amount not to exceed \$255,000,000 (collectively, the “Bonds”) for the purpose of (i) financing a portion of the costs of the Project, (ii) paying a portion of the interest accruing on the Bonds during the acquisition, construction, renovation and equipping of the Project, (iii) refunding a portion of the Prior Bonds (but specifically not the Montgomery Prior Bonds) and (iv) paying certain expenses incurred in connection with the issuance of the Bonds, and (b) concurs with the adoption of the Inducement Resolution which concurrence is conditioned upon the limitation of the Bonds not including a refinancing or refunding of the Montgomery Prior Bonds nor any refinancing or refunding of the Montgomery Prior Bonds without the adoption of a concurrence resolution by the County’s Board of Supervisors; provided, however, that in accordance with the Act the Roanoke Authority shall, after it holds the public hearing convey a fiscal impact statement and a reasonably detailed summary of the comments expressed at the hearing to the County together with its recommendation at which time the County shall either approve or disapprove the issuance of the Bonds and, additionally, conditioned upon the prior execution and delivery by CMC or CNRV of an Authority Fee Agreement substantially in the form presented to the Board of Supervisors.

SECTION 2. This Resolution shall take effect immediately upon its passage,

Adopted by the Board of Supervisors of Montgomery County, Virginia on the 23rd day of October, 2000.

AUTHORITY FEE AGREEMENT

THIS AUTHORITY FEE AGREEMENT, Made this 23rd day of October, 2000 by and between the County of Montgomery, Virginia, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the “County”) and Carilion New River Valley Medical Center, a private non-stock corporation (hereinafter referred to as the “Hospital”).

WITNESSETH:

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WHEREAS, The Industrial Development Authority of the City of Roanoke, Virginia (hereinafter referred to as the “Roanoke Authority”) has been requested by Carilion Health System, of which the Hospital is a part, to issue one or more series of tax exempt hospital revenue bonds in an aggregate principal amount not to exceed \$255 million (hereinafter referred to as the “Series 2000 Bonds”) for the purpose of facilitating the funding or refinancing of certain projects required or useful for health care purposes; and

WHEREAS, The Hospital has agreed that its \$54,000,000 tax exempt hospital revenue bonds issued in 1997 relating to its facility located in the County (the “1997 Bonds”) will not be refunded without the prior adoption of a concurrent resolution by the County’s Board of Supervisors pursuant to Section 15.2-4906 of the Industrial Development and Revenue Bond Act (the “Act”), which the County requires to be accompanied by an agreement by the Hospital to pay the County’s standard authority fee (as if such bonds were issued by the County’s Authority) to support the ongoing economic development efforts of the County; and

WHEREAS, Approximately \$8.8 million in principal amount of the Series 2000 Bonds are to finance a portion of the Hospital’s costs of completing, renovating, and/or expanding certain portions of the facilities of the Hospital and acquiring certain capital equipment for use in or in connection with the facilities of the Hospital located in the County (hereinafter referred to as the “Montgomery County Project”); and

WHEREAS, Section 192-4905 of the Act prohibits the Roanoke Authority from financing (which includes refunding) facilities for the Hospital in the County without the Board of Supervisors of the County first concurring with the inducement resolution adopted by the Roanoke Authority; and

WHEREAS, In consideration of the County concurring with the inducement resolution adopted by the Roanoke Authority and approving the issuance of the Series 2000 Bonds (so long as such issuance does not include refunding or refinancing of the 1997 Bonds) by the Roanoke Authority to finance the Montgomery County Project, the Hospital has agreed to pay the County 100% of the standard annual authority fee of 0.125% (1/8th of 1%) on the outstanding principal balance of the Series 2000 Bonds allocated to finance the Montgomery County Project or each anniversary of the issuance thereof (hereinafter referred to as the “Annual Authority Fee”) that the Industrial Development Authority of Montgomery County, Virginia (hereinafter referred to as the “County Authority”) would have received if the Montgomery County Project were financed by the County Authority and not the Roanoke Authority.

NOW, THEREFORE, In consideration of the benefits received by the Hospital and the County and the mutual covenants contained herein, the parties hereto agree as follows:

1. The County agrees to cooperate with the Hospital’s efforts to obtain tax exempt bond financing for the Montgomery County Project through the Roanoke Authority to fund the Montgomery County

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Project.

2. The Hospital agrees to pay the Annual Authority Fee on the outstanding principal balance of the portion of the Series 2000 Bonds that are issued by the Roanoke Authority and allocated to finance the Montgomery County Project, on each anniversary date of the issuance of the Series 2000 Bonds, in each succeeding year, until maturity thereof (and until maturity of any refunding or refinancing of such Series 2000 bonds).

3. The Hospital, upon receipt of an invoice from the County Authority, shall pay the Annual Authority fee to the County, for the account of the County Authority, on the latter of anniversary date of the date of issuance of the Series 2000 Bonds of each year or within thirty days of receipt of the invoice, with the initial Annual Authority Fee due and payable on the 1st anniversary of the issuance date of the Series 2000 Bond. The Annual Authority Fee is to be used by the County Authority for economic development purposes. Additionally, the Hospital agrees to pay the expenses (including reasonable attorney's fees) of the County Authority's Bond Counsel relating to the Series 2000 Bonds or this Agreement and to provide the County Authority with a draft of bond documents related to the Series 2000 Bonds and final transcripts therefor, and to provide in such documentation, including, but not limited to any bond purchase agreement between the purchasers thereof and the Roanoke Authority and in any disclosure statement that such Bonds are not payable by the County or the County Authority and shall not be deemed to constitute a debt or a pledge of the faith and credit of the County, the County Authority, nor is the taxing power of the County or the County's Authority pledged toward payment thereof; nor has there been any representation whatsoever as to the financing or the ability of the Hospital to repay the Series 2000 Bonds by the County or the County Authority

4. The Hospital shall maintain records of the Series 2000 Bonds according to recognized accounting standards so that the amount of the outstanding principal balance of the Series 2000 Bonds (or any refinancing thereof) which is attributable to financing the Montgomery County Project may be kept and that such records shall be furnished to the County upon request.

5. The provisions of this agreement may not be modified or waived except by a written instrument signed by both parties.

6. This agreement contains the entire understanding of the parties, there being no promises or undertakings, written or oral, other than those expressly set forth herein.

7. This agreement shall be binding upon and shall inure to the successors and assigns of the Hospital and the County.

IN WITNESS WHEREOF, The parties have hereunto set their signatures and seals and have been duly authorized to do the same:

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The County of Montgomery, Virginia

By: _____
Jeffrey D. Johnson, County Administrator

Carilion New River Valley Medical Center

By: _____
Robert E. Tonkinson, Jr., Vice President

The vote on the foregoing resolution was as follows:

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

INTO WORK SESSION

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

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

Virginia Tech Regional Airport Authority

The vote on the foregoing motion was as follows:

AYE

NAY

Joe C. Stewart None
James D. Politis
C.P. Shorter
Larry N. Rush
John A. Muffo
Annette S. Perkins
Mary W. Biggs

OUT OF WORK SESSION

On a motion by Joe C. Stewart, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors hereby ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

NAY

James D. Politis None
C.P. Shorter
Larry N. Rush
John A. Muffo
Annette S. Perkins
Joe C. Stewart
Mary W. Biggs

Add to the Agenda - Virginia Tech Regional Airport Authority

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried, the Virginia Tech Regional Airport Authority was added to the agenda.

The vote on the foregoing resolution was as follows:

AYE

NAY

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

Mary W. Biggs

Virginia Tech Regional Airport Authority - Resolution of Support

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

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby conditionally supports the creation of an Airport Authority by and between Virginia Polytechnic Institute and State University, the Towns of Blacksburg and Christiansburg and the County of Montgomery, Virginia, subject to an acceptable agreement being later negotiated and approved by the Board of Supervisors of the County of Montgomery, Virginia, creating the Airport Authority.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter

John A. Muffo

Annette S. Perkins

Mary W. Biggs

NAY

Larry N. Rush

Joe C. Stewart

James D. Politis

COUNTY ATTORNEY'S REPORT

Virginia Gas Pipeline Company The motion against the Virginia Gas Pipeline Company was filed with the State Corporation Commission (SCC). The County Attorney will keep the Board informed with any information received from the SCC.

Virginia Gas Pipeline Company Merger The State Corporation Commission forwarded information concerning the merger of the Virginia Gas Pipeline Company and UNI, a communication based company. Any questions or concerns relating to this merger can be directed to the SCC by November 8, 2000.

COUNTY ADMINISTRATOR'S REPORT

Open Recreational/Green Space at Trailer Parks The County Administrator reported that information on open recreational and green space in Planned Mobile Residential area was provided to the Board in their packet. The Board expressed concerns with the percentages of allowable open space in mobile home parks. It was concluded that the Planning Department review the ordinance and make recommendations back to the Board.

Heslep Trailer Park - Boundary Line Adjustment Supervisor Shorter requested that the Heslep Trailer Park submit a site plan for their recreational and open space at their trailer park prior to the November 15,

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2000 meeting.

BOARD MEMBERS' REPORTS

Supervisor Shorter requested a monthly status report be submitted to the Board regarding projects and requests by the Board. He also asked if a monthly status report could be requested from VDoT.

Brooksfield Road Supervisor Shorter requested VDoT investigate the culvert on Brooksfield Road. Every time it rains the culvert floods.

VDoT Supervisor Shorter asked if the Board could request VDoT to repair damages to personal property, such as, driveways back to the original condition. Supervisor Shorter expressed his concerns that VDOT is not repairing property back the way it should be.

Supervisor Rush attended the Virginia's First Regional Industrial Facilities Authority. The Commerce Park project was discussed and Pulaski County approved the zoning ordinance changes for the park.

Parks & Recreation Commission Supervisor Rush reported the November meeting has been canceled but a joint meeting with the Town of Blacksburg and Christiansburg will be scheduled. Supervisor Rush will provide the Board with the date once it has been set.

Prices Fork Elementary School Ballfield/Playground Supervisor Rush reported that a class at Virginia Tech did a design study on the Prices Fork Elementary School's ballfield and playground. A copy of this report will be provided to the Board.

Supervisor Politis attended the Social Services Board where they discussed the applicants for the Social Services Director's position.

Supervisor Stewart stated he went and looked at the intersection at Garlic Road and North Fork Road. He believes there may not be a solution to this problem considering the curves in the road and high embankment.

Slate Hill Tunnel Supervisor Stewart stated that VDoT still has not repaired the guardrails on Slate Hill Tunnel.

Fairview District Home Supervisor Stewart attended the Fairview District Home meeting and several repairs have been made to the home. The roof has been repaired and the sewer problem has been fixed. Supervisor Stewart will provide a copy of the report to the Board.

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Supervisor Perkins reported that VDoT has paved Pearlman Road and wonders if they are going to paint yellow lines back on the road.

Planning District Commission The annual Planning District Commission dinner is scheduled for Thursday, October 26, 2000 at 6:00 p.m. at Radford University's Selu Conservancy.

Economic Development Commission A copy of the Activities Report will be provided to the Board. Supervisor Perkins reported that Gerald Higgins has resigned his position on the Economic Development Commission following his appointment to the IDA.

Chair Biggs Utilities Committee Chair Biggs attended the Utilities Committee meeting where they discussed solutions to the Prices Fork water situation. Blacksburg Town Council will be discussing whether they will supply Prices Fork with water in the near future.

School Board Chair Biggs stated that the open enrollment figures were provided to the School Board members. Discussions included the SOL scores, School Board policies, and Capital Improvement Projects. The School Board scheduled a public hearing on the upcoming School Board Budget on November 21, 2000.

Dedication- Elliston Post Office Chair Biggs attended the dedication of the Elliston Post Office. Several citizens asked about the status of the new fire station. Apparently the parking situation has worsened since the volunteers cannot park at the post office now.

Prices Fork Community Meeting Chair Biggs attended the community meeting held at Prices Fork Elementary School. Supervisor Shorter and Mike Smith, School Board member, did an excellent job. Chair Biggs asked if any other Supervisor would like to hold a meeting in their community in the future to let her know.

Work Session - Comprehensive Plan It was the consensus of the Board that a work session be scheduled on November 6, 2000 immediately following the PSA meeting. Purpose of the work session is to discuss update of the Comprehensive Plan.

INTO CLOSED MEETING

On a motion by Larry N. Rush, 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) (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment,

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Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Adjustment and Appeals Board
2. Human Services Commission
3. Montgomery-Floyd Regional Library Board

The vote on the foregoing motion was as follows:

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

OUT OF CLOSED MEETING

On a motion by Larry N. Rush, seconded by John A. Muffo 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>
Annette S. Perkins	None
Joe C. Stewart	
James D. Politis	
C.P. Shorter	
Larry N. Rush	
John A. Muffo	
Mary W. Biggs	

CERTIFICATION OF CLOSED MEETING

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

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

WHEREAS, Section 2.1-344.1 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

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

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

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Adjustment and Appeals Board

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints **Rudolph P. Hensley** to the **Adjustment and Appeals Board** effective October 24, 2000 and expiring September 27, 2003.

Said appointment fills the unexpired term of Michael J. Tentnowski, resigned.

The vote was as follows:

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

Human Services Commission

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints **Patricia A. Edwards** to the **Human Services Commission Board of Directors** effective October 24, 2000 and expiring October 23, 2003.

The vote was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
John A. Muffo	
Joe C. Stewart	

C. P. Shorter
Annette S. Perkins
James D. Politis
Mary W. Biggs

Montgomery-Floyd Regional Library Board

On a motion by Larry N. Rush, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby appoints **Judith H. Jones** to the **Montgomery-Floyd Regional Library** effective October 24, 2000 and expiring June 30, 2003.

Said appointments fills the unexpired term of David McCrumb, resigned.

The vote was as follows:

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

ADJOURNMENT

On a motion by Larry N. Rush, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Monday, November 6, 2000 immediately following the Public Service Authority meeting.

The vote was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None

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

The meeting adjourned at 10:45 p.m.

ATTEST: _____
Jeffrey D. Johnson, County Administrator