

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, July 23, 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. Theresa Fontana, County Attorney
Mrs. Kathleen D. Guzi, County Administrator

Mr. Clinton called the meeting to order at 2:03 P. M. and welcomed those present. Dr. Scothorn then led the group in reciting the pledge of allegiance.

There being no discussion, on motion by Mr. Martin, and carried by the following recorded vote, the minutes of the regular meeting held on June 25, 2013, were approved as submitted. (Resolution Number 13-07-01)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were 3 transfers, 16 pass-through appropriations, and one regular appropriation for the Board's consideration this month. He stated that the transfers were for recurring items, and the appropriations were for receipt of revenue collections, miscellaneous receipts, miscellaneous costs and donations, grant funds, recurring annual appropriations for the Sheriff's and Commonwealth's Attorney's offices, and loan proceeds for the Utility Fund Capital Project account.

After questioning by Mr. Clinton, Mr. Zerrilla stated that the items handled through recurring transfers and appropriations are usually brought before the Board for consideration in the first month of the new fiscal year.

There being no further discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 13-07-02)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$18,838.28 from the E911 Fund to the County General Fund. This is to recapture E911 operating expenses.

Transfer \$578.40 to Sheriff's Department - Vehicle & Power Equipment Supplies, 100-4031200-6009, from the various departments as follows for vehicle repairs at the County Garage:

\$ 16.28 Dep. Co. Admin. – Repair & Maint. – Vehicles, 100-4012121-3312

\$ 31.71 MIS – Repair & Maint. – Vehicles, 100-4012510-3312

\$ 62.81 Devel. Svces. -Repair & Maint. – Vehicles, 100-4034000-3312

\$ 81.08 Animal Control–Veh. & Power Equip. Supplies, 100-4035100-6009
 \$ 37.48 Maintenance – Repair & Maint. – Vehicles, 100-4043000-3312
 \$178.59 Emerg. Svces. – Repair & Maint. – Vehicles, 100-4035500-3312
 \$ 23.73 Parks & Rec. – Veh. & Power Equip. Supplies, 100-4071000-6009
 \$ 46.36 Van Program – Repair & Maint. – Vehicles, 100-4071500-3312
 \$ 61.21 Library – Repair & Maint – Vehicles, 100-4073100-3312
 \$ 10.24 Sports Complex - Repair & Maint. – Vehicles, 100-4071300-3312
 \$ 28.91 Utilities – Repair & Maint. – Vehicles, 502-4041500-3312

Transfer an amount not to exceed \$532,754 from Utility Operating Fund, 502, to General Fund – Public Works, 100-4040000. This is a payroll transfer for FY14. Cash transfers will occur monthly; however, this transaction will provide advance authority.

Additional appropriation in the amount of \$7,607.93 to Sheriff's Department – Special Law Enforcement, 100-4031200-5880. This is a portion of the FY13 traffic fine proceeds payable to the Town of Buchanan per the County's contract for law enforcement services. This payment is included in this month's Accounts Payable.

Additional appropriation in the amount of \$450 to Sheriff's Department – Other Operating Supplies, 100-4031200-6014. These are funds received from the sale of scrap metal permits.

Additional appropriation in the amount of \$1,593.68 to Emergency Services – Other Operating Supplies, 100-4035500-6014. These are funds received for the reimbursement of costs regarding the County's response to two hazardous materials incidents.

Additional appropriation in the amount of \$13,914 to Emergency Services – Capital Outlay – Other Capital, 100-4035500-8012. These are Virginia Fire Program Funds - Aid to Localities, which are to be used by localities for training, equipment, and protective clothing.

Additional appropriation in an amount up to \$69,000 from the Property Seizure Proceeds Fund – Sheriff's Office. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.

Additional appropriation in an amount up to \$10,000 from the Asset Forfeiture Fund – Commonwealth's Attorney. This provides the authorization to expend these funds based upon predetermined expenditure guidelines.

Additional appropriation in the amount of \$1,500 to Parks & Recreation – Other Operating Supplies, 100-4071000-6014. These are grant funds received from Bike Virginia to support developing bike initiatives in the County.

Additional appropriation in the amount of \$885.99 to Parks & Recreation – Education & Recreation Supplies, 100-4071000-6013. These are insurance recovery funds for Cloverdale soccer goals that had to be replaced due to damage from a July rain storm.

Additional appropriation in the amount of \$600 to Parks & Recreation – Education & Recreation Supplies, 100-4071000-6013. These funds represent donations received for equipment for youth football and lacrosse programs.

Additional appropriation in the amount of \$1,068.50 to Parks & Recreation – Special Events, 100-4071000-3180. These are revenues received from sales and for services provided for the BikeVA event held at the Sports Complex.

Additional appropriation in an amount not to exceed \$7,500 to Correction & Detention – Inmate Phone Commissions, 100-4033100-5820. This is an advance pass-thru for funds received for debit card phone commissions received by the County.

Additional appropriation in the amount of \$1,094.57 to the following Sheriff's Department accounts: \$763.15 to Vehicle & Power Equipment Supplies, 100-4031200-6009, and \$331.42 to Subsistence & Lodging, 100-4031200-5530. These are funds reimbursed by the State for extradition expenses.

Additional appropriation in the amount of \$3,290 to Correction & Detention – Capital Outlay – Other Capital, 100-4033100-8012. These are funds received for an Eagle Scout project to offset costs for installation of commemorative benches at the Public Safety Building.

Additional appropriation in the amount of \$40,000 to pass through funds from County-affiliated individuals for supplemental (COBRA) premium payments for health services. These funds will be appropriated to Insurance Premiums – Pass Through, 100-4091501, and will be offset by a corresponding charge.

Additional appropriation in an amount up to \$229,538.92 to Utility Fund CIP – Tinker Creek Interceptor Project, 502-409410. This is an advance pass-thru of loan reimbursements to be received from DEQ for completion of this project.

Additional appropriation in an amount of \$300,000 to Utility Fund CIP – Roanoke WPCP Flow Upgrade, 502-4094412. This is an advance pass-thru of loan reimbursements to be received from DEQ during FY14.

Additional appropriation in an amount up to \$20,000 to Unemployment Claims, 100-4091502, to provide for coverage of potential unemployment insurance claims.

Consideration was then held on approval of the accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$894,771.58; \$746,955.83 in General Fund expenditures; \$7,980.12 in Debt Service Fund invoices; and \$139,835.63 in Utility Fund expenditures. He further noted that this month's Short Accounts Payable totaled \$340,559.11; \$334,385.48 in General Fund expenditures; and \$6,173.63 in Utility Fund invoices.

Mr. Zerrilla noted that the Short Accounts Payable includes \$263,777 in payments to the County's volunteer fire and rescue agencies for operational support for the first half of FY 2014. He further noted that this month's large expenditures included \$25,049 to the Roanoke Valley/Alleghany Regional Commission for their FY 14 budget allocation and \$34,568 to the Roanoke Regional Partnership which is one-half of their FY 14 budget allocation.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the Board approved the accounts payable and ratified the Short Accounts Payable List as submitted. (Resolution Number 13-07-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a request from the Schools for transfer of a portion of year-end funds to the School Division Capital Reserve Fund and the remainder to the County General Fund. Mr. Tony Zerrilla, Director of Finance, stated that in 2008, the Board of Supervisors established a School Division Capital Reserve Fund to account for year-end school financial savings. He noted that this program benefits both the County and the Schools as 1/3 of the School system's year-end budgetary savings is allocated to the County's General Fund and 2/3 are deposited in the School's Capital Reserve Fund.

Mr. Zerrilla stated that at the end of the June 30, 2013 fiscal year, the Schools had \$28,731.76 available for return to the County. He noted that based on the 1/3 – 2/3 program guidelines, \$9,577.25 would revert to the General Fund and \$19,154.51 to the School's Capital Reserve Fund.

He stated that the Board is being asked to approve a transfer of \$9,577.25 to the General Fund and approve a reappropriation of \$19,154.51 to the School's Capital Reserve Fund. Mr. Zerrilla further noted that Dr. Tony Brads, Superintendent of Schools, was present to answer any questions regarding this request.

After questioning by Mr. Austin, Dr. Brads stated that the FY 13 revenue shortfall was due to a decrease in the number of students which resulted in less funds being received from the State. He also noted that in order to balance their FY 13 budget the schools allocated \$250,217 from their reserve fund; however, this amount was not needed. Dr. Brads further stated that, in the development of the Schools' FY 14 budget earlier this year, they based their figures on a lower anticipated student population.

After questioning by Mr. Clinton, Dr. Brads stated they have allocated \$1.6 million to the Capital Reserve Fund since the program was implemented in 2008. Dr. Brads further noted that the amount requested for reappropriation today is significantly less than in previous years.

After further discussion by Mr. Clinton, Mr. Zerrilla stated that in 2012, \$297,000 was reappropriated to the Schools Capital Reserve Fund and \$148,000 transferred to the General Fund. Mr. Zerrilla stated that it is a credit to the School System that they were able to keep their Capital Reserve Fund whole during the revenue difficulties in FY 13.

Dr. Brads stated that during the first year of this program (2008), there was substantial revenue received from the State as it was the last year that the State increased the Standards of Quality funding for students. He noted that in 2008 the County had a student enrollment that exceeded projections which resulted in additional funds from the State. He further noted that their student population figures have been consistent since that time, except for 2012-13 when they decreased.

After questioning by Mr. Austin regarding the most recent year that new school buses were purchased, Dr. Brads stated there is no funding included in the FY 14 budget for the purchase of new school buses. He further noted that there was one new bus purchased in FY 13 using federal monies. Dr. Brads stated that "we are getting behind" in the school bus replacement rotation and the Schools need to reinstate their bus replacement schedule. Dr. Brads noted that State funding for buses has decreased over the past few years and they have extended the recommended life cycle guidelines for school buses.

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board approved a transfer of \$9,577.25 to the County General Fund and reappropriated \$19,154.51 to the School Division Capital Reserve Fund as per the request of the Botetourt County Public Schools. (Resolution Number 13-07-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on the Virginia Local Disability Program. Mr. David Moorman, Deputy County Administrator, stated that, during the 2013 session of the Virginia General Assembly, legislation was enacted creating the Virginia Local Disability Program (VLDP). He noted that this program provides disability benefits for employees of localities and school divisions who will be covered under the State's Hybrid Retirement Plan effective January 1, 2014.

Mr. Moorman noted that participation by local governments and school systems in this program is mandatory and automatic unless localities elect to opt out of the program by September 1, 2013, and instead provide a comparable employer-paid program. He noted that each locality's decision in this matter is irrevocable. Mr. Moorman stated that after reviewing the Virginia Retirement System-sponsored VLDP, staff is recommending that the County opt out of this State program.

Mr. Moorman noted that there are at least two alternatives to the VLDP which offer superior plans in terms of coverage and cost. He noted that these alternative disability programs are offered by VACoRP (Virginia Association of Counties Group Self Insurance Risk Pool), Rockbridge Group, and the County was recently notified by BB&T that they now offer a disability plan. Mr. Moorman stated that the VACoRP program is significantly preferred over the VLDP plan as their rates are guaranteed for 3 years, versus 6 months for VLDP, and the VACoRP rates are significantly lower than VLDP.

Mr. Moorman stated that, if the County opts out of the VLDP, it will allow the County greater flexibility to consider disability program offerings that may become available in the future. Mr. Moorman again noted that the Board's decision is irrevocable in this matter.

Mr. Moorman noted that the staff is recommending that the Board adopt the resolution included with this agenda item to opt out of the VLDP. He further noted that staff will continue to assess the advantages/disadvantages of the alternative self-funded programs and bring a recommendation back to the Board at a future date.

Mr. Martin stated that he read the information included with this request and agrees that the County should opt out of the State's employee disability program. After questioning by Mr. Martin regarding the BB&T program, Mr. Moorman stated that he has requested additional information on BB&T's proposed plan.

After questioning by Mr. Clinton, Mr. Moorman stated that the County is required to have a disability benefit program in place as of January 1, 2014. After further questioning by Mr. Clinton, Mr. Moorman stated that at present the State has three different retirement plans. He noted that Plan 1 includes those employees hired prior to January 1, 2010; Plan 2 includes those employees hired after January 1, 2010; and the new Plan 3 is for employees entering the State's retirement program as of January 1, 2014.

After further questioning by Mr. Clinton, Mr. Moorman noted that the County opting out of the VLDP will not affect our participation in the other retirement plans.

After questioning by Mr. Clinton, Dr. Tony Brads, Superintendent of Schools stated that the School System will also opt out of this program. He noted that this "new hybrid plan concerns them" regarding potential future employee recruitment abilities. Dr. Brads stated that Plan 3 employees have to participate in a defined contribution plan and a defined benefit plan and there is no disability component to the hybrid plan and this means that the localities/school systems have to supply their own employee disability program.

Dr. Brads further noted that current employees (Plan 1 and 2) can opt into the hybrid plan (Plan 3) but he does not believe that doing so would be lucrative for those employees going forward.

Mr. Clinton stated that the irrevocable nature of this plan is a "little unnerving."

Mr. Moorman agreed, however, he noted that third party agencies can propose a plan that is cheaper than the plan currently offered by the State and offer a measure of competition not available under the State plan. After discussion, Mr. Moorman noted that the County

participates in the State's Line of Duty Act (LODA) program and our experience with this program has not been satisfactory and the rates have increased since the plan's implementation.

Mr. Martin noted that the County can search out different companies to provide this disability plan if the Board agrees to opt out of the VLDP.

Mrs. Guzi noted that she believes that VACoRP, which consists of representatives from local governing bodies and county administrators, has the best interests of localities as their goal which will result in a disability plan with a reasonable cost.

Mr. Leffel also noted that the irrevocable nature of the State's plan concerns him as well.

There being no further discussion, on motion by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the following resolution opting out of participation in the Virginia Local Disability Program.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 13-07-05

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code Section 51.1-169; and,

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia, with the exception of long term care coverage, by January 1, 2014; and,

WHEREAS, it is the intent of the Botetourt County Board of Supervisors, Employer Code 55111, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Botetourt County Board of Supervisors irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, the Botetourt County Board of Supervisors certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Consideration was then held on a resolution to dissolve the Botetourt County Finance Board. Mrs. Guzi stated that records indicate that the County has had a Finance Board since at least 1970. She noted that this board, which is authorized by the Code of Virginia, is composed of the Chairman of the Board of Supervisors, the County Treasurer, and a citizen of the County who has proven integrity and business ability. Mrs. Guzi stated that the Finance Board meets once a year to receive reports from the Treasurer on the County's depository balances and investment yields on all County funds.

Mrs. Guzi stated that discussion was held at the June 2012 meeting as to whether a Finance Board remains necessary in the County. She further stated that the State Code indicates that, if a locality chooses to abolish their Finance Board, then all authority, powers, and duties of the Finance Board shall be vested in the governing body (Board of Supervisors).

Mrs. Guzi noted that financial information on the County is more prevalent and easier to obtain than in the past and, if the Finance Board is dissolved, the Treasurer has offered to submit the depository and investment information to the Supervisors on a more frequent basis. She noted that the Supervisors currently receive a trial balance from the Treasurer each month and the monthly depository listing can also be provided to the members in the future.

After discussion, Mrs. Guzi stated that, if the Board is agreeable to dissolving the Finance Board, then a public hearing would have to be held. She further noted that County Treasurer Bill Arney was present at today's meeting to answer any questions on this proposal.

After questioning by Mr. Clinton, Mrs. Guzi noted that the Board could receive this additional financial information from the Treasurer on a monthly basis. After further questioning by Mr. Clinton, Mrs. Guzi stated that she is sure that, if the Board would like to receive a presentation from the Treasurer at a future meeting, he would be willing to do so.

There being no further discussion, on motion by Dr. Scothorn, and carried by the following recorded vote, the Board authorized staff to advertise for a public hearing at the September 24 regular meeting to abolish the Botetourt County Finance Board. (Resolution Number 13-07-06)

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 then present to speak to the Board. Mr. Hamm then reviewed VDoT's monthly report. He noted that the Route 614 bridge project across I-81 and the Route 11 bridge across Firestone Creek have been completed and accepted by VDoT; line markings on the I-81 pavement subgrade stabilization and overlay project are continuing, and the contractor is hauling fill material from Mr. Jerry Stump's property and performing shoulder widening activities on the Route 779/672 intersection project.

Mr. Austin noted that some of the fill material for the Route 779 project is being provided from the Daleville Town Center site.

Mr. Hamm then stated that the contractor is working on the embankment construction for the shoulders and ditch lines on the two bridges being replaced on Route 738 (Webster Road). He noted that weekday roadway closures in both directions on this project will begin shortly; however the roadway will be open during the weekends.

After questioning by Mr. Martin, Mr. Hamm stated that VDoT does announce road closures to the public.

Mr. Hamm then reviewed several pipe replacement projects. He stated that VDoT is still discussing the pipe replacement project near the Britt property on Route 43 including whether a box culvert structure should be installed instead of pipe. He noted that, if the culvert is agreed upon, then this project would not be able to begin until this winter as the culvert would have to be ordered and manufactured.

Mr. Hamm further stated that yesterday's downpours in the Eagle Rock area resulted in flooding on Route 43 which caused the roadway to be undermined and a double culvert to be washed out. He noted that VDoT personnel worked on repairing this damage until midnight last night.

Mr. Leffel stated that the replacement of the culvert pipe near the Britt property has been discussed "forever." He noted that there have recently been two 500-year flooding events in this area and he believes that the residents would be willing to wait a little longer for this pipe to be repaired if it entailed having a larger box culvert installed that could handle larger amounts of runoff.

Mr. Hamm stated that he would prefer that a box culvert be installed and noted that this project is "on the top of his list" of projects in the County.

Mr. Hamm further noted that VDoT has stabilized the area of the Route 11 pipe replacement north of Buchanan which was washed out last month; however, they would like to upsize this pipe in the future to handle larger storm events. He also noted that VDoT's engineers are developing a plan to replace a large cross pipe on Cedar Lane (Route 634) which has been crushed and has washed out several times. Mr. Hamm noted that this lightly-traveled road has been reduced to one lane.

After questioning by Mr. Austin, Mr. Hamm stated that cattle fencing upstream from the Hayth property catches flood debris and causes flooding onto the roadway. Mr. Austin noted that Mr. G. L. (Buddy) Hayth, Jr., has been experiencing flooding on his property as well. Mr. Hamm stated that this upstream flooding issue is located off of Cedar Lane on private property and "out of their hands;" however, VDoT staff have been in communication with the property owner on suggestions on how to curtail or reduce the water backup problems. After discussion, Mr. Hamm stated that he will provide Mr. Austin with an update on this situation.

Mr. Hamm noted that there have also been issues of the adjacent creek flooding Lithia Road. He noted that VDoT is waiting on the environmental report on this matter. Mr. Hamm stated that VDoT has also received some calls from residents of Fringer Trail. He noted that last week the Commonwealth Transportation Board approved the discontinuance of maintenance on Ellis Run but VDoT still has to do the realignment of the curve on Fringer Trail.

Mr. Austin stated that the Supervisors agreed to allow VDoT to discontinue maintenance on the southern portion of Ellis Run if the money that would have been used to install new culverts was used in a timely manner on repairs to Fringer Trail.

Mr. Hamm noted that VDoT has a staff meeting scheduled on Friday to discuss the Fringer Trail project.

Mr. Hamm further stated that VDoT has approved land development permits for the Mill Creek Baptist Church/Route 606 intersection project and the Santillane townhouse entrance off of Herndon Street in Fincastle. Mr. Hamm noted that several utility, private entrance, logging entrance and street tie-in/sewer line permits have been issued over the past month. He further noted that VDoT has also recently addressed several drainage issues in the Town of Fincastle prior to slurry pavement work scheduled for the spring of 2014.

After discussion, Mr. Hamm further noted that the recent rainy weather has hindered VDoT's progress on many projects. He noted that VDoT staff is also working on a clogged cross pipe in Trouville and trying to resolve drainage issues on a Cartmill's Gap Road property owner's yard. Mr. Hamm noted that VDoT staff have met with the Cartmill's Gap property owner on site to try to resolve this issue; however, it has been too wet to drive their equipment onto this property.

After discussion, Mr. Austin noted that he is willing to assist in obtaining additional right-of-way to resolve this drainage issue, if necessary.

Mr. Hamm further noted that there was also a drainage issue regarding an undersized cross pipe in the Oriskany area and VDoT staff are reviewing this situation to try to find a solution and another area resident is requesting assistance to keep their driveway from washing out.

Regarding the Hillview Drive drainage issue, Mr. Hamm noted that VDoT is working with Public Works staff to try to solve the problem on the Crismond/Caldwell properties. He noted that an on-site meeting has been scheduled for this Friday at 4PM. Mr. Hamm further stated that they have received a citizen's request to pave Dagger Spring Road and VDoT is reviewing this request. He further noted that they have received calls regarding drainage issues on Roanoke Road, Stoneledge Drive, and Route 43.

Mr. Hamm then stated that residents of Deerfield Road (Route 760) have contacted VDoT regarding paving this road. He stated that VDoT's study indicated that this road is a candidate for Rural Rustic Road funds but it is "not a good fit" for the pave-in-place program.

Mr. Clinton noted that he also receives calls from the Deerfield Road residents and would like to meet with Mr. Hamm to discuss this issue further.

Mr. Martin stated he has also been informed of runoff from David Palmer Lane (private road) adjacent to the entrance of Deer Haven Subdivision in the Bonsack area washing out into Deer Haven Drive and Misty Mountain Road. Mr. Hamm noted that he would have their staff check into this situation.

Mr. Hamm noted that the monthly report also includes the paving schedule for County roads over the next few months. He noted that Glebe Road is not on the paving schedule at this time.

Mr. Hamm further noted that the County's request for a traffic study on the "S" curve on Route 220 in Amsterdam has been completed and will be reviewed by VDoT staff to determine how to proceed.

After questioning by Mr. Leffel, Mr. Hamm noted that the Lee's Gap Road (Route 666) project was divided into two sections. He stated that the northern section's pave-in-place project was completed last year and work on the southern portion was either begun last week or will begin this week. He noted that the pipe has been received and all aspects of the project have been approved so this project should be completed before winter; however, the weather so far this year has been interfering with VDoT's work schedule.

Mr. Leffel then noted that he was previously informed by VDoT that Dagger Spring Road did not have a suitable daily traffic count in order to be paved.

Dr. Scothorn then stated that there is a dip in the pavement of the northbound lane of Alternate Route 220 in front of the Southern States store. Mr. Hamm noted that he will have their staff check on this matter.

Mr. Clinton then noted that he understands that the Deerfield Road project "has been at the top of the list for RRR projects" for some time. Mr. Clinton then stated that he has received calls from citizens regarding tractor trailers using Valley Road (Route 779) as a shortcut between Routes 220 and 11. He asked that VDoT review this situation to see if signs can be installed warning truck drivers using GPS devices to not use this narrow, curving roadway. Mr. Hamm stated that he will check into this matter.

There being no further discussion, Mr. Hamm then left the meeting at this time.

The Chairman then called for a 10 minute break.

The Chairman called the meeting back to order at 3:15 P. M.

A public hearing was then held on a request to vacate a 20' public sanitary sewer easement and create a new 20' sanitary sewer easement on the Virginia Varsity Storage, Inc., (VVS) property identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 245. Mr. Wade Burkholder, Planning Manager, stated that Virginia Varsity Storage constructed two new storage buildings on their property located off of Alternate 220 in late 2012. He noted that these buildings were constructed in the area of a 8" sewer line that was built in the mid-1980's and VVS is requesting that the Board vacate the existing 20' sewer easement, which was recorded in 1986, and approve a new 20' sewer easement on this property.

Mr. Burkholder noted that the existing 20' easement is highlighted in gray on the plat included in the Board's packets and the location of the new easement is shown with a honeycomb pattern on this map. Mr. Burkholder requested that the Board conduct the required public hearing and, if no objections are received, adopt the resolution included in their packets approving this easement vacation request.

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.

Dr. Scothorn noted that he has no objections to this request.

There being no further discussion, on motion by Dr. Scothorn, and carried by the following recorded vote, the Board approved the following resolution vacating a portion of a public sewer system easement located on property owned by Virginia Varsity Storage, Inc., identified as Tax Map Parcel Number 107-245, and authorizing the County Administrator to accept a deed of public sewer easement to replace the easement portion vacated.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 13-07-07

WHEREAS, Virginia Varsity Storage, Inc., is the owner of certain real property located in Botetourt County, Virginia, containing 6.753 acres as described in the Deed, dated April 11, 2004, and recorded in the Clerk's Office of the Circuit Court of Botetourt County, Virginia, as Instrument Number 040002721 and further identified as Tax Map Parcel No. 107-245 (the "Property"); and,

WHEREAS, said Property is subject to a certain Public Sewer System Easement ("Existing Easement") dated November 3, 1986, conveyed to the Botetourt County Service Authority by F.F.W. Developers (former owners of the Property) and recorded in Deed Book 323 at Page 674 in said Clerk's office; and,

WHEREAS, the Botetourt County Service Authority dissolved and title to the Existing Easement is now vested in Botetourt County, Virginia; and,

WHEREAS, Botetourt County and Virginia Varsity Storage, Inc., desire to relocate a portion of the Existing Easement to reflect the actual location of the County's sewer system infrastructure;

NOW, THEREFORE, BE IT ORDAINED BY THE BOTETOURT COUNTY BOARD OF SUPERVISORS THAT the shaded portion of the existing Public Sewer System Easement labeled "Ex. S.S.E. to be Vacated" as shown on the plat entitled "Plat showing New 20' Public Sanitary Sewer System Easement," dated July 9, 2013, and prepared by Timothy Hoelzle, LS, of Lumsden Associates, P.C. (attached as Exhibit "A") is hereby vacated and the County Administrator is authorized to accept a replacement Deed Of Public Sewer System Easement for the "New 20' Public Sanitary Sewer Easement" also shown on said plat.

This Ordinance shall be effective immediately.

Consideration was then held on a request to update the Fire and Rescue Master Plan. Mrs. Guzi stated that the County commissioned its first Emergency Services Needs Assessment in 2003 and then, as the fire and rescue issues in the County and the State were evolving, updated that study in 2008. Mrs. Guzi stated that, if the Board would like to continue with this five year schedule, then it is time to conduct another update of the Master Plan so that the County's to-be-hired Director of Emergency Services will have an adopted game plan that will provide direction for priorities.

Mrs. Guzi noted that she is recommending that the County utilize the Virginia Fire Services Board (VFSB) to conduct the study. She noted that VFSB staff, along with representatives from the Virginia Department of Health's Office of Emergency Medical Services, the Virginia Department of Forestry, and the Virginia Department of Fire Programs, will conduct face-to-face interviews with each volunteer fire chief and rescue squad captain, Board of Supervisors members, County administrative staff, dispatch personnel, and various members of the County's Department of Emergency Services.

She stated that the VFSB does not charge a fee for this study and it is estimated that it will take approximately six months for the group to complete the work and issue a report. Mrs. Guzi further noted that Augusta and Spotsylvania counties have utilized this service as well.

Mr. Austin stated that this study will be comparable to the County's two previous needs assessment studies.

After discussion, Mrs. Guzi noted that the study will include information on what and where the County's greatest fire and rescue needs are and what types of apparatus are needed in order for the various agencies to appropriately respond to calls.

After questioning by Mr. Austin, Mrs. Guzi stated that this study will include a review of both the County's fire and rescue services. Mrs. Guzi noted that she has received comments from the volunteers regarding the County not funding an apparatus replacement program due to the economic conditions over the past few years.

Mr. Austin requested that information on the life expectancy of the current fire and rescue equipment be included in this report.

After questioning by Mr. Martin as to whether a representative of the volunteer fire and rescue agencies should sign this contract along with the County Administrator, Mrs. Guzi stated that the Board of Supervisors is the governing body authorizing this study.

After questioning by Mr. Leffel, Mrs. Guzi stated that the volunteer units will have input into this study as they are an integral part of the process and an integral part of the County's emergency services system.

Mr. Austin noted that the benefits of the previous study reflected the need for certain types of apparatus and buildings as well as reviewing call volumes and other types of data. He further noted that the new study should define the life expectancy of the existing apparatus based on that unit's call volume levels.

Mrs. Guzi noted that the VFSB group will review the County's emergency response units station by station and as a system in preparing their report and then make recommendations on the numbers and types of apparatus needed and where they should be located. Mrs. Guzi further noted that this information will be used to develop a five year Capital Improvements Plan that reflects the County's emergency services needs.

After discussion by Mr. Martin and Mr. Clinton, Mrs. Guzi stated that all members of the Board of Supervisors will be interviewed, as well as the career EMS staff, and the volunteer fire chiefs and rescue captains as a part of the study's data gathering process.

Mr. Martin noted that he did not want to give the impression with his comments that this study would be a unilateral decision by the County Administrator. Mr. Martin stated that, as long as input is obtained from the volunteer units, he is agreeable to this study being conducted.

After discussion regarding amending the wording of the motion, Mr. Clinton made a motion authorizing the implementation of a study to update the Fire and Rescue Master Plan and directed the County Administrator to sign any contract documents, as necessary, to enter into an agreement with the Virginia Fire Services Board to conduct this update on the County's behalf. This motion was approved by the following recorded vote: (Resolution Number 13-07-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Discussion was then held on various appointments.

After discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board reappointed Mr. David Moorman as the County Administrative staff representative, with Tony Zerrilla as his alternate, and Mrs. Sandra Johnson-Harris as the parent representative on the Community Policy and Management Team for three year terms to expire on September 1, 2016. (Resolution Number 13-07-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Clinton, and carried by the following recorded vote, the Board appointed Ms. Gina Wilburn as the alternate representative from Blue Ridge Behavioral Health-care to the Community Policy and Management Team to fill a term that expires on September 1, 2014. (Resolution Number 13-07-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Clinton then stated that he would like to table consideration of the appointment of an Amsterdam District representative on the Parks and Recreation Commission until the next regular meeting.

On motion by Mr. Austin, and carried by the following recorded vote, the Board reappointed Mr. Garland Humphries as the Buchanan District representative on the Parks and Recreation Commission for a four year term to expire on September 1, 2017. (Resolution Number 13-07-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

There being no further discussion, on motion by Mr. Austin, and carried by the following recorded vote, the Board went into closed session at 3:32 P. M. to consider the investment of public funds where competition or bargaining is involved and to discuss personnel matters pertaining to the County Administrator's annual performance review as per Section 2.2-3711A (6) and (1) of the Code of Virginia of 1950, as amended. (Resolution Number 13-07-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 6:01 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 13-07-13)

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

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 Valley Magisterial District from CMH Homes, Inc., to rezone a 0.172 acre lot known as Lot 6 of the Updike Addition from an Agricultural A-1 Use District to a Residential R-1 Use District, with possible proffered conditions, to combine equal portions of Lot 6 with two (2) adjoining lots (Lots 5 & 7) to construct two (2) single-family dwellings on two (2) 0.258-acre lots. These parcels are identified as Lots 5, 6, & 7 of the Updike Addition as recorded in Plat Book 1, Page 46 in the Clerk's Office of the Circuit Court of Botetourt County, and are located on the southwest side of 1st Avenue (State Route 1002), Cloverdale, approximately 0.06 miles east of its intersection with Cloverdale Avenue (State Route 1004), identified on the Real Property Identification Maps of Botetourt County Section 107A (7), Parcel BK1-6.

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

Mr. Jeff Busby, County Planner, stated that the applicant is requesting to rezone one lot in order to combine a portion of this parcel (Lot 6) with the two adjacent lots (Lots 5 and 7) in order to construct up to two single family dwellings. He noted that, upon approval of the rezoning, a boundary line adjustment will be requested in order to create two 0.258 acre lots from these three parcels. Mr. Busby stated that these lots are currently vacant and overgrown with trees and brush and are located within FEMA's 100 year flood zone for Tinker Creek.

Mr. Busby noted that this subdivision plat was originally recorded in 1919 and old zoning maps indicate that this subdivision has been zoned Residential R-1 for some time even though over the years several lots have been rezoned to Agricultural A-1 or Agricultural Rural Residential AR to allow for manufactured homes. Mr. Busby noted that there is no information on why Lot 6 is currently zoned A-1. He noted that there are currently several mobile homes in this area.

Mr. Busby noted that Mr. Randy Grumbine, representing CMH Homes was present to answer any questions on this request.

Mr. Busby then read the proffered condition recommended by the Planning Commission on this request as follows, "Applicant will complete a Boundary Line Adjustment to eliminate Lot 6 or vacate the Lot 6 property lines as warranted." He noted that the Comprehensive Plan shows this area as being used for medium density residential purposes.

Mr. Grumbine, representing Clayton Mobile Homes in Cloverdale, then stated that his company purchased this property approximately six months ago and their research indicated that it consisted of three separate lots with the middle parcel zoned A-1 and the other two zoned R-1.

Mr. Grumbine stated that his company would like to construct one and possibly two modular homes on this property.

After questioning by Mr. Austin regarding the structure's elevation above the flood plain, Mr. Grumbine noted that these sloped parcels are mostly in the flood plain and the layout of the parcel would require that the first floor of the structure on the portion closest to Tinker Creek be approximately 4' above ground while the first floor of the structure closest to First Avenue would be approximately 3' above ground. Mr. Grumbine further noted that this structure would not be much more elevated than is normal for their modular homes.

After questioning by Dr. Scothorn, Mr. Busby noted that there are some older homes in this area that are not in compliance with the first floor 100 year flood plain elevation standards.

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

Dr. Scothorn noted that most of the discussion at the Planning Commission on this request pertained to ensuring that the first floor elevation of any structures placed on these parcels met the flood plain elevation standards.

There being no further discussion, on motion by Dr. Scothorn, and carried by the following recorded vote, the Botetourt County Board of Supervisors approved this rezoning request with the following proffer. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other: (Resolution Number 13-07-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

CMH HOMES, INC.

Valley Magisterial District to rezone a 0.172 acre lot known as Lot 6 of the Updike Addition from an Agricultural A-1 Use District to a Residential R-1 Use District, with possible proffered conditions, to combine equal portions of Lot 6 with two (2) adjoining lots (Lots 5 & 7) to construct two (2) single-family dwellings on two (2) 0.258-acre lots. These parcels are identified as Lots 5, 6, & 7 of the Updike Addition as recorded in Plat Book 1, Page 46 in the Clerk's Office of the Circuit Court of Botetourt County, and are located on the southwest side of 1st Avenue (State Route 1002), Cloverdale, approximately 0.06 miles east of its intersection with Cloverdale Avenue (State Route 1004), identified on the Real Property Identification Maps of Botetourt County Section 107A (7), Parcel BK1-6.

1. Applicant will complete a Boundary Line Adjustment to eliminate Lot 6 or vacate the Lot 6 property lines as warranted.

A public hearing 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 an event space as an accessory use to *Beverage processors, bottlers, and distributors activities* on Tax Map #101-111A; and a Change in Proffers is requested on the 3.51 acres parcel of Tax Map #101-103B, zoned Industrial M-2 Use District, to allow for Appalachian Trail user services as an accessory use to *Beverage processors, bottlers, and distributors activities* on properties located on 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, Parcels 111A and 103B.

It was noted that the Planning Commission had recommended conditional approval of the rezoning request and recommended approval of the change in proffers.

Mr. Wade Burkholder, Planning Manager, stated that 838 Properties owns five separate parcels on Precast Way located off of Valley Road (Route 779). He noted that three of the parcels are zoned Industrial M-2, one consists of the access easement to the property (Precast Way), and the other parcel is a 6.4 acre tract zoned Agricultural A-1. Mr. Burkholder stated that the brewery use and the accessory uses for the brewery are located on the M-2 parcels and are a by-right use in this zoning district.

Mr. Burkholder stated that 838 Properties has two requests for the Board's consideration. He noted that the first request is to rezone the 6.4 acre parcel (Lot 101-111A) from A-1 to M-2 for a park, location for food vendors, event venue, and stage area to allow the brewery to host musical events.

Mr. Burkholder stated that the second request pertains to Lot 101-103B which contains an existing quonset hut which was rezoned to M-2 in 1999. Mr. Burkholder stated that this request is to amend the proffered conditions that were attached to this rezoning in 1999 to allow for the provision of comfort services, e.g., overnight accommodation, bathrooms/showers, and electronic device charging stations, to be used by Appalachian Trail hikers.

Mr. Burkholder then displayed a map showing the evolution plans for this property which include the hikers' shelter, two hops and herb gardens, parking area, hikers' showers/toilet area, brewery offices and lab, outdoor patio, future grain silos, brewery, bicycle event parking, stage, and a lawn seating area. Mr. Burkholder stated that the seating area and the stage would be located at the rear of the property which is surrounded by woodlands.

Mr. Burkholder stated that the Planning Commission recommended approval of the change in proffers on Lot 101-103B and recommended conditional approval of the rezoning request (Lot 101-111A). He noted that four citizens spoke in opposition to this request at the Planning Commission meeting regarding concerns about traffic and the condition of Valley Road, increased traffic on the roadway during musical events which would create dust and erosion problems on Precast Way, trespassing onto adjacent properties, and crowd control concerns and security issues during the brewery's proposed events.

Mr. Frank Moeller, applicant, stated that he lives on Beachview Lane in Troutville. Mr. Moeller stated that he and his family have been working on cleaning and readying the building for the brewery since late February and he understands that there are some concerns about his request. Mr. Moeller then reviewed photographs of the original property which previously manufactured precast concrete products. He noted that the property has been vacant for approximately three years.

Mr. Moeller stated that with this brewery he has "tried to do something similar to the three wineries to bring people into the County." He noted that this property is located near the

Appalachian Trail, the 1976 Bicentennial Bike Route, and several main roads so he thought that offering comfort services for hikers and bicyclists using these trails/routes would be a good use for a portion of the brewery property.

Mr. Moeller stated that a lot of renovation work was needed on the brewery building and noted that there was a lot of dust from the many years that concrete product manufacturing was conducted on this property. Mr. Moeller then displayed photographs of the brew house, grist hopper, other buildings on the property, and the view of Tinker Mountain from the site. He stated that they are close to conducting their first test brews in the brewery.

After discussion, Mr. Moeller stated that he would like to address the issues raised pertaining to Valley Road. Mr. Moeller stated that he would like to see the narrow, curving roadway improved and he hopes that his brewery project would be the catalyst for improvements to be made on this road. He noted that the proposed music venue would not happen right away and there are bicyclists that currently use this road. Mr. Moeller stated that Valley Road should be improved to allow bicyclists and emergency services vehicles to safely use this road and he would like to work with the Board and the County on the road's issues. Mr. Moeller stated that he would also like fair consideration by the Board and the County on his request. Mr. Moeller noted that he believes that this brewery would be great for the County by boosting tourism to the area.

Mr. William Goad of Valley Road then questioned how many of the Planning Commission members live on Valley Road. Mr. Goad stated that he has lived on this road since 2006 and this is a heavily traveled roadway between Routes 11 in Troutville and 220 in Daleville and "to do anything that would increase the traffic does not make any sense."

Mr. Goad stated that this road is part of the Bicentennial Bike Route and he sees bicyclists on the road from time to time; however, they are not aware of the road's hazards. Mr. Goad noted that he would not walk along the roadway because of its narrowness and curves. Mr. Goad noted that, for Appalachian Trail hikers to reach the brewery property, they would have to walk approximately ¼ mile off the trail and along Valley Road. He noted that "their lives would be endangered on this road."

Mr. Goad stated that he does not see any legitimate reasons for approving this request and thinks that any improvements to Valley Road would be years in the future. Mr. Goad further stated that there is also the possibility of impaired drivers coming from the brewery. Mr. Goad then stated that he is not in favor of this request.

Mr. B. Painter of Valley Road stated that this property has been zoned M-2 since the 1970s. He noted that this brewery has the potential to be unobtrusive, he wishes the owners the best, and appreciates their enthusiasm for this business. Mr. Painter noted that the concrete business was located on this property "in a different era" and proposing such a manufacturing business in this area would "meet stiff resistance" today. Mr. Painter stated that this use is incompatible with the adjacent properties and is in conflict with the Comprehensive Plan.

Mr. Painter stated that, if this request is approved, it would double the Industrial M-2 zoning acreage on this property. Mr. Painter noted that the application's narrative about this proposed use says that an outdoor music event venue is proposed on the rear of the property which is surrounded by a wooded area which would buffer the music. Mr. Painter stated that currently music from the Daleville Town Center's events can be heard within a two mile radius of that location.

After discussion, Mr. Painter stated that off-site traffic safety cannot be controlled. He noted that Valley Road is unsafe and the proposed use will be a high traffic generator. Mr. Painter stated that this request is problematic on several levels and he is requesting that this request be denied.

After questioning by Mr. Martin as to whether Mr. Painter opposed both the rezoning and the change in proffer requests, Mr. Painter stated that there are currently safety issues involved with traffic accessing this site. He noted that there are no sidewalks for the hikers to use in their ¼ to ½ mile walk from the Appalachian Trail. After further questioning by Mr. Martin, Mr. Painter stated that he is opposed to the proposed outdoor musical venue.

Mr. Bob Allen of Blue Ridge Turnpike then stated that he opposes both the request to allow overnight camping and the festival/stage location. Mr. Allen stated that there would be numerous people traveling to this site and parking on the two acres designated for parking as well as on the 6.5 acre area requested to be rezoned.

Mr. Allen stated that Route 779 is a dangerous road with minimum sight distance for drivers to see anyone walking along the roadway or entering/leaving the numerous driveways. He noted that there have been vehicle rollovers, school bus accidents, and one death on this roadway over the years.

Mr. Allen noted that his family has owned property along this road for 30 years. Mr. Allen further noted that he opposes this entire request as it will increase traffic and there will be people driving on the road who are unfamiliar with this location. Mr. Allen stated that there is no safe way for the hikers to get from the Appalachian Trail to the brewery property to camp for the night. He noted that the road has no shoulders for people to walk on.

Mr. Allen further stated that he is concerned about people trespassing on his property which is immediately adjacent to Mr. Moeller's property. Mr. Allen then presented the Board with copies of a map showing the location of his property in relation to the brewery. He noted that they have seen bear, deer, and fox on this property.

Mr. Allen noted that he is concerned with people coming onto his property and taking firewood and with the potential for fires spreading to the adjacent wooded area. Mr. Allen stated that the Moeller property is unsuitable for this proposed activity. He further stated that there are no turning lanes into Precast Way and no land that would be available to construct turning lanes. He also noted that the sight distance for the brewery's entrance has not been evaluated as the road has a curve and a hill descending to the Precast Way intersection. Mr. Allen further stated that this is the only business located on this roadway and the Comprehensive Plan indicates that this should be a residential area.

Mrs. Margaret Allen of Blue Ridge Turnpike stated that she previously lived on Valley Road for over 10 years and she is familiar with this roadway. Mrs. Allen stated that she saw many accidents in front of their home over the years and was involved in sending a petition to VDoT about the placement of signs and reducing the speed limit on this road. She noted that the speed limit is currently 35 mph.

Mrs. Allen stated that her family uses their Valley Road property for hiking, hunting, and riding horses. Mrs. Allen noted that she has grandchildren who travel to Lord Botetourt High School on this road for daytime and nighttime activities. She noted that the traffic on this road does not need to be increased. Mrs. Allen further stated that no one knows the alcohol and drug use of drivers using this road and the beer tastings offered at the brewery would put more drivers on this road who have been imbibing alcohol.

After discussion, Mrs. Allen stated that there are alternate sites within two miles of the Moeller property for the activities being proposed and those sites are located on safer highways. Mrs. Allen noted that there are many different types of families living along this road including senior citizens and there are concerns that musical festivals or camping is being proposed for this property. Mrs. Allen stated that a number of area residents feel as she does about this request and asked that those present at this meeting who oppose this request raise their hands - approximately 20 people did so.

After questioning by Mr. Clinton, Mr. Burkholder stated that the brewery is currently operating on a M-2 zoned parcel by right as this use is permitted in this district. After further questioning by Mr. Clinton, Mr. Burkholder noted that the beer tastings would be conducted in the brewery itself which is zoned M-2.

Mr. Moeller noted that the tastings are allowed by State law and will occur in the M-2 zoned area.

Mr. John Garrett of Broyles Lane in the Bonsack area stated that he supports this request for its economic and tourism aspects. He noted that State law was changed last year for breweries so that they are regulated in the same manner as wineries. Mr. Garrett stated that the two accessory lots are essential to the Moellers' business plan. He noted that there are others who believe that the brewery will bring business to the County as it is a great economic and tourism opportunity.

Ms. Heather Jones of Precast Way stated that she is not opposed to the brewery but she opposes the increase in traffic on Precast Way which is a gravel road. Ms. Jones noted that her property is located at the Valley Road/Precast Way intersection and she has problems with drivers turning around in her front yard. Ms. Jones noted that she has grandchildren and small animals and, "if you add alcohol to this situation there will be more chances of bad things happening."

Ms. Jones stated that she opposes the amphitheatre and camping proposals on this property as the citizens do not want more traffic than necessary on Precast Way or Route 779. She further noted that this is a narrow road and there are no locations for two drivers to pass each other on Precast Way. Ms. Jones stated that she is already having problems with the brewery traffic impacting her property.

After questioning by Mr. Martin, Ms. Jones noted that her home is the first house on the right on Precast Way. Ms. Jones stated that there is no way to widen Precast Way because of the ditch on the left hand side of the road.

After questioning by Mr. Austin, Ms. Jones stated that she does not know of any improvements that could be made to Precast Way now to help her situation unless the brewery's employees and visitors are asked to slow down and people do not turn around in her yard.

After questioning by Mr. Leffel, Mr. Moeller noted that Precast Way has a 50' right-of-way.

Ms. Jones stated that she does not want any more traffic added to this road.

After further questioning by Mr. Austin, Ms. Jones stated that she has lived on this property for eight years. She noted that toward the end of the concrete business's operation there were occasions when tractor trailers used Precast Way to make deliveries and remove items from the property.

After questioning by Mr. Clinton, Mr. Burkholder stated that Precast Way consists of a 50' deeded right-of-way which is owned by Mr. Moeller.

Mr. Randy Grumbine of Arch Mill Road in Buchanan stated that he was present during the Planning Commission's consideration of this request and a lot of concerns were discussed during that hearing. Mr. Grumbine stated that he has travelled Route 779 but he does not think that the roadway is an issue for this proposed business. He noted that the County's three wineries are also located on narrow, curving, and sometimes gravel, roadways.

Mr. Grumbine noted that he understands that music festival permits have to be obtained from the County and he does not believe that Mr. Moeller plans to have a Floydfest-type event on his property. Mr. Grumbine stated that there are County ordinances in effect that will regulate the musical events that Mr. Moeller is proposing.

After questioning by Mr. Austin, Mr. Grumbine stated that he believes that there are other means that the County can regulate/control the musical events being proposed. He noted that the County's music festival ordinance includes provisions for trash pick up, security, etc. that the applicant would have to comply with. After further questioning, Mr. Grumbine stated that he is in favor of this request.

After discussion, Mrs. Guzi stated that the County's Amusements Ordinance is currently being reviewed and revised by staff and the County Attorney to allow applicants the option of obtaining a per event or per year/season permit for musical events.

Mr. George Brunn of Dale Road stated that his property is located two blocks from the brewery location. Mr. Brunn stated that he is in favor of having the brewery but opposes the musical events and sleepover activities. Mr. Brunn noted that he has lived in this area for 23 years.

Mr. Brunn noted that VDoT will not do anything to repair Valley Road. He noted that this road has a heavy traffic load and the younger drivers do not obey the 35 mph speed limit. Mr. Brunn stated that he travels this road every day and has seen several accidents and rollovers in this area. He noted that it took VDoT approximately 15 years to fix one of the bad curves on Valley Road.

After discussion, Mr. Brunn noted that he is also concerned about the music as he does not want to hear it from his property. Mr. Brunn noted that he can hear the music from the events held at the Daleville Town Center and, even though he lives $\frac{3}{4}$ of a mile away from Daleville Town Center, the music "sounds like it is in (his) backyard."

Mr. Brunn stated that the wineries are in different settings—they are away from residential areas. Mr. Brunn then noted that he is a retired policeman and when "people and beer are at a concert there is excess." Mr. Brunn asked that there be no outdoor venues, concerts, etc., allowed on the Moeller property. It should "remain as is."

Mr. David Kincaid of Stone Coal Road stated that the brewery and its tasting operation are currently located on the Moeller property and legally operating under the County's Zoning Ordinance. Mr. Kincaid stated that the accident statistics on Valley Road are no worse than any other road in this area. Regarding comments concerning sounds traveling from the music venue, Mr. Kincaid stated that it appears that the proposed stage is located in a bowl which would contain the sound. He noted that Daleville Town Center is located on a hill which results in the sound traveling for some distance.

Mr. Kincaid then stated that he understands that the brewery's musical events would only occur once in a while and only during the summer months. He further stated that when there are people in automobiles there will be wrecks.

Ms. Peggy Combs of Valley Road then stated that she has lived on this road for over 40 years. Ms. Combs stated that this proposal is creating a risk for hikers and bicyclists who use Valley Road. She noted that her grandchildren drive on this road and drivers do not obey the speed limit. Ms. Combs stated that, if there is an event on this property, drivers will accelerate from Precast Way onto Valley Road potentially causing accidents. She further stated that it is a danger to add alcohol to this situation. Ms. Combs stated that, if someone gets killed, it is something that everyone will have to think about. She noted that it is "too late to fix the road after someone is hurt."

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

Dr. Scothorn noted that the same concerns heard tonight were brought up at the Planning Commission meeting. He then asked Mr. Moeller to explain to the Board how the wastewater and waste grain from the microbrewery would be treated and disposed of.

Mr. Moeller stated that there are two byproducts from a brewing operation—spent grain and wastewater. He noted that the spent grain can be used as cattle feed and he has already signed contracts with several dairy farmers for this grain. Regarding the wastewater generated by the brewing operation, Mr. Moeller noted that the brewery will have a separate septic system and a wetlands aeration system that uses anaerobic bacteria to break down the material. Mr. Moeller stated that the appropriate Environmental Protection Agency (EPA) testing permit has been obtained for this process and any water that goes back in the ground is required to be clean.

After questioning by Mr. Clinton regarding control of access by hikers/bicyclists/ campers on this property, Mr. Moeller stated that breweries are governed by the federal government and the Virginia Alcoholic Beverage Control Board regulations. Mr. Moeller stated that he does not plan to have beer drinking festivals on this site; they want to have the same type of tasting events as the wineries. Mr. Moeller further stated that any musical events would not be large, raucous, loudspeaker-type events. He stated that construction of the stage or allowing the hikers to stay on the property would not happen on "day one" of receiving approval from the County; it would only occur after they grow the business and obtain feedback from their customers.

Mr. Moeller stated that they are considering how to secure the area where the hikers are proposed to stay from the rest of the site and they are concerned about the potential for brush-fires. He noted that they will have strict controls in place while the hikers/campers are on the property. Mr. Moeller further noted that they cannot afford to install fencing around the entire property to keep visitors from trespassing onto neighboring properties.

After questioning by Mr. Clinton, Mr. Moeller stated that they were going to allow campfires in specific locations on the property and the sites would be set up similar to campgrounds with a fire ring, picnic table, tent site, etc. Mr. Moeller noted that he also camps and hikes and will try to be a responsible landowner.

Mr. Moeller then noted that he has not been in contact with Ms. Jones directly about the incidents that have occurred on her property but he is willing to work with her on the access issues.

After discussion, Mr. Moeller stated that he and his partners have invested almost \$1 million in this brewery and it is his “dream job.” He noted that they are proceeding with this plan in a thoughtful manner and are cognizant of their neighbors. Mr. Moeller noted that many citizens in the County want this request to proceed.

After questioning by Mr. Martin regarding the anticipated crowds at his events, Mr. Moeller noted that they should be similar to those at the wineries’ events. Mr. Moeller further noted that he has no idea of the number of visitors but it will only be up to a number that they feel they can manage on this site. Mr. Moeller stated that he will work with the Sheriff’s Department on this matter to ensure that their events are of a size that can be easily controlled.

After questioning by Mr. Martin, Mr. Moeller stated that the State’s ABC regulations require him to control the amount of beer consumed on his property. He noted that there are many regulations that the brewery has to comply with including one where he is not allowed to serve anyone who is visibly intoxicated.

After further questioning by Mr. Martin, Mr. Moeller stated that they can only have and sell beer on site that they make themselves. He noted that they are required to take the same regulatory steps as the wineries. After further questioning by Mr. Martin, Mr. Moeller stated that the only beer that the patrons could drink on site is what he sells to them.

Mr. Austin stated that he believes that Mr. Moeller is a professional, reasonable individual who operated a respected business (Spectrum Design) in Roanoke for many years. Mr. Austin noted that he does not think that Mr. Moeller would create a business that none of the Board members would be willing to participate in.

After further discussion by Mr. Austin, Mr. Moeller stated that the brewery consists of an interesting manufacturing process and would be a great educational opportunity for the County’s schools.

Mr. Austin stated that he believes that the Board needs more information regarding the number of outdoor activities that Mr. Moeller proposes to have in a season.

Mr. Moeller stated that he proposes to have an event in mid-March and then every other month, except during the summer when the events may be held more often. He noted that they plan to end the outdoor activities/events in October. Mr. Moeller noted that the purpose of the outdoor events is to “get people outdoors” to enjoy the scenery, the weather, and listen to some music. After discussion, Mr. Moeller noted that during the colder months, the brewery would be producing beer. He noted that the proposed music events would be similar to those scheduled by Three Lil Pigs during the summer months. Mr. Moeller stated that they do not plan to have any events that are loud or objectionable to the neighbors. He noted that the proposed stage/venue area is in a bowl and the musical sounds would be projected back into the surrounding woods.

Mr. Austin noted that he has visited the County’s wineries during their various events and tastings and he has not seen anyone that was intoxicated either on or leaving the property and he does not think that this problem would occur at the brewery.

Mr. Moeller stated that he is trying to run a business and there are many State and federal regulations that he has to comply with. Mr. Moeller noted that he thinks that the citizens’ concerns will be addressed by these regulations. Mr. Moeller further noted that he and his partners want this business to be a “nice, safety, family atmosphere.” Mr. Moeller noted that they could also partner with local taxi companies for visitors who do not think they can drive home.

He stated that they will do what they can to encourage responsibility and a family atmosphere at this site.

Mr. Clinton then reviewed the key points discussed by the citizens who spoke during the public hearing.

Mr. Austin noted that it is his perception that outdoor musical events are permitted on the three M-2 zoned parcels and not on the A-1 zoned parcels.

Mr. Burkholder stated that the current provisions of the County's Amusements Ordinance require a permit for each outdoor musical event; however, the County is considering amending the ordinance to implement a yearly permitting process.

Mr. Austin stated that, if the Board approves the zoning on this parcel from A-1 to M-2, it would not prohibit music on the site. He stated that, if Mr. Moeller can have music on the other three parcels, then why not approve these requests as the Board has the authority to consider the musical event permits at a later time.

Mr. Clinton noted that he is not sure that this is part of the issue before the Board.

Mr. Austin stated that the County can control the outdoor events by reviewing the permit application and considering whether to approve a permit for these events under the provisions of the Amusements Ordinance.

Mr. Burkholder noted that the Board's consideration of a musical event permit is "outside of the zoning issue" currently before the Board.

Mr. Martin noted that Mr. Moeller could have musical events on the M-2 property currently.

After questioning by Mr. Austin, Mr. Burkholder noted that the quonset hut site contains 3.5 acres.

Mr. Austin stated that he has some reservations about the outdoor music proposal but, if it is similar to what the wineries currently have, then he does not see a problem. He noted that Mr. Moeller should be able to use his property; however, he does have concerns about access to the site.

Mr. Leffel then noted that this request has been a difficult issue for him. Mr. Leffel then noted that he appreciates Mr. Moeller allowing him to visit the brewery site earlier today; however, he is not in favor of what Mr. Moeller is trying to do. Mr. Leffel noted that he recognizes Dr. Allen's concerns about the adjacent properties and believes that further study on this matter is needed. Mr. Leffel further noted that he understands the concerns raised by tonight's speakers.

After discussion, Mr. Leffel stated that he supports what Mr. Moeller is trying to do and he had thought about suggesting that this request be tabled. Mr. Leffel also noted that he understands the residents' traffic safety concerns on Valley Road and, during his visit to the property today, a van almost ran him off of the road. Mr. Leffel noted that he also has concerns about hikers walking along the roadway to reach the property and the increase in traffic generated by the brewery.

Mr. Leffel stated that he believes some additional thinking is needed on these issues, including fire and rescue access to the property due to the narrowness and curves on Valley Road. Mr. Leffel noted that he does not know when VDOT would be able to make improvements on this road. Mr. Leffel stated that he believes that adding foot traffic to Valley Road is far more of a danger than additional vehicular traffic.

Dr. Scothorn then questioned if there were many Appalachian Trail hikers walking along Valley Road at the present time.

After discussion, Mr. Burkholder stated that there are two separate requests on two separate parcels and he asks that the Board make two separate motions on these proposals.

Mr. Martin noted that the Board has heard a number of comments at this meeting on the many concerns by the citizens living in this area. Mr. Martin noted that he is glad that Mr. Moeller's business has located in the County and loves to see this type of entrepreneurial spirit but he has concerns about this request.

Mr. Martin then stated that one concern is controlling alcoholic consumption on the property. He noted that Mr. Moeller cannot stop people from drinking before they arrive at his site. Mr. Martin noted that he is also concerned about the Appalachian Trail hikers walking along this road, and the traffic control/safety issues at the Precast Way/Valley Road intersection as Precast Way is a gravel road. Mr. Martin stated that he has a bad feeling about the safety aspect of this proposal as "some people exceed their limit in drinking."

After discussion, Mr. Martin stated that his biggest concern is the safety of this road and, if there are 50 – 75 vehicles coming to an event, he is concerned about the traffic safety issues that will be created. Mr. Martin stated that he cannot support this request at this time.

Dr. Scothorn then thanked Mr. Moeller for his "entrepreneurship and for looking out for Botetourt County." Dr. Scothorn noted that he has the same concerns about safety but believes that the music venue issue is "holding Mr. Moeller hostage" when music events at Daleville Town Center can be heard throughout the valley. Dr. Scothorn encouraged everyone to visit Mr. Moeller's property.

Dr. Scothorn stated that there is an educational value to this business and questioned if the County could assist with the safety issues on Valley Road to help Mr. Moeller's business and the traveling public that uses this road every day. Dr. Scothorn stated that foot traffic and bicycling along this road has been occurring for years and he does not want to leave Mr. Moeller hostage to his own venue. Dr. Scothorn stated that he is in favor of trying to work out these issues for both the residents and Mr. Moeller.

Mr. Austin stated that he has no objections to the rezoning portion of this proposal as Mr. Moeller is unable to use the acreage on the east side of this site for manufacturing purposes because of its A-1 zoning. He further stated that the Board can regulate the musical events through the required permitting process.

After questioning by Mr. Clinton, Mr. Austin stated that he suggests that the Board approve the rezoning request to allow expansion of the brewery and in the event that Mr. Moeller has to bring in a tank or other equipment for the brewery's operation/use.

After questioning by Mr. Martin, Dr. Scothorn stated that, at the present time, if Mr. Moeller wants to place anything on the A-1 property associated with the brewery and its operations, he cannot do so.

Mr. Austin stated that the County can control the outdoor events through the permitting requirements of the Amusements Ordinance. Mr. Austin stated that he is concerned about "handcuffing" Mr. Moeller on the use of his property. He further stated that his concern regarding the rezoning is the issue of the outdoor event venue. Mr. Austin noted that he is not sure that Mr. Moeller understands that, if the Board denies this request, he (Mr. Moeller) cannot bring this request back before the Planning Commission and Board for a year. Mr. Austin stated that he has no problems with changing the zoning to M-2 for the brewery operations.

Mr. Clinton stated that “you can rationalize and justify anything if you want it badly enough.” Mr. Clinton stated that drivers “test the limits” of Route 779 every day and he has received more citizen calls regarding Valley Road than any other road in his district during his tenure on the Board. Mr. Clinton noted that the road is limited and drivers test those limits every day.

He then noted that there are controls on alcohol use but that does not mean that everything is well and good and that there would not be any further problems created for the County, Sheriff, and the fire and rescue units. Mr. Clinton stated that there are limitations on how much the County can control and make safe. Mr. Clinton further stated that he does not think that VDOT will improve Valley Road in our lifetime. Mr. Clinton noted that he thinks that the comparison between this use and the wineries “is a stretch.”

Mr. Clinton noted that he cannot get past the idea that this is a residential area. He noted that this would limit the use of the property for the brewery but he does not want to do anything to accommodate the outdoor music venue.

Dr. Scothorn stated that there would still be traffic coming into and out of this site with the tastings that the brewery is now legally permitted to offer.

Mr. Austin noted that the proposed music venue on the currently-zoned A-1 property may be unfair to Dr. Allen, the adjacent property owner; however, he does not want to restrict Mr. Moeller’s use of his property for a brewery.

Mr. Leffel stated that he also does not want to limit Mr. Moeller’s possibilities for use of his property; however, he still has many questions about this proposal. Mr. Leffel stated that he would like a more exact answer on the plans for the music events and there has been a wide range in the possible numbers of vehicles at these events. Mr. Leffel noted that he “understands that this is not an exact science” but some of these questions need to be answered. Mr. Leffel stated that he also has safety concerns regarding the Appalachian Trail hikers walking along Valley Road to reach this site. Mr. Leffel then suggested that this issue be tabled in order to for some of these questions to be answered. He also questioned how long it would take VDOT to conduct a traffic study on Valley Road.

Mr. Burkholder stated that he does not know how long it would take VDOT to conduct a traffic study. He noted, however, that an independent engineer could obtain some figures for VDOT staff to review.

Mr. Leffel stated that he would like some better answers on the road issue.

Mr. Austin then questioned if the Board could “benefit the outcome by tabling this request.” He noted that, if the County has the ability to issue the permit for an outdoor musical event, the Board could regulate the size of the event being proposed.

Mr. Burkholder stated that the current Amusements Ordinance specifies the detailed information that has to be included in the outdoor musical event permit application.

Mr. Clinton stated that he is not in favor of the government dictating the number of and people in attendance at these types of events. He stated that this property is located in a residential area and the noise from these events will impact the property owners. Mr. Clinton stated that it is bad policy in hoping that some future Board action will regulate these events. He noted that the Board could request a traffic study.

Mr. Moeller stated that the language in the rezoning request did not specify the reason for the use. Mr. Moeller noted that he understands the need to have more information on the music venue. He further noted; however, that it may be 1 – 2 years before he wants to sche-

dule these types of events which would allow him additional time to address these questions. Mr. Moeller stated that the musical events that he is proposing to have are something similar to what Three Lil' Pigs restaurant currently holds on weekends during the summer months.

After questioning by Dr. Scothorn, Mr. Moeller stated that there are two separate issues regarding this rezoning—the music venue, and the use of the property for manufacturing purposes.

After questioning by Mr. Martin, Mr. Moeller stated that he needs the rezoning approval for the brewery operation now.

After discussion, Mr. Burkholder stated that County staff “may need to regroup and look at the (wording of the) proffers” again.

Dr. Allen then stated that he thinks that the Board is “out of order” in adjusting the wording for this request as listed on the Board’s agenda.

Ms. Theresa Fontana, County Attorney, noted that the proffer as currently worded would allow for accessory uses including the musical venue at this time. Mrs. Fontana stated that the proffered condition’s wording should be clarified as to what Mr. Moeller intends to do on the property aside from the musical venue.

After questioning by Mr. Clinton, Ms. Fontana stated that there needs to be some clarification on the proffered condition’s language.

After questioning by Mr. Clinton, Mr. Moeller stated that he would like to be able to use the property for the manufacturing process, parking area, etc.

After discussion, Ms. Fontana stated that, based on her discussions tonight with County staff, it would be best for the Board to table this request to enable the applicant and the staff to clarify the explanatory wording for this request.

After questioning by Mr. Clinton, Mrs. Guzi suggested that the Board allow staff to regroup with legal counsel to discuss this request and the appropriate wording of Mr. Moeller’s proposal in order to provide the Board with options for their consideration.

After discussion, Mrs. Guzi noted that the A-1 zoned parcels currently cannot be used for any accessory uses associated with the brewery or its operations. Mrs. Guzi further stated that she realizes that the Board has concerns about the proposed music venue.

Mr. Martin noted that, from comments made at this hearing, the Board would be going against the action recommended by the Planning Commission for this request.

After questioning by Mr. Clinton, Mrs. Guzi stated that this matter would not go back before the Planning Commission if the Board tables this request to allow additional information to be obtained from the Planning Department staff. After further questioning by Mr. Clinton, Mrs. Guzi stated that the Board can table this request for up to 90 days.

After further questioning by Mr. Clinton as to what actions the Board is being asked to consider, Mr. Burkholder stated that the request before the Board regarding parcel 103B is to approve or deny the change in proffers to allow microbrewery support uses and accessory uses to include Appalachian Trail user services such as the use of the quonset hut as a temporary overnight shelter, toilet/shower facilities, and a charging station for electronic devices.

Mr. Clinton stated that he is not in favor of this request as it has to do with the Appalachian Trail hikers.

Mr. Clinton then made a motion to deny the request in the Amsterdam Magisterial District from 838 Properties, LLC, (Frank L. Moeller, Flying Mouse Brewery) for a Change in Proffers on the 3.51 acres parcel of Tax Map #101-103B, zoned Industrial M-2 Use District, to allow

for Appalachian Trail user services as an accessory use to *Beverage processors, bottlers, and distributors activities* on properties located on 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 103B, primarily due to traffic safety concerns. (Resolution Number 13-07-15)

Mr. Martin then questioned why would the Board vote on the change of proffer request as the Board is still concerned about the hikers on Route 779. He stated that the Board needs to “say yes or no, or table the entire request” at this time.

Mr. Clinton noted that, if the Board denies this request, the proposal cannot be brought back before the Planning Commission and Board of Supervisors for a year.

Mr. Clinton’s motion was approved by the following recorded vote:

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Clinton then made a motion to table 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 an event space as an accessory use to *Beverage processors, bottlers, and distributors activities* on Tax Map #101-111A; located on 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, for up to 90 days to allow additional information to be obtained as well as the clarification of the wording for this proposal. (Resolution Number 13-07-16)

Mr. Austin noted that Mr. Moeller will not be able to use this property to store materials/equipment for the brewery operation unless the M-2 rezoning request is approved. Mr. Austin further noted that the primary issue discussed at tonight’s meeting has been the outdoor use of the property as a music/event space.

Mr. Clinton’s motion was approved by the following recorded vote:

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on a request in the Amsterdam Magisterial District from New Orchard Marketplace, LLC, for a Change in Proffers to modify the requirement for sidewalks along Marketplace Drive located within Orchard Marketplace, located approximately 0.49 miles north of the Roanoke Road (U.S. Route 220)/ Catawba Road (State Route 779) intersection, identified as Marketplace Drive adjacent to parcels known on the Real Property Identification Maps of Botetourt County as Section 101(17) Parcels 7, SW2, 6, 9, 5, 1; and Section 101, Parcel 109.

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

Mr. Jeff Busby, Associate Planner, stated that the proffered conditions on the New Orchard Marketplace property have been revised several times over the past few years. He

noted that this particular request was submitted and then withdrawn by the applicant earlier this year to allow additional information to be obtained.

Mr. Busby then read the proffered conditions recommended by the Planning Commission for this request: (1) Sidewalks shall be constructed along the eastern side of Market Ridge Lane and the southern side of Marketplace Drive between the two entrances to the Carilion site. Sidewalks shall also be constructed along the northern side of Marketplace Drive from Route 220 to the cul-de-sac, and (2) At the time of the development of Tract "D," a five foot wide sidewalk shall be installed along the west side of said Tract "D." The sidewalk shall be shown on the site plan submitted to the County for approval.

Mr. Busby stated that the manager of New Orchard Marketplace, Clyde Butler, had submitted a revised proffer to the Planning Department today which states, "A six foot wide sidewalk will be constructed along the northern side of Marketplace Drive from Route 220 to Market Junction, the first entrance to the Food Lion parcel. All other sidewalks will be 5' wide."

Mr. Busby noted that several citizens spoke at the Planning Commission meeting about this proposal and said that sidewalks are needed on this site. He further noted that the Planning staff talked to the developer after the Planning Commission meeting regarding interest in having the sidewalk from Route 220 up to the first Food Lion entrance widened to 6'. He noted that staff was informed that the developer would have to research whether the utility placement along Marketplace Drive would allow for a 6' sidewalk.

Mr. Busby then reviewed a copy of the site's master plan which showed the various sidewalk locations to be retained and removed in today's request. He noted that the red areas indicate the sidewalks to be constructed by the developer and the blue areas indicate sidewalks that will be constructed when Tract "D" is developed. Mr. Busby stated that the eventual purchaser of Tract D would be responsible for developing/installing the sidewalks shown in blue.

After questioning by Mr. Austin, Mr. Busby stated that handicapped access curb cuts are installed on this site.

After questioning by Mr. Clinton, Mr. Busby stated that people walking up the hill on this site from Route 220 will have to cross both lanes of traffic on Marketplace Drive to access the CVS pharmacy. After further questioning by Mr. Clinton, Mr. Busby stated he understands that the developer of Daleville Town Center located across Route 220 from Orchard Marketplace intends to submit a request that only sidewalks on the northern side of Town Boulevard be constructed. He noted that existing slope and utility locations would interfere with the placement of a sidewalk along the southern side of Town Boulevard.

After further questioning by Mr. Clinton, Mr. Busby again reviewed the Orchard Marketplace master plan's sidewalk location proposals. Mr. Busby stated that originally the sidewalk was shown on both sides of the access road to Food Lion.

After further discussion, Mr. Busby stated that he does not know the constraints regarding the stormwater management area or the installation of pavement striping for the pedestrian crosswalk to the CVS property.

Mr. Chris Burns with Balzer and Associates stated that VDOT has discretion on whether crosswalk striping will be required across these roadways.

After discussion by Mr. Austin regarding whether sidewalks would be placed on both sides of Marketplace Drive, Mr. Clinton stated that he would prefer that the sidewalk be placed on the western side of Marketplace Drive.

Mr. Burns stated that there is insufficient property available on the west side of the roadway to have a sidewalk installed.

After questioning by Mr. Clinton, Mr. Burns stated that New Orchard Marketplace is requesting that the sidewalks shown in blue on the master plan, including on the south side of Marketplace Drive, be eliminated.

Mr. Busby noted that removal of the sidewalks along the southern entrance to this shopping Center (Market Ridge Lane) near the Lumos building was previously approved by the Supervisors.

After questioning by Mr. Clinton, Mr. Burns stated that he does not believe that VDoT would allow a crosswalk unless they believe it is necessary.

It was noted that there are concerns about pedestrians crossing Marketplace Drive. It was further noted that this proposal offers a safety issue as one of the pedestrian crosswalks on Route 220 would be eliminated.

Mr. Austin noted that the proposed design probably offers a safer alternative for pedestrians.

Dr. Scothorn thanked the developer for being willing to widen the sidewalk to 6' after the discussions held at the Planning commission meeting.

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

After discussion, on motion by Mr. Clinton, and carried by the following recorded vote, the Board approved a request in the Amsterdam Magisterial District from New Orchard Marketplace, LLC, for a Change in Proffers to modify the requirement for sidewalks along Marketplace Drive located within Orchard Marketplace, located approximately 0.49 miles north of the Roanoke Road (U.S. Route 220)/Catawba Road (State Route 779) intersection, identified as Marketplace Drive adjacent to parcels known on the Real Property Identification Maps of Botetourt County as Section 101(17) Parcels 7, SW2, 6, 9, 5, 1; and Section 101, Parcel 109, as follows: (Resolution Number 13-07-17)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. Sidewalks shall be constructed along the eastern side of Market Ridge Lane and the southern side of Marketplace Drive between the two entrances to the Carilion site. Sidewalks shall also be constructed along the northern side of Marketplace Drive from Route 220 to the cul-de-sac.
2. At the time of the development of Tract "D," a five foot wide sidewalk shall be installed along the west side of said Tract "D." The sidewalk shall be shown on the site plan submitted to the County for approval.
3. A six foot wide sidewalk will be constructed along the northern side of Marketplace Drive from Route 220 to Market Junction, the first entrance to the Food Lion parcel. All other sidewalks will be 5' wide.

There being no further discussion, on motion by Mr. Martin, and carried by the following recorded vote, the meeting was adjourned at 8:52 P. M. (Resolution Number 13-07-18)

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

NAYS: None

ABSENT: None

ABSTAINING: None