

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, September 24, 2013, in Rooms 226 – 228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 2:00 P.M.

PRESENT: Members: Mr. Stephen P. Clinton, Chairman
Mr. Terry L. Austin, Vice-Chairman
Dr. Donald M. Scothorn
Mr. Billy W. Martin, Sr.
Mr. L. W. Leffel, Jr.

ABSENT: Members: None

Others present at the meeting:

Mr. David Moorman, Deputy County Administrator
Mrs. Elizabeth Dillon, County Attorney
Mrs. Kathleen D. Guzi, County Administrator

Mr. Clinton called the meeting to order at 2:02 P. M. and welcomed those present.

Mr. Martin then led the group in reciting the pledge of allegiance.

Mr. Brandon Nicely, Building Official then introduced Mr. Brandon King to the Board. He stated that Mr. King was hired last month as an Administrative Assistant in the Development Services Office. Mr. Nicely noted that Mr. King previously worked in the Roanoke City Circuit Court Clerk's Office and the City's Building Inspections Office.

Mr. Clinton welcomed Mr. King to Botetourt County and noted that he has the previous work experience to benefit the County's operations in the Development Services Office.

Mr. Paul Peery, Utilities Manager, then introduced Mr. A. J. Dixon to the Board. He noted that Mr. Dixon was recently hired as a Utility Maintenance Worker. He noted that Mr. Dixon has many years of contracting experience, previously worked at the Western Virginia Water Authority, and has a background in utility control facilities.

Mr. Clinton welcomed Mr. Dixon to employment with Botetourt County.

Mr. David Moorman, Deputy County Administrator, then introduced Mr. Darryl Foutz and Mr. Jonathan Holmes to the Board. He noted that Mr. Foutz is the County's first full-time staff member on the Management Information Systems Department's Help Desk. Mr. Moorman noted that this position provides support to all 250+ desktop computers used by the County staff. He further noted that Mr. Foutz previously worked at a position managing IT operations and supervising desktop support at Hanover Direct and has 16 years of IT support technician experience.

Mr. Moorman then noted that Mr. Holmes has been hired as the County's MIS Network Administrator. He noted that Mr. Holmes received a Bachelor of Science in computer science with a specialization in network engineering from Bluefield College and has worked as an independent IT consultant and as a consulting engineer and architect for Microsoft Exchange Servers and was a support technician responsible for designing, troubleshooting and implementing Cisco and Microsoft computer systems.

Mr. Clinton welcomed both to employment with Botetourt County.

Mrs. Guzi then introduced Jay Brenchick to the Board. She noted that Mr. Brenchick began work as the County's Economic Development Manager on September 9. Mrs. Guzi

noted that since the Assistant County Administrator position became vacant last year she took time to evaluate what the County wanted to focus on in filling this position. She noted that previously the County's economic development duties were handled by three staff members and it was decided to consolidate these duties into one position. She noted that the Board indicated in their strategic planning sessions held earlier this year that they wanted to focus on existing businesses and small businesses in the future.

Mrs. Guzi noted that Mr. Brenchick has been in the economic development field for 19 years in both the public and private sectors and has a wealth of knowledge in this area.

Mr. Clinton welcomed Mr. Brenchick to employment with Botetourt County and noted that he understands that Mr. Brenchick has "hit the ground running." Mr. Clinton stated that economic development is a priority for the Board and they look forward to working with him in the future.

Mr. Brenchick thanked Mr. Clinton for his comments.

Mr. Clinton then noted that the Board had just welcomed new employees and now would like to recognize the longevity of some employees. He noted that the Board recognized several employees at last month's meeting for their years of service; however, it was discovered that two employees had been overlooked.

Mr. Clinton then asked Mrs. Guzi to join him in front of the dais.

Mrs. Guzi noted that Mr. Brandon Golla, an EMT/Firefighter-ALS, was on duty today and unable to attend the meeting. She noted that Mr. Golla has been a County employee for five years and his certificate and gift check will be forwarded to him.

Mrs. Guzi then asked that Mr. Clay Fitzgerald come forward. She noted that Mr. Fitzgerald is the County's Emergency Services Logistics Technician and has also been employed with the County for five years. Mr. Clinton thanked Mr. Fitzgerald for his service and presented him with his certificate while Mrs. Guzi handed him a gift check. Mrs. Guzi further noted that Mr. Fitzgerald handles many duties and also responds to fire and rescue calls when needed.

Consideration was then held on approval of minutes of the August 27, 2013, regular meeting.

There being no discussion, on motion by Mr. Martin, and carried by the following recorded vote, the minutes of the regular meeting held on August 27, 2013, were approved as submitted. (Resolution Number 13-09-01)

AYES: Mr. Martin, Mr. Leffel, Dr. Scothorn, Mr. Clinton, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there was one transfer and 8 pass through appropriations for the Board's consideration this month. He noted that these were for expenditure reimbursements, appropriations for tourism accounts, and receipt of State grant funds.

There being no discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board approved the following transfer and additional appropriations. (Resolution Number 13-09-02)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$214.80 to Central Purchasing – Store Supplies, 100-4012530-6021, from various departments as follows for store supplies usage:

\$130.90 County Administrator – Marketing, 100-4012110-5840
 \$ 14.00 Purchasing – Office Supplies, 100-4012530-6001
 \$ 12.00 Development Services - Office Supplies, 100-4034000-6001
 \$ 15.00 Tourism – Office Supplies, 100-4081600-6001
 \$ 37.90 MIS – Office Supplies, 100-4012510-6001
 \$ 5.00 Maintenance – Repair & Maint. Supplies, 100-4043000-6007

Additional appropriation in the amount of \$777 to Maintenance – Maintenance Service Contracts, 100-4043000-3321. These are funds received from Virginia Western Community College for reimbursement of County custodial salaries for classroom setup at the Greenfield ETC.

Additional appropriation in the amount of \$1,000 to Tourism – Marketing, 100-4081600-5840. These are funds received from the Town of Troutville as a funding partner for a tourism MLP (Marketing Leverage Program) grant.

Additional appropriation in the amount of \$125 to Tourism – Marketing, 100-4081600-5840. These are funds received from James River Basin Canoe for co-op listings with the Blue Ridge Parkway Association.

Additional appropriation in the amount of \$36,466.56 to Volunteer Fire & Rescue – County Volunteer Rescue Squads, 100-4032200-5651. These are Four-for-Life funds received from the State.

Additional appropriation in the amount of \$1,630 to Volunteer Fire & Rescue – Instruction & Training, 100-4032200-3180. These are funds received for books from EMT training participants.

Additional appropriation in the amount of \$1,225.29 to Emergency Services – Other Operating Supplies, 100-4035500-6014. These are funds received to reimburse costs for the County's response to two hazardous materials incidents.

Additional appropriation in the amount of \$1,228.64 to Sheriff's Department – Police Supplies, 100-4031200-6010. This is a DMV grant received from the State.

Additional appropriation in the amount of \$1,842.21 to the following Sheriff's Department accounts: \$1,440 to Forest Patrol Salaries, 100-4031200-1900; \$110.16 to FICA, 100-4031200-2100; and \$292.05 to Vehicle & Power Equipment Supplies, 100-4031200-6009. These are reimbursed funds received for Forest Patrol overtime expenses.

Consideration was then held on approval of the accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, noted that this month's accounts payable totaled \$839,326.88; \$622,734.17 in General Fund invoices; and \$216,592.71 in Utility Fund expenditures. Mr. Zerrilla further noted that this month's Short Accounts Payable totaled \$108,181.21; \$97,310.75 in General Fund invoices; \$3,055 in Debt Service Fund expenditures; and \$7,815.46 in Utility Fund invoices.

Mr. Zerrilla stated that this month's large expenditures included \$49,212 to English Construction Company for work on the Tinker Creek Interceptor project; and \$53,212 to Western Virginia Water Authority for the County's portion (6.5%) of upgrade costs at the Roanoke Regional Sewage Treatment Plant.

There being no discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board approved the accounts payable list and ratified the Short Accounts Payable List as submitted. (Resolution Number 13-09-03)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of a water line extension request from Pete McKnight for Sowder Farm Subdivision. Mr. Paul Peery, Utilities Manager, stated that McKnight and Company, agent for Sommersby Water Company, has requested approval of a 1,100' water line extension from Sommersby Subdivision to six new residential lots in Sowder Farm Subdivision. He noted that these subdivisions are located on Country Club Road.

Mr. Peery stated that any extension of a water system in excess of the number of connections previously approved requires notice to, and an appearance before, the Board of Supervisors. Mr. Peery noted that there are no County water lines within 1,000 feet of these new lots. He noted that documentation has been submitted that the Sommersby Water Company has an adequate water supply to provide service to these lots. He stated that the State Corporation Commission's (SCC) private water company service area maps for this area are not clear and this extension may be located in another certificated water company's service area; however, this final determination will be made by the SCC.

After discussion, Mr. Peery noted that staff recommends approval of this request.

After questioning by Mr. Clinton, Mrs. Dillon noted that under the State Code (Sections 15.2-2149 through 15.2-2153) it is up to the Board to determine only whether there is an adequate source of supply and whether the system is capable of serving the proposed number of connections with the planned system. She noted that there are no grounds under the State Code for the Board to deny this request.

After further discussion, Mrs. Dillon noted that from the maps that the County has available it is difficult to determine if this water line extension area is within another water company's certificated area and this would be determined by the SCC. She noted that today's request only asks that the Board note their approval of this extension as per the Code of Virginia. She further stated that wording is included in the motion that, if there is any approval required by the SCC, the Supervisors cannot comment on that approval. Mrs. Dillon noted that the Board has limited authority in this area and the proposed motion included in the agenda item makes it clear that the Board is only acting in their limited authority.

After questioning by Mr. Clinton, Mr. Peery noted that the letter received from the Health Department's Office of Drinking Water states that the Sommersby water system has the capacity to supply these additional lots.

After questioning by Mr. Austin, Mr. Peery stated that the water line extension would have to meet fire suppression requirements. After discussion, Mr. David Givens, Construction Compliance Manager, stated that part of the documentation required to be submitted to the County and the Health Department in these types of requests are calculations to verify fire flow in the proposed water line. Mr. Peery noted that public and private water systems are required to meet the County's construction standards, which include fire flow specifications.

After questioning by Mr. Clinton regarding the County's liability in this matter, Mrs. Dillon stated that the motion is very specifically worded to minimize the County's liability.

Mr. Mike Griffin, representing Sommersby Water Company, stated that he has confirmed with the SCC that this water line extension is not in Central Water Company's service area and he has applied to the SCC to be able to offer water service in this area.

After further questioning by Mr. Clinton, Mrs. Dillon noted that the first section of the proposed motion (“...a motion finding that the water system has an adequate source of supply and is capable of serving the proposed number of connections and thus approving the requested extension of Sommersby Water Company to include six (6) residential lots in the Sowder Farm subdivision pursuant to Virginia Code §§ 15.2-2149 through 15.2-2153 provided such extension meets the construction standards in Sections 24-163 through 24-165 and 24-177 of the County Code ...”) quantifies the Board’s approval as being within their authority pursuant to the State statutes.

Mr. Peery noted that the Board is being requested to approve this based on the Health Department’s letter that there is an adequate water supply for this water line extension.

Mr. Austin stated that there is an adequate flow and an adequate source in this situation. Mr. Peery stated that this is correct.

After additional discussion, Mr. David Moorman, Deputy County Administrator, noted that the Health Department’s letter previously mentioned was included in the Board’s information packet and states that the Sommersby water system is capable of serving 170 residential connections. Mr. Moorman estimated that Sommersby has approximately one-half of that number of connections at this time.

After questioning by Mr. Austin, Mr. Givens stated that he is confident that this water line extension will meet the qualifications for fire suppression standards.

Mr. Peery noted that Mr. Givens would not approve the design plans submitted by the developer if they did not meet the County’s water system construction and fire suppression standards.

There being no further discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board agreed that the water system has an adequate source of supply and is capable of serving the proposed number of connections and thus approve the requested extension of Sommersby Water Company to include six (6) residential lots in the Sowder Farm subdivision pursuant to Virginia Code §§ 15.2-2149 through 15.2-2153 provided such extension meets the construction standards in Sections 24-163 through 24-165 and 24-177 of the County Code, and stated that the Board is without authority to approve or deny an extension that may extend into another water company’s certificated service area and without authority to approve or deny any request that may need to be directed to the State Corporation Commission. (Resolution Number 13-09-04)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Kevin Hamm, VDoT’s Maintenance Operations Manager, and Mr. Dan Collins, Residency Administrator, were then present to speak to the Board. Mr. Hamm reviewed VDoT’s monthly report. He noted that VDoT issued 12 new permits in the past month—8 utility permits, 1 private entrance permit, 2 special use permits, and 1 road construction permit. Mr. Hamm further stated that the pipe replacement on Route 43 near the Britt property is complete and there is also a pipe replacement project underway on Route 707 (Deisher Boulevard).

Mr. Hamm noted that he has been in contact via e-mail with Mr. Clinton regarding scheduling a meeting on Monday to discuss Deerfield Road. He further stated that the curve improvement/realignment project on Fringer Trail is “in the works.” He noted that the project’s environmental permits are being processed and work should begin in the middle of November.

After questioning by Mr. Austin, Mr. Hamm noted that he is not sure if VDoT or private forces would be used on the Fringer Trail project. Mr. Austin noted that he would like to see this project completed before snow begins to fall and asked that VDoT expedite this project.

Mr. Hamm noted that the traffic engineering study on a through truck restriction for Valley Road should be completed in a couple of weeks. He noted that the Webster Heights Road traffic study is underway. Mr. Hamm stated that brush has been removed in the "S" curves on Route 220 through Amsterdam to increase sight distance and additional traffic warning signs will be installed.

Mr. Clinton stated that he did not want a through truck restriction study conducted on Valley Road; he wanted VDoT to determine whether signs should be installed warning tractor trailers that they should not follow their GPS device's recommendations on that roadway.

Mr. Hamm noted that the field review has been done but the final numbers have not yet been put together on the Valley Road study. He further noted that speed studies have been completed on Thrasher Road and Mount Joy Road and the roadways will be posted at 30 mph limits. Mr. Hamm further stated that VDoT is still waiting on a report on the request for guardrail to be installed along a section of Archway Road.

Mr. Martin then noted that he had received a call requesting that a speed bump and a "Children at Play" sign be installed on Blue Ridge Drive.

Mr. Collins stated that VDoT does not install speed bumps on State-maintained roadways. He further stated that VDoT does not install "Children at Play" signs; however, the County could do so if they pay for and maintain the sign.

Mr. Leffel then questioned if there were any cost estimates to remove rock and reconstruct the slide area along Shiloh Drive.

Mr. Collins stated that this is a right-of-way issue and he noted that, depending on the amount of rock, it could cost anywhere between \$70,000 - \$80,000 or as much as \$200,000 to widen Shiloh Drive in the slide area. Mr. Hamm noted that the bank on the side of the road consists mainly of rock which would be difficult and expensive to remove and a Virginia Electric Power Company electrical line would also have to be relocated.

Mr. Leffel questioned if VDoT has a "safety improvement fund" or other monies that could be used to improve this section of roadway.

Mr. Collins stated that the safety improvement funds as mentioned by Mr. Leffel are used mostly for school crossings, school intersection improvements, etc.

Ms. Barbara Kolb of Blue Ridge Vineyards then stated that she has been a teacher at Dabney Lancaster Community College, Virginia Western Community College, and James River High School. She asked that the County and VDoT work together "to prevent a tragedy" on Shiloh Drive. Ms. Kolb stated that there are currently two traffic safety issues on Shiloh Drive—the limited sight distance at the road's intersection with Route 43 and the slide area/cliff. She noted that VDoT crews have worked on the slide area twice in the past few months and this section is now a one-lane road. Ms. Kolb noted that VDoT had orange and white barrels along the drop off at the edge of the roadway and they recently installed reflective delineators along the rebuilt edge of the road. She noted that these delineators are spaced far apart and are difficult for drivers to see.

Ms. Kolb noted that Mr. Austin and Mr. Leffel have worked over the past few months to try to have this roadway made safer since the heavy rains this spring/summer caused the edge of the roadway to slide into the valley below. She noted that there was an incident earlier today

where someone almost ran off the road when they met a vehicle coming in the opposite direction. Mrs. Kolb stated that this is an emergency situation and she would like the roadway repaired as soon as possible as “one death is one too many.”

Mrs. Kolb noted that she had over 6,000 visitors to her vineyard in 2012 which calculates to 12,000 trips across Shiloh Drive. She stated that they have numerous events (weddings, reunions, parties, etc.) at the vineyard each year and they feel morally responsible for the people visiting their property. She then asked for the Board’s support in further repairs being made to this road and thanked them for their assistance.

Dr. Scothorn then questioned how are VDoT’s priorities determined when there is a small stretch of roadway such as Shiloh Drive that has safety issues as mentioned by Ms. Kolb. He further questioned how VDoT decides what repairs are to be made.

Mr. Hamm noted that after the recent repairs the roadway is now as wide as or wider than it was before the landslide earlier this year. He noted that there were trees and brush along the edge of the road in this area which blocked the view so drivers did not realize that there was a steep drop at the road’s edge. He noted that the trees and brush slid down the hillside after this spring’s heavy rains and left a clear opening. Mr. Hamm stated that he has discussed this issue with their traffic engineering department and requested that guardrail be installed. He noted that their studies show that this area does not qualify for guardrail as the roadway is only 12’ wide and at least 3’ must be available behind the guardrail.

Mr. Collins noted that VDoT’s Residency Office is primarily a maintenance operation and construction projects are handled by the District Office. He noted that the delineators were installed based on VDoT’s standards and he has asked that additional delineators be placed along this section of Shiloh Drive.

Mr. Leffel noted that the trees and brush previously located along this section of roadway acted as a “safety net” and now that they are gone, the roadway looks different.

Mr. Collins stated that VDoT is aware of the Board’s and citizens’ concerns about this slide area and they are trying to find solutions to this issue. He noted that, if the Board wants the roadway widened, the project would have to be considered during next spring’s update of the Secondary System Six Year Plan.

Mr. Austin stated that he believes that VDoT could have widened the road further during the repairs made after the slide occurred. He further noted that the excess dirt from laying back the slope to improve the sight distance at the Route 43/Shiloh Drive intersection could be used to widen the section of roadway at the slide area. Mr. Austin stated that he does not believe that a proper fix was done on the slide area repairs and further stated that “he does not care how we do it (widen the road) but it needs to be done.” He requested that VDoT supply the Board with cost estimates for both projects on Shiloh Drive. Mr. Austin further noted that he is willing to meet with VDoT staff on site to discuss this further.

Mr. Collins stated that VDoT is trying to find a solution and will provide cost estimates to the Board on these projects.

Mr. Hamm noted that he does not think that widening the roadway on the side where the slide occurred will work because of the creek that is located at the bottom of the slide area. Mr. Hamm stated that he will contact their materials department and meet with them on site to see if something else can be done. Mr. Hamm stated that, for the installation of guardrail, VDoT requires 18’ of roadway in front of the guardrail and 3’ behind the guardrail and there is only 12’ of roadway in the slide area.

Mr. Collins stated that he will also ask staff from their District Office to review this area with “fresh eyes” to see if they have any solutions.

Mr. Austin stated that he struggles with VDoT’s approach to road repairs. He noted that if the road had totally slipped away then VDoT would have had to replace it based on a safe standard. He requested that VDoT work with the County to repair this road in order to make it better than it is at present.

Mr. Hamm stated that VDoT is “not to the point of saying that they have no fix” for this situation.

After questioning by Mr. Clinton, Mr. Collins stated that he will discuss this situation with their traffic department to see if they are agreeable with having additional delineators installed along the drop off area.

After questioning by Mr. Martin, Mr. Collins stated that concrete jersey barriers, because of their width at the base, would narrow the roadway further and these barriers would be a heavy weight on the new fill area.

Mr. Jim Holaday of Blue Ridge Vineyards stated that he previously taught physics at Lord Botetourt High School. Mr. Holaday noted that he did some calculations and has determined that there is a 90’ drop from the edge of Shiloh Drive to the bottom of the slide area and a vehicle that goes off the road in this area would be traveling at 45 mph when it hit the bottom. Mr. Holaday then stated that he does not understand why it would take almost \$250,000 to remove 10’ of slope on the upper side of Shiloh Drive in order to widen this section of roadway. He stated that “we have to get past the bureaucracy” and “try to find a solution.”

Mr. Collins thanked the Board, Ms. Kolb, and Mr. Holaday for their comments. He noted that VDoT staff will continue to look into this matter.

Mr. Clinton stated that there is an earnestness to get this section of roadway repaired.

Mr. Collins then presented the Board with a notice of VDoT’s fall regional transportation meeting dates and locations. He noted that the nearest meeting to Botetourt will be held on October 30 at 6PM at Northside High School in Roanoke County. Mr. Collins stated that this meeting is open to the public and is being held to identify new projects for future funding consideration by VDoT.

Dr. Scothorn then thanked Mr. Hamm for contacting Mr. Buddy Hayth of Springwood Road regarding water runoff problems on his property. Dr. Scothorn also stated that one of his patients has mentioned concerns regarding tractor trailers using Brugh’s Mill Road (Route 640). He noted that this road is narrow and curving and is not suitable for tractor trailers to use as a shortcut between Routes 11, I-81, and 220.

Mr. Hamm noted that there are two options in this situation—post signs that the road is not recommended for trucks, or restrict through trucks from using this road. Mr. Hamm noted that he could submit a traffic study request to have their staff review this situation.

Mr. Clinton stated that he believes that a traffic study was previously conducted on this road.

After discussion, Mr. Collins stated that he will check VDoT’s files to see if a previous traffic study was implemented. Mr. Hamm noted that he will report back to the Board on Mr. Collins’ research.

After questioning by Mr. Austin regarding the drainage issues on Cartmill Gap Road, Mr. Hamm stated that he has spoken with their hydrogeologic engineer on this matter and VDoT is working with the property owner to resolve this issue. Mr. Hamm noted that they hope to be finished with this project before winter.

Mr. Austin then stated that on Route 43 between James River High School and Buchanan there is a traffic cone along the roadway near where a recent accident occurred. He noted that there is a pipe under the road in this area and there are no shoulders along the edge of the pavement. He asked that VDoT review this situation to see if anything can be done to improve this area.

After questioning by Mr. Austin regarding the status of the through truck restriction on Route 43 between Buchanan and the Blue Ridge Parkway, Mr. Collins stated that he believes that this item will be brought before the Commonwealth Transportation Board in the next couple of months for consideration. After further questioning, Mr. Collins stated that he expects a favorable recommendation on this truck restriction request.

Discussion was then held on the Route 606/11 intersection revenue sharing project.

Mrs. Guzi noted that since September 2011 the County has been working with Mill Creek Baptist Church to relocate 0.14 mile of Route 606 (Blue Ridge Turnpike) at its intersection with U. S. Route 11 as a revenue sharing project. She noted that this project would allow the church to be able to proceed with a significant expansion of their facilities and increase safety at this intersection. Mrs. Guzi noted that Mr. Joe Obenshain has donated land on the north side of the intersection to relocate the road. She noted that the total cost of the intersection relocation project is estimated at approximately \$600,000 with $\frac{1}{2}$ being funded by the State and $\frac{1}{2}$ as a local match. Mrs. Guzi noted that the staff understood in 2011 that, if this project was funded by VDoT as a revenue sharing project, the local match portion would be borne by Mill Creek Baptist Church.

She stated that this revenue sharing application was brought to the Board in November 2011 and a resolution of support was approved. Mrs. Guzi noted that County staff agreed to locally administer the project to save time and money at an estimated cost of \$89,000. She stated that the revenue sharing application has been processed by VDoT and approved by the Commonwealth Transportation Board.

After discussion, Mrs. Guzi stated that, after further review and several meetings with VDoT, County staff believe that these proposed improvements will also benefit County residents due to the significant sight distance and turning radius improvements at this intersection. She noted that additional matching funds will be needed on this project and, after discussions with VDoT, it has been determined that there are approximately \$240,000 in funds available from older revenue sharing projects that could be used to fund the Route 11/606 intersection improvements. She noted that these funds are currently allocated for revenue sharing projects that have not shown any progress toward completion for more than two years and; therefore, the projects/funds are eligible for de-allocation. She noted that, if these funds are de-allocated by VDoT, they could be transferred to another locality for use on their revenue sharing projects.

Mrs. Guzi noted that if the \$240,000 in previously allocated funds are used on this project, then VDoT would still provide \$180,000 and the County would be responsible for \$180,000 in local contributions. She further noted that, as the County is providing \$89,000 in staff time contributions, \$91,000 in remaining funds from the County or other sources would still be needed. Mrs. Guzi noted that VDoT believes that the project costs will come in below the \$600,000 estimate. She also stated that \$100,000 is allocated in the County's CIP for revenue sharing projects in FY 14-15.

Mr. Leffel then questioned "what changed" and why is the church no longer paying the costs for this project.

Mr. Austin noted that the church has incurred a tremendous design cost for this project as well as the in-kind cost of the property. Mr. Austin stated that he feels that the church has made their contribution to this project. Mr. Austin noted that the County adopted a revenue sharing policy many years ago which states that projects for sight distance improvements, road alignment improvements, turning lane improvements, guardrail, etc., can qualify for revenue sharing funds. Mr. Austin noted that there have been several accidents at this intersection and this revenue sharing project will address all of these issues including drainage improvements.

He further noted that the County has funds allocated to other revenue sharing projects that have not been expended which can be used on this project. Mr. Austin noted that approximately \$91,000 in additional funds would be necessary to complete this project and he believes that the Board should approve this project. He noted that the church has provided land and in-kind contributions and he supports this project.

After questioning by Mr. Clinton regarding the revenue sharing funds available from previous projects, Mrs. Guzi noted that a total of \$240,000 is available; \$120,000 in State funds and \$120,000 in local funds. She noted that VDOT "banks" these funds until they are allocated.

Mr. Clinton then reviewed the cost breakdown of this project including \$89,000 in staff administration time and \$91,000 in funds still needed.

Mrs. Guzi noted that once the design is complete and approved by VDOT, the County will handle the project's administration (engineering, administrative work, inspections, etc.,) going forward.

Mr. Leffel stated that he agrees that this is a viable project but he questions how the County prioritizes these projects. He questioned if there was a revenue sharing project listing.

Mrs. Guzi noted that the County previously had criteria and a process for prioritizing revenue sharing projects which was reviewed by the Board each autumn; however, when the economic conditions worsened in 2007/2008, the County did not have the funds available to proceed with any projects.

Mr. Leffel noted that the County Administrator's report on this request states that originally the local matching amount would be paid by Mill Creek Baptist Church but the County is now being asked to allocate these monies. He also questioned why the same situation wouldn't apply to the Shiloh Drive project. Mr. Leffel stated that there are some roads in the County that the School administration will not allow school buses to travel because of hazardous conditions. Mr. Leffel stated that the Board needs to be careful where we use these funds and questioned if this request is as important as other items that the Supervisors are asked to face or deal with each month.

Mr. Austin stated that he thinks that this is an important project as the intersection has alignment issues, as well as being shaded and staying icy in the winter months. He noted that the County saw this as an important improvement project and the church has borne a lot of the costs of its design. Mr. Austin noted that it has been his intent that the County and the church be 50/50 partners in this project.

After discussion, Mr. Austin noted that the original language was for the VDOT revenue sharing application but the intent was to address a specific site and this road meets the County's intent/revenue sharing policy requirements. Mr. Austin stated that the County does not have the revenue to do other projects at this time.

Mrs. Guzi noted that the more funds that remain designated for revenue sharing projects that are not proceeding decreases the County's chances of having another project approved by

VDoT. She noted that the County could submit new revenue sharing projects for consideration in the future.

Mr. Leffel stated that he does not want to deliberate this issue but he has concerns with this request.

Mr. Austin noted that the County made revenue sharing roadway improvements when funds were available in the past and the Route 11/606 intersection is a unique situation.

Mr. Martin then questioned that, if today's additional funding request for this project is not approved, how much time does the County have before VDoT de-allocates the \$240,000 in unused revenue sharing monies.

Mr. Brian Blevins with VDoT stated that the Highway Department usually waits 2 years after approval of a revenue sharing project before considering whether to de-allocate the funds if no progress has been made on the roadway improvement by that point.

Mr. Collins noted that the "clock" on the two year period begins when the funding is approved by the Commonwealth Transportation Board.

Mrs. Guzi noted that the CTB approved the Route 11/606 project last summer (2012).

Mr. Martin stated that he thinks that he is ok with this request. He further stated that he would not like to see the County lose these funds.

Dr. Scothorn stated that Shiloh Drive also needs to be repaired.

Mr. Clinton noted that he has always thought that the Route 606/11 intersection improvement was a good project. Mr. Clinton stated that he likes the word "partnership" and, when entities work together, it is worth a lot. Mr. Clinton noted that he is in support of this request.

On motion by Mr. Austin, and carried by the following recorded vote, the Board agreed that the County would absorb the portion of revenue sharing funds necessary to complete the Blue Ridge Turnpike improvement project up to \$91,000 and directed staff to proceed to work with VDoT to move funds from older Revenue Sharing projects that are in danger of de-allocation to the Blue Ridge Turnpike improvement project. (Resolution Number 13-09-05)

AYES: Mr. Martin, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: Mr. Leffel

ABSENT: None

ABSTAINING: None

A public hearing was then held on the dissolution of the Botetourt County Finance Board. Mrs. Guzi noted that, as discussed at the July meeting, the County would like to dissolve the Finance Board. She noted that the Finance Board, which consists of the Supervisors Chairman, County Treasurer, and a citizen representative, currently meets once per year.

She noted that, if this request is approved, then all authority, powers, and duties of the Finance Board are vested in the governing body, i.e., the Board of Supervisors. She noted that the Treasurer has offered to submit the County's depository and investment information to the Supervisors on a more frequent basis. She further noted that as the entire Board would receive this information, not just the Chair, it would increase transparency.

She noted that Mr. Bill Arney, County Treasurer, is present at the meeting to answer any of the Board's questions.

Mr. Arney stated that it is redundant to have a Finance Board and also provide this information to the Board of Supervisors. Mr. Arney stated that he plans to provide an annual Treasurer's report to the Supervisors each August.

After questioning by Mr. Clinton, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

On motion by Mr. Clinton, and carried by the following recorded vote, the Board adopted the following resolution dissolving the Botetourt County Finance Board.

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 13-09-06

WHEREAS, Virginia Code § 58.1-3151 allows any county to establish a finance board, which board may direct the investment of funds under guidelines provided by the State Treasurer if it finds that the funds would otherwise draw no interest or draw a lesser rate of interest; and

WHEREAS, Botetourt County established a finance board some time before 1972; and

WHEREAS, the County's finance board included the Chairman of the Board of Supervisors and did not include any other members of the Board of Supervisors; and

WHEREAS, the entire Board of Supervisors, in consultation with the County's Treasurer, prefers to be involved in the investments and investment policies of the County; and

WHEREAS, Virginia Code § 58.1-3151 provides for the abolishment of a finance board, whereupon all authority, powers, and duties of the finance board shall vest in the governing body.

NOW, THEREFORE, BE IT ORDAINED BY THE BOTETOURT COUNTY BOARD OF SUPERVISORS THAT:

Botetourt County's Finance Board is hereby abolished and all authority, powers, and duties of the Finance Board are hereby vested in the Board of Supervisors.

A public hearing was then held on the creation of and participation in the Western Virginia Regional Industrial Facility Authority.

Mrs. Guzi noted that this proposal came about as a result of an Economic Development Summit hosted by Roanoke County earlier this year. She noted that the State's Regional Industrial Facilities Act allows for multiple localities to form an industrial authority for the purpose of enhancing the economic base of member localities. She noted that localities could jointly work together on projects. Mrs. Guzi stated that, if approved, the County would retain the option of whether or not to participate in any project.

Mrs. Guzi stated that joining this authority would allow the County to have a tool in place, but it does not commit the County in any way, shape, or form. She noted that updates on the authority's actions will be provided to the Board.

After questioning by Mr. Clinton, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

Mr. Clinton stated that he enthusiastically supports this proposal as it promotes and helps facilitate economic development in the Roanoke Valley.

After questioning by Dr. Scothorn, Mr. Jay Brenchick, Economic Development Manager, stated that there were similar-type authorities to what is being proposed today when he worked in Florida. He noted that such a group allows the region to work together. Mr. Brenchick stated that he thinks this is a very good idea and it allows the County to participate and partner with other localities in economic development activities.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board adopted the following ordinance authorizing the Chairman or the Vice-

Chairman of the Board of Supervisors and/or the County Administrator to execute the agreement creating the Western Virginia Regional Industrial Facility Authority ("Agreement") between the Town of Vinton, Botetourt County, Franklin County, Roanoke County, the City of Roanoke, and the City of Salem; and authorizing the same to execute any and all documents necessary to establish the Western Virginia Regional Industrial Facility Authority consistent with the terms and conditions of the agreement.

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 13-09-07

WHEREAS, pursuant to the Virginia Regional Industrial Facilities Act, Chapter 64 of Title 15.2 of the 1950 Code of Virginia, as amended (the "Act"), the governing bodies of Botetourt County, Franklin County, Roanoke County, City of Roanoke, City of Salem and the Town of Vinton desire to improve the economies of their localities; and,

WHEREAS, providing a mechanism for localities in the creation to cooperate in the development of facilities will assist the region in its economic growth; and

WHEREAS, the General Assembly of the Commonwealth of Virginia has recognized that regional industrial facility authorities will enhance the economic base for the member localities by developing, owning, and operating one or more facilities on a cooperative basis involving its member localities; and

WHEREAS, regional industrial facility authorities and the powers vested in such authorities shall be for the benefit of the inhabitants of the region, and other areas of the Commonwealth, for the increase their commerce, and for the promotion of their safety, health, welfare, convenience and prosperity; and

WHEREAS, Botetourt County is authorized by the Act to participate in such regional industrial facility authorities and the Botetourt County Board of Supervisors, in conjunction with other governing bodies hereby proposes to create the Western Virginia Industrial Authority, a public body politic and corporate created pursuant to the Act; and,

NOW, THEREFORE, BE IT ORDAINED by the Botetourt County Board of Supervisors that:

1. The economic growth and development of Botetourt County, Virginia and the comfort, convenience and welfare of its citizens require the development of facilities; and
2. Joint action through a regional industrial facility authority by Botetourt County, Franklin County, Roanoke County, the City of Roanoke, the City of Salem and the Town of Vinton will facilitate the development of the needed facilities; and
3. The Chairman or Vice-Chairman of the Board of Supervisors and/or the County Administrator is authorized to execute the attached Agreement, substantially in the form attached hereto as Exhibit A, and any and all requisite documents pertaining to the creation of the authority, establishing the respective rights and obligations of the member localities with respect to the authority consistent with the provisions of Section 15.2-6400 et seq. of the Code of Virginia.

Consideration was then held on the employee disability program. Mr. David Moorman, Deputy County Administrator, stated that in 2013 the Virginia General Assembly created a new retirement program for State and local government employees hired on or after January 1, 2014. He noted that there are now three classes of employees designated under the Virginia Retirement System.

Mr. Moorman noted that in July the Board elected to not participate in a new, State disability program for local governments and school divisions (Virginia Local Disability Program); however, the County is required to offer disability benefits to mandated employees through a

qualified program by January 1, 2014. He noted that after researching the options it has been determined that there are two qualified programs available to the County—one is the Guardian offered by BB&T Insurance Services and the other is The Standard offered by the Virginia Association of Counties Self-Insurance Risk Pool (VACoRP).

Mr. Moorman stated that an evaluation team consisting of the County Administrator; himself; Mary Blackburn, Human Resources Specialist; and Tony Zerrilla, Director of Finance, evaluated both proposals. He noted that both programs offered benefits that were superior to the State's program; however the Guardian's program would require that the County enroll another sub-group of employees before the end of 2013 which would be an additional cost to the County beyond the mandated costs. He stated that the staff does not believe that this is necessary or advantageous to the County.

Mr. Moorman stated that The Standard's program does not require the enrollment of any employees hired before December 31, 2013. He further noted that The Standard's rates are slightly less than those offered by the Guardian and a three year rate guarantee is offered.

After questioning by Dr. Scothorn, Mr. Moorman noted that The Standard program offers the same rate for short term and long term disability coverage.

Mr. Moorman then requested that the Board authorize the County's participation in The Standard plan as the total program costs will be lower than the other offered plan. He further stated that the County feels that we have a "partner" with VACo in this coverage in that they will look for options that reflect the needs specific to counties and cities.

After questioning by Mr. Martin, Mr. Moorman noted that the County does not have an estimated total cost of this program as we do not know how many employees would participate in the program. Mr. Moorman further noted that only employees in non-hazardous duty positions could participate in this disability insurance program.

After questioning by Mr. Clinton, Mr. Moorman stated that the staff met with representatives of the Standard program to review their proposal and exchanged e-mail messages regarding The Guardian program's options.

After questioning by Mr. Martin, Mr. Moorman noted that the County does not offer either short term or long term disability coverage at this time. He noted that the VRS does offer disability retirement benefits to Plan 1 and Plan 2 employees but does not provide short- or long-term disability benefits to those employees. He further noted that the County has had a sick leave bank for many years which allows County employees who have used all of their vacation and sick leave time due to illness to apply through the County Administrator for up to 45 additional days of sick leave that employees have donated to the sick leave bank.

After further questioning by Mr. Martin, Mr. Moorman stated that the County is mandated by the State to now offer a disability insurance program, so "we do not have a choice" in this matter.

There being no further discussion, on motion by Dr. Scothorn, and carried by the following recorded vote, the Board authorized County staff to enter into an agreement with the Virginia Association of Counties Self Insurance Risk Pool for long-term disability insurance under its Group Policy (The Standard), and authorized the County Administrator to execute all necessary documents upon review and approval of the County Attorney. (Resolution Number 13-09-08)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of the County's pre-disaster mitigation plan. Mr. David Firestone, Emergency Services Division Chief, stated that in 2001 every locality was required to develop a pre-disaster mitigation plan to review their past disasters, predict the possibilities of future events, and come up with mitigation plans to deal with different types of disasters.

Mr. Firestone stated that the Roanoke Valley/Alleghany Regional Commission developed the County's first plan in 2002 which included the Towns of Buchanan, Troutville, and Fincastle. He noted that the Supervisors adopted the plan in 2005 and the document is required to be updated every five years. Mr. Firestone noted that the County is required to have an approved plan on file in order to be eligible for federal funding in the event of a declared disaster.

He noted that work began on updating the plan over two years ago and informational meetings were held in June 2011 to receive public comment on the proposed plan. Mr. Firestone stated that the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA) reviewed the report and the Board is being requested today to approve the revised June 2013 plan.

Mr. Firestone stated that the plan includes various County hazard mitigation project charts which indicate that some projects have been completed, some are ongoing, and some projects have not begun due to a lack of funding. He noted that the documentation in the Board's information packets also includes various maps containing data on the potential hazards (flood, fire, wind, etc.) and risk assessments within the County.

After questioning by Dr. Scothorn, Mr. Firestone stated that the IFLOWS gauges are rain gauges set up at various points throughout the County to monitor rainfall and provide warnings of potential flooding events when necessary. Mr. Firestone stated that the County has a reverse 911 system that is used to notify residents in an emergency impact area via telephone or text message.

After questioning by Mr. Martin, Mr. Firestone noted that the maps included in the Board's information are from FEMA and only show the County and the three incorporated towns. He noted that unincorporated areas such as Blue Ridge are not specifically identified on these maps.

After questioning by Dr. Scothorn, Mr. Firestone stated that some insurance companies offer discounts for "fire-wise" buildings.

After questioning by Mr. Clinton, Mr. Firestone stated that some sections in the County's portion of the plan are not accurate including the \$200,000 estimated repair cost for the Rainbow Forest Dam shown on page 195 of the document. He noted that this is an out-of-date figure. Mr. Firestone further stated that the County cannot make any changes to the plan at this time as it has been approved by VDEM and FEMA. He noted that, when the plan is approved by all participating localities and becomes an active document, the County can make revisions.

Mr. Firestone further noted that there are a couple of projects on the hazard mitigation chart that are shown as complete; however, this is not correct but they will remain on the chart to show that the County is making progress compared to the projects' status as listed in the previously-adopted plan.

Mr. Firestone further noted that all three incorporated towns must also approve this plan and the County staff is coordinating with them in this matter.

There being no further discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board adopted the following resolution approving the Roanoke Valley/Alleghany Regional Pre-Disaster Mitigation Plan dated June 2013.

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 13-09-09

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS, a Pre-Disaster Mitigation Plan Committee comprised of representatives from the counties of Alleghany, Botetourt, Craig and Roanoke; the cities of Covington, Roanoke and Salem; and the towns of Buchanan, Clifton Forge, Fincastle, Iron Gate, New Castle, Troutville, and Vinton was convened in order to study the Roanoke Valley-Alleghany Region's risks from, and vulnerabilities to, natural hazards, and to make recommendations on mitigating the effects of such hazards on the Roanoke Valley-Alleghany Region; and

WHEREAS, the efforts of the Pre-Disaster Mitigation Plan Committee members and the Roanoke Valley-Alleghany Regional Commission, in consultation with members of the public, private and non-profit sectors, have resulted in the development of the *Roanoke Valley – Alleghany Regional Pre-Disaster Mitigation Plan* which includes Botetourt County,

NOW, THEREFORE, BE IT RESOLVED, by the Botetourt County Board of Supervisors, that the Roanoke Valley-Alleghany Regional Pre-Disaster Mitigation Plan dated June 2013 is hereby approved and adopted.

A presentation was then given on the Water/Sewer Master Plan Update. Mr. Kevin Shearer, County Engineer, stated that the County has had a water and sewer master plan since 1995 to provide guidance to the Board and staff. He noted that this plan ensures that public water and sewer services are designed to meet the future needs of the County and the document has been updated several times to reflect changes and growth in the County.

He stated that in 2008 a new update was initiated to address the rapid growth taking place in the County at that time. He noted that this update was done in two phases and the first phase documented the existing service areas and created a hydraulic model of the water/sewer systems to determine the available capacity for growth; and reviewed and analyzed growth projections. Mr. Shearer stated that, for example, the first phase of this update identified the need for increasing the capacity of the Tinker Creek Interceptor and the first phase of this construction project is nearing completion. He noted that the purpose of Phase II of the study is to coordinate and dovetail with the directions and conclusions of the 2010 Comprehensive Plan update. He further noted that, as such, this is the first time in our water and wastewater long-range planning effort that the County has specifically planned to coordinate the results of the Comprehensive Plan update and interlace these two very important documents.

Mr. Shearer stated that phase 2 of the update plan was prepared by GHD, Inc., and focuses on future water and sewer capital improvements that are designed to support growth within the development areas designated by the Comp. Plan update and to provide infill. Mr. Shearer noted that Mr. William Johnson, Professional Engineer, is present to provide an overview on this plan to the Board.

Mr. Johnson stated that this document has its "roots" in the 2010 Comprehensive Plan update. He noted that the County's future growth will most likely occur in the southern portion of

the County in designated areas. He further noted that infill development should be encouraged and infrastructure expansion should support designated areas. Mr. Johnson then displayed the land use map from the Comprehensive Plan. He noted that there are residential dwelling units on approximately 13,000 parcels in the County consisting of approximately 100,000 acres. He further noted that there are approximately 10,000 parcels, totaling 250,000 acres, that do not have a dwelling unit.

After questioning by Mr. Austin, Mr. Johnson stated that these acreage figures do not include the national forest lands located in the County.

Mr. Johnson stated that the study's analysis uses a figure of 2.4 persons per household in its calculations. He noted that the study's primary conclusion is that over the next 20 years the County's projected growth could be accommodated in the Residential R-1, R-2, and R-3 districts.

He noted that the study recommends a managed growth approach which includes avoiding sprawl, direct infrastructure to designated areas, infill development is the best value, and use existing infrastructure. Mr. Johnson stated that this is also an opportunity to strengthen the County-owned water/sewer systems.

Mr. Johnson noted that the 2003 water/sewer study contained phase 1 information, and this study was updated in 2009 and completed in 2010. He noted that this 2010 study concentrated on an interconnection preliminary engineering review. Mr. Johnson stated that conclusions from these previous studies show that they were focused on spatial approaches, identifying capacity needs in the current systems, presenting differing demand models, and examined the pace of growth in the County.

Mr. Johnson noted that the 2010/2011 Comprehensive Plan update generally follows the County's drainage basins, allocated residential development—50%infill and 50% new development, and used phase 1 industrial/commercial growth projections. Mr. Johnson stated that the study showed a residential growth of 315,000 gallons per day (gpd) and 140,000 gpd in industrial/commercial growth from 2010 – 2020 and estimated a 280,250 gpd residential growth and a 160,000 gpd industrial/commercial growth in 2020 – 2030. He stated that the County should expect 1 million gpd of demand growth over the 2010 – 2030 planning horizon.

Mr. Johnson stated that three project types were developed—water, sewer, and miscellaneous and a planning horizon of immediate, 5 years, 10 years, and 20 years were developed based on the Comprehensive Plan update. He noted that the recommended immediate projects include: additional water source(s) at Greenfield, Tinker Creek Interceptor Project – Phase 1 (construction currently ongoing), water and sanitary sewer improvements to the Exit 150 area, water line extension along Alternate 220 to EastPark Commerce Center; 5 year projects—water in the Exit 150 area, water and sewer service in the Exit 162 area; 10 year projects—water along Route 220 north of Greenfield, a water loop line to the east and west of the Route 220 corridor, additional water storage capacity at Greenfield, additional water storage capacity along Read Mountain Road and Alternate 220, additional sewer line upgrades on the Tinker Creek Interceptor, sewer line to the east of Route 220 and in the Alternate 220 area; 20 year projects—water along U. S. Route 460 and Route 11 north of Troutville, water along Route 220 north of Greenfield toward Fincastle; water source development in the Nace area off of the Route 11 lines previously installed, sewer west of Route 220, along the Route 11 corridor, in the Daleville area, and along Alternate 220.

Mr. Johnson then reviewed the report's conclusions—the 2010 Comprehensive Plan update helpfully informed the Phase 2 water/sewer study, a better understanding of the growth

patterns in the system would be useful in the near future; a better understanding of asset value would better inform the County's asset planning in the future; several immediate water/sewer needs should be funded in the CIP as some of the County's infrastructure is over 30 – 40 years old.

Mr. Johnson then reviewed the report's recommendations—use this study during the next Comprehensive Plan update; develop a demand model, asset management plan, and a funding model for these projects; develop a project prioritization methodology; and allocate funding in the near-term CIP budget for immediately-needed projects.

Mr. Clinton then thanked Mr. Johnson for his work on the report and noted that today's presentation was very well done.

After questioning by Mr. Martin, Mr. Johnson stated that Mr. Martin was correct in that the County should encourage growth near the infill areas but not make such growth mandatory. Mr. Johnson stated that growth in infill areas builds on the existing value of the water/sewer infrastructure and avoids sprawl.

Mr. Austin noted that this is a great report and he agrees that tying the Water/Sewer Master plan to the Comprehensive Plan is a realistic approach. He noted that the County has challenges due to its geography but he believes that water/sewer infrastructure should be considered along Route 220 north from Daleville to Fincastle. Mr. Austin stated that “the Board will be tasked with their ability to fund” these projects going forward.

Mr. Austin noted that the recommended water/sewer/miscellaneous infrastructure projects through year 10 are estimated to cost \$37 million. He noted that this would be a large financial impact for the County but, if the projects are broken up into phases, it would be more amenable for the County financially. Mr. Austin further stated that the Board will need to evaluate all of their options including going outside of the CIP process to accomplish some of these projects; however, the County needs to invest in its water and sewer infrastructure. Mr. Austin noted that he thinks that future development will take place in areas with public water and sewer service.

Mr. Johnson stated that strengthening the County's asset planning is important.

Mr. Austin stated that the County needs to be in a position financially to accomplish these goals either through growth in the Public Works Department or investigate other options.

Mr. Clinton stated that this is an excellent point as “ultimately it comes down to numbers.”

After questioning by Mr. Clinton, Mrs. Guzi stated that she does not have an accurate figure of monies available in the County's Utility Fund; however, it is sufficient for the County's day-to-day utility operations and on-going maintenance reserves. She noted that in the past the County has relied on low-interest loans to fund major water/sewer construction projects.

After questioning by Mr. Austin, Mrs. Guzi estimated that there was between \$2 – 3 million in the Utility Fund at this time.

Mrs. Guzi then stated that the County will need to continually update the Water/Sewer Master Plan based on development/growth and this Plan should be kept current. She noted that the projects identified in the study for future funding allow the County to be more efficient; however, proceeding on any of these projects will depend on what growth occurs over the next few years. She noted that the County will need to decide where to extend/upgrade water/sewer services in order to “get the biggest return on our investment.”

Mr. Austin agreed with Mrs. Guzi's last statement. He noted that the interchange reconstruction work at Exit 150 will begin in 2015 which will open up additional properties for devel-

opment. Mr. Austin stated that the County's challenges will be in finding the funds to implement the projects included in the Master Plan.

After questioning by Mr. Clinton regarding the \$3.3 million in immediate projects included in the Plan, Mr. Johnson stated that these projects included the Exit 150 area, additional water source development, and provide re-enforcement to the existing systems.

Mrs. Guzi further explained that \$900,000 of this \$3.3 million is for the development of additional Greenfield water sources which is currently underway.

Mr. Johnson suggested that the County also consider those projects proposed on the five year listing to determine if they may or should become an immediate need.

Mrs. Guzi noted that prioritizing is a good term to use on these projects; however, "real life" could change the County's priorities in the future.

Mr. Austin noted that the County has a more definitive growth pattern at the present time than in the past.

After discussion, the Board thanked Mr. Johnson and Mr. Shearer for their work on this study and in compiling this report and accepted the Water/Sewer Master Plan, Phase 2 update as submitted.

The Chairman then called for a 5 minute break.

The Chairman called the meeting back to order at 4:54 P. M.

Consideration was then held on a resolution of support for revisions to State regulations regarding dam containment requirements. Mrs. Guzi noted that Mr. Michael Lubosch, representing the Rainbow Forest Recreational Association, spoke to the Board at their June meeting concerning issues that the Association is having with the Virginia Department of Conservation and Recreation (DCR) regarding bringing the Rainbow Forest dam into compliance with State regulations. She noted that it is estimated that it would cost almost \$900,000 to bring the dam and its spillway into compliance with DCR's revised regulations.

Mrs. Guzi noted that Mr. Martin and the County have worked with the Virginia Association of Counties on this issue and VACo has adopted the following legislative position: "VACo supports a review of Dam Safety Standards administered by the Department of Conservation and Recreation to evaluate ways of reducing their financial impacts upon local government and property owners while also protecting public safety."

She noted that a draft resolution to this effect was included in the Board's information packets and it directs staff to forward a copy of the resolution to the County's General Assembly representatives, the Governor, and the Roanoke River Basin Advisory Committee (RRBAC).

Mr. Martin asked that a copy also be sent to Mr. Larry Land at VACo, and Delegate Charles Poindexter and Senator Frank Ruff, both of whom serve on the RRBAC. He further stated that DCR's new regulations have placed a financial burden on numerous lakes/dams in the State of Virginia including the Rainbow Forest Lake/Dam. He noted that the owners of these facilities are required to fund these expensive improvements and many cannot afford to do so.

After questioning by Mr. Clinton, Mrs. Guzi noted that VACo's legislative position was adopted in August

Mr. Martin noted that the Ivy Lake/Dam facility in Bedford County has been told that it would cost the homeowners association \$3 million to make the necessary DCR construction/safety improvements. He noted that there are conflicting regulations on these types of

facilities as VDoT requires that the structures be built to handle a 6-year flood and DCR requires that they be constructed to contain an 1,000 year flood event. Mr. Martin stated that he and the citizens adjacent to the Rainbow Forest Lake would appreciate the Board's support of this resolution.

Mr. Clinton then noted that the last "Whereas" in the draft resolution appears to "take away" from the resolution's purpose. After questioning by Mr. Clinton, Mrs. Guzi noted that VACo will develop its own version of a resolution on this issue for presentation to the General Assembly.

Mr. Martin noted that the RRBAC will also consider adopting a resolution on this same issue.

After questioning by Dr. Scothorn, Mr. Martin noted that there are several other localities in the State that are experiencing this same problem with the new DCR regulations.

Mrs. Guzi noted that VACo is also working to educate other localities impacted by these new regulations in the event that they want to add their voices to this issue when it is presented to the General Assembly later this year.

After further discussion on the proposed wording, the fifth paragraph was revised as follows, "Whereas, the Virginia Association of Counties (VACo) has added this issue to their 2014 Legislative Agenda and VACo is pursuing this through a request to the General Assembly to study the DCR regulations, which have put a significant financial burden on many privately-owned dams around the State;"

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board adopted the following revised resolution in support of a study by the 2014 Virginia General Assembly of the Virginia Department of Conservation and Recreation's water impoundment structure construction regulations.

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 13-09-10

WHEREAS, the Rainbow Forest Recreation Association, Inc., has been working for many years with the Virginia Department of Conservation and Recreation (DCR) to bring their dam into compliance with State regulations; and,

WHEREAS, the Association has been informed by DCR that due to changes in the regulations they have to bring the dam and its spillways into compliance with 1,000 year flood event regulations; and,

WHEREAS, the estimate to bring the dam into compliance is more than \$900,000; and,

WHEREAS, cost of re-engineering and construction are disproportionate to any benefit that Rainbow Forest Recreation Association, Inc., obtains from the dam or the lake;

WHEREAS, the Virginia Association of Counties (VACo) has added this issue to their 2014 Legislative Agenda and VACo is pursuing this through a request to the General Assembly to study the DCR regulations, which have put a significant financial burden on many privately-owned dams around the State;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Botetourt County Board of Supervisors request that the General Assembly study the Virginia Department of Conservation and Recreation's construction regulations regarding water impoundment structures in their 2014 session and consider removing these unreasonable and burdensome regulations.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor of Virginia, the County's General Assembly representatives, Mr. Larry Land, with the Virginia Association of Counties, Delegate Charles Poindexter, Senator Frank Ruff, and the Roanoke River Basin Advisory Committee for their information.

Mr. Martin thanked the Board for their support of this resolution.

Consideration was then held on a resolution authorizing the creation of, and participation in, the Roanoke Valley Broadband Authority. Mrs. Guzi noted that the required public hearing on the creation of this authority was held by the Board at their August regular meeting. She stated that Roanoke City, Roanoke County, and the City of Salem are the other participating jurisdictions in this authority and they have all officially adopted this resolution.

She noted that there was only one speaker at last month's public hearing on this issue and he spoke in favor of the County joining this authority.

Mr. Leffel stated that he understands that the County "is not making a commitment" by approving this resolution and we are not bound 100% to participate in any broadband-related projects.

Mrs. Guzi stated that adoption of this resolution and participation in this authority does not bind the County to take any action either in the County or the region on broadband projects.

Mr. Leffel stated that he wants to ensure that the County would "be able to do projects ourselves, if we want" to provide broadband services to County residents only.

Mr. Matt Miller with the Roanoke Valley/Alleghany Regional Commission stated that adoption of this resolution by the Board does not tie the County's hands in any way. He noted that participation in this authority is a tool for the County to utilize.

After questioning by Mr. Clinton, Mr. Leffel stated that "he is all for cooperation and partnership" but he wants the County to be able to do the projects that it wants to do and "benefit from it ourselves."

There being no further discussion, on motion by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the attached resolution creating the Roanoke Valley Broadband Authority. (Resolution Number 13-09-11)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Discussion was then held on various appointments.

On motion by Mr. Austin, and carried by the following recorded vote, the Board reappointed Mrs. Joyce Kessinger to the Industrial Development Authority for a four year term that expires on November 1, 2017. (Resolution Number 13-09-12)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Austin, and carried by the following recorded vote, the Board reappointed Mrs. Linda Steger as the Buchanan District representative on the Library Board of Trustees for a four year term that expires on December 31, 2017. (Resolution Number 13-09-13)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Mrs. Guzi then asked that at this time the Board consider a request for a local economic development incentive grant performance agreement between the County and 838 Properties, LLC (Flying Mouse Brewery).

Mr. David Moorman, Deputy County Administrator, stated that the County has been working with the Flying Mouse Brewery for several months including offering incentive and other types of administrative/permitting support as per the County's economic development incentive guidelines.

He stated that the business which is located off of Valley Road recently opened and County staff are requesting approval of the performance agreement. He noted that the agreement details the County's provision of a grant to the company in the amount of \$35,000 payable over 5 years and conditioned upon the company meeting its performance target. He noted that the company is required to have \$528,000 in capital expenditures and generate a minimum of 10 jobs by August 31, 2017.

Mr. Moorman noted that the first incentive grant payment would be made in December 2014. He noted that the performance agreement is a standard form that the County has used in the past. Mr. Moorman further noted that the County Attorney has reviewed this document.

Mr. Austin then questioned the wording of Section 5. Company Reporting and asked what the County would do if we do not think that the company will meet its target numbers.

Mr. Moorman stated that the provisions of Section 3. Disbursement of the Grants would be implemented. He noted that, if the company's yearly reports on their progress are reasonable, then the County will provide the yearly incentive grant payment.

Mr. Clinton stated that he thinks that this performance agreement is a benefit to the County and the company.

Mr. Moorman then noted that County staff is working with the brewery's owners on scheduling a grand opening event on Saturday, October 19 and will provide the Board with additional information as the event's details are finalized.

There being no further discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board directed staff to enter into a performance agreement with 828 Properties, LLC, in substantial conformance with the draft as presented and authorized the County Administrator to execute all necessary documents upon the review and approval of the County Attorney. (Resolution Number 13-09-14)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

Discussion was then held on the acquisition of the Walnut Manor water system. Mr. David Moorman, Deputy County Administrator, stated that in February 2013 the Board authorized the County's acquisition of the Walnut Manor Subdivision water system and directed County staff to enter into an agreement with Sherman and Sally Foutz and their companies in "substantially the same form" as a draft purchase contract presented to the Board at that time. He noted that, in anticipation of the ownership transition and at the request of the owners, the

County's Utilities Department voluntarily assumed operational responsibility for the system in March and began billing customers at the County's standard rates.

Mr. Moorman stated that when preparing the documentation to close on this purchase, the County was informed that the property owner holding the deeded access easement to well lot #1 did not believe that such an easement existed and contested the County's use of his property. He noted that the County worked with the water system's owners to find an alternative route to the well site which would require graveling an undeveloped road. Mr. Moorman noted that it was also discovered that a survey would be needed on one of the well lots.

Mr. Moorman further stated that, when the County began billing the system's 16 residential customers, we were informed that they previously paid their water bills monthly rather than bi-weekly as the County understood. He noted that, as a result, the customers' bills nearly doubled. Mr. Moorman stated that there was also one water test wherein E. coli contamination was detected after an exceedingly large monthly rainfall total. He noted that the following two months' tests were clear; however, the County has been advised by the Health Department that a recent test indicated biological contamination and the Health Department is now requiring that the water supply be treated with chlorine.

Mr. Moorman noted that in addition to the monetary amounts approved in February for the water line extension (\$24,500) and connection fee waivers (\$152,000), all of these new issues will result in additional expenditures by the County to make these corrections. He noted that these expenses include \$4,400 for the survey, \$5,500 for the road improvements, \$1,000 for the purchase and installation of a chlorine treatment system, and \$4,400 for the purchase of a new pump necessitated by a recent pump failure.

Mr. Moorman stated that staff has discussed these unanticipated expenditures with the system's owners to determine their willingness to pay for the costs associated with the purchase and installation of the chlorination system and the new pump as per the Contract of Purchase. He noted that the owner has orally agreed to pay the County \$2,500 at closing toward these expenses. Mr. Moorman stated that the County Attorney will need to revise the Contract of Purchase to reflect these changes.

Mr. Moorman stated that, if the Board still desires to proceed with this acquisition, then they will need to direct staff to do so and authorize the County Administrator to sign the contract on the Board's behalf. He again noted that the County Attorney will need to amend the contract regarding the pump replacement and chlorination issues.

After questioning by Mr. Clinton, Mrs. Dillon stated that the major change to the contract pertains to the easement for well lot #1. She noted that the lot's owner has said that there is no easement across his property to the well lot. Mrs. Dillon noted that, because of this, the sellers cannot give the County full title to the easement under a general warranty deed. She noted that the easement will now be conveyed by a quit claim deed and we have better defined the alternate access easement through the undeveloped roadway. She noted that this new easement is mentioned on page 2 under subsection "c" of the contract. Mrs. Dillon further noted that on pages 4 and 5, Section 8. Title mentions the Ronk easement to be conveyed by quit claim deed.

After further questioning by Mr. Clinton regarding the most recent issues that have arisen regarding this water system's purchase, Mrs. Dillon stated that the agreement will be amended regarding the pump station and chlorination issues. She noted that a verbal agreement to these items has been obtained from the water company's owners.

Mrs. Guzi stated that the owners have agreed to split the costs of the pump replacement and chlorine treatment system with the County and they will pay the County \$2,500 at closing for this purpose.

After questioning by Mr. Clinton, Mrs. Guzi noted that the remaining costs were not discussed with the Foutzes. She further noted that there is another easement available to access well lot #1 and the County will place some gravel on this easement to allow easier access by County vehicles/equipment to the lot. She stated that the County did not want to have to take the easement issue to court due to time and expense considerations.

After questioning by Mr. Martin, Mrs. Guzi noted that the County would assume ownership of this system, if the revised Contract of Purchase is approved by the Board today.

After questioning by Mr. Clinton regarding the surface water contamination, Mr. Paul Peery, Utilities Manager, stated that the water quality contamination notices issued by the Health Department were on two different substances. He noted that E. coli contamination was detected in one water test after this spring's heavy rain events and the most recent water sample indicated that there was total coliform bacteria in the water supply. Mr. Peery stated that the consensus is that chlorination will treat the coliform bacteria issue. He further noted that this water system's well has never been chlorinated which is a rare occurrence in the County.

Mr. Moorman noted that, if there are additional issues with E. coli contamination, the County may have to take further action to treat the system's water supply.

Mr. Austin stated that the Foutzes originally came to him to see if the County would be interested in purchasing this water system. He noted that they were told no but the Foutzes came back at a later time and offered to give the system to the County. Mr. Austin estimated that, at total build-out, this subdivision would contain approximately 60 lots.

Mr. Austin stated that, if this water system's purchase "fits into the County's scheme" for having water and sewer infrastructure, the Board should consider obtaining this system. He noted that the system is strategically located for the County's purposes. Mr. Austin further noted that he believes that all public water systems will be required to be microfiltered in the future.

After questioning by Mr. Martin, Mr. Moorman noted that this water system's customers will be charged the same monthly usage rates as those on other County-operated water systems.

Mr. Austin stated that the County will have to strategically plan to grow our water system infrastructure as we need the customer base. Mr. Austin noted that he supports this request but regrets the recent maintenance/operational issues with this system.

Mr. Martin stated that he agrees with this water system purchase proposal.

After questioning by Dr. Scothorn, Mr. Austin stated that he sees the County's future water infrastructure growth occurring in the areas where there is growth and development.

Mr. Clinton then questioned if this contract has provisions to indemnify the County or give us recourse if there are further problems.

Mrs. Dillon stated that the water system's owners have to certify to the County at closing that the water provided by this system meets the Health Department's requirements. She noted that, if this is found to not be the case, then the Foutzes would have to indemnify the County against damages. She noted that the Foutzes could not provide the County with a general warranty deed.

Mr. Clinton then questioned if there was a warranty/performance period on this water system that, in the event that something happened with the water system, the Foutzes would be required to pay some of the costs to correct the problems.

Mrs. Dillon stated that the County could negotiate for some type of warranty period.

Mr. Austin noted that the water system was supposed to be constructed to the County's standards and specifications when it was originally installed. Mr. Austin noted that he believes that the County will see more private water companies abandon their systems to the County's responsibility in the future. He noted that the Board will have to act more cautiously going forward in taking ownership of these systems and we can try to encourage those system's owners to act more responsibly.

After questioning by Mr. Leffel, Mr. Austin stated that he thinks that the County can move forward with this purchase. Mr. Austin noted that we have had to spend money to make repairs; however, the County does not yet officially own this system.

Mr. Clinton suggested that some type of warranty provision be included in future purchase contracts of this type.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board directed staff to proceed to enter into an agreement with Sherman and Sally Foutz and their companies, in substantially the same form as attached to the Board's informational report, with an amendment regarding pump replacement and chlorination, as approved by the County Attorney; to proceed with the acquisition of the assets therein listed; and authorized the County Administrator to sign all necessary documentation on the County's behalf. (Resolution Number 13-09-15)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then stated that, due to time constraints, the Board's closed session would be delayed until after the 6:00 P. M. public hearing items.

The Chairman then called for a short break.

The Chairman called the meeting back to order at 6:16 P. M.

A public hearing was then held on a request in the Fincastle Magisterial District from Moore Investment Corporation and Santillane, LLC, to rezone 27.781 acres of the parcels listed below from a Residential R-1 Use District to a Residential R-3 Use District, with possible proffered conditions, for the construction of 71 residential dwellings located adjacent to the existing entrance of Santillane Subdivision, approximately 0.28 miles northwest of the Roanoke Road (U. S. Route 220)/Frontier Way (Route 1222) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 73, Parcel 118; and Section 73 (2), Parcels 4 - 9 & 19.

It was noted that the Planning Commission had recommended conditional approval of this request.

Mr. Wade Burkholder, Planning Manager, stated that the applicant is proposing to construct 71 residential dwellings on this property. He noted that there would be nine proposed single family dwellings on 15,000 square foot lots and 62 zero-lot line dwellings on 9,000 square foot lots on 27.7 acres. Mr. Burkholder stated that 3.034 acres of the total acreage is proposed to remain as open/green space.

Mr. Burkholder stated that Mr. Moore is proposing a lesser number of units than the Zoning Ordinance allows on this property. He noted that the R-3 district allows up to 4 dwelling units per acre which calculates to a maximum of 108 units on this 27 acre parcel. Mr. Burkholder noted that Mr. Moore is only proposing to construct 71 residential dwellings.

Mr. Burkholder further noted that this request was tabled at the Planning Commission's June meeting to allow Mr. Moore to reach an agreement with the Town of Fincastle regarding the development being served by the Town of Fincastle's sewer system. He noted that this agreement has been negotiated and approved by the Fincastle Town Council. Mr. Burkholder further stated that the development's water will be supplied by Central Water Company.

After discussion, Mr. Burkholder stated that the residual Santillane Subdivision property will remain zoned as a Residential R-1 Use District. Mr. Burkholder then reviewed the plans for this project and read the five proffered conditions included with this request ("To construct the subdivision in substantial conformance with the concept plan dated April 30, 2013, to 'To construct the subdivision in substantial conformance with the concept plan dated April 30th 2013 and in compliance with the Sewer Connections Purchase Agreement by and between the Town of Fincastle and Santillane LLC dated August 8, 2013.'; To construct all dwellings with brick and stone fronts and brick, rock, vinyl and tacit combination for remaining sides; To construct Pioneer Road from U. S. Route 220 to the intersection of Pioneer Road and Settlers Road before the eleventh (11th) building permit is issued; To make every effort to restrict construction traffic from Settlers Road and direct the traffic along the existing gravel road as shown on the concept plan; All construction of sewer mains and laterals shall be constructed to the standards recommended by the Western Virginia Water Authority and to Chapter 24 of the County Code: '*Botetourt County Water and Sewer Construction Standards and Specifications.*').

Mr. Burkholder stated that the 10 lots located adjacent to the existing subdivision will be constructed first and Mr. Moore has stated that Pioneer Road from Settlers Road to U. S. Route 220 will be built before the 11th building permit is issued.

Mr. Burkholder then displayed a photograph of the type of patio homes that Mr. Moore is proposing for this development. He noted that Mr. Moore is present at the meeting to answer any of the Board's questions on this request.

Mr. Chris Moore stated that he appreciates the opportunity to speak to the Board concerning his proposal. Mr. Moore stated that Mr. Burkholder explained his proposal very well but if the Board has any questions, he would be glad to answer them. Mr. Moore further stated that he believes that this is a good opportunity for the County and the Town, and it will provide a different "product" of residential dwelling unit for citizens wishing to live in this area.

After questioning by Mr. Martin, Mr. Moore stated that he estimates that the purchase price of the patio homes would be \$250,000 - \$300,000.

After questioning by Mr. Austin regarding construction access to this site, Mr. Moore noted that the trucks and equipment would not access these new lots through the main Santillane entrance (Frontier Way). After further questioning, Mr. Moore noted that upon completion of Pioneer Road, there will be two entrances into this subdivision off of Route 220. After further questioning by Mr. Austin, Mr. Moore stated that the houses proposed on a future section of the Santillane property near Herndon Street (near the Fitzgerald property) will be single family dwellings on larger lots.

After questioning by Mr. Austin regarding public sewer service to this property, Mr. Moore stated that the Town of Fincastle's sewer line is located along Herndon Street and he will

construct a sewer line along Town Branch and connect it with the Herndon Street line to serve this section of the development.

Mr. Clinton stated that he thinks that this is a great project. After questioning by Mr. Clinton regarding construction traffic, Mr. Moore stated that he will be constructing most of the houses in this subdivision and he will try to keep the heavy traffic off of the main entrance road. Mr. Moore stated that construction traffic will use the gravel entrance off of Route 220 when necessary.

Mr. Clinton encouraged Mr. Moore to “educate” the contractors and subcontractors as to which entrance they should use to access this construction site.

Dr. Scothorn noted that Mr. Moore has gone through a burdensome process to bring this request before the Supervisors for consideration.

After questioning by Mr. Clinton, it was noted that there was no one present to speak in regard to this request. The public hearing was then closed.

There being no further discussion, on motion by Mr. Leffel, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this rezoning request with the following conditions. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other: (Resolution Number 13-09-16)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

**MOORE INVESTMENT CORPORATION
and SANTILLANE, LLC**

In the Fincastle Magisterial District to rezone 27.781 acres of the parcels listed below from a Residential R-1 Use District to a Residential R-3 Use District for the construction of 71 residential dwellings located adjacent to the existing entrance of Santillane Subdivision, approximately 0.28 miles northwest of the Roanoke Road (U. S. Route 220)/Frontier Way (Route 1222) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 73, Parcel 118; and Section 73 (2), Parcels 4 - 9 & 19.

1. To construct the subdivision in substantial conformance with the concept plan dated April 30, 2013, to “To construct the subdivision in substantial conformance with the concept plan dated April 30th 2013 and in compliance with the Sewer Connections Purchase Agreement by and between the Town of Fincastle and Santillane LLC dated August 8, 2013.”
2. To construct all dwellings with brick and stone fronts and brick, rock, vinyl and tacit combination for remaining sides.
3. To construct Pioneer Road from U. S. Route 220 to the intersection of Pioneer Road and Settlers Road before the eleventh (11th) building permit is issued.
4. To make every effort to restrict construction traffic from Settlers Road and direct the traffic along the existing gravel road as shown on the concept plan.
5. All construction of sewer mains and laterals shall be constructed to the standards recommended by the Western Virginia Water Authority and to Chapter 24 of the County Code: “*Botetourt County Water and Sewer Construction Standards and Specifications.*”

A public hearing was then held on proposed amendments to Chapter 25. Zoning of the Botetourt County Code regarding the Sign Ordinance.

It was noted that the Planning Commission had recommended approval of these amendments.

Mr. Wade Burkholder, Planning Manager, stated that the Planning Commission began reviewing the Sign Ordinance in December 2012 and developed six guiding policies for their work including: support commercial/industrial/institutional uses through advertising, flexibility in signage technology, manage visual clutter, maintain an aesthetically pleasing Botetourt County, provide clarity of the regulations, and administer an easy and predictable permitting process and fair and effective enforcement for all citizens and businesses. Mr. Burkholder stated that the Planning Commission listened to all of the citizen comments made at the numerous public forums held on these proposed amendments over the past few months. He noted that there is a list in the Board's information packets on the various types of public notices/news articles and where it was published/shown.

Mr. Burkholder stated that in the current Sign Ordinance a business/industry can only have a maximum of 3 signs of no more than 120 square feet in total size on their site/structure. He noted that signs are only listed as business or industrial, there are limited options, which has resulted in difficulties in determining what was permitted on each piece of property.

He noted that, in the proposed ordinance, commercially-zoned properties are still only allowed a maximum area of 120 square feet of signage but the limits on the number of signs has been eliminated, there are standards for each type of sign, one free-standing sign is permitted per street frontage, and the types of signs allowed were expanded.

Mr. Burkholder then reviewed the various types of sign graphics that are proposed under the new regulations.

Mr. Burkholder noted that the 120 square foot total sign size was not a concern raised by the public during the informational sessions held by the Planning Commission; therefore, this maximum size limit was not proposed to be changed. He noted that the proposed amendments allow the business to best determine where they want to place their signs for the most effective visibility.

Mr. Burkholder stated that, under the existing ordinance, shopping center signs are allowed to have one listing sign and a maximum of 20 square feet of signage for each business front. Under the new regulations the businesses would be allowed to have a 1 to 1 ratio based on the store's linear frontage with a maximum of 100 sf of signage.

Regarding banners, Mr. Burkholder stated that there was a lot of discussion on these types of signs and there was confusion on the specific type of banners allowed. He noted that banners are only allowed for 90 days under the current ordinance and the Planning Commission is now recommending that banners be allowed for a maximum of 180 days.

Mr. Burkholder noted that metal frame, portable signs are still prohibited in the proposed revisions. He further stated that there was a lot of discussion held on the issue of commercial flags. He noted that "Open" flag signs are exempt from the ordinance but, if the company's name is on the flag, then it is counted in the 120 sf maximum. Mr. Burkholder noted that kiosk signs are used mostly in shopping centers or facilities where there are a large number of tenants. He noted that kiosk signs have three sides and are limited to 20 sf of area per side.

After discussion, Mr. Burkholder stated that neon signs are not included in the existing ordinance and, in the proposed ordinance, neon "Open" signs are exempt; however, they are not allowed to flash or scroll. He noted that projecting signs are defined as those signs that hang perpendicular to a wall. Mr. Burkholder further stated that vehicle signs are those advertisement-type signs that are placed on vehicles that do not move during day-to-day business

operations. He also noted that pole signs are prohibited in the existing ordinance but are allowed in the proposed ordinance.

Mr. Burkholder further stated that the extended sign height limits in the Exit 150 interchange area are still in effect. He noted that ground signs are proposed to be a maximum of 30" from the bottom of the sign to the ground. Regarding monument signs, Mr. Burkholder stated that the Planning Commission, in their revisions to the Sign Ordinance, stressed the use of monument signs as they reduce visual clutter. He noted that the square footage of monument signs is proposed to increase in the new draft ordinance.

Mr. Burkholder stated that bulletin boards are used by church groups and others to advertise meeting dates/times and directory signs, which have more of a commercial use, list the businesses in the specific facility.

He stated that there was also a lot of discussion on LED electronic message board signs. Mr. Burkholder stated that currently these types of signs are allowed but the message being displayed cannot change more than once a day. He noted that in the proposed ordinance, any institution in the County (non-profits, schools, churches, fire departments public entities, hospitals, etc.) are allowed to have these signs subject to certain design standards and after obtaining a Special Exceptions Permit. Mr. Burkholder stated that any LED sign can be incorporated into a monument-style sign but the sign can be no higher than 7' off of the ground. Mr. Burkholder noted that the proposed LED sign language was developed to "strike a balance between the business community and the rural nature of the County." He noted that the Planning Office has not received a lot of requests for these types of signs; probably because they are costly to purchase and install.

Mr. Burkholder stated that LED signs would be allowed in SC, PUD, TND, POP, and PIP zoning districts by Special Exceptions Permit. He noted that there are five designated Shopping Center zoning districts in the County at the present time; the only TND is at Daleville Town Center; and a portion of Botetourt Center at Greenfield is zoned POP. Mr. Burkholder noted that businesses in these districts could apply for a message board sign at the present time. He noted that any new shopping center or traditional neighborhood districts would have to request these types of signs through the rezoning process.

After discussion, Mr. Burkholder stated that the current Sign Ordinance requires a 1,000' buffer around an historic district/property where LED signs are not allowed; therefore, for example, the Fincastle Volunteer Fire Department could not install a LED sign because of its close proximity to the Fincastle Historic District. Mr. Burkholder stated that discussion was also held on the separation distance between LED signs. He noted that the current ordinance requires 800' separation; however, there is not a lot of case law on the distances between LED signs. He noted that the Planning Commission recommended retaining the 800' separation.

Mr. Burkholder stated that there were also grammatical and "clean-up" type changes made by staff to the revised Sign Ordinance.

After questioning by Mr. Martin regarding the limit for banner-type signs, Mr. Burkholder stated that the proposed ordinance recommends a maximum of 180 days for banners to be displayed, which is double the currently-allowed 90 day maximum.

Mr. Martin then questioned if any information on the new sign ordinance's provisions would be sent to the County's business community. Mr. Burkholder stated that press releases and newspaper articles have been written on the County's efforts over the past 9 months to update the ordinance. He noted that, once approved, a press release will be issued notifying

the public and the County's website will be updated regarding this matter. Mr. Burkholder stated that no information is planned to be mailed out to the County's businesses.

After questioning by Mr. Clinton regarding staff enforcement of the new provisions for flags, banners, etc., Mr. Burkholder stated that the Planning Office's staff will enforce the new requirements and will also rely on the honor system for compliance. He noted that it would necessitate a lot of public education to reach the businesses to inform them of the new Sign Ordinance's provisions.

After further questioning by Mr. Clinton, Mr. Burkholder stated that the 120 sf maximum amount of signage is retained in the revised ordinance; however, the businesses have no limit on the number of signs that would constitute that 120 sf. Mr. Clinton then questioned if having an unlimited number of signs that total 120 sf would be a public safety hazard. Mr. Burkholder stated that the proposed amendments further define what types of sign(s) are allowed in the 120 sf maximum.

After further questioning by Mr. Clinton, Mr. Burkholder stated that kiosk signs are usually used in a mixed-use development such as a facility that leases office space or has various retail businesses, etc. He further noted that the kiosk sign can be used to provide directions/maps or provide directional arrows guiding visitors to certain businesses. He noted that these types of signs are intended for internal building uses.

Mr. Austin noted that he believes that the County will have a problem enforcing the 180 day limit on businesses displaying banners. Mr. Austin further noted that there could also be problems with the proposed 800' spacing restrictions for institutions/non-profits that use LED signs. He noted, for example, that if Lord Botetourt High School installed a LED sign, then the businesses in the shopping center located across Route 220 from the school, which pay County taxes, would not be allowed to install a LED sign. He noted that the same scenario would also impact the Daleville Town Center and the Food Lion shopping center further north on Route 220.

Mr. Burkholder agreed with Mr. Austin's comments and, as currently proposed, the Sign Ordinance would not allow both of these businesses/shopping centers to have LED signs due to the close proximity of the other institution/business.

Mr. Austin also stated that the 1,000' restriction of placing LED signs near a historic district/site may also prohibit signs at the Red Roof Inn and possibly Cracker Barrel due to the location of an historic site near Cash's Building Supply on Route 11. Mr. Austin further stated that additional articles in the local newspapers should be published to let the public know of the proposed Sign Ordinance amendments.

Dr. Scothorn stated that the Planning Commission discussed the distance issue between LED signs for some time. He agrees that there has to be some distance from sign to sign to avoid confusing the public or causing traffic safety issues. He noted that the Board's public hearing is the "last chance effort" to obtain public input on the proposed amendments.

Dr. Scothorn further stated that policing these signs will take a lot of staff time. He questioned if the Shopping Center sign provisions could be phased in over a couple of years and then additional sign restrictions could be phased in after that time. He stated that technology is catching up with the sign industry and LED signs might be outdated in a few years.

After discussion, Dr. Scothorn noted that the "Planning Commission has labored these amendments to death." He noted that the County needs to do all we can to make sure that the public is informed of these proposed amendments. He further noted that there were a few people who attended the Planning Commission's public meetings on these amendments. Dr.

Scothorn also noted that one church in the Route 460 area has already installed a LED sign which is not in compliance with either the current or proposed sign ordinance and staff will be sending the church a non-compliance letter.

Mr. Clinton noted that signs have been one of the top three discussion topics for the Board going back over the years. He stated that "one more time through would not hurt" to ensure that the public is aware of what is being proposed. He further stated that phasing in the ordinance's provisions "sounds like a good idea." Mr. Clinton then stated that, as there was no one from the public present at tonight's public hearing on these proposed amendments, he believes that the Board should table this hearing to give the public another opportunity to offer their input.

Mrs. Guzi stated that the staff would be willing to meet with the press in the next week or so to "get one more article out there" to try to obtain some additional public comments. She recommended that the Board take no action on these proposed amendments at tonight's meeting.

Mr. Austin stated that the Board may want to amend the ordinance regarding the distance that LED signs are allowed from historic structures/districts and whether LED signs could be located across the street from each other as in the example of Lord Botetourt High School and the shopping center across the street. He questioned if these proposed changes would necessitate sending the ordinance back to the Planning Commission for consideration.

Mr. Leffel stated that he has discussed the proposed ordinance with several Planning Commission members. He noted that a lot of time has been put into developing this ordinance by both the Commission and County staff. Mr. Leffel noted that he was unaware that there was an historic structure on Route 11 near Cash Building Supply before receiving this information from the Planning staff.

Mr. Leffel further stated that he does not want to think about having to consider exceptions to the Sign Ordinance on the day after it is adopted. Mr. Leffel commended the Commission members and County staff for the time and work that they have put into developing this draft ordinance.

Mr. Austin stated that, on the issue of a LED sign being placed at Lord Botetourt which would, according to the proposed ordinance, then prohibit the shopping center across the street from placing a LED sign, he would suggest that there be an east/west exception to such requests.

Mr. Burkholder stated that the Board could remove the 800' separation limit between LED signs and require a minimum frontage.

Mr. Austin stated that he does not know what the most realistic answer would be in this particular instance but some consideration needs to be given to this site and others in a similar situation.

After questioning by Mr. Clinton, it was noted that there was no one present to speak regarding this matter. The public hearing was then closed.

Mr. Austin stated that he believes that there are some issues in the draft ordinance that need to be amended and questioned whether the ordinance should be sent back to the Planning Commission for further consideration.

Mrs. Guzi stated that, depending on how extensive the Board would like to revise the draft ordinance, the document may not have to be sent back to the Planning Commission for further consideration. Mrs. Guzi noted that she has heard the Board's concerns about a few items in the draft ordinance and staff can offer some options to those concerns for the Board's

consideration at the October regular meeting. Mrs. Guzi stated that, unless the Board is proposing “a complete change” to the Planning Commission’s ordinance recommendations, she believes that the Commission will be satisfied with the modifications proposed by the Board.

After discussion by Dr. Scothorn, Mrs. Guzi stated that the staff has heard the areas of concern mentioned by the Board at tonight’s meeting and will work on developing options for those situations. She noted that staff will also contact the press to place another article/news release about the proposed ordinance amendments “to get the word out” and also discuss the proposed language with the Chamber of Commerce. Mrs. Guzi noted that she does not believe that it is necessary to conduct another public hearing on this matter.

Mr. Clinton stated that, if the County does not hold another public hearing, then it “would defeat the purpose” of trying to again notify the public about the proposed ordinance amendments.

Mr. David Moorman, Deputy County Administrator, stated that the staff could implement another public notification campaign and the citizens could be directed to contact the Board members if they have any suggestions/comments.

After discussion by Mr. Clinton regarding the 800’ separation between LED signs, Mrs. Guzi stated that the staff could bring language options back to the Board on this matter and solicit public comment between now and the October Board meeting.

After questioning by Mr. Austin regarding whether another public hearing would be required, Mrs. Dillon stated that the Board is not required to hold another public hearing but they may do so.

Mr. Austin suggested that the Board look at the staff’s proposed revisions at the October regular meeting and then decide whether to adopt the ordinance with amendments or return the matter to the Planning Commission. He noted that the press should be contacted to ask that they publish additional articles about the ordinance as well.

Mr. Leffel noted that he believes that advertising the ordinance for another public hearing would make the ordinance “more final.”

Mr. Todd Dodson of Fincastle stated that he attended several Planning Commission meetings on these proposed amendments. He suggested that the staff hold a breakfast/lunch meeting with the Chamber of Commerce’s members and give a presentation on the proposed ordinance. He noted that the Supervisors could then again consider the ordinance at their November meeting.

Dr. Scothorn stated that, after the numerous work sessions and meetings held since December 2012, “the Planning Commission does not want to see” this ordinance returned to them for consideration.

Mr. Dodson stated that the County should “get the businesses involved” in the opportunity to have their input considered in updating the Sign Ordinance.

Mrs. Guzi stated that the Chamber of Commerce’s Board of Directors has been part of the process in developing this ordinance and there have been presentations conducted by staff at the Board of Directors’ meetings.

After questioning by Mr. Austin, Mr. Burkholder stated that, based on comments made at tonight’s hearing, he will give the Board language options on the 800’ separation of LED signs between institutional and commercial businesses, the 1,000’ distance from historical properties/districts, regarding banners, and phasing in the ordinance’s provisions for Shopping Center Districts first.

After discussion by Dr. Scothorn, Mr. Moorman noted that the Board could require that there be 800' of linear separation between LED signs but they could be permitted across the street from each other.

Mr. Martin noted that he agrees with the comments made regarding the LED sign situation in the Lord Botetourt/shopping center example mentioned earlier by Mr. Austin and believes that this particular type of situation should be remedied with some revisions to the ordinance.

Mr. Clinton requested that the staff consider options to the Sign Ordinance based on the Board's comments this evening and bring proposed language back to the Board for consideration at the October regular meeting.

Mr. Austin noted that he likes Mr. Dodson's idea of having additional meetings with the Chamber of Commerce or the Kiwanis Club regarding the proposed ordinance's language.

After discussion, Mr. Clinton thanked Mr. Burkholder and his staff for their perseverance in amending the Sign Ordinance.

Mrs. Guzi then requested a clarification from the Board on a zoning matter heard at the Supervisors' July 23 regular meeting. She noted that after conducting a public hearing on the 838 Properties, LLC, request for the Flying Mouse Brewery, the Board tabled the rezoning portion of the request for up to 90 days to allow additional information to be obtained as well as clarifying the wording for the proposed rezoning. Mrs. Guzi noted that the October Supervisors meeting occurs 92 days past the July Board meeting and the staff is requesting clarification of the Board's intent to give the applicant 90 days/three months which would allow this matter to again be considered at the October 22 regular meeting.

After discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board clarified their intent that the 838 Properties, LLC, rezoning request (Frank I. Moeller, Flying Mouse Brewery) was heard and subsequently tabled at the July 23, 2013, regular meeting for up to three months or the Supervisors' October 22, 2013, regular meeting. (Resolution Number 13-09-17)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Austin, and carried by the following recorded vote, the Board went into closed session at 7:38 P. M. to discuss the expansion of an existing business or industry not previously announced as per Section 2.2-3711A (5) of the Code of Virginia of 1950, as amended. (Resolution Number 13-09-18)

AYES: Mr. Martin, Mr. Leffel, Dr. Scothorn, Mr. Clinton, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 8:15 P. M.

On motion by Mr. Austin, and carried by the following recorded vote, the Board returned to regular session from closed session and adopted the following resolution via roll call vote. (Resolution Number 13-09-19)

AYES: Mr. Martin, Mr. Leffel, Dr. Scothorn, Mr. Clinton, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

BE IT RESOLVED, that to the best of the Board members' knowledge, only public business matters lawfully exempt from open meeting requirements and only such matters as were identified in the motion to go into Closed Session were heard, discussed, or considered during the Closed Session.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the meeting was adjourned at 8:16 P. M. (Resolution Number 13-09-20)

AYES: Mr. Martin, Mr. Leffel, Mr. Austin, Dr. Scothorn, Mr. Clinton

NAYS: None

ABSENT: None

ABSTAINING: None