

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, August 26, 2008, in Rooms 226, 227, and 228 of the Greenfield Education and Training Center, in Daleville, Virginia, beginning at 9:00 A. M.

PRESENT: Members: Mr. Don A. Assaid, Chairman  
Mr. Don L. Meredith, Vice-Chairman  
Mr. Stephen P. Clinton  
Mr. Terry L. Austin  
Mr. Billy W. Martin, Sr.

ABSENT: Members: None

Others present at the meeting:

Mrs. Elizabeth Dillon, County Attorney  
Mr. David Moorman, Deputy County Administrator  
Mr. Gerald A. Burgess, County Administrator

The Chairman called the meeting to order at 9:01 A. M.

Mr. Assaid then noted that he was informed this morning of the death of Mr. Leigh B. Hanes, Jr., former Roanoke City Council member, former Botetourt County Attorney, and former Troutville Town Attorney.

The Chairman then asked for a moment of silence. He then asked that everyone stand and recite the pledge of allegiance.

Mr. Ron Smith, Public Works Manager, then introduced Mrs. Evelyn Renshaw to the Board. He noted that Mrs. Renshaw was hired as an Administrative Secretary in his office in early August. He stated that Mrs. Renshaw has previous experience in customer service and has worked for the County in the past. Mr. Smith stated that he looks forward to working with Mrs. Renshaw in the future.

Mr. Assaid welcomed Mrs. Renshaw to employment with Botetourt County and noted that it is nice to have her back with the County.

Mrs. Renshaw thanked Mr. Assaid for his comments.

Mr. Spencer Suter, Assistant to the County Administrator, then introduced Mrs. Sarah Pugh to the Board. He noted that Mrs. Pugh has been his Administrative Assistant since July 28 and is doing very well so far. Mr. Suter stated that Mrs. Pugh has 11 years of experience in office management and accounting with Anchor Sales in Salem and lives in the Nace section of the County.

Mr. Suter then introduced Mr. Brian Kiser to the Board as the County's new Help Desk Technician in the computer department. He noted that Mr. Kiser is the "front line" in responding to the County's computer-related problems as his duties include answering employees calls for computer assistance and assisting in repairs and solutions to problems whenever necessary. Mr. Suter noted that Mr. Kiser, who lives in Salem, graduated from Ferrum College, previously worked for Wachovia Bank, and has seven years of related computer experience.

Mr. Assaid welcomed both Mrs. Pugh and Mr. Kiser to employment with Botetourt County.

There being no discussion, on motion by Mr. Meredith, and carried by the following recorded vote the Board approved the minutes of the regular meeting held on July 22, 2008, as submitted. (Resolution Number 08-08-01)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Finance Manager, noted that there was one transfer and 11 pass-through appropriations for the Board's consideration this month. He noted that the \$536,991 transfer from the Undesignated Fund Balance to the Utility Capacity Fund is based on a recommendation from the results of the FY 08 Fund Balance Policy calculation. Mr. Zerrilla further noted that State reimbursement revenues from the Public Safety Building project and the Fincastle sewage treatment plant provide for this transfer.

Mr. Zerrilla then noted that the various appropriations are for recurring items, receipt of State grant funds, donations, receipt of fines, appropriations of revenues, reimbursements, etc.

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 08-08-02)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$536,991 from General Fund – Undesignated Fund Balance to Utility Capacity Fund. This transfer is a recommendation from the results of the FY08 Fund Balance Policy calculation. Revenues from the recent receipt of the Regional Jail reimbursement grant related to the wastewater treatment plant construction provides for this funds transfer.

Additional appropriation in the amount of \$23,226.35 to County Volunteer Fire Departments – County Volunteer Rescue Squads, 100-4032200-5651. These are Four-for-Life funds received from the State, which will be divided evenly among the County's five volunteer rescue squads. These payments are included in this month's accounts payable list.

Additional appropriation in the amount of \$1,850 to Volunteer Fire & Rescue – Capital Outlay – Other Capital, 100-4032200-8012. These are donation funds received for the Volunteer Appreciation Day event.

Additional appropriation in the amount of \$4,590 to Probation Office – Professional Services, 100-4033300-3100. These are VJCCCA grant funds received for court-ordered at-risk youth treatment services.

Additional appropriation in the amount of \$335 to the following Library accounts: \$25 to Library – Books and Subscriptions, 100-4073100-6012, and \$310 to Regional Library – Books and Subscriptions, 100-4073200-6012. These are donation funds.

Additional appropriation in the amount of \$49,058 to Revenue Refunds – Refunds, 100-4092000-5999. This is the State's share of FY08 fines collected by the Commonwealth Attorney's Office through General District Court. The County retains the same amount.

Additional appropriation in the amount of \$315 to Botetourt Sports Complex – Marketing, 100-4071300-5840. These are funds received from Salem for a recent NSA State Tournament.

Additional appropriation in the amount of \$5,000 allocated to the following: \$2,500 to Standing Room Only, 100-4072241, and \$2,500 to Attic Productions, 100-4072242. These are Challenge Fund Grant monies received from the Virginia Commission for the Arts.

Additional appropriation in the amount of \$31,066.20 to Emergency Services – Lease/Rent Equipment, 100-4035500-5410. These funds were received from Verizon for the Fincastle (Crawford Mountain) cell site/tower rent.

Additional appropriation in the amount of \$10,067.40 to Sheriff – RAID Patrol, 100-4031200-5830. This is a quarterly reimbursement of RAID program expenses.

Additional appropriation in the amount of \$2,221.12 to the following Sheriff's Department accounts: \$1,800 to Forest Patrol - Salaries, 100-4031200-1900; \$126 to Sheriff – FICA, 100-4031200-2100; and \$295.12 to Sheriff – Vehicle & Power Equipment Supplies, 100-4031200-6009. This is a reimbursement for Forest Patrol overtime and expenses.

Additional appropriation in the amount of \$411.76 to the following Sheriff's Department accounts: \$382.50 to Regular Wages – Overtime, 100-4031200-1200, and \$29.26 to FICA, 100-4031200-2100. These are reimbursed funds for traffic control services.

Consideration was then held on approval of the Accounts Payable list and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Finance Manager, stated that this month's total invoices were \$1,352,232.10; \$1,065,343.44 in General Fund expenditures; \$3,740.06 in Debt Service Fund invoices; and \$283,148.60 in Utility Fund invoices. He noted that the Short Accounts Payable list totaled \$82,979.82; \$76,651.13 in General Fund invoices; and \$6,328.69 in Utility Fund expenditures.

Mr. Zerrilla noted that this month's large expenditures included: \$31,300 to Berglund Chevrolet for two Chevy Tahoe vehicles for the Fincastle Rescue Squad and the County's Captain of Emergency Services; \$30,627 for a Ford F350 brush truck for the Eagle Rock Fire Department; \$25,362 to Thompson and Litton for work on the landfill convenience center project; \$68,142 to G&H Construction for work on the press boxes/concession stands at James River and Lord Botetourt high schools; \$35,000 to Lawrence Equipment for the purchase of a trailer and excavator for the Utilities Department; and \$102,687 to the Virginia Resources Authority for a debt service payment on the Roanoke Regional Sewage Treatment Plant upgrade project.

After questioning by Mr. Clinton, Mr. Zerrilla stated that equipment purchase by the Utilities Department from Lawrence Equipment was for an excavator and a trailer to do water/sewer line repair work.

After questioning by Mr. Assaid, Mr. Zerrilla stated that the \$17,438 payment to Berglund Chevrolet was for the purchase of a used 2008 van for the Library to deliver books and materials among the various library facilities. After further questioning by Mr. Assaid, Mr. Zerrilla stated that the \$16,000 payment to Best Cleaning Enterprise was for floor cleaning and waxing work required at the new jail after the contractor removed defective floor tiles.

Mr. Ron Smith, Public Works Manager, stated that, as this work was part of the facility's construction, the County is in negotiations with the contractor to receive a reimbursement of a portion of this expense.

There being no further discussion, on motion by Mr. Assaid, 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 08-08-03)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Burgess then stated that a couple of weeks ago the Roanoke County Board of Supervisors adopted a resolution of concern regarding State budget cuts and the necessity for localities to return previously received funds to the State to help balance the budget. He noted that Botetourt County will be required to return approximately \$250,000 to the State in December 2008. Mr. Burgess noted that the State should be balancing the State budget instead of cutting local funds. He stated that these budget allocation reductions, which total \$239,633, include the Registrar's Office, law enforcement, jail, Commissioner of Revenue, State tax services, Commonwealth's Attorney, Circuit Court Clerk, Treasurer, recordation taxes, and financial services for at-risk programs for juveniles.

Mr. Burgess noted that these budget cuts will be more severe in the future if the economy does not improve and the County expects a minimum of an additional \$238,928 in State fund reductions next year. Mr. Burgess stated that the County can absorb these cuts within the budget at this time but this may not be the case in the future and, if the cuts become more extreme, the County may have to consider other measures.

Mr. Assaid thanked Mr. Burgess for this update.

Consideration was then held on bids received for the Landfill Convenience Center. Mr. Ron Smith, Public Works Manager, stated that this project was advertised for bids which were received on August 19. He noted that the County received a significant amount of interest from contractors on this project during the advertisement process and eventually received five bids. He noted that the low bid was submitted by Wall Construction, LLC, in the amount of \$1,058,000, while the engineer's estimate for this work was \$928,800.

Mr. Smith stated that County staff entered into negotiations with the low bidder which have resulted in a credit for several items—building permit, seeding, signage, retaining wall. He noted that a letter from Mr. Brian Tew, Thompson and Litton's project manager, which is being handed out to the Board members at this time, indicates that a total preliminary credit of \$87,612 has been negotiated with Wall Construction on this project. Mr. Smith stated that the largest reduction (\$76,912) resulted in a change from a "pre-cast retaining wall" to a "cast in place" wall structure. He noted that these credits have reduced the bid total to \$970,388 which Thompson and Litton and County staff find acceptable.

Mr. Brian Tew with Thompson and Litton then stated that there may be one or two additional bid items on which costs can be reduced.

Mr. Smith stated that there are funds available in the current budget for this project. He noted that the staff feels that this is a good price given all bids received and requests that the Board approve a contract with Wall Construction.

After questioning by Mr. Clinton, Mr. Tew stated that the contractor should be able to begin work as soon as the contract is signed. Mr. Smith stated that the construction schedule includes three months for substantial completion, with final project completion by the end of 2008.

After questioning by Mr. Austin, Mr. Smith stated that the new scalehouse facility is not included in this price, as that facility and the new weighing scales are being bid separately. Mr. Smith noted that the bids for the new scalehouse are due on September 17.

After further questioning by Mr. Austin, Mr. Smith stated that the work to be performed by Wall Construction includes site work, road construction, and paving the landfill's entrance road. He noted that the landscaping portion of this project will be removed from the bid and

delayed until the spring of 2009. After further questioning, Mr. Smith noted that Wall Construction is based in Madison Heights, Virginia, and have worked on several projects including the Hotel Floyd and plans to use as subcontractors Hubbard Excavating and Lanford Brothers Company.

Mr. Tew stated that the references received for Wall Construction have been good and the firm has been very responsive to questions from the County and Thompson and Litton.

After questioning by Mr. Clinton regarding the retaining wall, Mr. Tew stated that this wall is located at the trash loading area and he believes that the price for this portion of the project was higher due to the pre-cast wall being a "sole spec" item.

Mr. Assaid noted that the engineer's estimate was \$130,000 lower than the low bid amount.

Mr. Tew stated that the majority of the cost overruns were associated with the wall portion of the project. Mr. Tew stated that the wall's bid cost was \$650 per linear foot when he had estimated \$500 per foot. Mr. Tew further stated that this estimate was based on discussions he had with the wall's provider before the bid was advertised. He stated that the high bid was also due to the typical increase in construction costs in the current economy.

After questioning by Mr. Assaid, Mr. Tew stated that some additional cost savings may occur as the contractor will now pour the entire concrete wall at one time and there may be other credits realized on the project as well.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board awarded a contract in the amount of \$970,388 to Wall Construction, LLC, for the construction of the landfill convenience center and authorized the staff to execute the contract upon review and approval by the County Attorney. (Resolution Number 08-08-04)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a request from the Botetourt County Electoral Board to change the Coyner Springs precinct voting location. Mr. David Moorman, Deputy County Administrator, stated that this item was originally brought before the Board last month but the County Attorney's determination was that a public advertisement of the proposed polling place change was necessary caused the item to be held over until the August meeting. He noted that this issue was duly advertised in The Fincastle Herald and there have been no citizen responses received by the County Administrator's Office as of this time.

Mr. Moorman stated that this polling place change is being requested due to a lack of space for voting and parking limitations at the current location—the Blue Ridge Library. He noted that the new polling place is proposed to be the Church of the Holy Spirit located at 6032 Cloverdale Road (Alternate U. S. Route 220). Mr. Moorman noted that a resolution to this effect had been included in the Board's informational packets.

There being no further discussion, on motion by Mr. Assaid, and carried by the following recorded vote, the Board adopted the following resolution to change the polling place in the Coyner Springs Precinct from the Blue Ridge Library to the Church of the Holy Spirit.

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

## Resolution Number 08-08-05

**WHEREAS**, Virginia Code §24.2-307 requires each polling place be established by ordinance; and,

**WHEREAS**, Botetourt County established the Blue Ridge Library, 28 Avery Row, Roanoke, Virginia 24012, as the polling place for the Coyner Springs precinct; and,

**WHEREAS**, the Blue Ridge Library lacks adequate space and parking to accommodate the number of voters in the precinct; and,

**WHEREAS**, the Church of the Holy Spirit, 6032 Cloverdale Road, Roanoke, Virginia 24019, has agreed to make its building available as a polling place and is accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act related to public services.

**NOW, THEREFORE**, be it hereby ordained that the polling place for the Coyner Springs precinct is changed from the Blue Ridge Library, 28 Avery Row, Roanoke, Virginia 24012, to the Church of the Holy Spirit, 6032 Cloverdale Road, Roanoke, Virginia 24019.

Mr. Dan Collins, Residency Administrator, and Ms. Kristin Williby, Assistant Residency Administrator, with the Virginia Department of Transportation, were then present to speak to the Board. Mr. Collins then reviewed his monthly report. He noted that Mr. Assaid's comments from last month regarding Exit 150 and negotiations with the property owners of the Travel-Centers of America facility have been forwarded to Mr. Richard Caywood, VDoT's District Administrator, and to Hayes, Seay, Mattern & Mattern, engineers for this interchange project.

After questioning by Mr. Assaid, Mr. Collins stated that the construction of double left-hand turn lanes from Route 11 north to Route 220 north should be completed in mid to late September.

Mr. Collins then provided updates on various Six Year Plan projects including Routes 738 (Webster Brick Road), 672 (Etzler Road) and 779 (Catawba Road) on which they are proceeding toward development of right-of-way plans; and Route 839 (International Parkway) on which the right-of-way is being certified and the County's reimbursement request being forwarded to VDoT's Richmond Office for approval. He noted that several land development and land use permitting projects are proceeding at this time, e.g., the Dollar General Store, Groggins Development, Orchard Marketplace, Eye Care and Surgery, etc. Mr. Collins noted that several citizen requests have also been reviewed and/or approved—Route 625 (Pico Road) installation of guardrail; Alternate 220/Ridge Road request for sign warning drivers of horse trailers entering Red Fox Hill Farm which was determined not to be warranted; Route 779 (Catawba Road) request for "No Right on Red" sign denied due to there being adequate sight distance at this intersection and no relevant accidents occurring in this area; Route 738 (Webster Brick Road) Mr. Martin's request for a traffic signal was not warranted due to an inadequate traffic volume; however, centerline markings in the crossover were installed; Alternate 220/Routes 1010, and 1117 request from the Board for a signal warrant review at this intersection is currently being studied. Mr. Collins then noted that various maintenance items were also listed in this report for the Board's information.

Mr. Collins then reviewed the County's Revenue Sharing Program report. He noted that the projects completed in FY 03 included pavement widening on Route 607 (Archway Road) and removal of a rock outcropping on Springwood Road. Mr. Collins noted that the projects

completed in FY 04 included reconstruction of a curve on Route 779 (Valley Road) and removal of a rock outcropping on Catawba Road near the Roanoke County line. He noted that improvements to various sections of Wheatland Road (Route 639) have been delayed due to difficulties in obtaining easements from landowners.

Mr. Collins stated that projects completed in FY 06 included sight distance improvements and rock removal on a curve on Route 666 (Lee Lane) and on Route 665 (Old Fincastle Road) near Mount Pleasant Church Road. He noted that funds for the curve improvement project on Route 651 (Sunset Avenue) in Troutville will be reallocated to a curve improvement project at the Brugh's Mill Road (Route 640)/Farmers Road (Route 812) intersection. Mr. Collins stated that this intersection improvement project has not been completed due to difficulties in reaching agreement with the landowner; however, negotiations are continuing. Mr. Collins noted that drainage improvements along Trevey Road (Route 638) and slope improvements/rock removal along Springwood Road have not been completed. Mr. Collins noted that most of these project delays are due to lack of agreement from property owners on right-of-way acquisition. Mr. Collins noted that they are continuing to work with the affected landowners and may need to request assistance from the Board members in certain instances.

After questioning by Mr. Assaid, Mr. Collins stated that a tally sheet on the projects' expenses is provided to the County Administrator for his files. He noted that agreement from the Board is required before any funds are transferred from one revenue sharing project to another.

Mr. Collins further noted that there are major drainage issues on the Trevey Road project and, once they are resolved, this road may be a candidate for paving through the Rural Rustic Road (RRR) program.

Mr. Burgess noted that the Board has considered using the RRR program in the past in order to have gravel roads paved and determined that the program was not a viable option. He further noted that this program has been modified and it is possible that both Trevey Road and a portion of Lee's Gap Road could be paved. He noted that the RRR program is to pave flat, gravel roads having no drainage or other issues and there are very few roads in the County that meet these criteria. Mr. Burgess noted that potential RRR projects will be discussed further during this winter's Secondary System Six Year Plan update.

Mr. Austin stated that he has received requests from citizens on Goad Road and Arch Mill Road that their roads be paved and he believes that they could be potential RRR projects. Mr. Austin noted that there is limited development potential along both of these roads.

Mr. Collins stated that he would review both of these roads to see if they qualify for the RRR program.

Mr. Collins then noted that the removal of various rock outcroppings along Springwood Road between Flowing Spring Road and Spreading Spring Road as shown on the Revenue Sharing report will be performed as the work fits into VDoT's work schedule.

Mr. Clinton then questioned how long does VDoT let those projects on which no rights-of-way have been acquired languish before taking any action.

Mr. Collins stated that this decision is left to the Board of Supervisors; however, he suggested that the Board allow the Highway Department to "give it another try" before removing these projects from the Revenue Sharing Program listing. He noted that VDoT's project managers have approached the landowners at least twice with no results but the intervention of specific Board members into the discussions may make a difference.

Mr. Burgess noted that he and Ron Smith met with Mr. Collins approximately two weeks ago and discussed which Supervisors members, VDoT staff, or County staff would be asked to assist in further discussions with the affected landowners to obtain these easements.

Mr. Burgess noted that the Catawba Road rock outcropping removal project has been completed even though it is not indicated as such on the Revenue Sharing report. He further noted that VDoT's guidelines for participation in the Revenue Sharing program were amended a couple of years ago to require the County to provide at least \$1,000,000 in matching funds and provide oversight of the road improvement project. Mr. Burgess noted that additional program changes were recently implemented which make participation guidelines more flexible. He suggested that work on the current Revenue Sharing projects be followed through before any new projects are designated.

After questioning by Mr. Clinton, Mr. Burgess stated that any leftover funds from these projects could be designated toward other road improvement projects.

Mr. Collins stated that he will try to move forward on some of these projects.

Mr. Martin stated that, as he is a new member of the Board, he would like to receive some information on the Rural Rustic Road Program's requirements.

Mr. Collins stated that he will mail Mr. Martin this information and is willing to meet with him to discuss this program further, if necessary.

Mr. Austin then stated that the ditchline on the right-hand side of Valley Road (Route 779) between Daleville and Troutville is eroding and very deep. He asked that VDoT place some riprap in the ditchline to stabilize this situation. Mr. Collins stated that he will have VDoT's maintenance staff look at this situation.

After questioning by Mr. Clinton regarding the placement of a slurry seal on Azalea Road, Mr. Collins stated that he has not yet received a reply from his last question on this situation.

There being no further discussion, Mr. Collins and Ms. Williby then left the meeting at this time.

Consideration was then held on adoption of a Virginia Retirement System (VRS) Pick-up Plan Resolution. Mr. Tony Zerrilla, Finance Manager, stated that Botetourt County's employees are enrolled in the State's retirement system and the County makes monthly monetary employer contributions to VRS at a rate recommended by the VRS's actuary and approved by the Virginia General Assembly. He noted that the Board of Supervisors took irrevocable action in January 1985 to fund the member contribution of this program which is 5% of creditable compensation.

Mr. Zerrilla stated that the Internal Revenue Service (IRS) is currently conducting an audit of pick-up plan resolutions and governmental employers have until January 1, 2009, to demonstrate "formal authorization" of their plans by implementing a resolution reaffirming adoption of the pension benefits plan. He noted that a draft resolution had been included in the Board's informational packet to reaffirm the County's participation in this pick-up plan.

Mr. Assaid then questioned why the previous decision by the Board of Supervisors was irrevocable and, if it is irrevocable, why does the Board again need to adopt a formal resolution.

Mr. Zerrilla stated that this resolution is being requested by the IRS so that they will have current documentation on file from the State on this plan's participation.

Mr. Assaid stated that he has an issue with the entire VRS program and the 5% contribution that is made by the County for employee pension benefits. Mr. Assaid stated that there

is currently a deficit in the State's budget which has resulted in required funding cuts by the County. Mr. Assaid noted that State employees and teachers have "no skin in the game" in this situation and he believes that County and State employees should pay a portion of their retirement costs.

After discussion, Mr. Assaid stated that he would like to find out why participation in the VRS pension program is irrevocable before the Board takes action on this resolution. He noted that 18% - 19% of every employee's salary had to be paid by the County in one recent year.

Mr. Burgess stated that the Supervisors in 1985 were told that the decision to participate in this program was irrevocable for actuarial purposes. He noted that this is a State program and any changes would have to be made at the State level. He further noted that one option to amend the plan participation requirements would be through the Virginia Association of Counties' (VACo's) research and lobbying efforts at the General Assembly level should VACo agree to do so.

After discussion, Mr. Burgess stated that, as far as he is aware, all local governments in Virginia, except for a very few small, rural localities, participate in the VRS retirement program's pick-up plan. He estimated that there were less than 10 localities that did not participate in this program.

After questioning by Mr. Martin, Mr. Zerrilla stated that the County has budgeted \$500,000 in FY 09 for our contribution to this program. He noted that this amount includes employees in all departments that report to the Supervisors, the constitutional offices, and the Department of Social Services. He noted that adoption of this resolution does not change any aspect of this program—it is only reaffirming the County's participation. Mr. Zerrilla stated that the funds to pay the 5% rate are currently included in the current budget and have been allocated each year since 1985.

After questioning by Mr. Martin, Mr. Burgess stated that this is not a new budget allocation request.

After questioning by Mr. Assaid, Mr. Zerrilla stated that the School Board had to adopt this same resolution regarding their participation in the retirement compensation plan. After further questioning by Mr. Assaid, Mr. Zerrilla stated that he did not know the amount paid by the School Board to VRS for this program each year. Mr. Assaid noted that these funds are paid by the County as well, as the Supervisors allocate funding to the schools each year. Mr. Zerrilla further noted that the School Board has two sets of retirement contribution rates.

Mr. Burgess noted that the County's adoption of this resolution is a requirement by the IRS as a "clean-up item" for their files. After discussion by Mr. Assaid, Mr. Burgess stated that he does not think that any future efforts by the Board to encourage the State to amend the manner in which the VRS contributions are paid would be ignored because the Board adopted this resolution affirming their participation in the pick-up plan.

Mr. Assaid stated that he does not want to go on record as supporting this resolution.

Mr. Zerrilla noted that Mr. Assaid's signature would be required on the resolution, if it is adopted.

Mr. Assaid stated that, if the resolution is adopted by a majority of the Board, he would then sign the necessary documentation.

After questioning by Mr. Martin, Mr. Burgess stated that if, in the future, the Board decides to oppose this manner of funding of retirement benefits for the County's employees, then they can do so. He further noted that this is a State program and any changes have to go

through the State's legislative process. Mr. Burgess stated that these employee retirement contributions are a cost paid by the County; however, this is not a new expenditure.

Mr. Assaid stated that his concern is that, if the Supervisors approve this resolution and then go to the State to express objections to mandatory funding, then the State could say that the Board had previously adopted the reaffirmation resolution and the Board's concerns would not be considered.

Mr. Zerrilla noted that the Board sent a letter to the State several years ago on this same issue.

There being no further discussion, on motion by Mr. Meredith, and carried by the following recorded vote, the Board adopted the following resolution affirming the authorization to pick-up the employee's contribution to the Virginia Retirement System for Botetourt County, 5511, under Section 414(h) of the Internal Revenue Code.

AYES: Mr. Meredith, Mr. Austin, Mr. Martin, Mr. Clinton

NAYS: Mr. Assaid

ABSENT: None

ABSTAINING: None

Resolution Number 08-08-06

**WHEREAS**, BOTETOURT COUNTY provides its employees with tax deferral pursuant to §414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and,

**WHEREAS**, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS; and,

**WHEREAS**, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick-up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009; and,

**WHEREAS**, in order to avail itself of the protection given under Notice 2006-43, BOTETOURT COUNTY desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body,

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

**RESOLVED** that effective the first pay day on or after August 26, 2008, BOTETOURT COUNTY shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

**RESOLVED** that such contributions, although designated as member contributions, are to be made by BOTETOURT COUNTY in lieu of member contributions; and it is further

**RESOLVED** that pick-up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

**RESOLVED** that member contributions made by BOTETOURT COUNTY under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangement; and it is further

**RESOLVED** that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by BOTETOURT COUNTY directly instead of having them paid to VRS; and it is further

**RESOLVED** that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of BOTETOURT COUNTY shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by BOTETOURT COUNTY on behalf of such employee pursuant to the foregoing resolutions.

Consideration was then held on the appointment of Gary Eanes as the County's Professional Assessor. Mr. David Moorman, Deputy County Administrator, stated that the County is required under State law to appoint a Professional Assessor who is responsible for the lawful conduct of the general property reassessment. He noted that the County has contracted with Wampler-Eanes Appraisal Group to conduct the 2010 reassessment and Mr. Eanes is a principal with this firm. Mr. Moorman noted that Mr. Eanes also served as the County's Professional Assessor during the 2002 and 2006 reassessments.

After questioning by Mr. Assaid, Mr. Moorman stated that this will be the third time that Wampler-Eanes has conducted the County's reassessment.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board appointed Mr. Gary Eanes as the Professional Assessor for the 2010 Botetourt County general property reassessment. (Resolution Number 08-08-07)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a resolution authorizing the advertisement of a RFP for planning services to update the County's Comprehensive Plan. Mr. David Moorman, Deputy County Administrator, stated that the draft RFP for these services has been previously reviewed by the County Attorney, as well as members of the Planning Commission and Board of Supervisors. He noted that the County is required under State law to update their Comprehensive Plan every five years and this update was last completed in 2004.

Mr. Moorman noted that the consultant's primary roles in updating the Comp Plan are to lead the plan update process, advise the Planning Commission and Supervisors members on land use goals and objectives to be included in the update based on a broad range of land use planning expertise and thorough knowledge of Virginia legislative and regulatory requirements, and draft the updated Plan document. He noted that the consultant will also be responsible for facilitating approximately 14 public meetings including work sessions, public information meetings, and public hearings on the Plan. Mr. Moorman stated that there have been additional requirements enacted by the General Assembly since 2004 for the compilation of Comp Plans.

Mr. Moorman then noted that, as there are other considerations in addition to cost in finding a consultant for this service, the Board must adopt a resolution authorizing the use of the competitive negotiations procurement process under the Virginia Public Procurement Act. He noted that a draft resolution to this effect was included in the Board's information packets.

After questioning by Mr. Martin, Mr. Moorman stated that there is \$85,000 allocated for the consultant's services in the current budget; however, the actual amount will depend on the RFP's received and the success of the resulting negotiations.

After questioning by Mr. Assaid, Mr. Chuck Supan, County Planner/Zoning Administrator, stated that the firm of MarshWitt performed the County's 2004 Comp Plan update.

Mr. Burgess noted that one of the new requirements for certain localities, including Botetourt as of 2011, is the creation of provisions for urban development areas. He noted that the County should include these provisions in our 2009 Comp Plan so the staff, Planning Commission, and Board will not have to update the plan again in 2011 to comply with these new requirements.

Mr. Martin stated that in his opinion the Virginia General Assembly should have to fund these new mandates.

Mr. Burgess stated that no funds will be received from the State for new Comp Plan mandates. Mr. Burgess noted that he has been fighting against unfunded State mandates for years.

Mr. Clinton stated that the County "will be lucky" if we receive a bid of only \$85,000 for these services.

Mr. Moorman noted that, if the final negotiated contract amount exceeds budgeted funds, then the County could consider additional funding in FY 2010. Mr. Burgess noted that this was his intent.

After questioning by Mr. Assaid, Mr. Burgess stated that the County spent \$55,000 to update the 2004 Comp Plan.

There being no further discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board adopted the following resolution authorizing advertisement of a Request for Proposals for planning services to update the Botetourt County Comprehensive Plan through the competitive negotiation process.

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 08-08-08

**WHEREAS**, Botetourt County is interested in procuring planning consultant services for a review and update to the 2004 Botetourt County Comprehensive Plan; and,

**WHEREAS**, these consultant services are non-professional services; and,

**WHEREAS**, Section 2.2-4303 of the Code of Virginia provides that competitive negotiation may be used in procurement of non-professional services; and,

**WHEREAS**, the Botetourt County Board of Supervisors finds that selection factors other than price are critical to the work, such selection factors including but not being limited to qualifications and experience, past performance on similar projects, specific plans and methodology proposed to perform the work, and expected timeframe for completion; and,

**WHEREAS**, in consideration of the above conditions, the Botetourt County Board of Supervisors finds that competitive sealed bidding is not practicable or fiscally advantageous to the public.

**NOW, THEREFORE, BE IT RESOLVED**, that the Botetourt County Board of Supervisors authorizes advertisement of a Request for Proposals for planning services to conduct a review and update of the 2004 Botetourt County Comprehensive Plan following the competitive negotiation process.

Consideration was then held on various appointments.

After discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board reappointed Mr. John Kilby and Jeff Emry to the Industrial Development Authority for four year terms to expire on November 1, 2012. (Resolution Number 08-08-09)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Assaid then noted that Mr. Garland Jones, the County's representative on the Dabney S. Lancaster Community College Board of Directors, has resigned due to health reasons. He noted that the remainder of Mr. Jones' four-year term expires on June 30, 2010. Mr. Assaid further noted that DSLCC's coverage area includes the Buchanan and Fincastle Districts and Mr. Austin and Mr. Meredith were asked to consider options for this vacancy.

Mr. Austin stated that he would like to appoint Mr. Robert (Dan) Collins to this position. He noted that Mr. Collins is VDoT's Residency Administrator and resides in Woodridge Subdivision which is located off of Etzler Road.

Mr. Meredith stated that he had no objections to Mr. Austin's suggested appointee.

On motion by Mr. Austin, and carried by the following recorded vote, the Board appointed Mr. Robert R. (Dan) Collins of 260 Grandview Drive, Troutville, Virginia 24175, as the County's representative on the Dabney S. Lancaster Community College Board of Directors, to complete a four-year term which will expire on June 30, 2010, and directed staff to send a letter to Mr. Garland Jones thanking him for his previous service on this board. (Resolution Number 08-08-10)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

There being no discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board reappointed Mrs. Barbara Blair and Mrs. Myra Godfrey as the County's representatives on the Southwest Virginia Community Development Fund's Board of Directors for three year terms to expire on September 1, 2011. (Resolution Number 08-08-11)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then called for a 10 minute break.

The Chairman called the meeting back to order at 10:16 A. M.

A presentation was then given by the Building Official's Office on recent efforts to demolish or secure unsafe structures in the County. Mr. Burgess noted that 2007 was a very significant year for the demolition and repair of unsafe structures. He noted that Larry Minnix, Assistant Building Official, oversees this program and works with property owners to demolish or secure unsafe buildings in the County. Mr. Burgess stated that Mr. Minnix is able to get a lot of work done on these projects with little or no money being expended by the County. He noted that Mr. Minnix's presentation today will show five of 15 private structures demolished or

repaired in 2007. Mr. Burgess further noted that Mr. Brandon Nicely, Building Official, was also present at the meeting.

Mr. Minnix then presented a PowerPoint presentation which included maps and before and after photographs of five of the 15 structures demolished or secured last year. He then noted that one structure was located on Route 11 on the north side of the James River in the Town of Buchanan; one was located on Route 11 in downtown Troutville, another was located along Route 220 north across from Santana Farm, another project included the owner securing the entrance to a building on Route 220 north near Martin's Lane, and the removal of a burned home on Zimmerman Road. He noted that a new home is currently under construction on this lot.

After questioning by Mr. Clinton, Mr. Minnix stated that the structure removed in the Town of Troutville had a deteriorated foundation.

Mr. Minnix noted that in most instances, the property owners realize the conditions of these building and work with the Building Official's Office to remove, repair, or secure the structures. Mr. Minnix stated that his office has more work to do to have unsafe structures demolished or repaired in the County. Mr. Minnix then stated that he would answer any additional questions that the Board may have on this presentation.

After questioning by Mr. Assaid, Mr. Minnix stated that the Building Official's Office was involved in the demolition and clean up of a burned home in Apple Tree Village two years ago.

Mr. Nicely stated that the County had to pay to have this demolition and site clean up work completed and we then placed a lien on the property in order to recover these costs when the lot was sold. Mr. Nicely stated that the lot was eventually sold and the lien paid by the new owner.

Mr. Austin stated that a resident of the Indian Rock community contacted him approximately two years ago about an unsafe structure in her neighborhood and the County had the site cleared to the neighbors' satisfaction.

Mr. Nicely stated that Mr. Minnix is working on two additional projects at this time and both should be cleaned up in 30 to 60 days.

Mr. Clinton then stated that he assumed that the criteria to demolish a building is based on its structural condition, whether it is a fire hazard, and to deter attracting undesirables to the site.

Mr. Nicely stated that a building's foundation or roof failure is a chief reason to contact the property owner to encourage them to demolish the building. He noted that the Building Office is requiring the owners of the old Traveltown Motel property in Cloverdale to keep the property clean, boarded up, and mowed.

After questioning by Mr. Bob Bagnoli of Daleville, Mr. Minnix stated that his office does inform the property owners of buildings that need to be demolished of their options including contacting the local fire department to see if they are willing to burn down the building as a training exercise. Mr. Minnix noted, however, that the fire departments have certain requirements that have to be met in these instances before they will burn such a structure.

Mr. Assaid thanked Mr. Minnix and Mr. Nicely for their report. He noted that citizens do not realize what the Building Office staff does "behind the scenes."

Mr. Burgess noted that there is only \$5,000 allocated in the budget each year for the demolition/removal of unsafe structures.

Mr. Minnix and Mr. Nicely then left the meeting at this time.

Consideration was then held on a request from Fralin & Waldron to convey and vacate a sewer line easement on the Daleville Town Center property. Mr. Ron Smith, Public Works Manager, stated that the first structure "Building 'E' " on the DTC property is currently under construction and it has been discovered that this structure encroaches upon a gravity sewer line easement. He noted that this necessitates a portion of the sewer line having to be relocated. Mr. Smith stated that the Board is being asked to vacate a portion of an existing easement and accept the conveyance of a new easement.

Mr. Smith noted that the sewer line has been relocated and the infrastructure reviewed and tested by County staff and found to be acceptable. Mr. Smith further noted that the County Attorney has reviewed the deed and he requests that the Board accept the sewer infrastructure and vacate the easement as per Fralin & Waldron's request.

On motion by Mr. Clinton, and carried by the following recorded vote, the Board accepted the sewer infrastructure serving Daleville Town Center and the deeds of transfer and vacation and authorized the County Administrator to sign all appropriate documents on the County's behalf. (Resolution Number 08-08-12)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of a contract with CSX Transportation regarding the relocation of the Eagle Rock sewage treatment plant's outfall line. Mr. Ron Smith, Public Works Manager, stated that the Department of Environmental Quality is requiring the County to relocate the outfall discharge line from the Eagle Rock sewage treatment plant from the small creek that flows into the James River to the James River itself. He noted that this necessitates the construction of 582 linear feet of 8" diameter pipe across both private property and under CSX's railroad tracks.

Mr. Smith noted that the County submitted an application to CSX for this pipeline crossing in March and has now received a contract. Mr. Smith noted that the County Attorney has reviewed the document and he requests that the Board approve the agreement.

Mr. Smith stated that the County still needs to obtain a signed easement from the previously mentioned private property owner and staff is working on this matter.

After questioning by Mr. Assaid, Mr. Smith stated that the County had to pay CSX a \$750 application fee, a one-time payment of \$4,000 to install the line under their railroad tracks, and between \$700 and \$750 for an insurance policy for this sewer line. Mr. Smith noted that no monetary amount has yet been discussed with the private property owner affected by this project.

After further discussion by Mr. Assaid, Mr. Burgess noted that at a future date the County will have to formally accept the sewer easement conveyance from the property owner.

After questioning by Mr. Bob Bagnoli of Daleville, Mr. Smith stated that the construction of this sewer line will cost approximately \$100,000.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board approved the Facility Encroachment Agreement with CSX Transportation, Inc., for the relocation of the Eagle Rock sewage treatment plant's outfall line, and authorized the Chairman to sign the document on the County's behalf. (Resolution Number 08-08-13)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Burgess then noted that he, Mr. Moorman, and Mr. Martin attended a Virginia Association of Counties meeting in Charlottesville last week. Mr. Burgess noted that he serves on the VACo Finance Committee. He stated that one of their sessions pertained to a Joint Legislative Audit and Review Commission (JLARC) study on local school taxing authority. Mr. Burgess noted that this legislation did not make it out of committee at the 2008 General Assembly session and VACo had no position on the issue at that time. He noted that the Virginia Municipal League (VML) has now indicated that they would support this proposal and the Finance Committee will recommend to the full VACo Board of Directors at the November annual meeting that a study be done on this issue. Mr. Burgess noted that Virginia is one of only three states that do not allow school taxing authority. He noted that the proposed legislation would only allow taxation by those school boards that are elected, not those appointed by the locality's board or council.

Mr. Burgess also noted that one of the conference's discussion sessions pertained to the new mandated stormwater regulations regarding water quantity and quality management issues which would become effective in 2009. Mr. Burgess noted that localities would administer these programs and return 30% of the collected fees to the State. Mr. Burgess noted that there is concern among localities whether "the new regulations are achievable in the field."

Mr. Martin stated that he has questions about why the localities have to return 30% of the fees collected to the State. He noted that, if the State wants to implement these new regulations and fees, then they could also help fund the program.

Mr. Burgess then noted that the Board's regular December meeting is on Tuesday the 23<sup>rd</sup>. He suggested that the Board change the date of that meeting to Tuesday, December 16 to avoid any conflicts with the Christmas holiday season.

After discussion, on motion by Mr. Assaid, and carried by the following recorded vote, the Board changed the date of the December regular meeting from December 23 to December 16, 2008. (Resolution Number 08-08-14)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Assaid asked that notice of this meeting date change be advertised and placed on the County's web site.

Mr. Burgess then discussed the issue brought up at last month's regular meeting regarding changing the start time of the Supervisors regular meetings to allow for evening rezoning/Special Exception Permit public hearings. Mr. Burgess noted that he had previously forwarded copies of a pros/cons list for this endeavor to the Board. He stated that the Board had requested that the local newspapers publicize this proposal to allow citizen comments to be obtained and considered at the September meeting; however, due to the need by the staff of the Education and Training Center to set their spring class schedule beginning September 1, a decision on this matter is needed quickly.

Mr. Burgess noted that he checked with the ETC's scheduling staff and the rooms that the Board uses for their meetings (Rooms 226, 227 and 228) are available beginning in January 2009 for either day or evening meetings on the fourth Tuesday. He further noted that usage of the ETC for conferences and meetings has doubled in the past year, not including the regular class usage, so the ETC staff need a decision on this meeting start time change as soon as possible.

Mr. Burgess recommended that, if any changes are made, that they be effective as of January 2009.

Mr. Assaid stated that he appreciated the memo and information sent to the Board regarding the pros and cons of this meeting time change.

Mr. Austin stated that he received some comments from Mr. Reid McMurry regarding this issue. He noted that Mr. McMurry is a frequent attendee at both the Planning Commission and Board meetings and has noticed that staff, Board members, and citizens are more alert and attentive in the mornings. Mr. Austin stated that he believes that consistency is important in this situation. He noted that the County currently has evening Planning Commission meetings and he does not see the need to change the time of the Supervisors meetings. Mr. Austin stated that, if there is an issue that the citizens have concerns about during the daytime Board sessions, then they (the citizens) always make an effort to attend the meeting.

Mr. Austin stated that, if the meetings are rescheduled to the afternoon/evening, he does not anticipate any additional attendance than the Board has at their current daytime sessions. He noted that, if a specific issue concerns the residents, then they will make an effort to attend the meeting no matter the time of day. Mr. Austin stated that he likes the current arrangement which allows the Board to be efficient in "getting business done."

Mr. Clinton stated that the Board indicated at the July meeting that they would give this issue a "period of review" before making any decision.

Mr. Austin then stated that the Board should also consider the printing deadlines of The Fincastle Herald in making this decision. Mr. Austin noted that it is very important for the citizens to hear about the Board's actions in a timely manner. He noted that the Herald's publication deadline is 3:30 on Tuesday afternoons and, if the Board changes to an afternoon/evening meeting schedule, then most if not all of the actions taken would not be reported on until the following week. Mr. Austin noted that this is a "major point of issue" with him regarding this proposal. Mr. Austin stated that he has discussed this situation with Ed McCoy, editor of the Herald, and Mr. McCoy said that he could not change the newspaper's publication date.

Mr. Assaid stated that most of the news articles regarding public hearing items are not published in the Herald until the following week anyway and rarely are there any articles about the public hearings included in the Wednesday edition following the Board meeting. Mr. Assaid further stated that an afternoon start time for the Board meetings would only affect the reporting on the business portion of the meeting—"the public hearing part is a moot point for him."

Mr. Austin stated that the Herald usually reports on the business portion of the meeting in a column that covers the entire meeting's topics.

Mr. Assaid stated that at times some of the articles regarding the business portion of the meeting are published the week following the Board meeting.

Mr. Austin noted that he thinks that this is done to "spread out the news" over a two week period.

Mr. Meredith stated that he agrees with Mr. Austin's comments on this matter. He noted that the rural County residents of the Fincastle and Buchanan districts "are not going to come out at night." He noted that the Supervisors have tried the evening meeting schedule in the past and there was no increase in citizens' attendance at the meetings. Mr. Meredith stated that Franklin County currently conducts evening meetings and they are considering changing them to daylight hours.

After discussion, Mr. Meredith stated that the elderly will not drive at night or in inclement weather. Mr. Meredith noted that he thinks, if this change is made, the Board would gain a few additional attendees as a "novelty" to begin with and then attendance would return to the current daytime levels. Mr. Meredith then stated that the Board meetings should remain on their current schedule.

Mr. Clinton stated that he still favors the proposal to change the Supervisors meeting schedule. He noted that "perception is reality" and by making this change, the Board is encouraging open and accessible government and any opportunities to make the meetings more available to the public will be a benefit. Mr. Clinton stated that to him this is a step in the right direction and other considerations are unimportant.

Mr. Assaid stated that he agrees with Mr. Clinton's comments. He noted that at the Planning Commission's hearing on the Timber Ridge quarry there were 100 people in attendance and then when the issue was considered by the Supervisors it was withdrawn by the applicant. He noted that the citizens who made the effort to attend the afternoon public hearing by taking time off from work or from other essential matters did not get an opportunity to speak on this issue.

Mr. Assaid stated that the most recent citizen survey results reported that 66% of residents contacted said that they have adequate opportunities to express their views; however, he believes that a specific question such as 'do you prefer the Board meetings/hearings to be in the evening or daytime hours' should be included on the next survey. Mr. Assaid stated that "perception is 90% of reality" and it is important to give citizens the opportunity to attend the meetings. He noted that evening meetings on rezoning public hearings will also be consistent with those held by the Planning Commission.

Mr. Assaid further stated that he knows that there are a lot of considerations for The Fincastle Herald staff and the Board members but it is important for citizens to attend the Supervisors meetings and the Board should give them this opportunity.

Mr. Martin stated that he knows that there will be some expense and scheduling changes for the County if this change is made but the Board needs to be available to the public. He referred to the Walgreen's rezoning issue and the citizens' letters and comments after the Board denied the request when everyone assumed that it would be approved. Mr. Martin stated that "we need to be available for the people that did not show up for daytime meetings." He noted that the Board 'has a good feel' for the issues that may be controversial.

After discussion, Mr. Martin stated that, if this proposal does not work, then the Board could change the meeting back to the daylight hours. He noted that we should "step outside the box and look at ways to be available for the public." Mr. Martin suggested that the Board could alternate between daytime and evening meetings or just schedule controversial hearings in the evening.

Mr. Burgess recommended that, if the meeting start times are changed, they be "one way or another" for consistency purposes. He noted that, if the Board alternates meeting start

times, then the citizens may get confused and show up at the wrong time for the meeting. Mr. Burgess noted that, if the meetings are changed to the afternoon/evening effective in January and there is no significant increase in attendance, or the change is inconvenient for other reasons, the Board could change back to the current schedule.

After discussion, Mr. Burgess suggested that, if the Board proceeds with this change, that the meeting begin at 2 P. M. to allow the current "morning session" items to be considered/acted on and then break for dinner and return for the rezoning/land use public hearings at 6:00 P. M. He noted that only scheduling "controversial" hearings in the evenings would be difficult because one person's definition of a controversial rezoning would be different from another's.

Mr. Assaid stated that consistency is critical in this situation.

Mr. Austin agreed with this statement.

Mr. Austin stated that many residents think that the Board of Supervisors and Planning Commission are "on the same page" when it comes to rezoning requests but many times this is not the case. He noted that people take the time to attend the Planning Commission's meetings and express their views on the public hearing issues and "they think that it is all done" and there is no need for them to attend the Supervisors meeting to voice either their concerns or endorsement of a request.

Mr. Burgess noted that the Planning Commission and Board of Supervisors are two separate groups with the Commission being an advisory entity for the Supervisors. Mr. Burgess stated that issues on a rezoning or other land use request may be uncovered at the Commission meeting that results in the developer redesigning his proposal or presenting new proffered conditions that would cause the Board to vote the opposite of the Commission's recommendation. He noted that the Commission's Chair should make it clear at the meeting that they only make "recommendations" to the Supervisors on rezoning and special exceptions permit proposals.

Mr. Clinton stated that the Supervisors do not often vote contrary to the Planning Commission. Mr. Clinton stated that he has heard citizens say that the Planning Commission vote is final and; therefore, they need not attend the Supervisors meeting.

Mr. Bob Bagnoli of Daleville stated that it is important for the Board to hear what the citizens want. Mr. Bagnoli noted that a group he was involved with several years ago submitted a petition to the County requesting that evening meetings be scheduled. He stated that, if the citizens are asked whether they would prefer the Supervisors meetings to be in the evening, then the citizens would say yes. He noted that the Supervisors "are disregarding the citizens" by having daytime meetings. Mr. Bagnoli noted that "there is nothing the Board can do to get the citizens to come to the meetings but the Board should make the effort." He noted that denying people the option of attending night meetings "is bad" and it is important to open government up to the people.

After questioning by Mr. Meredith regarding the additional expense to the County of conducting evening meetings, Mr. Burgess stated that County administrative and Planning Department staff members would receive compensatory time for their required attendance at evening meetings.

Mr. Burgess stated that, if evening meetings are held, he proposes that they begin at 6:00 P. M. as the Planning Commission's meetings do for consistency and this time is not too late for elderly residents to attend. He noted that, if this process proceeds, it is possible that in

some months the meetings would be very late in ending and some of the worst decisions he has seen occur after 10:00 P. M. He noted that at this time of the evening people “are tired and want to get out of here.” Mr. Burgess stated that the County did not receive any comments on this proposal after the newspaper stories on the issue were published in July.

Mr. Assaid stated that he is agreeable to the times recommended by Mr. Burgess for the afternoon and evening sessions of the Board. Mr. Assaid noted that in the past when he has informed citizens of when the Board’s rezoning/land use public hearings are scheduled, they tell him that they cannot attend because they are held during working hours. Mr. Assaid stated that the Board should give the residents the opportunity to speak. He then questioned whether the Board members wanted to make a decision on this issue today or wait until next month.

Mr. Austin stated that he would prefer that this matter be formally listed as an agenda item next month for public comment to allow the press and citizens to be aware that the issue is before the Board for consideration.

Mr. Burgess noted that he should have listed this item on this month’s agenda instead of bringing it up under “Other Items.”

Mr. Assaid stated that he is willing to defer discussion and a decision on this matter until the September regular meeting.

Mr. Burgess stated that he will publish a notice in the newspaper requesting citizen comment on this proposal and, if citizens cannot attend the September meeting, that they provide comments via mail, fax, telephone, or e-mail.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board went into Closed Session at 11:10 A. M. to receive advice of counsel on pending litigation regarding a water service area issue as per Section 2.2-3711(A)(7) of the Code of Virginia of 1950, as amended. (Resolution Number 08-08-15)

AYES: Mr. Assaid, Mr. Meredith, Mr. Clinton, Mr. Martin, Mr. Austin

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then called the meeting back to order at 12:10 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 by roll call vote: (Resolution Number 08-08-16)

AYES: Mr. Martin, Mr. Austin, Mr. Assaid, Mr. Clinton, Mr. Meredith

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, the meeting was adjourned at 12:11 P. M.