

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, October 22, 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. Leffel then led the group in reciting the pledge of allegiance.

Ms. Lisa Moorman, Tourism Coordinator then introduced Mrs. Kathryn (Katie) Conner to the Board as the County's new Tourism Program Coordinator. She noted that Mrs. Conner, who currently lives in Buchanan, is a native of the County, graduated from Radford University and previously worked as a marketing coordinator, was employed at the Country Inn and Suites in Roanoke, and at the Natural Bridge Hotel as a website administrator. Ms. Moorman noted that Mrs. Conner will be responsible for marketing and promotions of various tourism-related sites/programs for the County.

Mr. Clinton welcomed Mrs. Conner to employment with Botetourt County and noted that she has a "big job" ahead of her. He stated that there are many tourism-related activities ongoing in the County and the Board members are interested in adding to and improving those activities/programs in the County.

Mrs. Conner thanked Mr. Clinton for his comments.

Mr. Clinton then noted that the most recent issue of The Roanoker magazine has a nice article about County Administrator Kathleen Guzi.

Consideration was then held on approval of the minutes of the regular meeting held on September 24, 2013.

There being no discussion, on motion by Mr. Martin, and carried by the following recorded vote, the minutes of the regular meeting held on September 24, 2013, were approved as submitted. (Resolution Number 13-10-01)

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 transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were two transfers and 11 pass-through appropriations for the Board's consideration this month. He noted that these were for receipt of grant funds, recreation event support funds, miscellaneous receipts, reimbursements, donations, and insurance recovery funds.

There being no discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 13-10-02)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$15,159.04 from the E911 Fund to the County General Fund. This is to recapture E911 operating expenses.

Transfer \$1,144.77 to Sheriff's Department-Vehicle & Power Equipment Supplies, 100-4031200-6009, from the various departments as follows for vehicle repairs at the County Garage:

- \$ 32.25 Dep. Co. Admin - Repair & Maint. – Vehicles, 100-4012121-3312
- \$442.00 Devel. Svces.-Repair & Maint. – Vehicles, 100-4034000-3312
- \$156.33 Animal Control – Veh. & Power Equip. Suppl., 100-4035100-6009
- \$ 27.62 Tourism – Veh & Power Equip Supplies, 100-4081600-6009
- \$ 38.41 Maintenance – Repair & Maint. – Vehicles, 100-4043000-3312
- \$125.23 Emerg. Svces. – Repair & Maint. – Vehicles, 100-4035500-3312
- \$ 81.25 Public Works - Repair & Maint. – Vehicles, 100-4040000-3312
- \$ 90.64 Parks & Rec. – Veh. & Power Equip. Supplies, 100-4071000-6009
- \$ 30.20 Van Program – Repair & Maint. – Vehicles, 100-4071500-3312
- \$ 77.96 Library – Repair & Maint – Vehicles, 100-4073100-3312
- \$ 20.63 Sports Complex – Repair & Maint – Vehicles, 100-4071300-3312
- \$ 22.25 Utilities – Repair & Maint. – Vehicles, 502-4041500-3312

Additional appropriation in the amount of \$5,000 allocated as follows: \$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 to be passed through to the aforementioned organizations.

Additional appropriation in the amount of \$8,000 to Parks & Recreation – Other Operating Supplies, 100-4071000-6014. These are funds received from the Dirty Girl Mud Run event held September 28th. The funds will be applied towards design and construction costs of the Daleville Greenway.

Additional appropriation in the amount of \$3,000 to Botetourt Sports Complex – Marketing, 100-4071300-5840. These are donated funds received from Freedom First and Wal-Mart for the Military Appreciation Tournament and serve to cover marketing expenses and a donation to the Military Family Support Center.

Additional appropriation in the amount of \$100 to General Fund CIP – Greenfield Recreation Park, 100-4094732. These are fees collected from contractors for plan sets for the Greenfield Ball Diamond grading project.

Additional appropriation in the amount of \$716.31 to the following Sheriff's Department accounts: \$540 to Forest Patrol Salaries, 100-4031200-1900; \$41.31 to FICA, 100-4031200-2100; and \$135 to Vehicle & Power Equipment Supplies, 100-4031200-6009. These are National Forest patrol reimbursement funds.

Additional appropriation in the amount of \$515.18 to Library – Books & Subscriptions, 100-4073100-6012. These are donations received from Candace Coar and William Whitwell.

Additional appropriation in the amount of \$2,069 to Maintenance – Repair & Maintenance – Buildings, 100-4043000-3313. These are insurance and cost recovery monies received relating to the repair of a window at Greenfield ETC.

Additional appropriation in the amount of \$1,207.98 to Emergency Services – Other Operating Supplies, 100-4035500-6014. These are funds received from FedEx Ground as a result of the County's response to a hazardous material incident.

Additional appropriation in the amount of \$5,471.91 to Volunteer Fire & Rescue – Fire Insurance, 100-4032200-5302. These funds represent an insurance premium reim-

bursement from McNeil & Company and insurance claim recovery funds from Selective Insurance.

Additional appropriation in the amount of \$3,511.91 to Correction & Detention – Professional Services, 100-4033100-3100. These are funds received for inmate co-pays.

Additional appropriation in the amount of \$746 to the following Sheriff's Department accounts: \$200 to Other Operating Supplies, 100-4031200-6014; and \$546 to Firing Range Expenses, 100-4031200-6015. The former represents funds received from scrap metal permits, and the latter are funds received from the sale of brass casings.

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 he would like to request the addition of a late invoice to this month's accounts payable. He noted that this invoice is in the amount of \$17,604.96 payable to Roanoke County for the County's quarterly portion of the expenses associated with call response at the Read Mountain Fire Station, account 100-4032200-5649. Mr. Zerrilla stated that, with this addition, this month's accounts payable now totals \$971,829.04; 788,852.89 in General Fund invoices; and \$182,976.15 in Utility Fund expenditures. He then noted that this month's Short Accounts payable totaled \$98,194.86; \$83,426.98 in General Fund invoices; \$6,795.06 in Debt Service Fund expenditures; and \$7,972.82 in Utility Fund invoices.

Mr. Zerrilla noted that this month's large expenditures included \$40,576 to Harris Computer Systems for the annual costs and operator's licenses for the County's computer system; \$27,924 payable to Haley Ford for a new 2014 police utility vehicle for the Sheriff's Department; \$57,026 to the Roanoke Valley Convention and Visitors Bureau for the County's annual membership fees; \$32,153 to Richard Simmons Well Drilling for test wells on the Greenfield property; and \$35,454 to the Western Virginia Water Authority for the County's portion of upgrade costs to 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 with the addition of an invoice in the amount of \$17,604.96 payable to Roanoke County for the quarterly expense payment for the Read Mountain Fire Station, account number 100-4032200-5649, and ratified the Short Accounts payable as submitted. (Resolution Number 13-10-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of bids received for servicing the County's recycling centers. Ms. Carol Linkenhoker, Project Specialist, stated that the County has nine recycling centers operated by the Division of Solid Waste. She noted that an Invitation for Bids (IFB) to provide recycling pick up services for these sites was advertised on September 1, and included two bid options: maintaining the current collection system of separate containers for each type of recyclable material, or a single stream system which would have one container for all recyclable materials.

She noted that another aspect of the IFB is that the hauler awarded the contract would be responsible for negotiating and paying the recycler's tipping fees. She noted that the County previously paid these fees.

Ms. Linkenhoker noted that four bids were received on September 23 as shown on the chart included in the Board's agenda packet. She noted that the low bid was received from Advanced Transportation at an average monthly fee of \$10,500. Ms. Linkenhoker noted that the staff is recommending that the Board accept and approve this bid and authorize the County Administrator to enter into a contract with this firm upon review and approval by the County Attorney.

After questioning by Mr. Clinton, Mrs. Linkenhoker stated that there are few companies in this area that offer recycling center services of this type and there are not many recycling companies that accept single stream recyclables. After further questioning by Mr. Clinton, Mrs. Linkenhoker stated that Waste Management has a separate recyclable material agreement with RDS that most companies do not.

After questioning by Dr. Scothorn, Ms. Linkenhoker stated that the haulers will charge the County "by the pull," e.g., the County will be charged for each occurrence that the recycling containers are picked up from the nine recycling sites. She further noted that there are two recycling centers which are automatically serviced each Monday and Thursday due to their heavy use while the other seven sites are serviced only when needed.

Mrs. Guzi noted that the Cloverdale site is one of the two locations that are automatically picked up twice a week. She further noted that County staff also conducts site checks of these sites between pick ups to ascertain when the recycling bins should be emptied.

After questioning by Mr. Clinton, Ms. Linkenhoker stated that the proposed contract is for a three year term with 3 one-year renewal options. After further questioning by Mr. Clinton, Ms. Linkenhoker stated that the County previously paid the tipping fees when the recyclables were taken to the recycling company; however, under the new contract, if approved, Advanced Transportation will be responsible for paying these fees.

Mrs. Guzi noted that the hauler will have a greater negotiating power on these tipping fees as they have "greater economies of scale" than the County. Mrs. Guzi noted that the new contract amount will cost the County approximately \$10,000 less in FY 14 than originally budgeted for this service.

After questioning by Mr. Alvin Thacker of Ashley Plantation, it was noted that this contract is for servicing the County's nine recycling center sites—it will not affect the residential curbside trash collection and recycling services.

There being no further discussion, on motion by Dr. Scothorn, and carried by the following recorded vote, the Board accepted the low bid from Advanced Transportation (\$10,500 average per month) for servicing the County's nine recycling center sites and authorized the County Administrator to enter into a contract upon review and approval by the County Attorney. (Resolution Number 13-10-04)

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 mutual aid agreement between the County, the Sheriff, and Roanoke County. Mrs. Elizabeth Dillon, County Attorney, stated that Sheriff Ronnie Sprinkle has requested the Board's consideration of this agreement to better serve those Botetourt County citizens who live on Carvin's Cove Road. She noted that Carvin's

Cove Road is located on the western side of Carvin's Cove Reservoir and is only accessible via U. S. Route 311 in Roanoke County.

Mrs. Dillon stated that on occasion Roanoke County's law enforcement officers can reach the area faster than Botetourt's deputies and this agreement allows either jurisdiction to declare that there is an emergency, utilize their police powers, and request assistance from the other jurisdiction as necessary. She noted that Roanoke County's E-911 center would receive emergency calls from the Carvin's Cove Road residents and dispatch officers to the scene and the call is then automatically transferred to Botetourt County's dispatch center for response by Botetourt's deputies.

Mrs. Dillon stated that, without this agreement, Roanoke County's officers are not able to secure the scene and allow for medical treatment of any victims until Botetourt County's deputies arrive. She noted that Sheriff Sprinkle was also present at the meeting to answer any questions.

Sheriff Sprinkle stated that when his department receives a call from this area of the County "it is usually serious" in nature. He noted that, during such a call last year, the County's response time was 15 minutes and, until the Botetourt deputies arrived, Roanoke County personnel could not secure the scene in order to allow medical personnel to treat the injured.

After questioning by Mr. Austin, Sheriff Sprinkle stated that emergency calls from this area of Botetourt County are directed to the Roanoke County E-911 dispatch center.

After questioning by Dr. Scothorn, Mrs. Dillon stated that this mutual aid agreement is "specific" to this area but, in general, either jurisdiction can assist the other with police powers once this agreement is approved.

Sheriff Sprinkle noted that there are only two routes to access this area and both are through Roanoke County. He noted that approval of this agreement would assist his department in fulfilling their public safety duties for these citizens.

Mr. Martin noted that he was in situations similar to those mentioned by Sheriff Sprinkle when he was involved in the volunteer rescue squad and believes that approval of this mutual aid agreement is a great idea.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board approved a mutual aid agreement between Botetourt County, the Botetourt County Sheriff's Department, and Roanoke County, and authorized the County Administrator to execute the agreement on the County's behalf in a form substantially similar to the document presented at this meeting. (Resolution Number 13-10-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Reconsideration was then held on an amended Western Virginia Regional Industrial Facility Authority Agreement. Mrs. Elizabeth Dillon, County Attorney, stated that the Board adopted an ordinance at last month's regular meeting approving the creation of and the County's participation in the Western Virginia Regional Industrial Facility Authority. She noted that Botetourt County along with Vinton, Franklin County, Roanoke County, Roanoke City, and Salem are participating members in this authority.

She noted that the County was one of the first jurisdictions to approve this agreement and, when the document was reviewed by the Roanoke City Attorney, it was noted that Article

XI. Dissolution of Authority needed to be amended to be consistent with the Code of Virginia. She noted that the new language is as follows, "... or (ii) with majority approval of all other Member localities of the Authority, upon a resolution adopted by the governing body of such Member locality ...".

Mrs. Dillon also noted that there were other non-substantive changes such as spelling errors that were found in the agreement and have been corrected as well. She noted that a revised copy of the agreement was included in the Board's agenda packets.

There being no discussion, on motion by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the following ordinance with the amended agreement as attached 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; 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 13-10-06

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 designation of a voting delegate and an alternate for the VACo annual meeting in November. Mrs. Guzi stated that the Virginia Association of Counties annual meeting will be held on November 10 – 12 at The Omni Homestead in Bath County. She noted that VACo's business meeting is scheduled to be held on Tuesday morning, November 12, and the County is required to designate a delegate to vote on various matters discussed at the meeting.

Mrs. Guzi stated that Mr. Austin and Dr. Scothorn plan to attend the conference; however, both of them will be checking out of the hotel on Monday. She also noted that Mr. Martin only plans to attend a committee meeting and will also not be at the conference on Tuesday morning. Mrs. Guzi noted that she will be attending the conference and requested that the Board designate her as the County's voting delegate at the VACo business meeting.

There being no discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board designated Kathleen Guzi as the Botetourt County voting delegate at the VACo annual meeting on November 10 – 12, 2013. (Resolution Number 13-10-07)

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, was present to speak to the Board. Mr. Hamm then reviewed VDoT's monthly report. He noted that vehicular traffic has been moved onto the temporary roadway constructed for the Catawba Road/Etzler Road intersection improvement project. Mr. Hamm then noted that land development/land use permits have been reviewed and/or issued for the St. Mark United Methodist Church's utility project, the Flying Mouse Brewery entrance, and the Brookfield Townhomes project. He also noted that 5 new land use permits were issued from September 16 through October 9.

Mr. Hamm then reviewed various VDoT area headquarters' projects. He noted that the Route 11 drainage improvements north of Buchanan are awaiting the relocation of a power line by Dominion Power; the installation of a 72" drainage pipe on Deisher Boulevard (Route 707) was scheduled for completion on October 11; reinstallation of a failing low water bridge on Barger Drive (Route 819) is scheduled to begin around November 5; and VDoT is waiting on approval of the environmental permits for the Fringer Trail (Route 645) realignment; however, the equipment should be moved onto the site next week.

Mr. Hamm then reviewed various citizen requests. He noted that the request for guardrail along a section of Archway Road has been reviewed and staff recommends that delineators be placed along this section of roadway instead of guardrail. Regarding a speed limit reduction request on Dagger Spring Road, Mr. Hamm stated that VDoT does not post speed limits on gravel roads. He further noted that there is a bill scheduled to be considered by the General Assembly to post all gravel roads at a 35 mph speed limit; however, no official action has yet been taken.

Regarding the truck restriction request on Valley Road (Route 779), Mr. Hamm stated that VDoT's records show that this request was submitted in March 2012 and their staff recommendation was to not post signs discouraging large trucks from using this road.

After questioning by Mr. Clinton, Mr. Hamm stated that VDoT's staff is recommending that no truck restriction signs, including signs asking truck drivers to not follow GPS directions to

use this roadway, be placed on Valley Road. Mr. Clinton requested a copy of this VDoT traffic study. Mr. Hamm noted that he would provide a copy to Mr. Clinton.

Regarding the truck restriction request on Brugh's Mill Road (Route 640), Mr. Hamm noted that their files show that such a study was previously conducted on this road in July 2012. He stated that only three accidents were recorded on this roadway in the past three years and VDoT staff is recommending that no truck-specific warning signs be placed on this roadway.

Regarding Mr. Austin's question last month regarding a traffic cone placed along Route 43 between James River High School and Buchanan, Mr. Hamm stated that there was a drainage pipe failure at this location which has now been repaired.

Regarding Shiloh Drive, Mr. Hamm stated that VDoT's traffic engineering staff conducted a review of this roadway to see if there was adequate room to install a guardrail in the area of the recent landslide. He stated that the study showed that there was inadequate room to do so; however, VDoT did install delineators along this portion of roadway and then placed additional delineators to warn traffic of the steep drop-off. Mr. Hamm stated that VDoT has also placed directional chevrons in this area. He noted that they have installed as much signage along this section of roadway as can be done.

Mr. Hamm further stated that he met with VDoT's materials engineer/geologist to review this roadway to ascertain if there are additional options regarding cutting into the rock cliff on the eastern side of the road to widen the traffic lanes. Mr. Hamm stated that their geologist reported that the solid rock cliff would have to be blasted and this would be a major undertaking to widen this section of road. He noted that concrete jersey barriers were considered for placement as well; however, their engineers do not recommend this option due to a lack of space on this narrow roadway.

After discussion, Mr. Hamm stated that VDoT estimates that it would cost \$300,000 - \$350,000 to conduct blasting and widen this section of roadway. He noted that the Board could consider this project when the Secondary System Six Year Plan is updated next year or the project could be considered using Revenue Sharing Funds. Mr. Hamm noted that they also considered installing temporary traffic signals on Shiloh Drive; however, they are expensive to install and operate (\$50,000 - \$60,000). Mr. Hamm further noted that another option would be to make Shiloh Drive a one-way road; however, it was determined that this would be an inconvenience for the residents/users of this roadway.

Mr. Austin stated that he appreciated everything that Mr. Hamm and VDoT have done to improve Shiloh Drive; however, "it keeps bothering him" that if the roadway had totally slipped away then VDoT would have had to reconstruct the roadway to a safe condition. Mr. Austin noted that the trees and brush previously offered a visual barrier for the traffic using this roadway and this barrier was removed when the landslide occurred. Mr. Austin stated that he is disappointed that VDoT "made a temporary repair that is now a permanent solution."

Mr. Hamm noted that, if the road had been washed away, VDoT would have built it back to the way it is at the present time. He noted that VDoT has certain "boundaries" that they have to follow; "it is what they are able to do within the current system."

Mr. Austin noted that he believes that using a hoe ram to remove a portion of the rock cliff would be cheaper than having to blast this rock. He further stated that, with the number of tourists using this road to access the Blue Ridge Vineyard, he is concerned about traffic safety. He noted that "if we make a repair, then we should make it safe." Mr. Austin stated that he is not satisfied with the current repair solution to this problem.

After questioning by Mr. Clinton, Mr. Austin stated that using an alternate route across Shiloh Church Road and Woodson Road to and from the vineyard would add approximately 1½ - 2 miles to the trip.

After questioning by Mr. Austin, Mr. Hamm stated that he would check to see whether there would be adequate room to install guardrail in the area of the landslide, if Shiloh Drive was made a one-way road.

Mr. Leffel stated that Woodson Road (Route 693) would become a safety hazard if it was used by 6,000 vehicles per year to reach the vineyard as there are several steep, narrow curves on this roadway.

After questioning by Mr. Clinton regarding making Woodson Road more accommodating for traffic, Mr. Hamm stated that the road would have to be widened.

Mr. Leffel stated that Woodson Road is a crooked and steep gravel road with three blind curves and there are some instances during inclement weather when a four wheeled drive vehicle would have difficulties traversing this road.

After questioning by Mr. Martin regarding gravel washing from David Palmer Lane onto Davis Road and Deer Haven Drive, Mr. Hamm stated that David Palmer Lane is a private road which is not well maintained. He noted that determining maintenance responsibilities on this private road could turn into a civil dispute. Mr. Hamm stated that VDoT has no enforcement authority to keep the gravel from washing into State-maintained roadways.

After questioning by Mr. Martin, Mr. Hamm stated that, if the washed out gravel is affecting a State-maintained roadway or ditchline, VDoT will clear the gravel on State-owned property.

After discussion by Mr. Austin regarding the guardrail request on Wheatland Road between Pinehaven and Goad Roads, Mr. Hamm noted that he is not exactly sure of where this site is located but he will check into this issue further. Mr. Austin stated that he believes that guardrail should be installed at this location as the house on this parcel is located close to the roadway. He further noted that the house is being renovated and there is the possibility that vehicles leaving the roadway could hit the house.

The Board then thanked Mr. Hamm for his report.

A public hearing was then held on a request for a through tractor truck and trailer and/or semi-trailer combination restriction on Webster Heights Road (Route 607) and Willowbrook Lane (Route 658). Mrs. Guzi noted that residents along these two roads have expressed concerns about large tractor trailer-type trucks using these narrow curving roads as cut-throughs between Route 460 and Webster Road (Route 738). She noted that the staff advertised this issue for a public hearing and drafted a resolution requesting that VDoT and the Commonwealth Transportation Board (CTB) restrict through truck traffic on these two roadways.

Mr. Martin noted that this is a dangerous situation and this through truck restriction process is well worth the effort for these residents.

Mrs. Guzi further noted that VDoT has provided proposed alternate route maps for both of these roadways.

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.

After questioning by Mr. Clinton as to how the alternate routes would be identified, Mrs. Guzi noted that the businesses on Webster Road would be made aware of these through truck restrictions and VDoT would post truck restriction signs on both Routes 607 and 658 once this request is approved by the CTB.

After questioning by Mr. Austin, Mrs. Guzi stated that a majority of the large trucks using these two roadways are either going to or coming from the brickyard facility on Webster Road.

Mr. Martin stated that he has talked to representatives at Webster Brick and they have informed their drivers to not use these two secondary roads.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board adopted the following resolution requesting that VDoT restrict through tractor truck and trailer and/or semi-trailer combination traffic on Webster Heights Road (State Route 607) and Willowbrook Lane (State Route 658).

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 13-10-08

WHEREAS, the Botetourt County Board of Supervisors, has studied the possibility of placing a through tractor truck and trailer and/or semi-trailer combination restriction on Route 607 (Webster Heights Road) and Route 658 (Willowbrook Lane), and

WHEREAS, the through tractor truck and trailer and/or semi-trailer combination restriction is proposed on Route 607 (Webster Heights Road), beginning at the intersection of Route 221/460 (Blue Ridge Boulevard), and ending at the south intersection of Route 738 (Webster Road), with the termini to termini distance equaling approximately 0.70 miles, and

WHEREAS, the alternate route proposed is Route 221/460 (Blue Ridge Boulevard), beginning at the intersection of Route 607 (Webster Heights Road), then traveling east on Route 460 to the east intersection of Route 738 (Webster Road), then traveling south on Route 738 (Webster Road), and ending at the south intersection of Route 607 (Webster Heights Road), with the termini to termini distance equaling approximately 1.53 miles, and

WHEREAS, the through tractor truck and trailer and/or semi-trailer combination restriction is proposed on State Route 658 (Willowbrook Lane) beginning at the intersection of Route 221/460 (Blue Ridge Boulevard), and ending at the south intersection of Route 738 (Webster Road), with the termini to termini distance equaling approximately 0.39 miles, and

WHEREAS, the alternate route proposed is Route 221/460 (Blue Ridge Boulevard), beginning at the intersection of west Route 658 (Willowbrook Lane), then traveling east on Route 221/460 (Blue Ridge Boulevard), to the east intersection of Route 738 (Webster Road), then traveling south on Route 738 (Webster Road), and ending at the south intersection of Route 658 (Willowbrook Lane), with the termini to termini distance equaling approximately 6.00 miles, and

WHEREAS, the alternate routes have been found by the Virginia Department of Transportation to be reasonable, and

WHEREAS, a public hearing was held on October 22, 2013, according to Section 46.2-809 of the Code of Virginia, 1950, as amended,

NOW, THEREFORE BE IT RESOLVED, that the Botetourt County Board of Supervisors requests the Virginia Department of Transportation to restrict through tractor truck and trailer and/or semi-trailer combination on Route 607 (Webster Heights Road), beginning at the intersection of Route 221/460 (Blue Ridge Boulevard), and ending at the south intersection of Route 738 (Webster Road), with the termini to termini distance equaling approximately 0.70 miles, and

BE IT FURTHER RESOLVED, that the Botetourt County Board of Supervisors requests the Virginia Department of Transportation to restrict through tractor truck and trailer and/or semi-trailer combination on State Route 658 (Willowbrook Lane) beginning at the intersection of Route 221/460 (Blue Ridge Boulevard), and ending at the south intersection of Route 738 (Webster Road, with the termini to termini distance equaling approximately 0.39 miles,

BE IT FURTHER RESOLVED, that the Botetourt County Sheriff's Office will enforce the proposed restriction in Botetourt County.

Consideration was then held on County group insurance plan renewals. Mr. David Moorman, Deputy County Administrator, apologized to the Board for their late receipt of this agenda item. He noted that staff was still putting together this information earlier today as the County was still continuing to receive information from our health insurance consultant and the group insurance proposers on these renewals. Mr. Moorman stated that if, after his presentation, the Board is not comfortable acting on this item today, they can continue the meeting and take this matter up again. He further stated that the County has to provide the employees with notice of their new health insurance benefits by November 1; therefore, the Board could delay action on this matter until Tuesday, October 29 at the latest.

Mr. Moorman stated that the County's group health insurance benefits consist of three programs—medical insurance, prescription drug insurance, and dental insurance. He noted that County staff have been working with our insurance consultants, Bayse and Company, on these insurance plan renewals. He noted that Mr. Alan Bayse was present at today's meeting to answer any questions.

Mr. Moorman noted that the plan year for these insurance programs runs from December 1 through November 30. He noted that the County's medical insurance plan is currently with Coventry; the prescription drug plan is with Kroger Prescription Plan; and the dental plan is through Corvesta. Mr. Moorman stated that the current plan year (December 2012 through November 2013) has been the worst claims year for the county since at least 1995. He noted that the medical plan experienced a loss ratio of 163% during this period due primarily to approximately 6 large catastrophic claims; each claim was in excess of \$100,000.

Mr. Moorman stated that, as a result of these large claims, Coventry's renewal rate for the December 1, 2013, plan year included an approximate 50% increase. He noted that Coventry's representatives stated that approximately 8% of this increase was due to the provisions of the new federal Affordable Care Act (ACA). He noted that upon notification of this large percentage increase, Bayse and Company was directed to solicit competitive proposals for medical insurance plans. Mr. Moorman stated that three companies (Anthem, Local Choice, and Medcost) submitted a total of six proposals and a staff evaluation team consisting of the County Administrator, himself, Tony Zerrilla (Finance Director), Mary Blackburn (Human Resources Manager), and Alan Bayse reviewed these proposals.

He noted that these evaluations resulted in negotiated low bids from Local Choice (12% increase) and Medcost (17% increase) as shown on the summary proposal included as Attachment 1 in the Board's agenda item. Mr. Moorman noted that Local Choice's costs are 100% fixed and offers a fully-insured program where the County would pay a flat amount based on the number of employees participating in the plan. He stated that the County would not pay for large claims; however, the County would not receive a refund if the costs came in below what

was estimated. He further stated that Local Choice's annual renewal increase for the last four years has been 4.6%. Mr. Moorman also stated that this proposal includes dental coverage.

Mr. Moorman then stated that the County currently has nine employees that participate in the medical plan but do not have dependent medical coverage; however, they do have their dependents included on the County's dental plan. He noted that Local Choice does not allow this option and requires employees/dependents to be enrolled in all the offered medical/drug and dental plans. He noted that the County would have to pay over \$8,376 per year for each dependent not currently enrolled and, for each employee enrolling more than one dependent, the County's fixed cost increase would be over \$12,228.

After questioning by Mr. Martin, Mr. Moorman stated that the employees would not be aware of this requirement until the approved plan was presented to them in group insurance notification meetings. Mr. Moorman stated that the Local Choice plan does not permit any customization of the benefits offered. After further questioning by Mr. Martin, Mr. Moorman stated that the Local Choice plan is sponsored by the State of Virginia and administered by Anthem.

After discussion, Mr. Moorman noted that the Local Choice plan does not provide any drug, dental, or behavioral/mental health claims data to the groups/jurisdictions participating in the plan. He noted that other medical claims data is expected to become available in early 2014. He stated that without the County having complete claims data it would be more difficult in the future to obtain accurate renewal quotes from other companies as this claim information is needed to develop proposals. Mr. Moorman further stated that, if the County participated in the Local Choice program and in the future decided to leave the program, the County could be assessed an exit penalty. He noted that this penalty would be based on the loss experience of the pool and averages \$16,000; however, the largest penalty assessed was nearly \$300,000. Mr. Moorman noted that, if the largest penalty is disregarded, then the average penalty assessed falls to about \$7,800.

Mr. Moorman noted that the Local Choice plan's added benefits not currently offered through Coventry would include a 24 hour-a-day nurse line and an employee assistance program at no additional cost.

Mr. Moorman then reviewed the Medcost proposal. He noted that Medcost is a self-funded program and the company would administer any claims submitted. Mr. Moorman stated that 22% of the costs under this proposal are fixed and predictable; however, the costs will fluctuate based on the claims experience. He noted that advantages to offering this plan include no benefit changes, there is flexibility in the plan offerings, and the County would have access to claims information during the renewal process.

Mr. Moorman stated that, if Medcost is chosen by the Board, the County would continue offering the Kroger drug plan and the Corvesta dental plan to our employees. He noted that Medcost's average rate increase during the past four years was 4%. He further noted that Medcost would also provide administrative services for the County's COBRA and 125 Plans which would alleviate time demands on the County's one full time and one part-time human resources staff members. He noted that having Medcost administer COBRA and the 125 Plan would also offer liability protection for the County in complying with complicated federal health insurance regulations.

After further discussion, Mr. Moorman stated that the County staff evaluation team is recommending that the Board approve the Medcost proposal for employee health insurance

coverage for the December 1, 2013, plan year as it best serves the County's and its employees' interests.

Regarding prescription drug coverage, Mr. Moorman stated that Kroger has agreed to renew their plan at no increase in administrative fee costs for the new plan year; however, overall plan expenses are projected to increase 3.75% as of December 1. He noted that the County employees' utilization of generic drugs versus prescription drugs is at 85%, which is exceptionally high. Mr. Moorman stated that the staff evaluation team is recommending that the Board approve the renewal of the Kroger prescription drug plan as of December 1.

Regarding dental coverage, Mr. Moorman noted that the upcoming plan year is the third year of a three-year contract approved by the Board with Corvesta two years ago. He noted that there is no proposed change in administrative fees in the new plan year; however, plan expenses are projected to increase 14.8%.

Mr. Moorman further noted that, if the Board agreed to a new health insurance contract with Local Choice, the County would have to negotiate with Corvesta to be let out of the existing three year contract.

After questioning by Mr. Martin regarding additional costs for employee dependents that would have to enroll in the Local Choice medical plan even though they were only on the County's dental plan, Mr. Moorman referred to page 2, line 94 of the agenda item. He noted that, for each employee enrolled in the health insurance plan that have their dependents enrolled in the dental plan only, the County would have a fixed cost increase of over \$8,376 per year. He noted that there are nine employees in this situation at this time and, if only seven of these employees enrolled one dependent in Local Choice and two employees enrolled more than one dependent, the County's fixed cost would be \$83,088.

After further questioning by Mr. Martin, Mr. Moorman noted that the staff evaluation team is recommending that the Board approve the Medcost proposal for group health insurance coverage as of December 1.

After discussion, Mr. Tony Zerrilla, Director of Finance, stated that, in the scenario just discussed by Mr. Moorman even if that many employees/dependents signed up for the Local Choice health insurance plan, there would still be a small cost advantage in the Local Choice plan's favor. He noted that, with that small dollar cost difference between the two plans, more emphasis would then be placed on the qualitative difference between the two plans.

Mr. Moorman noted that neither proposed health insurance plan would be bad for the Board to consider. He noted that staff and Alan Bayse believe that the new plan year will have fewer large claims than the current year. He further noted that the cost difference between the two plans was not significant enough to be the primary determining factor in the staff's recommendation.

After discussion, Mrs. Guzi stated that it is possible that, if the County approves a contract with Local Choice and the additional dependents were added to the County's policy, then the County could pay a fixed cost of \$80,000. She noted that, if the Board approves the Medcost proposal and the claims were less than expected, then the difference between the two plans would be negligible.

Mr. Zerrilla stated that the staff team compared the quality aspects of both health insurance proposals in their deliberations of which provider to recommend to the Board.

Mr. Moorman then discussed the County's proposed wellness program changes. He noted that Medcost allows the County to simplify its wellness program and the staff team is

recommending incorporating biometric screenings into the employees' annual preventative medical exams which would save the County over \$6,000 in administrative costs, ease administration of the program, and make employee participation easier. He noted that this would basically be the program that the County has now but it would be simpler and streamlined.

Mr. Moorman noted that the budget impact of approving a contract with Medcost, Kroger, and Corvesta as recommended would result in an estimated funding deficit of \$300,000 in the current fiscal year. He stated that the Board could consider funding this deficit by increasing employee premiums and, as required, allocating funds from the Undesignated Fund Balance. Mr. Moorman stated that it is also recommended that a health insurance reserve fund be created to protect and insulate the County from catastrophic claims and large renewal increases in the future.

Dr. Scothorn stated that he believes that it is important for the County to look into creating a health insurance reserve fund as staff cannot predict the claims experience in the future.

After questioning by Dr. Scothorn regarding medical procedure discounts available through the self-funded proposal, Mr. Moorman noted that discounts would be those offered through the Virginia Health Network (VHN).

Mr. Bayse noted that the discount would vary based on the procedure being done. He noted that Carilion is one of the owners of VHN and a majority of the County's employees use Carilion's doctors and programs so they would receive discounts as well.

Mr. Moorman then stated that County employee premiums are generally below those currently charged by area local governments. He noted that staff estimates that employee medical insurance premiums could be increased as much as \$56/month before costing the County's lowest paid employees more than the 3% raise they received as of August 1. Mr. Moorman further noted that for over 20 years the County was able to maintain stable employee health insurance premiums; however, two years ago the dependent medical premiums were increased 7.5% and the County began charging \$25/month for Employee Only coverage.

He stated that, in response to a 12.2% renewal increase last year, the County passed along 10% of the increase to its employees in a premium increase. He noted that premium increases in both of the past two years were accompanied by benefit changes that also increased employee costs. Mr. Moorman then stated that the staff is recommending that the Board authorize rounding up the employee monthly premium increases as shown under "PY2014" on Attachment 4 in this agenda item to the next whole dollar (Employee Only--\$33.00; Employee and Spouse--\$221; Employee and Child--\$102; Employee and Children--\$201; and Employee and Family--\$323), and recommending approval of commensurate increases in COBRA and retiree health insurance rates. He noted that there is no increase proposed in dental premiums for the new plan year.

Mr. Moorman estimated that \$44,000 in additional revenue would be generated from these increases.

Regarding other considerations, Mr. Moorman stated that, under federal healthcare laws, employers offering medical insurance must maintain certain levels of coverage which limits the County's flexibility in plan design and therefore, gives the County less ability to manage costs. Mr. Moorman further stated that there are actions that the Board can consider which would reduce future costs.

He noted that the first proposal is that the Board consider authorizing staff to develop and implement a plan to discourage the use of tobacco products by County employees within

one year. Mr. Moorman noted that those employees who do not cease using tobacco would have reduced wellness program award options.

Mr. Moorman stated that the second proposal is regarding insurance coverage for spouses. He stated that, under the ACA's provisions, the County is required to offer insurance benefits to employees' children through the age of 26; however, the County is not required to offer benefits to spouses--who can have expensive medical claims. Mr. Moorman further stated that, to reduce costs, some employers are either discontinuing coverage or charging an additional fee to cover spouses who may obtain coverage from another source, e.g., their employer. Mr. Moorman noted that currently employees elect to cover their spouses on the County's healthcare plan due to the low premium cost compared to other employers and this liability makes it more difficult to maintain affordable, quality County benefits.

Mr. Moorman stated that the staff is recommending that the Board consider implementing an approximate \$200/month surcharge to cover spouses who have medical, prescription drug, and/or dental insurance available from another source. He noted that to ensure a smooth implementation, staff recommends that this surcharge become effective June 1, 2014, if permitted by law, or otherwise, December 1, 2014.

Mr. Clinton noted that such a surcharge "could potentially change the entire equation," if spouses are the cause of a significant portion of the County's claims.

Mr. Moorman noted that this surcharge would reduce the County's costs through either of the plans presented today. He noted that the staff does not know how many spouses would remain on or leave the County's insurance plan if this fee were implemented.

After questioning by Dr. Scothorn regarding claims information on spouses, Mr. Bayse stated that the claims data provided by Coventry did not include details on spousal health insurance expenses. After discussion, Mr. Bayse stated that health insurance companies compile their data in two categories--"incurred" and "paid." He noted that the "incurred" claim data is based on when the invoice is issued for the procedure/expense and the "paid" data is approximately 3 – 6 months beyond the "incurred" data as it is compiled when the claim is paid. Mr. Bayse stated that this means that the data provided by Coventry to the County when plan renewals are being negotiated is at least six months out of date.

After additional questioning by Dr. Scothorn, Mr. Bayse stated that is possible to identify claims costs of an employee versus those of their spouse. Dr. Scothorn noted that not having this information during the renewal process makes it difficult for the County to make decisions. Mr. Bayse further stated that Local Choice's lack of claims information would make it very difficult for the County when new health insurance plans are considered.

Mr. Moorman then reviewed Mr. Bayse's and the staff's recommendations for group health insurance proposals for the plan year beginning December 1, 2013, as follows: award a contract to Medcost for medical insurance, Kroger Prescription Plans for prescription drug insurance, and Corvesta for dental insurance in substantive conformance with the information presented today and authorize staff to execute all necessary documents upon the review and approval of the County Attorney; institute increases for Active Employee monthly health insurance premiums as amended on Attachment 4 to the agenda item; COBRA and Retiree monthly health insurance premiums will be adjusted commensurately with the new Active Employee premiums; notice to employees of the County's intent to implement health plan modifications effective December 1, 2014, to discourage tobacco use; and implement a surcharge effective June 1, 2014, if permitted by law, or on December 1, 2014, to cover spouses for whom health

insurance is available from another source with the amount to be established by staff in order to make the cost comparable to other area localities.

After questioning by Mr. Clinton, Mr. Moorman noted that staff will need approval of the health insurance, prescription drug, and dental contracts by next Monday/Tuesday at the latest in order to be able to complete the necessary paperwork by November 1 and schedule the employee notification meetings. Mr. Moorman noted that Board consideration of whether to implement modifications to the health plan to discourage tobacco use and implement a surcharge for spousal coverage on the County's insurance plans if the spouse has insurance available from another source can be deferred at this time.

Mr. Clinton stated that the "conclusion is pretty clear-cut for him" as to which group health insurance proposal to approve.

Mr. Austin then questioned how the County compares in employee insurance coverage with the surrounding localities and do other localities have a surcharge for spousal coverage.

Mr. Moorman noted that the County conducted a survey in late 2010 on the employee insurance options provided by other area jurisdictions. He noted that other localities typically offered more than one health insurance plan and provided better benefits; however, their employee premiums were also typically higher than Botetourt County's.

After questioning by Mr. Austin, Mr. Moorman noted that the County's experience is that, when new employees are hired and they receive information on the County's health insurance rates, they are surprised as to how low our rates are in comparison with their previous employer.

After questioning by Dr. Scothorn, Mr. Moorman stated that the County has informally considered and compared costs of combining our employee insurance coverage with the schools. He noted that the schools insurance group is larger than the County's and their demographics are different as well. He noted that the schools have mostly female employees of child bearing age and their claims are much higher. Mr. Moorman further noted that the County "is not big enough" to measurably help the schools in reducing their insurance expenses/rates and the large amount of claims generated by the schools' employees would hurt the County's claims experience.

After questioning by Mr. Leffel regarding the "last minute" consideration of group health insurance, Mr. Moorman noted that "it is the nature of the beast." Mr. Bayse stated that he and County staff began work on this renewal as soon as was possible earlier this summer; however, the County's claims levels were very high this past year and Coventry had delays in providing the claims data which made it "difficult to get the numbers in place" to begin the renewal process.

After questioning by Mr. Clinton, Mr. Moorman confirmed that approximately \$300,000 would have to be allocated from the Undesignated Fund Balance to fund the Medcost health insurance plan and approximately \$200,000 would have to be allocated from the Fund Balance if the Local Choice plan were approved.

After further questioning by Mr. Clinton, Mr. Moorman noted that Local Choice is a pool fund insurance program created in the early 1990s by the State of Virginia for use by local governments. He further noted that it is a State-designed and provided program but its administration is contracted out through Anthem. Mr. Moorman stated that the County cannot customize this program and, if the County leaves the program, we could be assessed a penalty.

Mr. Bayse further noted that no claims information is supplied by Local Choice to the localities for their use.

At the invitation of Mr. Austin, Mr. John Williamson stated that he had questions regarding the proposed plans reinsurance provisions and stop-loss information.

Mr. Bayse noted that self-funded plans ensure that protections are built in to their policies. He noted that such plans may have a cap on the individual's maximum claim amount but the claims still "come back to the County." Mr. Bayse noted that the Medcost self-funded plan has two protections—a \$75,000 specific cap and if the claim exceeds that amount, then the insurance company would pay the remaining expense; and an aggregate cap so that if the County's claims exceed this amount by 25% then those claims are paid by the insurance company. Mr. Bayse further stated that with a self-funded plan, "if you do not have the claims, then you do not pay for them."

After questioning by Mr. Clinton, Mr. Bayse stated that the stop-loss is factored into these figures.

Mr. Williamson noted that the County approving a contract with a self-funded plan is probably a good idea due to the recent high claims year. Mr. Williamson noted that he would support a self-funded plan.

After questioning by Mr. Williamson regarding the \$300,000 funding deficit, Mr. Tony Zerrilla, Director of Finance, stated that this number is based on the remaining seven months in the current fiscal year.

After questioning by Mr. Martin, Mr. Bayse stated that, if the County does not approve a group health insurance plan by November 1, then the County would be assessed a penalty by the federal government of \$1,000 for each employee, plus \$100 per day.

Mr. Clinton noted that the funding deficit numbers provided by staff for the Medcost health insurance proposal are conservative. He noted that there would be more risk with this health plan but the staff has provided financial data for the County to be able to fund this expense. Mr. Clinton stated that there is uncertainty in future years; however, his opinion is that the Medcost proposal is the most beneficial to the County at this time. Mr. Clinton stated that he is not sure about the proposal to implement a surcharge for the provision of spousal coverage on the County's health insurance plan.

After questioning by Mr. Austin on the employee net take-home pay impact of the proposed increased health insurance rates, Mr. Moorman stated that staff has determined that, as long as the rate increase is below \$56/month, it would not impact the County's lowest paid employees more than the 3% raise they received on August 1.

Mrs. Guzi noted that the monthly health insurance increase for Employee Only coverage would be less than \$3 per month. Mrs. Guzi stated that staff believes that this year's claims experience was an anomaly and the number of significant/large claims is expected to decrease in the new plan year.

Mr. Martin stated that he does not think that a lot of additional discussion by the Board on this matter will impact their decision. Mr. Martin noted that he would accept the staff committee's recommendations for employee group health insurance as of December 1, 2013.

Mr. Clinton agreed with Mr. Martin's comments and noted that the decision seems clear to him.

After questioning by Mr. Clinton, Mr. Moorman noted that the County has 81 spouses covered on our current health insurance plan.

Mrs. Guzi noted that the staff does not know how many of those spouses have health insurance coverage available elsewhere.

Mr. Austin noted that there continues to be a downturn in the economy and the County has not approved substantial employee raises for the past 5 – 6 years.

There being no further discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board authorized the award a contract effective December 1, 2013 to Med-cost for medical insurance, Kroger Prescription Plans for prescription drug insurance, and Corvesta for dental insurance in substantive conformance with the information presented today and authorized staff to execute all necessary documents upon the review and approval of the County Attorney; institute an increase for Active Employee monthly health insurance premiums as revised in Attachment 4; adjust COBRA and Retiree monthly health insurance premiums commensurately with the new Active Employee premiums; and deferred decisions on providing notice to employees of the County's intent to implement health plan modifications effective December 1, 2014, to discourage tobacco use and implementing a surcharge effective June 1, 2014, if permitted by law, or on December 1, 2014, to cover spouses for whom health insurance is available from another source until the January 2013 regular meeting to allow additional comparative cost information to be obtained from other localities by staff and the County's insurance consultant. (Resolution Number 13-10-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A presentation was then given by the Fincastle Resolutions Chapter of the Sons of the American Revolution on a revised design for the Colonel William Preston memorial to be located at the Greenfield Education and Training Center. Dr. Rupert Cutler, Co-Chair of the Preston Memorial Committee, and Mr. David Hill with Hill Studio were present to speak on this matter.

Dr. Cutler then stated that this proposed memorial is the first construction project in the County "specifically designed to take advantage of the growing 'army' of affluent tourists, many of them retired," who plan vacations to sites associated with Revolutionary War history and settlement of the American frontier in the Colonial era. Dr. Cutler stated that he believes that the Virginia Tourism Corporation would be willing to help the County market the Preston Memorial as a destination attraction. Dr. Cutler stated that Botetourt County teachers would also be able to bring their classes to this location for lessons on Virginia history. He further stated that the Education and Training Center's lobby could be used for receptions and parties and this memorial would be a great place to hold outdoor weddings and other celebrations with out-of-state visitors staying in the County's hotels/motels.

Dr. Cutler stated that, following a new topographic survey of the proposed site by Engineering Concepts, Inc., the previously-approved concept plan was finalized and is now ready to be advertised for bids and constructed next year. Dr. Cutler stated that the SAR hopes that by this time next year a ribbon cutting will be scheduled to open the memorial to the public. He noted that this is a model public/private partnership project. He noted that the SAR has raised over \$57,000 of its share of the estimated \$180,000 project, including a \$5,000 donation from one of William Preston's direct descendants.

Dr. Cutler stated that when this proposal was previously brought before the Supervisors, the SAR pledged \$40,000 toward this project; however, they continue to ask their members for gifts to fund this project. He noted that the County has appropriated \$7,500 toward this project. Dr. Cutler noted that the Committee's Co-Chair, John Bradshaw, is responsible for fundraising and believes that additional donations are possible for items such as benches, a flagpole, TV monitors, etc., which can have the donor's name attached to them.

After discussion, Dr. Cutler stated that David Hill with Hill Studio is present to review the memorial's final design and the County funding needed for this project. He stated that the cost breakdown is as follows: \$60,000 from the SAR and \$60,000 from the County in FY 13-14 and \$60,000 from the County in FY 14-15 for a total of \$180,000. Dr. Cutler stated that, if the second \$60,000 allocation becomes available on July 1, 2014, the memorial could be open in the fall of 2014.

Dr. Cutler then stated that his remaining personal task regarding this memorial is to compose the wording that will appear on the five horizontal stone entablatures and the six vertical interpretative panels. He noted that each of the five horizontal stone monuments, which will point in five different directions, will describe occurrences during different times in William Preston's life. Dr. Cutler stated that the vertical panels will list Botetourt County's historical highlights during Preston's time, the ancestry and heritage of William Preston and his family, the political situation in America before, during, and after the Revolutionary war, a list of other historical/tourist sites in the County, and a listing of the memorial's sponsors.

Dr. Cutler noted that David Hill also led the team that redeveloped Roanoke City's Elmwood Park and its new amphitheater which recently opened.

Mr. Hill stated that the memorial will be located on the northern end of the Greenfield Education and Training Center and the design proposes a garden space with trees, plants, and benches. He noted that the design commemorates the achievements of William Preston and the memorial will be used to recognize his life. He noted that the design includes a gateway space, passageway, and memorial garden room all of which is handicapped accessible.

Mr. Hill estimated that the design will consist of 4,000 square feet of lawn space and include five horizontal in-ground stone "needles" which will explain frontier life; to include Preston's early years, Fincastle and government's role during that time, Greenfield Plantation and Preston's family life, Kentucky and the frontier, Smithfield Plantation, Preston's later years, and the Revolutionary War.

He stated that there will also be four interpretative panels around the edge of the memorial which will consist of ½" thick carbonate plastic material. Mr. Hill stated that these panels will list historical highlights of the County, William Preston, Lewis and Clark, the 1725-1775 political situation in America, the 1775 – 1825 political situation, etc. Mr. Hill further stated that two panels will have flat-screen monitors to display the current story of Botetourt County, a description of the SAR, and list the memorial's private donors.

Mr. Hill stated that there will be five openings in the seating wall corresponding with the ends of the "needles" to allow rainwater to exit the site. He noted that this wall will be 24" – 30" in height and have LED uplighting to illuminate the interpretative panels. Mr. Hill further noted that there will be wooden benches on the site for visitors to use to enjoy the facility and the view of the Greenfield property.

Mr. Hill stated that his estimated budget is \$60,000 for site work, grading, and erosion and sediment control measures and \$60,000 for the stone and the walls. He suggested that the

County time the bidding for this project so that all of the construction work can be done at one time.

Mr. Clinton stated that this is an elegant design and he likes the symbolism of the proposal. After questioning by Mr. Clinton, Mr. Hill stated that the proposed design's current estimated budget is \$180,000 which is less than the previous amount. Mr. Hill noted that the previous design included a 6' wide sidewalk which has now been reduced to 5' in width which has helped to reduce construction costs.

After questioning by Dr. Scothorn, Dr. Cutler stated that the County's Parks and Recreation staff will maintain this site after it is completed. After further questioning by Dr. Scothorn, Mr. Hill stated that the plastic panels have a long life span and mentioned that on previous projects these panels still look good after 15 years. Mr. Hill estimated that the wording on the panels would begin to fade in 20 – 25 years.

After discussion, Dr. Cutler noted that the flat-screen monitors can be changed at any time.

After questioning by Mr. Austin, Mr. Hill stated that the monument's open area would consist of granite and grass. After further questioning, Mr. Hill stated that the horizontal "needles" would be 40' – 45' in length and 6' wide at their widest point with a concrete area around their perimeter.

After questioning by Mr. Clinton, Mr. Cutler stated that the SAR is providing some funds and a design for this memorial and the County will advertise the project for bids and provide construction administration.

After discussion, Mrs. Guzi noted that the County has \$7,500 included in the current budget to help fund the memorial's design.

Dr. Cutler noted that to date there have been \$12,000 in design-related expenses on this project.

Mr. Austin noted that he believes that this is a great design and hopes that the County can move forward with construction to make this memorial a reality.

Dr. Cutler noted that it has been 17 years since this proposal was first discussed with the County and he thanked the Board for this opportunity.

After questioning by Mr. Austin, Ms. Lisa Moorman, Tourism Coordinator, stated that she has sent electronic mail messages out to various groups and organizations to determine if there are any grant funds available for this project.

Mrs. Guzi noted that the County may be able to obtain grant funds for the flat-screen monitors as they will also direct visitors to other historic/tourist sites in the County.

After questioning by Ms. Moorman regarding maintenance costs for the interpretative kiosks, Mr. Hill stated that there would have to be funds budgeted to pay for these maintenance costs.

The Board thanked Mr. Hill and Dr. Cutler for their presentation and, by consensus, agreed to the revised design for the Colonel William Preston memorial to be located at the Greenfield Education and Training Center.

Mr. Austin then noted that Bedford County has an Agricultural Board which is an agri-business communications link between what is happening in the agricultural community and the Board of Supervisors. He noted that this group conducts regular monthly meetings.

Mrs. Guzi stated that Botetourt County considers agriculture as a component of economic development. She further noted that an agriculture teacher from Lord Botetourt High School previously served on the Bedford Agricultural Board and she has discussed the County's creation of a similar committee with that individual.

Mr. Austin noted that the Bedford County Economic Development Director is a member on this board, as well as the County Administrator, a Cooperative Extension Agent, and representatives from the Young Farmers group.

Mrs. Guzi noted that representatives of the different types of farming activities in Botetourt County could serve on this Board.

After discussion by Mr. Austin, Mr. Martin stated that he would like to attend one of the Bedford County Agricultural Board's meetings for information purposes and noted that he serves on the VACo Agriculture and Environmental Committee.

Mr. Austin stated that this is an innovative and creative group and he thinks that having a similar committee in Botetourt County would "give some connectivity" to the Board on agricultural issues in the County.

Mr. Leffel noted that a member of the County's FFA Alumni group could also be asked to serve on this committee.

Mrs. Guzi noted that this issue was discussed at a Cooperative Extension Service Leadership Board meeting a few months ago and the momentum seems to be in place to form a County Agricultural Board. Mrs. Guzi noted that she will work toward further developing this group and report back to the Board in the future.

Mr. Austin then noted that the old Kanawha Canal gage lock on the James River off of Lowe Street in Buchanan has been buried for many years. He noted that there are now plans to excavate the lock in early November and develop it into a tourist site. Mr. Austin stated that he would like the County to provide financial assistance to the Town of Buchanan on this endeavor.

It was noted that this request would be taken under consideration.

On motion by Mr. Austin, and carried by the following recorded vote, the Board went into closed session at 4:59 P. M. to discuss personnel matters regarding the County Administrator's performance evaluation as per Section 2.2-3711A (1) of the Code of Virginia of 1950, as amended. (Resolution Number 13-10-10)

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 6:08 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 13-10-11)

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.

A public hearing was then held on a request in the Buchanan Magisterial District from Lee J. and Rebecca J. Smith, TR., for a Special Exception Permit for a Bed and Breakfast Homestay [up to five (5) guest rooms], with possible conditions, in the Agricultural A-1 Use District on a 56.56 acre property located on 544 Pico Road (State Route 625) approximately 0.25 miles southeast of its intersection with Bobletts Gap Road (State Route 643), identified on the Real Property Identification Maps of Botetourt County as Section 65, Parcel 78, and Section 65(4) Parcel 2.

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

Mr. Jeff Busby, County Planner, stated that the Smiths recently finished renovating the basement of their home on Pico Road and would like to operate a bed and breakfast in this space. He noted that the basement includes a bathroom, foyer, game room, kitchen, media room, bedroom, powder room, closet, and utility room. He noted that the Smiths letter of intent for this request states that there will be no indoor or outdoor events such as weddings, receptions, etc., on this property and they will not have any employees other than family members that reside on the property.

Mr. Busby further stated that there will be no signs on the property and existing parking, landscaping, and lighting will be utilized for this use. Mr. Busby noted that there were no public comments on this request prior to or at the Planning Commission meeting held earlier this month.

Mr. Busby then read the conditions attached to this request: documentation of approval from the Botetourt County Health Department shall be provided to the Zoning Administrator prior to operating the bed and breakfast; a Botetourt County business license shall be obtained, if required, prior to operating the bed and breakfast; no other uses or activities such as weddings, receptions, or other special events shall be held on the property, whether indoors or outdoors; shall be limited to a one (1) bedroom bed and breakfast homestay, within the existing residence.

Mr. Busby stated that there are a few single family dwellings and a few small businesses in this area. He further stated that the applicants were present to answer any of the Board's questions on this proposal.

Mrs. Smith stated that she had no additional information to add to Mr. Busby's presentation.

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.

After questioning by Mr. Austin regarding the condition restricting weddings and special events on this property, Mr. Busby stated that this condition does not preclude the Smiths from having family weddings on this property.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board approved the request in the Buchanan Magisterial District from Lee J. and Rebecca J. Smith, TR., for a Special Exception Permit for a Bed and Breakfast Homestay [up to five (5) guest rooms] in the Agricultural A-1 Use District on a 56.56 acre property located on 544 Pico Road (State Route 625) approximately 0.25 miles southeast of its intersection with Bobletts Gap Road (State Route 643), identified on the Real Property Identification Maps of Botetourt County as Section 65, Parcel 78, and Section 65(4) Parcel 2, with the following conditions: (Resolution Number 13-10-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. Documentation of approval from the Botetourt County Health Department shall be provided to the Zoning Administrator prior to operating the bed and breakfast.
2. A Botetourt County business license shall be obtained, if required, prior to operating the bed and breakfast.
3. No other uses or activities such as weddings, receptions, or other special events shall be held on the property, whether indoors or outdoors.
4. Shall be limited to a one (1) bedroom bed and breakfast homestay, within the existing residence.

Consideration was then held on a request in the Amsterdam Magisterial District from 838 Properties, LLC (Frank L. Moeller, Flying Mouse Brewery) to rezone a 6.417 acre parcel from an Agricultural A-1 Use District to an Industrial M-2 Use District, with possible proffered conditions, for beverage processors, bottlers, and distributors activities on property located at 221 Precast Way, Daleville, 0.22 miles north of its intersection with Valley Road (Route 779), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 111A.

It was noted that the public hearing on this request was held at the Board's July regular meeting at which time this request was tabled until the October meeting to allow additional information to be obtained.

Mr. Clinton stated that technically tonight's discussion on this request is not a public hearing as the formal public hearing on this proposal was held at the Supervisors' July regular meeting. Mr. Clinton noted that a number of citizens have submitted speaker's forms for tonight's meeting and the Board understands that there is interest in this matter. Mr. Clinton again stated that this is not a public hearing; however, that is the manner in which the Board will deal with the discussion on this request.

Mr. Wade Burkholder, Planning Manager/Zoning Administrator, stated that the Board tabled action on this request at their July 2013 meeting. He noted that there are five parcels owned by the Flying Mouse Brewery—3 currently zoned Industrial M-2 and two zoned Agricultural A-1. Mr. Burkholder stated that the owner would like to rezone the 6.4 acre parcel (Lot 111A) to M-2 for brewery uses. He noted that the brewery building located on Lot 106 is immediately adjacent to the lot line between parcels 106 and 111A; therefore, Lot 111A could not be used for brewery activities due to its agricultural zoning.

After discussion, Mr. Burkholder stated that the applicant has proffered that the property will not be used for musical/entertainment festivals as described in the County Code and has also proffered that this property will be used for brewery uses only to the exclusion of all other M-2 uses. Mrs. Guzi explained that this proffer remains with the land applicable to all future owners/uses until and unless the Board of Supervisors approves a legislative act removing this specific proffer to permit additional uses on this parcel.

Regarding discussion at the July meeting regarding sight distances issues on Valley Road at the brewery's entrance, Mr. Burkholder noted that VDoT has reviewed this location and approved the brewery's entrance plan. He noted that VDoT's measurements show a distance of 390' from points A to C (from Precast Way west toward Dooley Lane) and 421' from points A to B (from Precast Way east toward the top of the hill on Valley Road) which comply VDoT's sight distance requirements. Mr. Burkholder also noted that VDoT has requested that the

brewery's owner place a section of double-seal surface treatment at the intersection of Precast Way and Valley Road.

After questioning by Mr. Clinton, Mr. Frank Moeller, applicant, stated that he had no comments at this time.

Ms. Laura Wells of Precast Way then stated that Mr. Moeller has been a wonderful neighbor since purchasing this property. She noted that the traffic on Precast Way has increased over the past few weeks but it has not been bad. Ms. Wells stated that the property's previous owner did not take care of the road but Mr. Moeller has maintained the road and she hopes that he can expand his business in the future.

Mr. B. Painter of Valley Road stated that his feelings on this request are known by the Board. Mr. Painter stated that he would like to resolve this land use issue to protect the integrity of the neighborhood. Mr. Painter then presented maps to the Board showing the existing lot layout and the structures in this area.

Mr. Painter stated that he understands that the lack of M-2 property in the area of the brewery building is the reason for this rezoning request; however, he would prefer that the total 6 acre parcel not be rezoned. Mr. Painter stated that, if this request is approved, it would result in a total of 13 acres of M-2 zoned property being located in the middle of A-1 and residential properties. He requested that the Board consider an alternate mechanism which does not have the permanence of an M-2 zoning and, if such a mechanism does not exist, then he asks that the Board consider a reduction of the area to be rezoned.

Mrs. Margaret Allen of Blue Ridge Turnpike stated that she owns property on Valley Road. She stated that the Board of Supervisors is elected to represent each of the citizens as well as the residential, farming, and business communities. She noted that this rezoning will affect their children and grandchildren.

Mrs. Allen stated that she is opposed to rezoning any additional agricultural land in the County to commercial use in this residential area. She noted that a big mistake was made when this land was initially zoned for commercial uses and this mistake is "haunting" them now. Mrs. Allen stated that the brewery is located on 8 acres. She noted that this is a lot of square footage and should be enough land for this business's use.

Mrs. Allen stated that the County's Comprehensive Plan shows this area as residential and it should remain so. She noted that the residents have a lot invested in their homes and properties and this area should remain residential. Mrs. Allen further noted that these families' homes mean as much to them as Mr. Moeller's property does to him. Mrs. Allen stated that Mr. Moeller has said that this brewery is a dream business to him and noted that the adjacent property owners have dreams as well. She then asked the Board to do the right thing for the families and citizens that they represent in this community by not approving this request.

Mr. Robert Allen of Blue Ridge Turnpike thanked Mr. Moeller for proposing that this property will not be used for musical festivals. He then asked the Board to consider what they already know about this proposed request—this property consists of five separate parcels; three of which are M-2 and two that are zoned for agricultural use. Mr. Allen stated that Mr. Moeller will receive five tax bills for this land and noted that the two agricultural parcels will be taxed at a lesser rate than the M-2 zoned properties. Mr. Allen further noted that the 1.4 acre parcel on which the access road is located is also zoned for agricultural use. Mr. Allen noted that the access road is a vital part of this property but he does not understand why the 6.4 acre parcel

needs to be rezoned as Mr. Moeller will only use this property for trucks to haul off the brewery's waste products or store materials.

Mr. Allen stated that this property does not need to be rezoned. He noted that this business has an access problem but he "does not want to add one more square foot" of manufacturing zoning in this neighborhood. Mr. Allen stated that he would think that there would be some tax benefits in leaving this land as an agricultural use as it would help Mr. Moeller with his tax bill.

Mr. Allen further stated that "we need to see how this business is going to do" and the applicant should be given some time to decide what he wants to do with his property before considering rezoning this acreage. He noted that "once it is rezoned, it is hard to revert (the property) back." Mr. Allen asked that the Board not approve this request and work with Mr. Moeller in a way that he can access the property.

Ms. Linda Smith of Dooley Lane stated that she was concerned about the groundwater used by the brewery. Ms. Smith stated that her property is served by the Dale Court water system and for the last 2½ years the system's customers have not had drinking water available due to contamination of their water supply. Ms. Smith stated that they were told that when Food Lion was built their well was contaminated. Ms. Smith noted that she had a new well dug and is also concerned about the water quality in the new well. Ms. Smith stated that the brewery should use public water; not groundwater.

Ms. Smith also stated that on Fridays and Saturdays people come out of the brewery's entrance and spin their tires on the gravel road and rev their engines and she can hear this noise from her property. She stated that the Sheriff's staff is spread thin and they cannot patrol this area at all times.

Ms. Smith stated that the County has given the brewery's owners "some money to make beer but some of the area's residents do not have drinking water."

After questioning by Mr. Martin, Ms. Smith stated that there are 15 residences on the Dale Court water system that are affected by contaminated drinking water. After further questioning by Mr. Martin, Ms. Smith stated that the residents were told that their water supply was contaminated because of the construction associated with the Food Lion shopping center which is located further north on Route 220.

Mr. William Goad of Valley Road stated that he is not sure that the brewery needs the entire 6 acre parcel to accomplish what they want to do. He stated that once the property is zoned M-2 it will stay M-2. Mr. Goad stated that he owns 2 parcels along Valley Road and has no plans to move; however, he is concerned about the negative impact that this use would have on their property values. Mr. Goad noted that Mr. Moeller previously stated that he had a large amount of money invested in his business but the residents have a lot of money invested in their properties as well.

Mr. Garrett Lancaster of Precast Way noted that years ago when roadwork was being done on Precast Way, a culvert was being installed under Valley Road. He noted that it was discovered that there were 5 or 6 natural springs under Precast Way. Mr. Lancaster then stated that he does not hear people spinning tires when leaving the brewery at night and his house is located on Precast Way. He noted that most of the drivers using the roadway are very respectful regarding speed and dust. Mr. Lancaster stated that changing the zoning on this property will bring more tax revenues into the County.

Mr. Doug McNaron of Post Oak Drive stated that he recently read an article about the brewery and Mr. Moeller's plans to make his business a destination for visitors to the County. Mr. McNaron noted that one parcel's current zoning would prohibit Mr. Moeller from doing any brewery business on that site. He suggested that the Board approve at least a partial zoning of the 6 acre parcel and noted that, whether the entire lot should be rezoned, would be "up to the Board."

Mr. McNaron stated that Mr. Moeller has worked hard to accommodate his neighbors and the interests of the County and the business "seems to be pitted against the interest of very few people who do not want people walking on their property."

Mr. Steve Nagy of Blue Ridge stated that he has no direct connection with either party in this rezoning issue but has followed this story with great interest. Mr. Nagy stated that this business would be a benefit to the County through the tax revenue it generates. He stated that this is a pleasant business that is owned by a County resident who has used his time and money to create it. Mr. Nagy asked that the Board approve this request. He noted that Mr. Moeller knows far better than anyone else what he needs for his business to operate successfully.

After questioning by Mr. Clinton, it was noted that there was no one else present to speak to this matter. Mr. Clinton stated that no further public comment would be allowed.

Mr. Clinton stated that this rezoning request is not a "clear-cut matter—there are pros and cons" to both points of view. He noted that the integrity of the community should be protected. Mr. Clinton stated that there were common threads throughout the comments made at tonight's meeting. He noted that one of the most challenging parts of being on the Board is land use issues as they require the Board to "come up with a unique opportunity to give everyone what they want."

Mr. Clinton then reviewed the public's comments made regarding this rezoning request.

Mr. Martin stated that he can relate to both sides of this issue. He noted that the residents do not want the entire 6 acre parcel rezoned; however, he hopes that the Board can come together with a solution that everyone can live with.

After questioning by Dr. Scothorn regarding the comments made regarding the area's water supply, Mr. Burkholder stated that he has been advised of no issues with the groundwater as it pertains to the brewery or this rezoning request. After further questioning by Dr. Scothorn, Mr. Burkholder noted that Mr. Moeller has received the appropriate Health Department permits for the brewery's operation and he is not aware of any issues regarding water quality.

After questioning by Dr. Scothorn regarding the traffic hazards at the Precast Way/Valley Road intersection, Mr. Brian Blevins with the Virginia Department of Transportation stated that VDoT did not conduct a traffic study at this intersection as the brewery is a small business and Precast Way is a private road which had been used by both residential and industrial vehicles in the past. Mr. Blevins stated that VDoT does recommend that the area of the gravel road's intersection with Valley Road be paved in order to keep loose gravel off of Valley Road.

After questioning by Mr. Austin, Mr. Blevins stated that VDoT would prefer that the gravel from Precast Way not come out onto Valley Road. He also noted that having this portion of the entrance paved would allow better traction for vehicles leaving the facility.

Mr. Martin stated that he enjoyed the brewery's open house held on Saturday afternoon and he is impressed with what Mr. Moeller has done to renovate the building to meet his needs. After questioning by Mr. Martin as to what is now needed for this brewery to succeed, Mr.

Moeller stated that he needs to have access to the eastern side of the building for an operational access/main entrance for shipping and receiving of materials.

After further questioning by Mr. Martin, Mr. Moeller stated that he is not sure whether he would need to have the rear portion of the 6 acre lot (the area located beyond the property line on which the brewery is located) rezoned to M-2. Mr. Moeller stated that as the business has only been open for seven weeks he cannot say what he will need this land for in the future. After further questioning by Mr. Martin, Mr. Moeller stated that the installation of additional tanks in the brewery would depend on how much product he sells. Mr. Moeller further noted that the number of breweries in the State has doubled in the past year.

After questioning by Mr. Martin, Mr. Moeller stated that any new equipment/tanks purchased in the future would be placed in the same building as the existing tanks. Mr. Moeller noted that he does not anticipate constructing any additional buildings on the property at this time. After further questioning by Mr. Martin, Mr. Moeller stated that some of the six acre parcel will not be used for the brewery operation as it is forested. After further discussion with Mr. Martin, Mr. Moeller stated that when submitting the rezoning application he was told that the entire parcel had to be rezoned—not just a portion of the property.

After questioning by Mr. Martin, Mr. Burkholder stated that split-zoning of a parcel is not good planning practice and there was a determination made in May 2012 by a prior County Zoning Administrator that said that this 6 acre parcel would need to be rezoned before any brewery-related uses could occur. He also stated that, if the parcel is split-zoned, there could be a taxing issue with the Commissioner of Revenue as a determination would have to be made as to whether this parcel would be taxed based on its primary use or by some other means.

After questioning by Mr. Martin regarding a temporary use permit, Mr. Burkholder stated that the County's Zoning Ordinance previously allowed for a Use Not Provided For Permit but this provision was removed from the ordinance during its 2003 update. Mr. Burkholder stated that, under the current Zoning Ordinance's provisions, a rezoning request is the only option available for Mr. Moeller.

After questioning by Mr. Clinton, Mr. Burkholder stated that the brewery would not be considered a non-conforming use. After further questioning by Mr. Clinton, Mr. Burkholder stated that a Use Not Provided For Permit would have been an option for Mr. Moeller under the old Zoning Ordinance. Mr. Burkholder further noted that a non-conforming use occurs when the County Code is amended and the requested use is no longer allowed.

After questioning by Mr. Clinton, Mrs. Elizabeth Dillon, County Attorney, stated a non-conforming use would be allowed only when a legally conforming use becomes non-conforming and the owner has shown that the use continued for two years after it became non-conforming.

After questioning by Mr. Clinton, Mr. Burkholder stated that, if this 6 acre tract is given a split zoning and as long as there is a minimum of 2.25 acre lot with a deeded 20' access, a single family dwelling could be constructed on this A-1 parcel.

After questioning by Mr. Martin, Mr. Moeller stated that, if the property line for the 6 acre parcel was not located so close to the brewery building, he believes that the arguments heard about his request would be fewer. Mr. Moeller stated that he does not want to turn this property "into a big industrial site." Mr. Moeller further stated that he is not aware of the usage restrictions on an A-1 zoned lot and he needs this property for outdoor storage, access to the building, etc.

After questioning by Mr. Austin, Mr. Moeller stated that he does not want to be in a position to rule out expanding his business in the future. Mr. Moeller stated that he and his partners expect to do very good business in the first year and they need to have the ability to expand the business/building rapidly if necessary. Mr. Moeller stated that he “does not want to be stuck for this long of a period in the future” as has been the case with the rezoning process so far if he has to come back and rezone this 6 acre parcel.

Mr. Austin then questioned if Mr. Moeller knew of anything else that could be done to enhance this issue short of a full rezoning of this property. Mr. Austin noted that he is not in favor of a partial/split zoning on this property.

Mr. Moeller stated that there is a wooded buffer between his and the Allens’ property and he has no intention of removing this buffer. Mr. Moeller noted that he wants to be an accommodating neighbor. Mr. Moeller then stated that it would have been preferred if some of the alternatives discussed at this meeting had been brought up earlier in the rezoning application process.

Mr. Moeller stated that he has talked to a few of his neighbors over the past few months but no one who spoke against this request has talked to him directly about his business or his property. Mr. Moeller noted that Mr. Painter did come to his grand opening event at 8:30 PM on Saturday.

Dr. Scothorn stated that he spoke at the brewery’s grand opening and Mr. Moeller has a great family to support him in this business endeavor. Dr. Scothorn noted that, if the neighbors have concerns about Mr. Moeller’s use of this property, then they should talk to Mr. Moeller. Dr. Scothorn noted that he does not know what Mr. Moeller will need for his business five years in the future and he does not want to see a limitation on the use of this property. Dr. Scothorn noted that Mr. Moeller has done a great renovation job on the building and he commended him on his entrepreneurship and his business.

Mr. Leffel stated that he can only imagine how frustrating this process has been for Mr. Moeller, his family, and his business partners. Mr. Leffel noted that he wants Mr. Moeller and his business to succeed and he wished that Mr. Moeller had had some additional information on his options for this property earlier in the rezoning process. Mr. Leffel stated that Mr. Moeller will need to have some additional space for the brewery and its operations; however, he is concerned with the six acre parcel that will remain as an M-2 zoning district if this business fails.

Mr. Moeller stated that “the 6.4 acre parcel is what it was when he bought” the property. Mr. Moeller again stated that he was told that he had to rezone the entire parcel for the brewery’s use.

Mr. Leffel stated that “there has to be some way to get around this” issue.

Mr. Moeller stated that he has not been given the option of split-zoning this parcel.

Mr. Burkholder suggested that Mr. Moeller could proffer that the parcel’s forested area would be retained as a buffer/easement. He noted that this would provide for a buffer between the brewery and the adjacent properties as well as giving Mr. Moeller the use of the land he needs for the brewery’s operations.

After discussion, Mr. Burkholder stated that split zoning is not illegal by Code “but it is not looked upon favorably.”

Mrs. Guzi agreed with Mr. Burkholder that the proffer of a buffer for the forested portion of this parcel could help alleviate some of the neighbors’ concerns.

Mr. Clinton stated that “if what is at stake is the success of a business and the harmony of the neighborhood,” he does not see a problem with continuing the northern boundary Lot 106 to the east and “squaring off” the area of Lot 111A and zoning this portion as M-2.

Mr. Moeller stated that he is not opposed to having this boundary line put in place but there are existing structures, electrical poles, etc., beyond this point on Lot 111A and he would like to be able to use this area someday for some type of use. Mr. Moeller stated that he would be in favor of having the forested area as a boundary for the M-2 zoned area.

After questioning by Mr. Clinton regarding the creation of this new parcel, Mr. Burkholder stated that as long as the remaining portion of Lot 111A contains the minimum acreage for an A-1 zoned parcel and a deeded access to this lot is available, he thinks that this could be done.

After questioning by Mr. Leffel regarding a proffered condition for the buffer area, Mrs. Guzi noted that the proffers approved with a rezoning request “go with the land” if it is sold. She reminded the Board that they have considered requests in the past where property owners have returned to the Planning Commission/Board of Supervisors asking to amend/revise previously approved proffered conditions.

After questioning by Dr. Scothorn, Mr. Moeller stated that he would be willing to proffer for now that the forested area on the 6 acre parcel would only be used as a buffer but if the business becomes successful in the future he would like to be able to come back before the Board to change this provision.

After further questioning by Dr. Scothorn, Mr. Moeller stated that the cleared portion of this 6 acre parcel currently allows adequate space for delivery trucks to enter the site and turn around.

Mrs. Guzi suggested that the Board continue their discussion on this issue to a future meeting to allow staff and the property owner to discuss dividing the 6 acre parcel. She noted that the parcel could be rezoned to M-2 but Mr. Moeller could submit a proffered condition that the forested portion of the property would remain as is.

After questioning by Mr. Martin, Mrs. Guzi stated that Mr. Moeller would be allowed to construct additional structures on the cleared portion of this lot. After further discussion, Mrs. Guzi noted that proffered conditions can only be changed/amended by the Planning Commission/Board of Supervisors after advertisement of a public hearing.

Mr. Clinton stated that he believes that a better solution would be to determine a new property line to the northeast of the rear property line on lot 106 that cuts across lot 111A.

Mrs. Dillon noted that, according to the Zoning Ordinance’s provisions, the County cannot create non-conforming lots that cannot be used or do not have a deeded access easement.

After questioning by Mr. Clinton, Mrs. Dillon stated that, if a new lot line is drawn, then two lots would be created and this is considered a subdivision. She noted that subdivision of parcels requires that they be of a minimum acreage consistent with the property’s zoning and have deeded access.

Mr. Clinton stated that the Board has three options with this request: study the impact of the proposed buffer area, research whether the lot can be legally subdivided, or approve the request with the proffered condition(s).

Mr. Austin suggested that the Board approve the rezoning request with the condition that the property can only be used for brewery-related activities and, if the land is sold in the future,

then the new owner would have to come back before the Planning Commission and Supervisors to amend the proffer, if needed.

After questioning by Mr. Clinton regarding the access road's (lot 103C) zoning, Mr. Burkholder stated that the agricultural zoning of this lot is not an enforcement-related problem.

Mrs. Dillon stated that there are no structures on lot 103C—it only contains the access road to the brewery and the residences along Precast Way.

Mr. Clinton stated that this request requires consideration between the interests of the community and a requested industrial zoning versus a promising County business.

After questioning by Mr. Clinton, Mrs. Dillon stated that this split/partial zoning/subdivision issue would take further review and she cannot answer as to the legality of the options discussed at this time.

Mr. Martin stated that he would like to see the County Attorney and the staff further review these issues.

Mr. Austin then questioned that he would like to know whether, in creating the forested buffer area, would the property be taxed at an industrial or an agricultural rate.

On motion by Mr. Clinton, and carried by the following recorded vote, the Board continued for up to sixty (60) days the request in the Amsterdam Magisterial District from 838 Properties, LLC (Frank L. Moeller, Flying Mouse Brewery) to rezone a 6.417 acre parcel from an Agricultural A-1 Use District to an Industrial M-2 Use District, with possible proffered conditions, for beverage processors, bottlers, and distributors activities on property located at 221 Precast Way, Daleville, 0.22 miles north of its intersection with Valley Road (Route 779), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 111A, to allow the applicant, staff, and the County Attorney to study the possibility of providing a buffer or subdividing the parcel. (Resolution Number 13-10-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

It was noted that the public hearing on these amendments was held at the Board's September meeting.

Mr. Wade Burkholder, Planning Manager/Zoning Administrator, stated that the Board provided direction to the staff at the September regular meeting to consider options for four (4) items in the proposed Sign Ordinance as follows: allow businesses to have electronic message boards (EMBs) by Special Exception Permit (SEP) in PUD, SC, TND, POP and PIP zoning districts and allow institutional uses in any zoning district to have a EMB by SEP; require EMBs to maintain a 1,000' setback from local or nationally registered historic landmarks/districts; evaluate the use and permitting requirements for banner signs; and require placement of EMBs on lots with 100' of VDoT frontage and no closer than 800' from similar signs.

Mr. Burkholder stated that a staff review showed that there are no historic landmark/districts within 1,000' of a business located in the PUD, SC, TND, POP, or PIP zoning districts or near any institutional uses. He then reviewed maps showing 1,000' boundaries around the historic districts/landmarks in the County. Mr. Burkholder noted, however, that both the Fincastle Volunteer Fire Department and Breckinridge Elementary School are located within the 1,000'

buffer around the Fincastle historic district and would be excluded from having an EMB under the proposed ordinance's language.

He stated that, if the Board would like to delay implementation of this 1,000' historic buffer provision, then Section 25-462(e)(3) ("Electronic Message Board signs may be permitted for Institutional Uses, see Article VI for definition, by Special Exception Permit in any Botetourt County Zoning District subject to the procedural and substantive requirements of the Zoning Ordinance for a Special Exception. Electronic Message Board/L.E.D. signs may additionally be approved for mixed use developments as part of a rezoning process and approved by the Planning Commission and Board of Supervisors within the Shopping Center (SC), Planned Unit Development (PUD), Traditional Neighborhood District (TND), Planned Office Park (POP) or Planned Industrial Park (PIP) Zoning Districts. Existing mixed use developments within these Zoning Districts may submit a request for special exception permit approval if Electronic Message Board signage is desired.") could be amended to remove the first sentence, remove the word "additionally" from the second sentence, and after "Existing mixed use developments," add "with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public and recreation,".

Mr. Burkholder stated that representatives of institutional uses (schools, etc.) did provide a lot of comments to the staff and Planning Commission during the ordinance's update process.

Regarding the separation requirements between EMBs, Mr. Burkholder stated that staff is proposing two options for the Board's consideration—remove the 800' separation requirement; keep the lot frontage requirement plus add to the language a clause that permits a mixed use development within the SC, PUD, TND, POP, or PIP zoning districts the installation of one directory sign that may incorporate EMB technology per development; or eliminate any separation distance between institutional to business uses.

Mr. Burkholder stated for example that, at Botetourt Commons, if the 800' separation requirement is removed, then EMBs could be placed on each lot in this Shopping Center district. He noted that the option of a directory sign for each development would still allow each business to install any other type of sign permitted in the ordinance on their individual lot.

Regarding banners, Mr. Burkholder stated that the Board requested simplified permitting/enforcement of banner signs. He noted that staff is proposing to allow each business to display one banner during the calendar year after receipt of a sign permit from the County. He stated that, in commercial/industrial zoning districts, the total square footage of the banner cannot exceed a maximum of 30 sf. Mr. Burkholder stated that, under the proposed ordinance, businesses are allowed a total of 120 sf of sign area on their property including banners.

After discussion, Mr. Burkholder stated that, if the 800' separation between EMBs is removed, staff believes that the County "would be in good shape" as long as there was a stipulation for one directory sign per Shopping Center district.

Mr. Burkholder stated that he believes that these proposed amendments are in the "spirit" of what the Planning Commission proposed when updating the Sign Ordinance.

After questioning by Mr. Austin regarding a possible exception to the 1,000' setback from historic landmarks/districts for the Fincastle Volunteer Fire Department and Breckinridge Elementary School, Mr. David Moorman, Deputy County Administrator, stated that both the fire department and the elementary school would have to apply for a SEP to have an EMB.

Mr. Leffel stated that he has discussed the 1,000' setback restriction from historic districts with residents of Fincastle and members of the Fincastle Town Council and they would like the County to retain the 1,000' buffer restriction for EMBs.

Mr. Burkholder stated that the Planning Department received letters from Fincastle Town Manager David Tickner and Historic Fincastle, Inc., requesting that this 1,000' buffer remain in the Sign Ordinance.

Mr. Austin stated that he also heard from a Fincastle citizen regarding the new LED sign at the Happy Food Mart south of Town.

Mr. Austin stated that he believes it is unfair to the Fincastle Volunteer Fire Department to have to submit and go through the SEP process for an EMB as they are an institutional organization.

Mr. Clinton stated that he prefers that the prohibition of EMBs within 1,000' of the Town of Fincastle remain.

Mrs. Guzi stated that it would be more equitable if the Board allowed EMBs within 1,000' of any of the County's historic districts by SEP.

Discussion was then held on each of the four items proposed in September for additional staff review/comment. Regarding allowing EMBs by SEP in certain districts and for any institutional use in any district, unless otherwise restricted, Mr. Burkholder stated that this would exclude any institutional use from applying for an EMB sign permit as currently proposed.

Mrs. Guzi stated that the Board could allow EMB signs for businesses located in certain districts but delay action on permitting EMB requests by institutional uses.

Mr. Clinton stated that he personally does not see a lot of advantage in delaying implementation of the institutional use portion of the ordinance.

Mr. Austin agreed and stated that he does not think that the County will receive an overwhelming number of requests for these types of signs.

After discussion on requiring EMBs to maintain a 1,000' setback from local or nationally registered historic landmarks or districts, the Board stated that they would prefer that all EMBs within these designated areas be required to obtain a SEP.

Regarding placement of EMBs on lots with 100' of VDoT frontage and no closer than 800' from similar signs, the Board stated that they would prefer that the 800' separation requirement be removed from the ordinance, keep the lot frontage requirement plus add a clause that permits a mixed use development within the SC, PUD, TND, POP, or PIP zoning districts to install one directory sign that may incorporate EMB technology per development.

Regarding options to simplify the permitting and enforcement of banner signs, Mr. Burkholder stated that staff is recommending that any person wishing to display a banner must apply for a sign permit and, except for real estate and construction signs, banners shall comply with the following standards: (1) Each business on a lot shall be allowed to display one (1) banner at any time during the calendar year. Each business wishing to display a banner must apply for a sign permit. Sign permits shall expire at the end of each calendar year; and (2) in commercial and industrial zoning districts, the total square footage of any banner shall not exceed a maximum of thirty (30) square feet. The square footage of the banner shall be figured into the maximum aggregate square footage per business per zoning district. In all other zoning districts, the total square footage of any temporary sign shall not exceed sixteen (16) square feet. Only one (1) sign, including banners, may be freestanding at any given time on the lot with a

setback of fifteen (15) feet from the right-of-way. Banners may not be used in conjunction with EMBs.

After questioning by Mr. Austin, Mr. Burkholder stated that, if a business meets the 120 sf maximum sign area requirement with the existing signs on their property, then the business is not allowed to have a banner.

After questioning by Mr. Austin regarding the example of a small sign on the Bank of Fincastle property advertising interest rates, Mr. Moorman noted that the staff reviewed all current County businesses signage and none of them are close to the maximum 120 sf limit at this time. Mr. Moorman noted that this square footage provision was included so a business could not install 500 banner signs.

Mr. Austin then asked that the Zoning Administrator be allowed some discretion and “use common sense” in the enforcement of temporary signs.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board approved the attached amendments to Chapter 25. Zoning of the Botetourt County Code regarding the Sign Ordinance as recommended by the Planning Commission and presented at the Supervisors’ September regular meeting, and including the following revisions: (Resolution Number 13-10-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Section 25-462(e)(3) Electronic Message Board/L.E.D. should now read, “Electronic Message Board signs may be permitted for institutional uses, see Article VI for definition, by Special Exception Permit in any Botetourt County zoning district subject to the procedural and substantive requirements of the Zoning Ordinance for a Special Exception. Electronic Message Board/L.E.D signs may additionally be approved for mixed use developments as part of a rezoning process and approved by the Planning Commission and Board of Supervisors within the SC, PUD, TND, POP, or PIP zoning districts. Existing mixed use developments, with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public and recreation, within these zoning districts may submit a request for Special Exception Permit approval if Electronic Message Board signage is desired. Signs identifying mixed use developments with multiple tenants in the above-mentioned zoning districts shall be limited to one (1) freestanding directory sign per development, which may utilize electronic message displays approved by either Special Exception Permit or rezoning by the Board of Supervisors, either single or double faced.”

Section 25-462(e)(3)(m) should now read, “Electronic message board signs must maintain a 1,000 (one thousand) foot setback from any local or national historic landmark or district boundary and the Fincastle Town boundary line unless otherwise approved by Special Exception Permit.”

Section 25-462(e)(13)(a) Temporary should now read, “Banners: Any person wishing to display a banner must apply for a sign permit pursuant to this Chapter. Except for real estate and construction signs, banners shall comply with the following standards:

1. Each business on a lot shall be allowed to display one (1) banner at any time during the calendar year. Each business wishing to display a banner must apply for a sign permit. Sign permits shall expire at the end of each calendar year.
2. In commercial and industrial zoning districts, the total square footage of any banner shall not exceed a maximum of thirty (30) square feet. The square footage of the banner shall be figured into the maximum aggregate square footage per business per zoning district. In all other zoning districts, the total square footage of any temporary sign shall not exceed sixteen (16) square feet. Only one (1) sign, including banners, may be freestanding at any given time on the lot with a setback of fifteen (15) feet from the right-of-way. Banners may not be used in conjunction with Electronic Message Board signs.”

Section 25-462(e)(3)(g) should now read, "Only one (1) electronic message board with at most two (2) sides is permitted on lots with one hundred (100) feet or more of VDOT maintained road frontage."

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the meeting was adjourned at 8:26 P. M. (Resolution Number 13-10-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None