

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, October 28, 2014, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 2:00 P. M.

PRESENT: Members: Dr. Donald M. Scothorn, Chairman
Mr. John B. Williamson, III
Mr. Billy W. Martin, Sr.
Mr. Todd L. Dodson

ABSENT: Members: Mr. L. W. Leffel, Jr., Vice-Chairman

Others present at the meeting:

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

The Chairman called the meeting to order at 2:00 P. M. and asked for a moment of silence. He then led the group in reciting the pledge of allegiance.

Dr. Scothorn noted that Mr. Leffel is recovering from surgery and is not present at today's meeting. He noted that Mr. Leffel is doing well.

On motion by Mr. Dodson, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the minutes of the special meeting held on September 17, 2014, as submitted. (Resolution Number 14-10-01)

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

On motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the minutes of the regular meeting held on September 23, 2014, as submitted. (Resolution Number 14-10-02)

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

Consideration was then held on requests for transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there are three transfers and eight pass-through appropriations for the Board's consideration this month. He noted that these include quarterly transfers, cost reimbursements, and receipt of State grant funds and miscellaneous monies.

After questioning by Mr. Williamson, Mr. Zerrilla stated that the \$15,000 in E911 funds are budgeted in a separate fund. After further questioning by Mr. Williamson, Mr. Zerrilla stated that he was not involved in the action of placing \$10,000 in bond funds for the Marion Oaks roadway improvement project in the Utility Fund and does not know why these monies were posted to this account instead of the General Fund.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations: (Resolution Number 14-10-03)

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

Transfer \$15,149.04 from the E911 Fund to the County General Fund. This is to recapture E911 operating expenses.

Transfer \$10,000 from Utility Operating Fund to General Fund – Undesignated Fund Balance. These are funds from a bond posted and claimed by the County which will be used towards the Marion Oaks roadway improvement project.

Transfer \$661.28 to Sheriff's Department - Vehicle & Power Equipment Supplies, 100-4031200-6009, from the various departments as follows for vehicle repairs at the County Garage:

- \$ 31.36 Dep. Co. Admin - Repair & Maint. – Vehicles, 100-4012121-3312
- \$ 52.80 Devel. Svces. - Repair & Maint. – Vehicles, 100-4034000-3312
- \$170.53 Animal Control – Veh. & Power Equip. Suppl., 100-4035100-6009
- \$ 20.54 Tourism – Veh. & Power Equip Supplies, 100-4081600-6009
- \$ 39.91 Maintenance – Repair & Maint. – Vehicles, 100-4043000-3312
- \$163.73 Emerg. Svces. – Repair & Maint. – Vehicles, 100-4035500-3312
- \$ 24.30 Public Works - Repair & Maint. – Vehicles, 100-4040000-3312
- \$ 59.30 Parks & Rec. – Veh. & Power Equip. Sup., 100-4071000-6009
- \$ 41.94 Van Program – Repair & Maint. – Vehicles, 100-4071500-3312
- \$ 56.87 Library – Repair & Maint. – Vehicles, 100-4073100-3312

Additional appropriation in the amount of \$3,167.23 to Sheriff's Department – RAID Patrol, 100-4031200-5830. This is a quarterly reimbursement of RAID program expenses for the Botetourt County Sheriff's Office Alternative Program.

Additional appropriation in the amount of \$84,295 to Volunteer Fire & Rescue – County Volunteer Fire Departments, 100-4032200-5641. These are Fire Program Funds received from the State to be applied evenly to each County fire department, and will be applied toward volunteer fire department expenditures. These payments are being made on the County's regular accounts payable disbursements cycle this month.

Additional appropriation in the amount of \$30,024.54 to Volunteer Fire & Rescue – County Rescue Departments, 100-4032200-5651. These are Four-For-Life funds received from the State, and are evenly distributed to the County's rescue squads. These payments are being made on the regular accounts payable disbursements cycle this month.

Additional appropriation in the amount of \$590 to Volunteer Fire & Rescue – Fire Insurance, 100-4032200-5302. These are insurance funds received from Selective Insurance for a claim for building damages. These funds will be passed through to Glen Wilton Fire Department to be applied toward subject invoices.

Additional appropriation in the amount of \$650 to Library – Books & Subscriptions, 100-4073100-6012. These are donation funds received from The Blue Ridge Chapter of the Friends of The Library and the Bonsack/Blue Ridge Ruritan Club.

Additional appropriation in the amount of \$50 to Parks & Recreation – Repair and Maintenance - Buildings, 100-4071000-3313. These are disc golf tournament sponsorship funds received from Land of a Thousand Hills Coffee and will be used toward site improvements.

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

Additional appropriation in the amount of \$5,468.43 to the following Sheriff's Department accounts: \$5,015.85 to Salaries & Wages – Overtime, 100-4031200-1200; and \$452.58 to FICA, 100-4031200-2100. These are funds received from AEP for traffic control.

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 \$1,322,671.55; \$1,130,824.91 in General Fund expenditures; and \$191,846.64 in Utility Fund invoices. He noted that this month's Short Accounts Payable totaled

\$329,831.81; \$319,968.53 in General Fund expenditures; \$3,055 in Debt Service Fund invoices; and \$6,808.28 in Utility Fund invoices.

Mr. Zerrilla noted that this month's large expenditures included: \$59,605 to SHI International Corporation for computer software licensing fees; \$42,605 to Harris Computer Systems for annual maintenance fees; \$199,281 to FESCO Emergency Sales for a new ambulance-- \$72,000 in grant funds will be used to pay for this vehicle; \$82,313 to Botetourt County Health Department for their quarterly budget allocation; \$57,026 to the Roanoke Valley Convention and Visitors Bureau for their FY 15 budget payment; \$31,428 in employee wellness payments; and \$74,330 to the Western Virginia Water Authority for the County's portion of upgrade costs for the Roanoke Regional sewage treatment plant.

On motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the accounts payable list and ratified the Short Accounts Payable List as submitted. (Resolution Number 14-10-04)

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

Dr. Scothorn then noted that Mrs. Christine Whittaker had requested time at today's meeting to speak regarding the Noise Ordinance. Dr. Scothorn noted that Mrs. Whittaker was unable to be present today and, as there were a few citizens present who had requested time to speak on this matter, he would allow each of them three minutes to do so.

Ms. Carrie Thompson of Country Club Road then read Section 15-56 General prohibition of the Noise Ordinance as follows, "In addition to the specific prohibitions contained in this article, no person shall make, continue, or cause to be made, continued, or permitted any noise disturbance wherein the sound is plainly audible at a distance of 50' or more from the property boundary line of the lot containing the source of the sound, or, where dwelling units adjoin, wherein the sound is plainly audible through partitions common to 2 dwelling units within a building."

Ms. Thompson stated that she is concerned that this section is too broad and is a "catch all." She noted that there are a lot of various noises in the County that would fall under this section including kids playing basketball in their driveway, target practicing, etc. Ms. Thompson noted that she believes that this section impedes the citizens' second amendment rights and asked that the Board reconsider this language. She noted that a reasonable noise level is needed.

Mr. Dwight Ayers of Ballpark Road in Eagle Rock stated that his son is a police officer, he personally previously served in the military, and several members of his family have concealed carry gun permits. Mr. Ayers noted that they target practice to keep their skills up-to-date and for sport. He noted that the next door property is currently for sale and, depending on who purchases the property, he may have a situation where the Sheriff's Department is called by this new neighbor when his family conducts target practice. Mr. Ayers stated that it is his right to shoot and he wants to be able to fire weapons on his property.

Mr. Ayers stated that ammunition is expensive. He further stated that this ordinance is taking away his right to shoot on his property and asked that the ordinance be amended.

Mr. Jim Maxwell of Sprinkle Road stated that he understands that the Sheriff's Department needs this ordinance to be able to deal with some of the County's noise issues; however, some consideration needs to be taken. He asked that the Board reconsider some of the issues pertaining to the Noise ordinance.

Mr. Dana Jacobs of Archway Road stated that he wished to comment on noise levels, health and safety, and rights and responsibilities. He noted that Section 15-52 of the Noise Ordinance ("At certain levels, noise can be detrimental to the health, welfare, safety, peace, and quality of life of the citizens of Botetourt County, and in the public interest, noise should be controlled. Therefore, it is hereby declared to be the public policy of the county to promote an environment for its citizens free from noise that jeopardizes their health or welfare or degrades the quality of life.") pertains to the "physics of noise."

He noted that noise is based on the decibel scale and noted that 20 decibels is 10 times the sound of a 10 decibel noise—it is "logarithmic." Mr. Jacobs stated that the lowest sound that a person can hear is 0 decibels; normal conversation is 60 decibels; and lawnmowers 80 – 90 decibels. He stated that the further away the sound the lower the decibel; however, the sound does not decrease by one-half if it is one-half the distance away. Mr. Jacobs noted that a gunshot at 140 decibels will only be 70 decibels at 20' and at 40' it will only be 35 decibels.

Mr. Jacobs stated that he has lived in his home for 10 years and hears gunshots from every direction. Mr. Jacobs further noted that he does not shoot when his neighbor is home or at night if he can help it. Mr. Jacobs stated that he has the right to keep and bear arms and to remain competent in shooting which requires practice. Mr. Jacobs noted that he "presumes that the Board will come to the appropriate conclusion" regarding this ordinance.

Ms. Toni Weaver of Old Rail Road in Eagle Rock stated that she was reported to the Sheriff's Department by her neighbors for playing her stereo too loud. Ms. Weaver noted that she lives in the country and a deputy visited her regarding calls received from her neighbors. She noted that Section 15-56 is too broad. Ms. Weaver stated that she pays her taxes and this issue was upsetting as the deputy said that she was exhibiting "appalling behavior" by playing her stereo and he demanded that she reduce the volume.

Ms. Weaver stated that playing her stereo is not affecting the health and welfare of her neighbors. She asked that the Board review this ordinance.

Mrs. Barbara Humbert of Chadwick Drive stated that she and her family developed Chadwick Subdivision which is located adjacent to the 20 acres that Mr. Jesse Breeden rents and uses to target practice. Mrs. Humbert stated that she feels responsible for the people who purchased lots in this development. She noted that the National Forest has all types of restrictions and her neighbor (Mr. Breeden) has turned the property into a shooting range. She asked that the Board uphold the ordinance provisions that are currently in place and provide additional protection for the neighbors. She stated that their tranquility and mental health have been destroyed.

Mrs. Humbert stated that "we are no longer a rural County" and people coming into the area need protection from these types of disturbances. Mrs. Humbert noted that her and her husband's families have lived in this area for over 200 years.

Mr. Dennis Wolf of Chadwick Drive stated that Mr. Breeden shoots targets from morning to night on some Sundays and even at times during the week. He noted that Mr. Breeden shoots into a hill "but you do not know where bullets go." He further noted that Mr. Breeden does not care where he shoots on this 20 acre property and it is "unbelievable" how noisy it can

be. He noted that there is a time and place for everything and he believes that this person does not care. Mr. Wolf noted that Mr. Breeden needs to be respectful toward his neighbors.

He noted that Mr. Breeden also recorded a video and placed it on the internet regarding the neighbors reporting his shooting to the Sheriff's Department. Mr. Wolf noted that Mr. Breeden's video included a display of guns. Mr. Wolf stated that he sympathizes with those people who want to shoot on their property "but it is time to think about where you shoot."

Dr. Scothorn noted that he and the other Board members have received numerous calls regarding this matter over the past month. He noted that three things should be considered—safety of the public, consideration for neighbors, and communication. He asked that the County Attorney and staff review the Noise Ordinance and gather facts and information on the issues raised at today's meeting for the Board's future consideration.

After questioning by Dr. Scothorn, Mr. Williamson noted that there have been minor modernization-related amendments to the Noise Ordinance over the years but this is basically the same ordinance that was in effect in the 1980s. He noted that the ordinance was amended earlier this year to comply with a ruling by the State Supreme Court.

Mr. Jacobs then noted that everyone should remember Rule 4—know where your bullets are going to end up.

Dr. Scothorn noted that he considered creating a committee but believes that the staff should review the history of complaints and charges under the Noise Ordinance and consider language contained in similar ordinances from adjacent localities. Dr. Scothorn stated that everyone should be respectful of other's rights and strike a "happy medium" that is agreeable to all involved.

Mr. Martin noted that he concurs with Dr. Scothorn's comments.

Mr. Dodson stated that he would like to review the background information and the issues and problems regarding the Noise Ordinance's provisions.

Mr. Williamson stated that this is not a gun safety ordinance. After discussion, Mr. Williamson stated that he does not believe that there have been any tickets written by the Sheriff's deputies, only warnings issued regarding Noise Ordinance violations. He then asked that the staff not "co-mingle gun safety and noise."

Consideration was then held on a request to authorize the issuance of a Request for Proposals for financial advisory services using competitive negotiations. Mr. Tony Zerrilla, Director of Finance, stated that State law and County policy allows for the procurement of goods and services using competitive negotiations instead of the standard sealed bidding process. He noted that to utilize competitive negotiations the Board must determine in advance that sealed bidding is not practicable or fiscal advantageous. He noted that the County Attorney has determined that financial advisor services are not considered professional services and are eligible for RFP through competitive negotiations.

Mr. Zerrilla stated that the County's current financial advisor contract with Davenport and Company, LLC, expires in February 2015. He noted that competitive negotiations would be more advantageous for the County instead of sealed bidding for these services as multiple factors would need to be considered including responsiveness to the County's needs, qualifications including staff credentials and ability to provide required services, understanding the County's operations, challenges, and ability to create, identify, and execute innovative solutions, and experience with similar clients.

Mr. Zerrilla stated that financial advisors are used on items such as the sale of bonds, and consultations regarding County operational issues. He noted that it is proposed that the RFP be issued this month, a County staff team would review the proposals in November, conduct interviews and negotiations with the firms in December, and bring a recommendation back to the Board in January for their consideration.

After questioning by Mr. Williamson, Mr. Zerrilla stated that the County's current financial advisor contract is with Davenport and Company. After further questioning by Mr. Williamson, Mr. Zerrilla stated that the Purchasing Office has a listing of vendors that provide this service and they will be direct-mailed the RFP. He noted that this listing includes Springsted, Raymond James, Bassett Financial Management, etc. After questioning by Mr. Williamson, Mr. Zerrilla stated that he would forward Mr. Williamson a copy of this vendor listing.

After questioning by Mr. Williamson, Mr. Zerrilla stated that the chosen financial advisor would be used to ascertain preliminary expectations for the next 12 months regarding bond ratings, financial reporting, fund balance and County operational issues, and cash flow, among others.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the following resolution authorizing the issuance of a request for proposals (RFP) utilizing the competitive negotiation method for the procurement of financial advisory services for Botetourt County.

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

Resolution Number 14-10-05

WHEREAS, Botetourt County is interested in procuring financial advisory services; and,

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

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

WHEREAS, the Botetourt County Board of Supervisors finds that selection factors other than price are critical to the work, such selection factors including but not being limited to qualifications and experience, demonstrated understanding of the County's operations, its challenges, and the ability to create, identify and execute innovative solutions, and experience with similar engagements; and,

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

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors authorizes advertisement of a Request for Proposals for procurement of financial advisory services following the competitive negotiation process.

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to speak to the Board. Mr. Hamm stated that the Route 608 (Indian Rock Road) bridge across I-81 has been closed since early October for replacement and will remain closed through August 2015. He noted that the Webster Road (Route 738) bridge replacement project should be completed in early November.

Mr. Hamm stated that the Fincastle one-way streets project has been completed and open to one-way traffic since October 22. He noted that pavement striping at a couple of intersections will need to be adjusted to allow for better sight distance. He then noted that the Dale

Court water system land development project has been approved and VDoT has issued eight land use permits in the past 30 days.

Regarding traffic engineering items, Mr. Hamm noted that the Valley Road through truck restriction request is still being reviewed by the Richmond office. He noted that VDoT has been compiling data on this roadway and there has been no discussion, to date, of this request not being approved. He further noted that the through truck restriction requests on Routes 658 and 607 in Blue Ridge have also been sent to Richmond for consideration but no final decision has been received as of this time.

Mr. Hamm stated that a safety study has been conducted on Humbert Road (Route 653) at the Willow Spring Road intersection and additional warning signs will be installed. He further stated that a speed limit reduction request from 35 mph to 25 mph was received for Route 11 in Troutville. Mr. Hamm noted that VDoT reviewed the three-year crash data for this portion of roadway and only two crashes occurred during that time. He further noted that their radar sample showed that 85% of the drivers through this area had an average speed of 39 mph; therefore, no decrease in the speed limit is being recommended.

Mr. Hamm noted that VDoT has also received a request for a speed study on Route 600 (Haymakertown Road) between Catawba Road and Lee Lane. After questioning by Mr. Dodson, Mr. Hamm noted that the current speed limit is 40 mph on the paved portion and an unposted limit of 55 mph on the unpaved portion. Mr. Hamm noted that there have been many new homes constructed in this area over the past few years which has increased the traffic on this section of roadway.

Mr. Martin then asked that Mr. Hamm confirm the completion date of the Webster Road bridge replacement project. Mr. Martin noted that he drove by these bridges earlier today and does not believe that one of the bridges has its driving surface installed; therefore, he questioned whether the bridges will be completed next week. Mr. Hamm stated that he would check on this project's status and forward the information to Mr. Martin.

After questioning by Mr. Williamson, Mr. Hamm stated that he would check to see if VDoT's commercial/residential entrance permit information is available in a database format that Mr. Williamson could review for planning purposes.

Mr. Dodson then questioned the pavement striping work on Route 11 in Cloverdale near the Whitesell property. He stated that, with the numerous dump trucks hauling fill dirt from the Whitesell property to the AEP substation site, it would be more prudent to delay the pavement striping until the hauling work is completed.

Mr. Hamm noted that he would check into this issue.

Mr. Dodson also questioned the purpose of the two covered signs located on Route 220 north of Pizza Hut.

Mr. Dan Collins, Residency Administrator, stated that bridge work is currently being conducted on I-64 in Rockbridge County and, if there is an accident, traffic will be diverted onto I-81 and Route 220 north to again intersect with I-64. He noted that the signs mention by Mr. Dodson are detour notification signs which will only be used if necessary.

After questioning by Dr. Scothorn regarding a sinkhole on Clemons Road off of Route 747, Mr. Hamm stated that he is not familiar with this road and does not believe it is State-maintained roadway.

Dr. Scothorn noted that VDoT has done a great job in providing him with information on Valley and Humbert Roads.

There being no further discussion, the Board thanked Mr. Hamm for his presentation at today's meeting.

Mr. Scott Hodge, with AECOM, then gave a PowerPoint presentation on the design and staging of the Exit 150 construction project. He noted that this project includes the construction of a roundabout at the I-81 Exit 150B/Route 11 intersection, the removal of the northbound Exit 150A on-ramp, the removal of the truck stops facility, and the construction of a new "Gateway Crossing" access road from the roundabout to Alternate U. S. Route 220. Mr. Hodge stated that these improvements will improve traffic flow and safety through this heavily-trafficked interchange. He noted that this design also includes a dedicated off-ramp from I-81 northbound to U. S. Route 220 northbound to allow a free-flow of traffic at this intersection. Mr. Hodge further noted that a barrier will be installed at Exit 150A to only allow traffic to make right-hand turns onto U. S. Route 11 south. He noted that this will eliminate traffic including tractor trailer trucks blocking several lanes of Route 220 to access Route 11 northbound

After questioning by Dr. Scothorn, Mr. Hodge noted that there is no stoplight proposed for Route 11 at McDonald's at this time but they could review the accident data to see if additional traffic safety measures are needed in this area.

Mr. Hodge stated that a new I-81 northbound on-ramp and bridge will be constructed off of Route 11 near the Cracker Barrel restaurant which will eliminate the existing I-81 northbound on-ramp off of Route 220. He further stated that the design includes the removal of the center turning lane on Route 11 and a raised median will be installed to prohibit left-hand turns for southbound traffic. He noted that the new roundabout will include landscaping and the new roadway (Gateway Crossing) from Route 11 to Alternate 220 will open up approximately 21 acres behind Hardee's and the County's water tank for future development.

After questioning by Mr. Dodson, Mr. Hodge stated that drivers southbound on Route 220 will still be able to make a left-hand turn onto Route 11 northbound toward Troutville.

Mr. Hodge stated that the project will be divided into three construction phases: Stage 1—1 year; Stage 2—1 year; Stage 3—7 months with estimated completion and the project open to traffic in the fall of 2017. He noted that the remaining incidental/punch list work will be completed by the summer of 2018. He stated that Stage 1 will include the construction of Gateway Crossing and its new intersection with Alternate 220 and one-half of the roundabout. Mr. Hodge noted that this construction stage will have minimal disruption to the area's existing traffic flow.

After questioning by Dr. Scothorn, Mr. Hodge noted that there will be both daytime and some nighttime construction work on this project and some short-term lane closures on Route 11. Mr. Hodge stated that there will be flagmen positioned on Route 11 to control traffic during nighttime construction work.

Mr. Hodge noted that Stage 1 will also include the construction of most of the new I-81 northbound off-ramp and widening along Route 11 in the area of the current truck stops property as well as the construction of 500' of new frontage road along Route 11 at the Country Cookin'/Kangaroo Express gas station entrance.

After questioning by Mr. Dodson, Mr. Hodge stated that Stage 1 is estimated to take one year to complete (Spring 2016).

Regarding Stage 2 of the project, Mr. Hodge stated that Route 11 northbound will be closed to through traffic from the 11/220 intersection through the roundabout for approximately 8 months. He noted that Route 11 northbound traffic will be directed off of I-81 onto Exit 150A,

they will then go through the stoplight onto Alternate 220, then turn left onto Gateway Crossing and then turn right onto Route 11 toward Troutville. He noted that traffic will still be able to access Hardee's, the Pilot gas station, and the truck wash business as one lane of Route 11 will remain open but northbound through traffic on Route 11 will not be allowed during this time.

Mr. Hodge stated that it is a priority for the engineers and the construction crews that access to the businesses along Route 11 will remain open during this project but there will be short-term lane closures during nighttime hours. He further stated that Stage 2 will also include construction of the remainder of the new 150B off-ramp, a majority of the new 150B northbound on-ramp, and the remaining one-half of the roundabout. Mr. Hodge stated that there will be a two-month lane width restriction on the 150B off-ramp to only allow trucks and vehicles 12' or less in width to use this off-ramp. He noted that vehicles wider than 12' will be directed to use either Exit 146 or 156.

He stated that Stage 3 of the project will include the installation of a barrier wall on the Exit 150A off-ramp to allow only right turns onto southbound Route 11, construction of the raised median along Route 11 from the 220/11 intersection to the roundabout, removal of the Route 11 through traffic restriction, opening of the new I-81 northbound on-ramp, and closure of the old I-81 northbound on-ramp. Mr. Hodge stated that the entire intersection will be repaved after completion of the project in 2017.

After questioning by Mr. Williamson, Mr. Hodge stated that the private access into Country Cookin' and the Kangaroo Mart will be taken over by VDoT and a new frontage road to access these businesses will be constructed in Stage 1 of the project. Mr. Hodge noted that there will only be a right-in access to Country Cookin'.

After questioning by Troutville Mayor Bill Rader, Mr. Hodge stated that there will be a short period of time when the I-81 Exit 150B off-ramp traffic will not be able to turn left at the roundabout and go north on Route 11.

After questioning by Dr. Scothorn, Mrs. Guzi stated that community groups can request an individual VDoT presentation on this project's design, construction stages, and impacts. She noted that a separate meeting is also planned with the Town of Troutville on the project's construction impacts. Mrs. Guzi further noted that two additional public meetings are also planned—one with the public to be held at Lord Botetourt High School, and a separate meeting targeted for the businesses directly affected by this project. She stated that the dates for these November meetings should be finalized this week.

After questioning by a man in the audience, Mr. Hodge stated that the roundabout will consist of two lanes on the south side and one lane on the northbound side.

The Board then thanked Mr. Hodge for his presentation.

Consideration was then held on a request from the Town of Troutville to extend water service to two residential parcels located in the County. Troutville Mayor Bill Rader stated that the Town has a 6" water line along Route 651 (Stoney Battery Road) which is located in the County. He noted that the Town has received a request to allow two residential parcels on the Showalter property between 418 and 532 Stoney Battery Road to connect to this water line. He noted that, as the County operates a public water system, Town extensions into the County are required to be approved by the Board of Supervisors.

He noted that there are no County water lines in this area that could serve these properties and requested that the Board approval the Town's water line extension request.

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried unanimously by those members present, the Board approved the Town of Troutville's request to furnish its water service to two parcels located between 418 and 532 Stoney Battery Road (Tax Map Parcels 102-20C and 20D) as detailed in their letter of October 15, 2014, subject to compliance with Botetourt County requirements for construction standards in Sections 24-163 through 24-165 and 24-167 of the Water, Sewers, and Sewage Disposal Ordinance. (Resolution Number 14-10-06)

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

Consideration was then held on a request to authorize competitive negotiations to procure computer software and associated services. Mr. David Moorman, Deputy County Administrator, noted that the Virginia Public Procurement Act and the County's Purchasing Policy states that the procurement of goods and services, generally, must be conducted by competitive sealed bids. He noted that this is an effective method when purchasing standard products or services in which there is little, if any, variability between vendors and the primary competitive difference is price. Mr. Moorman stated that, when there are many variables being considered in a purchase and the lowest price may not be the best offer when all factors are considered, competitive bidding is not an effective method.

He noted that in this event, State law and County policy allow for the procurement of goods and services through competitive negotiations. He noted that multiple factors must be considered before the Board can make a determination that competitive sealed bidding is not practicable or fiscally advantageous. Mr. Moorman noted that the County is requesting the procurement of software and associated services through the competitive negotiation process.

He noted that the reasoning for competitive negotiations in this instance is that factors such as technical design and the operational system(s) required to operate the software, the functionality and effectiveness of the user interface, the customizability of the software to accommodate user work flows, business rules and procedures, and user preferences, how the software can be interfaced with other software products, accessibility of the data, the amount and type of support services offered, the vendors understanding and experience with governmental regulations and standards, etc. need to be considered.

Mr. Moorman noted that funding for the purchase of this software is included in the FY 15 Capital Improvements Plan. He requested that the Board authorize the staff to issue a Request for Proposals using competitive negotiations. Mr. Moorman noted that staff will receive and evaluate the proposals and recommend a contract award for the Board's consideration at a future meeting.

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the following resolution authorizing competitive negotiations for the procurement of computer software and associated services.

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

Resolution Number 14-10-07

WHEREAS, Botetourt County is interested in procuring computer software and services to update the County's financial-related software; and,

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

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

WHEREAS, the Botetourt County Board of Supervisors finds that selection factors other than price are critical to the work, such selection factors including but not being limited to qualifications and experience, past performance on similar projects, the built-in customizability of the software to accommodate user work flows, business rules and procedures, and user preferences, how the software can be interfaced with other software products, existing or future, to automatically transfer data between systems, conduct transactions, and analyze and report data; and,

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

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors authorizes advertisement of a Request for Proposals for procurement of computer software and services to update its financial-related software following the competitive negotiation process.

Consideration was then held on proposals for telecommunications consulting services. Mr. David Moorman, Deputy County Administrator, stated that from time to time the County receives Special Exception Permit applications for cellular communication tower requests. He noted that applicants are required to provide technical information on their cell tower proposal for the County to review. Mr. Moorman stated that for many years the County has employed an independent consultant to provide an unbiased recommendation on the cell tower proposal. He stated that this contract has expired and the County has advertised a request for proposals from qualified radio frequency engineering firms for consulting services. He noted that these services will include technical assistance and counselling regarding the placement, technology, and development of wireless facilities within the County.

Mr. Moorman stated that this RFP was issued in early September with the bids due on September 23. He noted that two proposals were received and the firms interviewed by County staff. He noted that the staff is recommending that the Board award a contract to CityScape Consultants, Inc. Mr. Moorman stated that this company provides consulting services exclusively to the public sector which alleviates concerns regarding potential conflicts of interest with the private wireless telecommunications industry.

After discussion, Mr. Moorman noted that any fees for these SEP application reviews are paid by the applicant and would be set at a maximum of \$6,500. He requested that the Board authorize the staff to negotiate with CityScape for telecommunications consulting services, and subject to review and approval of the County Attorney, authorize the County Administrator to sign the contract.

Mr. Moorman noted that Jeff Busby, Associate County Planner, works closely with the applicants on these SEP requests and is present at the meeting to answer any questions.

After questioning by Mr. Williamson, Mr. Moorman noted that the proposed contract will be for a period of one year with an option to renew for up to four years.

After further questioning by Mr. Williamson, Mr. Busby stated that the previous consultant charged \$3,750 to review cell tower requests.

Mr. Moorman noted that the contract will include provisions for the consultant to make two site visits as well as attend the Planning Commission and Board of Supervisors public hearings on these requests.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized the staff to negotiate with CityScape Consultants, Inc., for telecommunications consulting services, and subject to review and approval by the County Attorney, authorized the County Administrator to sign a one year contract with an option to renew for up to four years. (Resolution Number 14-10-08)

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

Consideration was then held on County group insurance plan renewals. Mr. David Moorman, Deputy County Administrator, stated that Mr. Alan Bayse with Trustpoint Insurance, the County's insurance consultant, and Mrs. Mary Blackburn, Human Resources Manager, were also present regarding this item.

Mr. Moorman noted that the County's employee group health insurance benefits include three programs—dental, prescription drug, and medical insurance. He noted that the County has self-insured programs—the dental program is administered by Revolv, the prescription drug program is administered by Kroger Prescription Plans, and the medical program is managed by MedCost Benefit Services.

Regarding dental insurance, Mr. Moorman noted that claims are down 13% since the start of the current plan year on December 1, 2013, costs are below budget, and the average claims cost per employee fell 14.5%. He recommended no changes to the new dental plan except for employees with certain medical conditions, e.g., cardiac conditions, cancer, or pregnancy, who would receive one additional cleaning per plan year. Mr. Moorman noted that Revolv will reduce their administrative fee by 30% which will almost offset the cost of providing this additional teeth cleaning service.

Regarding the prescription drug plan, Mr. Moorman stated that the County has had good experience this year and costs are down from the previous year. He noted that generic prescriptions are utilized 87% of the time and, when generics are available, they are used 99.5% of the time by County employees and their covered family members. Mr. Moorman noted that the average cost per County employee per month is 60% compared to Kroger's other customers. He further noted that Kroger has proposed to renew our prescription drug insurance plan with no increase in administrative fee rates and the staff is not recommending any changes in the new plan year.

Regarding the employee medical Insurance plan, Mr. Moorman stated that the plan's experience over the past year has been generally good. He noted that the annual plan cost per employee is \$10,310 which is slightly less than the national average of \$10,779, the County does not have employees making unnecessary trips to the emergency room, 43% of those filing claims spent less than \$500, and another 42% spent between \$500 and \$3,000, 99% of all claims were in-network, resulting in total savings to the plan and members of \$891,463, and there were 10 large claims this year which constituted 57.1% of total medical and pharmacy costs through September 30th, with the average cost being \$115,000.

Mr. Moorman stated that, historically, the County averages 2 to 3 large claims per plan year; however, last year there were six large claims and this year's experience of ten large claims is unprecedented. He noted that, while large claims are expected and planned for, they are unpredictable, unavoidable, uncontrollable and independent of benefits design or the insurance carrier.

Mr. Moorman noted that employee spouse medical expenses averaged \$8,200 this past plan year and consisted of 25% of the total claim amounts, compared to \$5,800 for employees and \$2,374 for dependents. He noted that spouses constitute 15% of the plan's members. Mr. Moorman further stated that tobacco use also results in higher insurance costs. He noted that MedCost estimates that each tobacco user costs employers \$3,800 extra per year in claims expenses.

He stated that MedCost is proposing to renew the County's medical plan with a potential increase in cost of approximately \$1 million, or 34%. He noted that approximately \$111,000 of this increase was for fixed, administrative costs that would be incurred and paid based on the number of employees covered and the remaining \$889,000 represented worst-case claims experience liability. He noted that, if actual claims were less, the plan would not incur all of that cost and, regardless of actual claims, the cost to the plan would not exceed the renewal amount.

Mr. Moorman noted that Trustpoint identified alternatives that would lower costs and negotiated the plan's renewal on the County's behalf. He further noted that, as a result, the staff is recommending changes that would reduce the worst-case cost increase from \$1 million to approximately \$595,000 and the fixed costs would be approximately \$90,000 less than the current year's costs.

After discussion, Mr. Moorman noted that a seven member employee advisory group was briefed on the past year's experience for all of the County's health plans, the renewal proposals, and alternative policy actions available to the Board of Supervisors. He noted that this advisory group generally supported several recommendations but those recommendations affecting employee benefits or increasing employee costs were not as strongly supported as those that have no effect on either benefits or employee costs. He further noted that, the advisory group recognizes the necessity of considering such actions and supports them as a means of improving the sustainability of quality group employee health benefits.

He stated that these recommendations include: increase the specific cap for reinsurance coverage from \$75,000 to \$100,000; move from a 12/15 month contract to a 12/12 month contract; instituting a tobacco use surcharge of 50%; instituting a surcharge to cover spouses who have coverage available from another employer as follows: effective December 1--\$75 per month; effective June 1, 2015, \$150 per month; effective December 1, 2015, \$250 per month. He noted that the first two recommendations will result in a decrease in the renewal proposal amount while the surcharges are targeted to reduce long-term costs.

Mr. Moorman noted that the County has discussed the non-tobacco use incentive and the spousal coverage surcharge for the past few years but they were not implemented and employees were advised last year that either or both may be implemented in the future. He further noted that the County's spousal coverage rate is a "fraction" (approximately 50%) of the premiums charged by other employers. He noted that the County's insurance premiums are low and this is one reason why the spouses are added on the County's insurance plans.

Mr. Moorman noted that the proposed surcharge for a spouse would not apply to an unemployed spouse or if the spouse's employer does not offer health insurance. He noted that the staff is recommending a 3 month waiver (March 1, 2015) of the surcharge from the December 1 date included in this agenda item. Mr. Moorman noted that this would provide time for staff to implement the surcharge and give employees an opportunity to make adjustments and prepare for the surcharge.

He noted that this spouse surcharge was again discussed with the employee advisory group earlier today and their consensus was that this is a warranted action. He noted that they recommended that the surcharge be set at \$75 as of December 1, 2014, that it not increase to \$150 until December 1, 2015; and then increase to \$250 as of June 1, 2016.

After discussion, Mr. Moorman stated that, in recent years, the County has increased employee co-insurance from 20% to 25% to 30% and other benefit design changes have been made to reduce plan costs and have resulted in employees paying a greater share of medical care expenses. He noted that the County's medical plan is performing as designed and hoped, notwithstanding the extraordinary number of large claims this year. He further noted that no other medical plan changes are recommended at this time.

Mr. Moorman stated that the tobacco surcharge is being proposed because of the documented health risks of tobacco including second-hand smoke. He noted that, under the County's current insurance plan and in accordance with federal law, health plans must provide tobacco cessation programs. Mr. Moorman noted that the County has had such a cessation program for many years.

Mr. Moorman stated that a tobacco surcharge of up to 50% of the regular insurance premium is being proposed. He noted that the staff wanted the surcharge to be large enough to affect change. He stated that the staff committee recommends a three month waiver of this fee to allow employees/spouses to change spouse or dependent coverage decisions if desired between now and February 2015.

After questioning by Mr. Williamson, Mr. Bayse stated that he does not believe that there is a definition of what would be considered a "high increase."

Mr. Moorman noted that the Board can determine the tobacco surcharge amount up to a 50% level.

He further stated that the County has increased the co-insurance amounts and premiums over the past few years. He noted that in 2011, the County raised dependent medical insurance premiums 7.5% and started charging \$25.00 per month for Employee Only coverage; in response to a 12.2% renewal rate increase in 2012, the County passed along 10% of the total cost increase to employees which resulted in employee premiums increasing between 3% and 18% depending on coverage type; and last year, the County increased employee premiums between 10% and 12%. Mr. Moorman noted that because of these occurrences the staff is not recommending any other changes at this time. He noted that Mr. Bayse is also recommending renewal contracts with the three current insurance providers.

Mr. Moorman then stated that the staff is recommending that, for plan year effective December 1, 2014, the Board award contracts to Medcost for medical insurance, Kroger Prescription Plans for prescription drug insurance, and Revolv for dental insurance in substantive conformance with his presentation comments and authorize staff to execute all necessary documents upon the review and approval of the County Attorney; there would be no change in active employee premiums; a tobacco premium surcharge would be implemented effective

December 1, 2014, with such surcharge to be waived for three months to facilitate its initial implementation; a surcharge for spousal coverage would be implemented when the spouse has coverage available from another employer effective December 1, 2014 with such surcharge to be waived for three months to facilitate its initial implementation; and COBRA and Retiree monthly health insurance premiums adjusted commensurately with the County's renewal rates.

After questioning by Mr. Williamson, Mr. Moorman reviewed the proposed tobacco and spousal surcharges and their implementation schedules. Mr. Williamson suggested that the spousal surcharge be implemented in two steps instead of three--\$75.00 effective February 2015 and \$250 effective December 2015.

After questioning by Dr. Scothorn, Mr. Moorman noted that the County does not know how many spouses are currently on the health insurance plan who would have insurance available from their current employer.

Mr. Dodson stated that he agrees with implementing the spousal surcharge in two phases as proposed by Mr. Williamson; however, he does not want to put a burden on the employees.

After questioning by Mr. Williamson, Mr. Bayse stated that he is not sure if the County can allow a spouse to be returned to coverage under a County employee's policy if the spouse's insurer will not "take them back."

Mr. Moorman noted that if the implementation of the surcharge is delayed until February 2015, the spouse would have time to check with their employer to see if they will be able to be transferred to the employer's insurance policy.

After questioning by Mr. Williamson, Mrs. Blackburn stated that the County would have an affidavit signed by the employee and the spouse's employer which states whether or not the spouse's employer has insurance coverage available.

After questioning by Dr. Scothorn regarding the tobacco surcharge, Mr. Moorman noted that this surcharge would apply to all tobacco products including cigarettes, snuff, chewing tobacco, etc. Mr. Moorman stated that the staff would like to delay the implementation of this surcharge for a year in order to give the employees an opportunity to quit using the tobacco product.

After questioning by Mr. Dodson, Mr. Moorman noted that the tobacco cessation program is overseen by the employee and their doctor. Mrs. Blackburn noted that the State offers a tobacco cessation program (Virginia Quit) and that over-the-counter or prescription cessation products are available to employees at no cost.

After further questioning by Mr. Dodson, Mrs. Blackburn stated that she has been employed by the County for 6½ years and the County has had a tobacco cessation program since that time. Mr. Moorman noted that he has been with the County for over 19 years and there has been a tobacco cessation program in place for at least that long.

Mr. Williamson then proposed the implementation of a tobacco surcharge in two steps—25% increase that would be waived until February 2015 and a 50% increase that would become effective on December 1, 2015.

Mr. Dodson noted that an employee could have family coverage and the employee, spouse, and children could smoke. Mr. Moorman noted that children can now remain on their parent's health insurance plan until the age of 26, so Mr. Dodson's scenario is possible.

Mr. Martin noted that he is in favor of Mr. Williamson's two step tobacco surcharge proposal.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the implementation of a 25% premium surcharge for tobacco use on employee medical and drug insurance premiums or whose covered spouse or dependents use tobacco effective with the December 1, 2014, plan year but waived until February 2015, with this surcharge to be increased to 50% effective December 2015; approved the implementation of a spousal surcharge of \$75 effective with the December 1, 2014, plan year but waived until February 2015, with this fee to be increased to \$250 effective December 1, 2015; approved the award of contracts to MedCost for medical insurance, Kroger Prescription Plans for prescription drug insurance, and Revolv for dental insurance; authorized staff to execute all necessary documents upon the review and approval of the County Attorney; there will be no change in active employee premiums as per the following chart, and COBRA and Retiree monthly health insurance premiums will be adjusted commensurately with the County's renewal rates. (Resolution Number 14-10-09)

AYES: Mr. Dodson, Mr. Martin, Mr. Williamson, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

**Medical and Prescription Drug Insurance
Monthly Employee Premium Proposal**

	Current	Proposed	
		Non-Tobacco Use	Tobacco Use
Employee Only	33.00	33.00	42.00
Employee & Spouse	221.00	221.00	277.00
Employee & Child	102.00	102.00	128.00
Employee & Children	201.00	201.00	252.00
Employee & Family	323.00	323.00	404.00

An update was then given on the AEP/Branch Highways substation construction project. Mr. David Wright, with American Electric Power, Mr. Jeremy Flynn, with Branch Highways, and Mr. George Portion, AEP's Outreach Specialist, were noted as being present at the meeting.

Mr. Wright noted that the Cloverdale substation project was a result of a study which determined that there were issues with the area's electrical grid. He noted that the State Corporation Commission approved this project and AEP obtained approvals from the Virginia Department of Environmental Quality and the Army Corps of Engineers.

After questioning by Mr. Williamson, Mr. Wright stated that the proposed upgrades to the electrical transmission lines between Cloverdale and Lexington are a separate project and are not included in the construction project currently ongoing at the Cloverdale substation.

Mr. Flynn then stated that wet weather earlier this year at the beginning of this project impacted their construction work schedule. He noted that they have hauled stone to the roadway accessing the borrow area on the Whitesell property to help reduce the amount of dirt and mud that the dump truck tires track onto Route 11. Mr. Flynn noted that after each rainstorm they have a two day delay before work can begin again because of the wet ground.

Mr. Flynn stated that they have hauled approximately 40,000 cubic yards (cy) of fill dirt to date and expect to haul a total of 210,000 cy upon completion. He noted that their goal is to have 525 dump truck loads of dirt hauled each night. He stated that they have "tweaked" their grading plan and now have a smaller operation which uses 8 trucks instead of 25 trucks to haul

dirt. Mr. Flynn further stated that they will bring in a professional road cleaning service twice during the hauling portion of the project to clean Route 11. He noted that this company will use a pressurized water spray truck which cleans the roadway and then vacuums up the dirt and water and reuses the water.

After discussion, Mr. Flynn estimated that they are currently eight days behind schedule.

After questioning by Mr. Williamson, Mr. Flynn stated that he does not know at this time if their exemption from the provisions of the County's Noise Ordinance will need to be extended.

Mr. Porter stated that he is the liaison between the public and the AEP/Branch Highways project team. Mr. Porter noted that his job is to make sure that the promises that were made at the public meetings regarding this substation construction project are upheld.

Mr. Porter noted that they held a meeting with approximately 15 residents of Brown Road located adjacent to the Whitesell property on September 26, and have contacted 88% of those residents regarding this project. He noted that nighttime hauling work began on September 29, on October 2 AEP received a notice from the County regarding complaints received from the residents of Rainbow Ridge Subdivision about the noise and lights associated with this nighttime work, and they resolved these concerns on October 3. He noted that most of the complaints were regarding the dump trucks' tailgates banging against the truck bed when the dirt was being emptied.

Mr. Porter stated that he calls the residents once a week to see how they are doing and if any other problems are occurring.

After questioning by Mr. Williamson, Mr. Porter stated that he will also be the liaison on AEP's Cloverdale to Lexington project.

After questioning by Mr. Dodson, Mr. Porter stated that the most of the residents' complaints were regarding noise from the construction project and dirt being tracked onto Route 11 by the dump trucks.

There being no further discussion, the Board thanked Mr. Wright, Mr. Flynn, and Mr. Porter for their update on this project.

Consideration was then held on the designation of a voting delegate and an alternate for the VACo annual meeting in November. Mrs. Guzi noted that Mr. Dodson, Mr. Williamson, and Dr. Scothorn are attending the Virginia Association of Counties annual meeting at The Homestead. She further noted that Mr. Martin plans to attend only his subcommittee meeting and will not attend the entire conference.

Mrs. Guzi noted that VACo's annual business meeting will be held on November 11 and the County is required to designate a representative of its Board of Supervisors to cast vote(s) at this meeting. She asked that the Board designate a voting delegate and an alternate for the business meeting.

On motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board designated Dr. Scothorn as the voting delegate and Mr. Dodson as the alternate for the Virginia Association of Counties' annual business meeting on November 11. (Resolution Number 14-10-10)

AYES: Mr. Dodson, Mr. Martin, Mr. Williamson, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

The Board then tabled this month's proposed appointments to the Industrial Development Authority, the Library Board, and the Planning Commission until the November regular meeting.

A public hearing was then held to obtain citizen comments on a proposed Virginia Department of Transportation (VDOT) grant application through the MAP-21 Transportation Alternative Program for funds to design and construct a greenway within the Daleville and Amsterdam communities. Mr. Pete Peters, Director of Parks, Recreation, and Tourism, stated that as part of the County's ongoing tourism and quality-of-life improvement initiatives, his staff formed a planning committee in 2012 comprised of stakeholders from Daleville/Amsterdam area to discuss the development of a potential improved-surface trail for pedestrians and bicycles.

Mr. Peters noted that a planning grant was obtained through BikeVA for engineering services to develop a preliminary list of routing options for the greenway. He noted that due to their familiarity with the community and expertise in similar projects, Engineering Concepts, Inc., was selected from the County's on-call list of engineering firms to conduct this preliminary analysis.

He noted that the committee reviewed the potential routes and selected one primary, preferred route. Mr. Peters stated that staff have conducted on-site inspections of the preferred route and held numerous personal meetings with the affected landowners and have received positive responses regarding the greenway's development. He noted that they have also identified various funding options for the final design and construction phases of this project including through the VDOT Map-21 Transportation Alternate Program.

Mr. Peters then noted that the Roanoke Valley Metropolitan Planning Organization (MPO) endorsed a resolution for the application of grant funds for this project. He noted that multiple community meetings will be held in the Amsterdam/Daleville area to receive feedback on this project but noted that this preferred route "is not final" at this time.

Mr. Peters stated that the County is required to conduct a public hearing on the proposed grant application as per MAP-21 guidelines. He noted that a public hearing has been advertised for today's meeting and stated that no official action is required by the Board after this public hearing is held.

Mr. Thomas Watts of Orchard Drive in Daleville then questioned "how much more can the County keep spending?" He noted that the County will be responsible for the maintenance of this greenway which will be another expense.

Mr. Peters stated that the County is seeking grant funds that have a 20% matching amount requirement. He noted that this matching amount can include "in-kind" services and the County has not spent any monies to date on this project.

Mr. Watts then stated that the Board and the County Administrator have "bent over backwards" for the Daleville Town Center project. He stated that the County needs to review the original drawings and plans for this project which included stores, greenways, walking trails, townhomes, etc. Mr. Watts stated that the DTC developers came back and changed their proposal because the Food Lion shopping center was built across Route 220.

Mr. Watts noted that he does not know how much more the County can give back to the Daleville Town Center. Mr. Watts further noted that the previous County Administrator told him that his sewer rates would not go up but they have. He stated that former Supervisors member Don Assaid asked the County staff several times where a large amount of County revenues had

been spent. Mr. Watts stated that the citizens “cannot stand any more taxes when you are living on a fixed income.”

After discussion, Mr. Watts stated that he “looks at a rock pile” on the DTC site when he drives to Fincastle. He noted that this is ugly and suggested that the developers plant foliage to block the view. Mr. Watts stated that he is not in favor of the County building at Greenfield. He noted that Greenfield already has walking trails and bridges. He noted that, if this trail is built as proposed, people will be walking along Route 220 and will get killed.

After questioning by Mr. Williamson, Mr. Peters stated that one leg of the proposed route would be close to Route 220 but not located on the roadway’s surface—it would not be located on the highway’s right-of-way. After further questioning by Mr. Williamson, Mr. Peters stated that the section between the Education and Training Center and the cemetery located north of Amsterdam would be parallel to Route 220 but would be on the Greenfield side of the earthen berm which parallels 220. He noted that another short section near Amsterdam/Applewood Estates Subdivision would also be near Route 220 but not located on VDoT’s right-of-way.

Mr. Peters further stated that there would likely be revisions to the trail’s location as the project progresses.

After questioning by Mr. Williamson, Mr. Peters stated that the southern terminus would be on the Route 779 right-of-way north of Lord Botetourt High School. He noted that the proposed route has some “challenges but this (location) will be determined at the final engineering” phase. After questioning by Mr. Williamson, Mr. Peters stated that there are some possible alternate routes but the staff has not discussed this with the impacted property owners.

After further questioning by Mr. Williamson regarding long-term plans for this trail, Mr. Peters stated that in September the Board approved a resolution in support of a joint application between Roanoke City, Roanoke County, the Town of Vinton, and Botetourt County for Regional Surface Transportation Program (RSTP) grant funds to conduct a trail routing option study. He noted that this grant application will fund a feasibility study for potential routes from Daleville to Hollins. Mr. Peters noted that it is possible that the trail could follow the right-of-way for the recently completed Tinker Creek interceptor project.

After questioning by Mr. Williamson, Mr. Peters stated that he presented the proposal for the joint grant application to the MPO last Thursday and he hopes that the next phase will be completed next month.

After questioning by Mr. Martin, Mr. Peters stated that, if the grant funds received for this greenway project are not adequate to complete the project, then there are existing trail “friends” groups in the Roanoke area and the County hopes to have similar groups maintain the County’s trails in the future.

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

Mr. Peters reminded the Board that no official action is required on this matter.

A public hearing was then held on proposed amendments to Chapter 2. Administration and Chapter 11. Fire Prevention and Protection of the Botetourt County Code. Mrs. Guzi stated that the State Fire Services Board was asked to review the County’s fire and emergency services operations in 2013 and they presented their report to the Board earlier this year. She stated that one recommendation was to update the County Code to remove contradictory

language. She noted that a committee was created and requested input from the volunteer captains and chiefs on these ordinances' language.

Mrs. Guzi stated that the final draft of these amendments was presented to the Board in September and the Board directed that a public hearing be scheduled for the October regular meeting. Mrs. Guzi stated that the County's volunteer fire and rescue community is well versed in this ordinance and had no changes to the proposed language.

She noted that the ordinance sets out the responsibilities of the County, the volunteer and paid fire and EMS staff and holds each accountable for their actions, and establishes an executive board.

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

On motion by Mr. Dodson, seconded by Mr. Williamson, and carried by the following recorded vote, the Board approved the attached amendments to Chapter 2. Administration and Chapter 11. Fire Prevention and Protection of the Botetourt County Code. (Resolution Number 14-10-11)

AYES: Mr. Dodson, Mr. Martin, Mr. Williamson, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

Mr. Williamson then asked that Chief Jeff Beckner provide the Board with an update in six months on how these ordinance provisions have impacted the County's fire and rescue operations. Dr. Scothorn also requested a report consisting of three months of data on the relationship between the County and the volunteer units.

Chief Beckner stated that he will provide this information to the Board.

Mr. Dwight Ayers of Ballpark Road in Eagle Rock then spoke regarding the County's \$20 "decal fee." Mr. Ayers stated that he is paying a total of \$100 in decal fees on his vehicles. Mr. Ayers noted that his vehicles have an excessive amount of mileage and he was unaware until discussing the matter with the Commissioner of Revenue that he could receive a reduction in his personal property taxes because of a vehicle's high mileage.

Mr. Ayers stated that many citizens are not aware of this high mileage reduction and he asked that the County rectify this situation. He noted that "the taxpayers cannot take any more." Mr. Ayers stated that the County is giving the proposed Daleville YMCA money and the new real estate reassessments will be effective in 2016. Mr. Ayers noted that he and his wife are on a fixed income and cannot afford high taxes.

After questioning by Mr. Martin, Mr. Ayers stated that he believes the high mileage deduction is effective on vehicles with an excess of 100,000 miles.

Mr. Ayers then stated that the citizens are still paying the \$20 decal fee for "invisible stickers."

The Board thanked Mr. Ayers for his comments.

Mrs. Guzi then updated the Board on the broadband issue. She stated that Rodney Gray, the County's Manager of Technical Services, and Mr. Jay Brenchick, Economic Development Manager, have been obtaining information on this matter. Mrs. Guzi noted that the County

has good Internet providers (Lumos and Comcast) at this time and Shentel has recently installed high-speed service to the Town of Buchanan.

Mrs. Guzi stated that the staff has been working with these companies to identify their service areas, Internet service speed levels, and if they provide affordable coverage. She noted that the County currently has an open-market fiber optic line which was installed by Mid-Atlantic Broadband several years ago along Route 460, Alternate 220, Route 220, and Route 606 toward Craig County. Mrs. Guzi noted that this line is not being utilized by other providers at this time.

After discussion, Mrs. Guzi stated that she, Mr. Gray, and Mr. Brenchick have a meeting with a Mid-Atlantic Broadband representative later this week to discuss the benefits of Mid-Atlantic Broadband's fiber optic line and how best to market it for the benefit of Botetourt County and its citizens.

Mr. Guzi stated that she is recommending that the Board delay taking formal action on whether to provide funding to the Roanoke Valley Broadband Authority until their November regular meeting.

Mr. David Firestone, Division Chief for Emergency Management and Support Services, then provided the Board with an update on CSX Railroad's transportation safety program. Chief Firestone reminded the Board of the train derailment that occurred in Lynchburg earlier this year. He noted that the train was carrying crude oil and caused a large fire along the James River when it wrecked. Chief Firestone stated that the Virginia Department of Emergency Management has conducted 5 training sessions in the County over the past few months regarding these types of incidents and how the various on-scene issues should be handled. He noted that 60 first responder representatives attended these sessions.

Chief Firestone noted that CSX representatives also met with County staff and discussed in detail CSX's resources for these types of incident responses. He further noted that the Virginia Department of Fire Programs has firefighting foam trailer available that can be used during these responses. Chief Firestone stated that the County has offered to house this trailer which would be available regionwide in the event of an incident.

After questioning by Mr. Williamson, Chief Firestone stated that Botetourt County is located in VDEM's Region 6 which includes localities from Rockbridge to Martinsville. After further questioning by Mr. Williamson, Chief Firestone stated that CSX has railroad tracks through Covington, Clifton Forge, Iron Gate, Eagle Rock, and Buchanan. He noted that Norfolk Southern Railroad is not hauling bulk crude oil shipments.

After discussion, Chief Firestone stated that the County is a part of the Roanoke Valley Emergency Planning Committee and they last conducted a review of the regional response plan in 2002. He further stated that the Committee has applied for a State grant to perform a commodities study and to update the plan.

After questioning by Mr. Dodson, Chief Firestone stated that the regional response plan is not a detailed document so frequent updates are not necessary.

Chief Firestone then noted that the County's Storm Ready designation was recently renewed for three years by the National Weather Service. He also noted that October 5 – 11 was Fire Prevention Week and the fire and EMS staff held events at 12 different locations with more than 600 preschool and kindergarten children in attendance.

Mr. Williamson then requested information on the number of CSX derailments in the County in the last 20 years, their location, and an explanation of what caused the derailment.

Chief Firestone stated that he is the County representative to which these types of spills/derailments are reported to and in the past 10 years there have been two CSX derailments in the Salt Petre Cave area and one north of Eagle Rock. He noted that all three derailments involved coal.

After further questioning by Mr. Williamson, Chief Firestone stated that none of these derailments occurred in the Town of Buchanan or in the community of Eagle Rock.

After questioning by Mr. Dodson, Chief Firestone stated that the County's Reverse 911 citizen notification system is used to warn citizens within a certain area of severe weather or if there is a lost or missing person. He noted that this system notifies citizens via their landlines unless they have specifically registered their cellphone numbers on the County's website.

After further questioning by Mr. Dodson, Chief Firestone stated that the County has unlimited service capability on the Reverse 911 system.

On motion by Dr. Scothorn, seconded by Mr. Williamson, and carried by the following recorded vote, the Board went into Closed Session at 4:45 P. M. to discuss or consider the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; to discuss a prospective business or industry or the expansion of an existing business or industry not previously announced; and consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected as per Section 2.2-3711A (3), (5), and (6) of the Code of Virginia of 1950, as amended. (Resolution Number 14-10-12)

AYES: Mr. Williamson, Mr. Dodson, Mr. Martin, Dr. Scothorn

NAYS: None

ABSENT: Mr. Leffel

ABSTAINING: None

The Chairman called the meeting back to order at 5:58 P. M.

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board returned to regular session from closed session and adopted the following resolution by roll call vote: (Resolution Number 14-10-13)

AYES: Mr. Martin, Dr. Scothorn, Mr. Dodson, Mr. Williamson

NAYS: None

ABSENT: Mr. Leffel

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 Blue Ridge Magisterial District from Gary B. & Karen L. Kappesser, with Linda H. Thompson West, in accordance with Sections 15.2-2272(2) and 15.2-2274 of the Code of Virginia of 1950, as amended, and Section 25-576. Commission Permit of the Botetourt County Zoning Ordinance, to vacate an existing 50' wide street right-of-way as recorded in Plat Book 10, Page 56, and establish a new property line between Tax Map 109C(6)BK4-39 and Tax Map 109C(6)BK9-6; combine and convey 0.089

acres to Gary B. & Karen L. Kappesser; combine and convey 0.088 acres to Linda H. Thompson West; vacate a portion of a 15' public utility easement; and create a new 15' public utility easement. The parcels are located on 514 and 480 Scalybark Drive northeast of the intersection with Oak Leaf Drive (State Route 1538) and Scalybark Drive (State Route 1534), identified on the Real Property Identification Maps of Botetourt County as Section 109C(6), Block 4, Parcel 39 and Section 109C(6), Block 9, Parcel 6.

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

Mr. Jeff Busby, Associate County Planner, stated that this request is to vacate a 50' paper street and a 15' wide utility easement and to create a new 15' utility easement in Stratford Place Subdivision. He noted that the Planning Commission recommended denial of this request on a 4 to 0 vote with one abstention. He further noted that, as the Commission denied the street vacation/utility easement request, they did not take formal action on the Commission Permit.

Mr. Busby noted that a couple of adjacent property owners spoke regarding this request at the Planning Commission meeting. He noted that Mr. Blake has no objections to this request; however, the DeHaven/Entsminger families opposed the vacation proposals because the location of a fire hydrant on Scalybark Drive that could be accessed if there was a fire on their properties. He stated that the DeHavens/Entsmingers have a three lot family subdivision located behind the Kappesser/West properties and they would like the 50' right-of-way to remain for use as a potential access if they develop their properties in the future.

Mr. Busby noted that when many of the older subdivisions in the County were approved, the County required the developers to plat access points to adjacent properties in the event of future development. He noted that the County was "ahead of its time" in this practice as VDoT now requires connectivity to adjacent properties in such developments. He stated that there are at least five other paper streets in Stratford Place Subdivision that could be used to connect to adjacent properties in the future.

After discussion, Mr. Busby stated that this area is designated for medium density residential in the County's Comprehensive Plan. He noted that it will also be necessary to relocate the 15' public utility easement if the paper street is vacated.

After questioning by Mr. Williamson, Mrs. Dillon stated that the new easement would need to be platted and recorded in the Circuit Court Clerk's Office and the County could bear the recordation costs but it is not required.

Mr. Williamson then questioned the Planning Commission's theory of their action in recommending denial of this request and questioned the utilization of paper streets in the County during the past eight years.

Mr. Busby stated that the County's Subdivision Ordinance requires connectivity for streets to be able to access adjacent properties; however, he does not know of too many scenarios where these connections have been used during his tenure in the Planning Office. Mr. Busby reminded the Board that the housing market has been slow over the past six or seven years and few subdivisions have been developed in the County during that period.

Mr. Gary Kappesser, applicant, then presented the Board with maps and a copy of his remarks. Mr. Kappesser stated that this 50' right-of way is for a public subdivision street which has not been constructed or maintained as a public road. He noted that the Planning Commission denied the request because the members thought that there was still a potential use for this paper street and it would be against planning principles if this right-of-way was vacated. Mr.

Kappesser stated that the DeHavens would also like to have this access available in case they want to develop their property in the future.

Mr. Kappesser stated that he is a retired U. S. Forest Service hydrogeologist, has previously worked with engineers and transportation planners, and has been involved in broad-level planning issues in several states including Virginia. He noted that the purpose of these plans was to develop good projects but in all of these plans the single-most contentious issue was transportation.

Mr. Kappesser stated that this right-of-way's use as a potential public subdivision street "does not make sense" and it does not make sense to develop the DeHaven property by using this street for access. He noted that VDoT requires State-maintained streets of this type to be 40' wide. He further noted that the gradient of this street is approximately 17% from the rear property line to Scalybark Drive. Mr. Kappesser then explained the three ways that he measured this gradient.

He stated that there is also an issue of water seeping from the ground in this right-of-way when it rains which would cause runoff problems if the road were constructed. Mr. Kappesser stated that several people have told him that it would cost approximately \$100,000 to bring this road up to VDoT standards.

Mr. Kappesser then stated that the DeHavens' 24 acre parcel has topographical issues which would limit the location of houses on the property. He noted that portions of the property have a 27% – 30% grade and a section of the property is located in the floodplain. Mr. Kappesser stated that he estimates that there would be 13.4 acres located at the highest point on the DeHaven property that could be built upon but not all of the property is developable. He noted that the Agricultural A-1 Use District requires 2.25 acre lots and the DeHaven property has the potential to be divided into five parcels.

Mr. Kappesser further stated that he has some knowledge of soil science and the lower elevations on this property probably have a lower permeability which would make it more difficult to obtain a septic tank permit. He noted that the previous owners tried to develop this property in 2007 but their proposed plans did not include using this paper street.

Mr. Kappesser then reviewed photographs of this area.

Mr. Kappesser further stated that Mr. Entsminger is concerned about access to the fire hydrant on Scalybark Drive from his property. Mr. Kappesser noted that this hydrant has low water pressure and is a part of the AquaVirginia water system.

Mr. Kappesser noted that Commission member Steve Kidd was concerned that in the future an individual could purchase a majority of the parcels located behind his lot and want to develop the land but would only have one access point off of Blue Ridge Springs Road (Route 616). He further stated that this property was offered to the County several years ago as a potential new elementary school site and the County declined the offer. Mr. Kappesser stated that the land was eventually divided into three large parcels which were purchased by the DeHavens/Entsmingers.

Mr. Kappesser stated that, if there is an access point between Stratford Place Subdivision and the DeHaven/Entsminger property, it would be through Spruce Lane which has been constructed to VDoT standards and is in the Secondary System.

Mr. Kappesser asked that the Board approve this request; however, if the right-of-way is not vacated, he asked that they be informed of any potential change in use of the DeHaven/Entsminger properties in the future.

After questioning by Mr. Williamson, Mr. Kappesser stated that, if this request is approved, he is willing to pay the recordation costs for the new plat.

After questioning by Mr. Martin, Mr. Kappesser stated that he has verbally agreed to allow emergency access through his back yard to the DeHaven/Entsminger property, if needed.

After questioning by Mr. Williamson, Mrs. Dillon stated that there are paper streets currently in the County that no one uses and there are others that are used by many people. She noted that typically jurisdictions have alleys that serve this same purpose but this is considered a public street as the right-of-way has been deeded to the County. Mrs. Dillon stated that a person could not cut down the trees/brush on this paper street to provide access without obtaining approval from the County. She noted that, if this paper street was passable, a citizen would be allowed to drive over it.

After questioning by Mr. Williamson, Mrs. Dillon stated that Mr. Williamson could drive his all-terrain vehicle over the paper street's right-of-way if he owned the property behind the Kappessers.

Mr. Brian Blake of Walnut Drive in Blue Ridge stated that he purchased 17 acres behind Mr. Kappesser earlier this year. He noted that his lot is accessed via Blue Ridge Springs Road. Mr. Blake stated that he has no plans for any future development on his property that would require him to use the access through this paper street.

Mr. Blake stated that he assumed that the right-of-way could be used for emergency access, such as when flooding occurs on Blue Ridge Springs Road, when they found out that it was an undeveloped street. Mr. Blake stated that he recognizes that at times severe storms come through this area. Mr. Blake further stated that he does not have any intention of using Scalybark Drive and this paper street to access his property.

Mr. Blake stated that Mr. Kappesser has given him a verbal agreement that he (Mr. Blake) could have access through this area if necessary. He noted that there is a water line easement around the rear of the lot.

After discussion, Mr. Blake stated that he would need a 3,500' driveway off of Blue Ridge Springs Road to access his proposed new house in the middle of this 17 acre parcel.

After questioning by Mr. Martin, Mr. Blake stated that they have spoken to Mr. Kappesser about potential emergency access through his property.

After questioning by Mr. Williamson, Mr. Blake stated that he purchased a lot on Blue Ridge Springs Road to use as access to this 17 acre parcel.

After questioning by Mr. Williamson, Mr. Busby stated that property owners are not allowed to have a pipestem parcel if it is for the sole purpose of meeting the County's subdivision road frontage requirements. He noted that this road meets the frontage and access requirements of the County Code.

Mrs. Jennifer DeHaven and Mr. Kenneth Entsminger of Deer Ridge Trail then spoke. Mrs. DeHaven noted that Mr. Entsminger is her father. Mrs. DeHaven noted that they purchased the 24 acre parcel located behind the Kappesser and West properties last year and are proposing at least three building sites on this tract. She noted that the fire hydrant on Scalybark Drive is approximately 200' from two of these proposed building sites.

Mrs. DeHaven stated that she is aware that they would have to obtain permission from the County to clear the trees and brush from this 50' right-of-way. She noted that they would like to have easy access to these parcels and believe that the best location is through this

undeveloped street. She noted that Chris McMurry, Certified Land Surveyor, informed them that this paper street could be used to access their property.

Mrs. DeHaven further stated that Mr. Kappesser has said that in an emergency they could cut his fence to exit their property; however, this is not something that they want to worry about if an emergency occurs. Mrs. DeHaven noted that the property owners (Kappesser/West) purchased their properties knowing that there was a platted, undeveloped street located between their two parcels. She noted that the County felt that it was important to have these undeveloped streets when the subdivision was approved and they have a purpose.

Mr. Martin stated that he would not want to cut a fence in an emergency either and questioned whether the installation of a gate by Mr. Kappesser at his rear fence would be a better option in an emergency.

Mrs. DeHaven stated that, in an emergency situation, a gate would be a better solution but her father wants to use the paper street to access his property. She noted that this right-of-way is the easiest access to her father's property. She stated that "rights-of-way are difficult to obtain and, once you have them, you want to keep them." Mrs. DeHaven further stated that neither her family nor the Blakes will be here forever and some future owner may want to develop this right-of-way. She noted that "once it (the right-of-way) is given up it is hard to get it back."

After questioning by Mr. Williamson, Mrs. DeHaven stated that her intention is to divide this 24 acre parcel into a three-lot family subdivision.

After questioning by Mr. Williamson, Mr. Busby stated that Mrs. DeHaven's proposal qualifies as a family subdivision under the County Code and each lot is required to have a 20' wide minimum right-of-way to a State-maintained road.

After questioning by Dr. Scothorn, Mr. Entsminger stated that Spruce Lane would probably be used by his other daughter to access her lot in their family subdivision.

After questioning by Mr. Williamson, Mr. Busby stated that a family subdivision is required to have a non-exclusive right-of-way for access so future buyers that are not family members could have access to their parcel. He noted that the minimum lot size for a family subdivision is 1¼ acres and the original family would have to own the property for three years before they could sell it to a non-family member.

Mr. Kappesser then stated that the woven wire fence at the rear of his property is located on the DeHaven property. Mr. Kappesser further stated that he has also talked to Chris McMurry several times about this undeveloped street and noted that Mr. McMurry suggested to him that the right-of-way be vacated. He stated that Mrs. DeHaven is now saying that Mr. McMurry told her that the paper street could be used for access. Mr. Kappesser stated that the County does not want a private road and that is what this undeveloped street would be.

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

Mr. Martin stated that he has reviewed the information provided on this request and has heard from both sides of this issue. Mr. Martin stated that if there was not already a developed entrance to the DeHaven property off of Spruce Lane he would agree with the DeHavens regarding this matter. He noted that the Kappessers have offered to let the property owners have access through their property in the event of an emergency and he does not believe that a third entrance would be feasible. Mr. Martin stated that, at this point, he would vote to vacate this right-of-way.

After questioning by Mr. Dodson, Mrs. Dillon stated that, due to the overgrown trees and brush on this undeveloped street, if anyone wanted to use the right-of-way they would have to obtain permission from the County to cut down the trees and brush to make the roadway passable. She stated that this is a platted, public right-of-way and, without permission from the County, the roadway could not be improved.

After questioning by Mr. Williamson, Mr. Busby stated that there are a significant amount of paper streets in the County at this time.

Mr. Dodson noted that the Board could require anyone who wanted to improve the roadway to build it to VDoT's construction standards.

Mr. Entsminger stated that he understood the provision of having to build the undeveloped street to VDoT standards.

Mr. Williamson noted that there are at least four property owners adjacent to this undeveloped right-of-way and there are concerns regarding property owner rights and ramifications if this right-of-way were vacated.

After discussion by Mr. Williamson, Mrs. Dillon stated that the State's statutes regarding this request indicate that the Board is to consider whether or not the public interest is best served by vacating this street. She noted that the Board may consider the present and possible future use of the street and must consider whether the affected property owners would be irreparably damaged if this vacation is approved. She noted that, if the Board approves the vacation, the DeHavens/Entsmingers have 30 days to appeal this decision to the Circuit Court. Mrs. Dillon stated that, if the court finds irreparable damage has occurred, then the court would reverse the Board's decision.

Mr. Williamson stated that he is loath to do away with paper streets of this type because of the theoretical usage potential in the future. Mr. Williamson further stated that he does not know that he sees the right-of-way as critical to the DeHavens'/Entsmingers' use of their property. Mr. Williamson noted that he does not like to give up a platted right-of-way but in this case he does not see a reason not to.

Mr. Dodson stated that in considering the future, "you never know" what will happen. He stated that the street was platted for a reason and future generations may want to develop the property located behind the Kappesser/West parcels.

Mr. Williamson agreed and stated that in the future someone could purchase the Blake and DeHaven/Entsminger properties and develop the property into 20,000 square foot Residential R-1 lots.

Mr. Busby noted that the best option in Mr. Williamson's scenario would be for the property to be zoned Rural Residential RR which allows 1½ acre lots with well and septic systems.

Dr. Scothorn stated that the most obvious access route to the DeHaven/Entsminger properties is through Spruce Lane; however, he does not want to vacate this undeveloped street in the event of an emergency situation and its possible future use as an access road.

Mr. Kappesser stated that the only logical situation in an emergency is to cut the rear fence on his property and drive through his yard and driveway to access Scalybark Drive. He noted that, if the undeveloped street were used, the trees and brush would have to be cleared and then gravel placed on the roadway.

After questioning by Dr. Scothorn, Mr. Kappesser stated that he is willing to agree to an emergency access through his property.

Mrs. DeHaven stated that she and her family would prefer that the right-of-way not be vacated.

After questioning by Dr. Scothorn, Mr. Busby stated that private agreements such as the emergency access issue discussed for this request would not be under the enforcement purview of the County.

Mr. Dodson stated that he does not believe that vacating this right-of-way is reasonable.

After questioning by Mr. Williamson, Mrs. Dillon stated that a person could not clear this right-of-way without permission from the County; however, the Board cannot bind future boards of supervisors in such decisions.

Dr. Scothorn stated that he would like to be able to find a solution to appease both sides of this issue.

Mr. Martin noted that the Board needs a motion brought forth to vote on.

Mr. Kappesser stated that he would encourage the Board to vacate this right-of-way. He noted that "anything could happen in the future" and the Board needs to "think in a reasonable timeframe" and in a reasonable timeframe this road will not be developed.

After questioning by Mr. Dodson, Mr. Kappesser stated that he would believe that 25 years is a reasonable timeframe. Mr. Kappesser further stated that there is not public sewer service in this area and septic tanks "are a ticking time bomb."

Mr. Entsminger stated that in 10 years he may want to apply to the County to have this paper street developed.

Mr. Martin then made a motion to approve the request in the Blue Ridge Magisterial District from Gary B. & Karen L. Kappesser, with Linda H. Thompson West, in accordance with Sections 15.2-2272(2) and 15.2-2274 of the Code of Virginia of 1950, as amended, and Section 25-576. Commission Permit of the Botetourt County Zoning Ordinance, to vacate an existing 50' wide street right-of-way as recorded in Plat Book 10, Page 56, and establish a new property line between Tax Map 109C(6)BK4-39 and Tax Map 109C(6)BK9-6; combine and convey 0.089 acres to Gary B. & Karen L. Kappesser; combine and convey 0.088 acres to Linda H. Thompson West; vacate a portion of a 15' public utility easement; and create a new 15' public utility easement. The parcels are located on 514 and 480 Scalybark Drive northeast of the intersection with Oak Leaf Drive (State Route 1538) and Scalybark Drive (State Route 1534), identified on the Real Property Identification Maps of Botetourt County as Section 109C(6), Block 4, Parcel 39 and Section 109C(6), Block 9, Parcel 6.

After consideration, no second to this motion was made which resulted in the motion dying on the floor.

After questioning, Mrs. Dillon stated that, if there is no motion to approve, then this request to vacate would be denied.

After discussion by Mr. Dodson, Mrs. Guzi suggested that the Board consider an alternate motion to formally resolve this matter.

After further consideration, on motion by Mr. Dodson, seconded by Mr. Williamson, and carried by the following recorded vote, the Board denied the request in the Blue Ridge Magisterial District from Gary B. & Karen L. Kappesser, with Linda H. Thompson West, in accordance with Sections 15.2-2272(2) and 15.2-2274 of the Code of Virginia of 1950, as amended, and Section 25-576. Commission Permit of the Botetourt County Zoning Ordinance, to vacate an existing 50' wide street right-of-way as recorded in Plat Book 10, Page 56, and establish a new property line between Tax Map 109C(6)BK4-39 and Tax Map 109C(6)BK9-6; combine and

convey 0.089 acres to Gary B. & Karen L. Kappesser; combine and convey 0.088 acres to Linda H. Thompson West; vacate a portion of a 15' public utility easement; and create a new 15' public utility easement. The parcels are located on 514 and 480 Scalybark Drive northeast of the intersection with Oak Leaf Drive (State Route 1538) and Scalybark Drive (State Route 1534), identified on the Real Property Identification Maps of Botetourt County as Section 109C(6), Block 4, Parcel 39 and Section 109C(6), Block 9, Parcel 6, as the applicant has not satisfactorily demonstrated that owners of any lots shown on the plat will not be irreparably damaged by the vacation of this alley and that it appears that inconvenience will result to individual property owners or to the public by permanently vacating, discontinuing, and closing such public right-of-way (paper alley) and vacating said interior lot lines, the proposed vacation presents adverse effects upon the community or other properties in the vicinity of the proposed action, and the proposal does not serve the public necessity, convenience, and general welfare and/or does not demonstrate good zoning practice. (Resolution Number 14-10-14)

AYES: Dr. Scothorn, Mr. Dodson, Mr. Williamson

NAYS: Mr. Martin

ABSENT: Mr. Leffel

ABSTAINING: None

Mr. Dodson then discussed the Board's upcoming meeting schedule. He noted that the Board will be co-hosting public information meetings with VDoT on the Exit 150 project in November, along with the strategic planning sessions scheduled for November 21 and 22 at the Greenfield Education and Training Center and an off-site second strategic planning session on December 5 and 6. He noted that several potential off-site locations had been mentioned including the Natural Bridge Hotel and Smith Mountain Lake.

Dr. Scothorn stated that he is willing to have the second strategic planning session held off-site and directed staff to come up with some location options for this session.

Mr. Williamson reminded the Board members that there are reports/studies/data available for their review on the Supervisors' dropbox account prior to these strategic planning sessions.

After questioning by Mr. Dodson, Mrs. Guzi noted that the staff intends to finalize the FY 15-16 budget calendar later this week. She noted that departmental budget call letters will be sent out on November 3. Mrs. Guzi further noted that the Board will be provided with summary information including preliminary revenue estimates, potential "big ticket" budget items, Capital Improvements Plan projects, and anticipated building construction information.

Mr. Williamson stated that he would suggest that a meeting of the General Fund Budget Subcommittee be held in December to conduct preliminary budget discussions.

Mr. Dodson noted that the County will be experiencing some staff changes in the Development Services Office over the next few months and asked whether the Board should review the organization and its functions to see if any changes are needed, are there ways to improve the staff situation, etc.

Mrs. Guzi stated that this work has already begun on the staff level and she hopes to have this fine-tuned by the end of this week so that these vacant and soon-to-be vacant positions can be advertised.

Mrs. Guzi further stated that the Board had requested an economic development work session and she is proposing either November 17 or 18 at 6:30 PM for this meeting which would be held in the Circuit Courthouse's second floor conference room in Fincastle. She noted that

Jay Brenchick, the County's Economic Development Manager, Beth Doughty from the Roanoke Regional Partnership, and Mr. Christopher Lloyd with McGuire/Woods Consulting will be present to give a "big picture" presentation on economic development, the regional view, and the prospect process from a local level.

Mrs. Guzi then stated that as mentioned earlier today two separate meetings are proposed to be held on the Exit 150 construction project. She noted that one meeting will be for businesses in the Exit 150 area and will be held at the Greenfield Education and Training Center on November 17 at 8:00 A. M. She stated that the second meeting will be a public information session held at Lord Botetourt High School at 5:00 PM on a date that will work with VDoT's schedule.

Mrs. Guzi noted that Dr. Scothorn will give opening remarks and Mr. Dodson has agreed to give closing remarks at the November 17 meeting.

Mr. Dodson noted that VDoT does provide project/construction updates on their website.

After questioning by Dr. Scothorn, Mrs. Guzi stated that any community groups who wish to schedule a presentation on the Exit 150 project are being asked to contact VDoT directly.

There being no further discussion, the Chairman then continued the meeting at 7:42 P. M. until 12:00 noon on Friday, November 21, 2014, in Room 229 of the Greenfield Education and Training Center for strategic planning sessions.