

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, January 23, 2018, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:45 P. M.

PRESENT: Members: Mr. L. W. Leffel, Jr., Chairman
 Dr. Donald M. Scothorn, Vice-Chairman
 Mr. Stephen Clinton
 Mr. I. Ray Sloan
 Mr. Billy W. Martin, Sr.

ABSENT: Members: None

Others present at the meeting:

Mr. Gary Larrowe, County Administrator
 Mr. David Moorman, Deputy County Administrator
 Mr. Paul Mahoney, County Attorney (left at 2:48 P. M.)
 Mr. Michael W. S. Lockaby, County Attorney (arrived 2:48 P.M.)

The Chairman called the meeting to order at 12:45 P. M.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board went into Closed Session to discuss personnel matters regarding specific individuals; the acquisition of real property for public uses or the disposition of publicly held real property where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body; discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the County; consultation with legal counsel pertaining to actual or probable litigation; and consultation with legal counsel regarding specific legal matters requiring legal advice as per Section 2.2-3711 (A) (1), (3), (5), (7) and (8) of the Code of Virginia of 1950, as amended. (Resolution Number 18-01-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 2:07 P. M.

On motion by Mr. Leffel, seconded by Dr. Scothorn, 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 18-01-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

Mr. Leffel then stated that he would like to add a request to the agenda to authorize the County Attorney to file a petition for writ of special election with the Circuit Court within 15 days with the effective date of the resignation of the Commonwealth's Attorney, Mr. Joel Branscom, to fill the office of Commonwealth's Attorney. Mr. Leffel stated that Mr. Branscom resigned to accept the judgeship recently vacated by the Honorable Malfourd Trumbo.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized the County Attorney to file, within 15 days, a petition for writ of a special election to fill the position of Commonwealth's Attorney. (Resolution Number 18-01-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Leffel welcomed everyone to the meeting and asked for a moment of silence.

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

At Mr. Leffel's request, Mr. Kevin Hamm, VDoT's Maintenance Operations Manager, introduced Mr. Todd Daniels of Lynchburg, who will be acting as the Salem District's Residency Administrator due to Mr. Dan Collins' recent retirement. Mr. Daniels said he appreciated the opportunity and asked members to contact him with questions or concerns. The Board welcomed Mr. Daniels.

Mr. Leffel then asked if anyone from the public wished to speak at this time and noted the three-minute time limit.

Ms. Christine Whittaker of Blue Ridge spoke regarding shooting in residential areas. She stated that, for the past two days, a neighbor appeared to be target shooting and frequently missed his target in a dense residential area, and not an agricultural area. She further stated the Sheriff's Department first found that the neighbor could continue to target shoot but then told her neighbor to put up bigger backstops with plywood that still did not stop the bullets. Ms. Whittaker brought up concerns that the bullets were going to different properties, with expressed safety concerns for nearby children and pets. Ms. Whittaker requested an ordinance against shooting in a residential area.

Dr. Scothorn requested Mr. Mahoney to look into the County Code for a response.

Mr. Martin stated that he had spoken with Sheriff Sprinkle about this situation and he indicated that this might be resolved.

Ms. Whittaker responded the shooting was still occurring as of twenty minutes ago.

On motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following consent items: (Resolution Number 18-01-09)

AYES: Mr. Leffel, Mr. Sloan, Mr. Clinton, Mr. Martin

NAYS: None

ABSENT: None

ABSTAINING: Dr. Scothorn

Approval of minutes of the work session held on December 14, 2017;

Approval of minutes of the regular meeting held on December 22, 2017; and

Approval of minutes of the reorganizational meeting held on January 8, 2018.

Consideration was then held on requests for transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, noted the \$946.85 transfer to the Sheriff's Department was a quarterly expense for various vehicle repairs at the County's Central Garage.

With respect to appropriations, Mr. Zerrilla stated there were nine pass-through appropriations that were typical and recurring in nature. He further stated that Item 1 was for donations

received, Items 2, 8, and 9 were receipt of state funds, Items 3 through 6 were for expenditure reimbursements, and Item 7 was for the receipt of insurance funds regarding a claim for a damaged vehicle. He respectfully requested the Board's approval of these transfers and appropriations.

After discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations: (Resolution Number 18-01-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$946.85 to Sheriff's Department - Vehicle & Power Equipment Supplies, 100-4031200-31200-6009, from the various departments as follows for vehicle repairs at the County Garage:

\$ 15.42	Dep. Co. Admin.-Rep. & Maint.-Vehicles, 100-4012120-12120-3312
\$393.89	Animal Cont.-Veh. & Power Suppl., 100-4035100-35 100-6009
\$ 73.78	Fire & EMS – Rep. & Maint. - Vehicles, 100-4035500-35500-3312
\$ 98.85	Comm. Devel. - Rep. & Maint. - Vehicles, 100-4081200-81200-3312
\$ 9.50	Techn. Svces. - Repair & Maint.-Vehicles, 100-4012510-12510-3312
\$ 36.88	Parks & Rec.-Veh. & Power Supplies 100-4071100-71100-6009
\$ 33.89	Maint. - Repair & Maint. – Vehicles, 100-4043000-43000-3312
\$146.09	Van Program - Rep. & Maint.-Vehicles, 100-4071500-71500-3312
\$ 72.58	Library - Rep. & Maint. - Vehicles, 100-4073100-73100-3312
\$ 16.30	Economic Dev. - Rep. & Maint. - Vehicles, 100-4081500-81500-3312
\$ 30.98	Gen. Svces. – Repair & Maint. - Vehicles, 100-4040000-40000-3312
\$ 18.69	Sports Complex-Rep. & Maint. - Vehicles, 100-4071300-71300-3312

Additional appropriation in the amount of \$455.00 to Library - Books and Subscriptions - 100-4073100-73100-6012. These are donated funds received from various supporters.

Additional appropriation in the amount of \$104,259 to Volunteer Fire & Rescue - County Volunteer Fire Departments, 100-4032200-32200-5641. These are Fire Program Funds received from the State.

Additional appropriation in the amount of \$3,733.60 to Correction & Detention - Professional Services, 100-4033100-33100-3100. These are medical co-pays and Craig County reimbursements received for medical services provided to inmates.

Additional appropriation in the amount of \$135.00 to Correction & Detention - Uniforms, 100-4033100-33100-6011. These are funds received for uniform contract payments.

Additional appropriation in the amount of \$824.29 to various Sheriff's Department accounts, 100-4031200-31200. These funds are for uniform contract payments, reimbursement for overtime, and reimbursement for extra security provided for a Lord Botetourt High School function.

Additional appropriation in the amount of \$262.65 to Sheriff's Department - Crime Prevention, 100-4031200-31200-5850. These are reimbursed funds for a transmitter.

Additional appropriation in the amount of \$4,578.09 to Sheriff's Department - Repairs & Maintenance - Equipment, 100-4031200-31200-3311. These are insurance funds received for a claim for a damaged vehicle.

Additional appropriation in the amount of \$3,804.52 to Sheriff's Department - DMV Salaries, 100-4031200-31200-1800. These funds represent State DMV grant monies received relating to alcohol education and occupant protection.

Additional appropriation in the amount of \$5,909.00 to Clerk of Circuit Court - Maintenance Service Contracts, 100-4021600-21600-3320. These are funds received from the State Compensation Board to cover costs regarding the maintenance of the records manage system.

Mr. Leffel then welcomed the two new Board of Supervisors members--Mr. Clinton and Mr. Sloan.

Consideration was then held on approval of the accounts payable and ratification of the Short Accounts Payable list for the month of January. Mr. Tony Zerrilla, Director of Finance, stated the total expenditures were \$1,586,836.86 for both the short and regular accounts payable cycles.

He further stated that payables of note included Visit Virginia Blue Ridge's quarterly funding payment of \$40,207; Roanoke Regional Partnership's semi-annual funding payment of \$34,659; transfer to the EDA in the amount of \$64,796 for the Roanoke Valley Broadband Authority for an internet fiber extension in Greenfield; Under debt service and payments to the Bank of America, \$83,694 for the second payment of the fiscal year and telecommunications and equipment lease. Under the Short Accounts Payable disbursements, Mr. Zerrilla cited an invoice paid from Animal Control in the amount of \$29,101 for the purchase of a 2018 Ford F150 truck and under Fire and EMS, \$37,688 was allocated for the purchase of 2018 Chevrolet Tahoe. He noted that both of these vehicle purchases were funded in the FY 18 budget.

Mr. Zerrilla further mentioned that \$250,508 was spent for the County's Volunteer Fire and Rescue units for operational support for the second half of FY 18; \$97,250 was disbursed to the volunteer fire and EMS units for Fire Program Funds received from the state; \$78,400 in a quarterly operations support payment was paid to the local Health Department; and \$30,000 was paid to Virginia Western Community College in support of the Community College Access Program initiative.

Mr. Clinton asked if the amount for the Roanoke Valley Broadband Authority had to do with Eldor.

Mr. Zerrilla responded that, of the total \$64,796.00, all but \$5,000 was funding for the Eldor fiber project.

After questioning by Mr. Clinton as to whether these funds would be reimbursable, Mr. Larrowe responded that the incentive package for Eldor included provisions that the County would assist with getting fiber optic cable extended to the Eldor site and was not reimbursable.

Dr. Scothorn inquired about historical donation data for the CCAP program which he thought started at \$40,000.

Mr. Zerrilla stated that he had three years of CCAP historical budget allocation information and would have to research prior to that period to answer Dr. Scothorn's question. He further noted that CCAP has requested \$40,000 in budget funds for the upcoming fiscal year.

Dr. Scothorn commented that he had received calls from individuals who wanted that amount increased.

After discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, 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 18-01-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a Request for Proposals for a Fire Station Feasibility and Facilities Study. Battalion Chief Jason Ferguson stated this request was to authorize a

Request for Proposals for consulting services to evaluate the future of fire and emergency medical services across the county. Chief Ferguson discussed how populations had shifted and noted that staff is looking to obtain long-term data, including a historically home-based community driven organization. He said this RFP would seek a firm to evaluate call response data, current populations versus the past, etc.

Chief Ferguson stated that this has been an item of discussion for some time and noted that all of the volunteer fire chiefs had seen this request and submitted positive comments on this proposal.

Dr. Scothorn then asked about the correlation to the time response study conducted a couple of years ago.

Chief Ferguson responded that he had previously worked with Mr. Robert Beatty, the County's former GIS Technician, who conducted data analyses of this type; however, as Mr. Beatty no longer works for the County, he now had to obtain an outside firm to evaluate this type of data. Chief Ferguson noted that the newly selected firm could build on the 2016-2017 data.

Mr. Martin asked if they were looking at potential locations, and not just Troutville.

Chief Ferguson replied that the study would look countywide at existing placement of fire and EMS facilities and how the population has shifted, and would not point out one particular area.

Mr. Clinton wanted to know if any change of ownership had been contemplated.

Chief Ferguson stated this was the first step of volunteer organizations and County staff "walking down the path together" to identify what the future would look like. He noted that information is needed to grasp what has changed and call volume centers before contemplating how funding and building sites could be determined. He further stated building a new Fire and EMS station would be a 50+ year investment for the County.

There being no further discussion, on motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the following resolution authorizing the issuance of a request for proposals for a Fire Station Feasibility and Facilities Study through the competitive negotiation process.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 18-01-12

WHEREAS, Botetourt County is interested in procuring consulting services to assist in future development of the fire and EMS system; 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 and its challenges, as well as ability to review and analyze current and projected data from numerous sources to develop a final station study report; 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 these consulting services following the competitive negotiation process.

Mr. Cody Sexton, Management Assistant, then updated the Board regarding Greenfield Historic Preservation Area options.

Mr. Sexton stated the Greenfield Historic Preservation Advisory Commission had presented its report in October. He noted that that report was the culmination of a year's work by the Commission, staff, and consultants from Hill Studio in Roanoke. He further stated their focus had been narrowed to the Master Plan, which would be turned over to County staff for further guidance.

Mr. Sexton said a staff work group was formed in December at the Board's direction to review the Master Plan and determine if it was a practical concept. Mr. Sexton noted that the staff work group, comprised of County Administration, Financial Services, Economic Development, Recreation and Facilities, and Planning and Zoning high-level staff, provided comments on the Master Plan stating that phased development of the self-guided tour option was a practical concept and could be worked in that area; construction of a flex-space interpretative center, some form of which is already in the Master Plan, and then another form was suggested when the Board approved the Comprehensive Plan updates (December 2017, addition of Parks & Recreation chapter), development within the historical park to integrate within the Greenfield Trails System and concurred with the commission's conclusion that the park would require organizational support from an independent 501(c)(3) organization dedicated to the planning, development, operation and management of that area.

Mr. Sexton further updated the Board by saying the preservation area had been reopened to public, and in consultation with the County's insurance agent, the historical buildings have been secured. He said the area was now on the maintenance staff's schedule for the spring and summer growing season. Mr. Sexton mentioned that the Economic Development staff was continuing with master planning of the entire Greenfield area and the preservation area would be included in that plan. He further mentioned that staff is working with community organizations such as the Botetourt County Historical Society and Friends of Greenfield Preston Plantation to investigate opportunities to create the independent 501(c)(3) organization and identify ideas for future fundraising options.

After further discussion, Mr. Sexton stated that staff recommended endorsement of this broad, conceptual plan. He then recognized Historic Preservation Commission members Mr. Danny Kyle, Mr. Rupert Cutler, and Mrs. Angela Coon as being present at the meeting.

Mr. Rupert Cutler, Vice-Chair of the Preservation Advisory Commission, said he enjoyed serving on the commission. He noted that Mr. Sexton and Hill Studio both did a great job in their respective roles as he requested priority in stabilizing, repairing, and protecting the site's priceless historic structures--the slave quarters, the summer kitchen, and two family cemeteries.

Mr. Cutler said the Preston family cemetery on the Greenfield property was as important as the Preston family cemetery at Virginia Tech in Blacksburg. He further noted that the Holladay House might serve a purpose as a visitor center. Mr. Cutler spoke of providing for incremental public use, signage, parking, and areas where people should walk. Mr. Cutler reiterated choices mentioned by Mr. Sexton where the County could manage the park or as an independent 501(c)(3) foundation, which is used in Blacksburg on the Smithfield Estate, and could serve

as a model to Botetourt, particularly with fundraising and to recruit volunteers. He noted the Colonel William Preston Memorial at the Education and Training Center property would be finished in due course and thanked the Board for supporting the historic park.

Dr. Scothorn thanked Mr. Cutler, his colleagues, and all who participated with their hard work.

Mr. Clinton echoed Dr. Scothorn's thanks; adding that there have been significant impacts and, referring to the slave quarters, commented that the County had something of high value here. He cited three recent examples of renewed interest in this site including a January 18, 2018, Roanoke Times article regarding a man from Meadows of Dan that worked on the Parkway and knew about slave cemetery remains that had been scattered and had reconstructed the cemetery into "Slave Meadows", which has become an attraction; the National Historic Trust for facilities related to slave culture; and the Garden and Gun southern culture magazine relating to Montpelier, the home of James Madison.

Mr. Sexton commented that the Greenfield Commission received a presentation on the efforts from Montpelier early in the planning process, which was taken into consideration for these plans.

After discussion, on motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board endorsed the concept for self-guided resources for the Greenfield Historic Preservation Area that might be developed in phases based upon community support and investment and to forward the concept plan to the General Fund Budget Subcommittee for its information and review. (Resolution Number 18-01-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

After questioning by Mr. Leffel, Mr. Clinton stated that, with his interest in this project, he would be willing to work with this group in the future.

Dr. Scothorn then asked about the proposed committee to look at the resource of constructing a building on the Historic Preservation Area with the 4-H Clubs which would include a recreation/utility/community function center for use by the Historical Committee, 4-H, etc.

Mr. Clinton said there was a lot of opportunity for such a proposal and he hoped that something could be done but he wanted to keep in mind the value of the historic buildings.

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, then stated the Exit 150 project was on schedule with the current focus on installation of overhead signs. He further stated the Lithia Rod stream relocation project had concluded until March 2018 when the contractor will return for planting, seeding, and paving in April. He said that this project would help with flooding issues in this area and encouraged the Board members to visit this project.

After discussion, Mr. Hamm said that paving projects came up short on line striping on U. S. Route 220 and U. S. Route 11 and the subcontractor was waiting on correct temperatures to finish the striping. He further mentioned cleanup activities from a recent ice storm and snow with no significant issues. Mr. Hamm stated that there were two land use project reviews for this month and thirteen permits had been issued

Regarding the list of projects, Mr. Hamm indicated that VDoT would meet regarding safety improvement projects on McFalls Road, Rural Rustic projects on White Church Road,

and they were waiting on utility relocations for the Copps Hill/Springwood Road intersection project.

After questioning by Mr. Sloan regarding utilities for the Copps Hill project, Mr. Hamm replied that he was waiting on a firm date from Dominion Power and a cable company for this work to be implemented. He noted the approximate 10' sight distance at this intersection would improve to over 200' of sight distance when the project is completed.

Mr. Hamm stated that, while he had no updates on recently submitted traffic engineering studies, he had met with the Fincastle Town Manager and a citizen to discuss how to reduce truck traffic on Blue Ridge Turnpike (Route 606) and he had also discussed the situation with Sheriff Ronnie Sprinkle.

Mr. Martin stated that he had received a call from a citizen on Zimmerman Road who would like to sell her land but the road's condition was hampering her efforts.

Mr. Hamm said that he had also spoken with this citizen but stated that the road's traffic counts would not qualify it for improvements under the Rural Rustic program. He further noted that access was also an issue in this situation.

Mr. Sloan then noted that the bridge improvement project over Beckner Branch on Route 11 northbound past Mill Creek Baptist Church has a retaining wall at an awkward angle. Mr. Sloan stated that he was concerned that a fire truck or ambulance that might accidentally hit the retaining wall. Mr. Hamm said he would bring this to the project inspector's attention.

Mr. Clinton then stated that the Shawnee Trail/Arrowhead Court area off of Country Club Road had significant pavement patching work and the residual paving is now coming apart. Mr. Clinton emphasized his steadfast interest in Azalea Road and cut-through traffic which he said has become a source of frustration.

Mr. Hamm said he would have Ms. Anne Booker, who is the head of VDOT's Traffic Engineering Department, check on options.

Mr. Clinton then said that his predecessor, Mr. Todd Dodson, had been pushing the Catawba Road/U.S. Route 220 and Ashley Way/U.S. Route 220 intersections to be seriously considered for improvements under the SmartScale program. Mr. Clinton brought up the belief in the community that there was a signal installation pending at the U.S. 220/International Parkway intersection. He mentioned that there were serious traffic hazards at this intersection that were getting worse.

Mr. Hamm responded that Mr. Larowe and Mr. Brian Blevins, VDOT's Resident Engineer, had been in been discussions on this issue which Mr. Blevins could address.

Mr. Cody Sexton, Management Assistant, then requested consideration of a resolution of support for the designation of a portion of U. S. Route 220 as "Colonel William Preston Memorial Highway". Mr. Sexton indicated that House Bill 1571 was filed with the Virginia General Assembly on January 19, 2018, by Delegate Terry Austin's office. He then distributed a copy of House Bill 1571 to each Board member and noted this language had not been available in time for the Board meeting's information packet preparation.

Mr. Sexton stated that the request is to designate the section of U. S. Route 220 from Glebe Road to the Town of Fincastle. He further explained that VDOT would place the markers, and noted that the County's E911 addresses or any other designations would be affected by this proposal.

On motion by Dr. Scothorn, seconded by Mr. Sloan, and carried by the following recorded vote, the Board adopted the following resolution of support for the designation of a portion of U. S. Route 220 as "Colonel William Preston Memorial Highway".

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 18-01-14

WHEREAS, the Botetourt County Board of Supervisors is committed to recognizing and celebrating the County's historical heritage and contributions made to the founding of America; and,

WHEREAS, the Board highlights the County's unique role in the westward expansion during the Colonial Era; and,

WHEREAS, Colonel William Preston, who was born in Ireland in 1729, came to America to help the British colonize Virginia beyond the Blue Ridge Mountains; and,

WHEREAS, Colonel William Preston became one of the most prominent figures of his era, serving in the Virginia House of Burgesses, providing leadership to the colonial militia during the American Revolution, and signing the Fincastle Resolutions, a predecessor to the Declaration of Independence; and,

WHEREAS, Colonel Preston established Greenfield Plantation in Botetourt County, a large and prosperous plantation whose land remained with the Preston family for many generations; and,

WHEREAS, Greenfield Plantation, located along modern-day U. S. Route 220, retains much of its historical significance and serves as a touchpoint for the study of Col. Preston's life and times; and,

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors supports the naming of U. S. Route 220 from Daleville to the Town of Fincastle as the Colonel William Preston Memorial Highway; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the House of Delegates of the Virginia General Assembly and Delegate Terry Austin of Buchanan for their consideration.

Consideration was then held on various appointments.

On motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board reappointed Mr. Gary Larowe, County Administrator as the County representative, and Mr. David V. Moorman, Deputy County Administrator, as an alternate representative, on the Western Virginia Regional Industrial Facility Authority Board for a four-year term to expires on February 3, 2022. (Resolution Number 18-01-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board appointed Mr. John Williamson to the Economic Development Authority to fill a term to expire on November 1, 2018. (Resolution Number 18-01-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board reappointed Mr. Gary Cronise to Building Code of Appeals Board for a four year term to expire on March 17, 2022. (Resolution Number 18-01-17)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board recommended that the Circuit Court Judge reappoint Mr. P. Stephen Vaughn as the Fincastle District representative on the Board of Zoning Appeals for a five-year term to expire on March 31, 2023. (Resolution Number 18-01-18)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board ratified the appointment of Ms. Helen Ferguson as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors for a three-year term to expire on December 31, 2020. (Resolution Number 18-01-19)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board ratified the appointment of Mr. Mike McEvoy as a citizen-at-large member of the Roanoke Valley Broadband Authority for a four-year term to expire on December 13, 2021. (Resolution Number 18-01-20)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Clinton then proposed to change a committee assignment. Mr. Clinton said that at the Board's reorganizational meeting on January 8, a citizen representative (Mr. John Williamson) was appointed to serve on the General Fund Budget Subcommittee. Mr. Clinton said there was no discussion on this issue by the Board members and he was a little taken aback by the proposal. He noted that the Budget Committee is an important group and, when he previously served on the Board, only Supervisors members served on the Budget Committee.

Mr. Clinton stated that he thought about the issue over the past couple of weeks, discussed it with the Chairman, and was able to put this discussion item on today's agenda. Mr. Clinton said the long and short of it was there was a Budget Committee of two people -- the Chairman and Mr. Martin. He further stated that to have a citizen representative, and while harmless enough, it seemed things ought to make sense and there should be an underlying need to appoint a non-Board member to this group.

Mr. Clinton said his thought was about the concerns of the budget that were more than annual. He noted that a citizen representative could be used for something unusual, like strategic planning or an economic development study. He noted that the Board has the expertise of

Mr. Tony Zerrilla as Director of Finance and, by appointing a non-Board member, it would be tacit admission that the County was not confident in our ability to adopt a budget. Mr. Clinton stated that it seemed that we have what we need on this Board and asked what this meant for future budget committees. He then said he thought the Board ought not to be doing this and believed this appointment was worthy of further discussion.

Mr. Clinton then moved to retract, or reconsider, the appointment of a citizen representative to the Budget Subcommittee for this year.

Mr. Leffel asked if there was a second. There was no second.

Mr. Clinton then called a point of order; noting this was a bit arcane. Speaking to Mr. Lockaby, County Attorney, Mr. Clinton stated that there had been a discussion and he thought that, since it had been discussed, he could go forward with this matter without needing a second on his motion.

Mr. Leffel stated that he believed that, without a second, the motion was dead. He questioned Mr. Lockaby as to whether this was correct.

Mr. Lockaby stated that, under Small Board rules, there was typically discussion about the basics of the motion before stating the motion in final form. Mr. Lockaby pointed out that only the movement had spoken to this point, so there had been no discussion on the matter. He further stated that, in order to follow the rules, there needed to be a second, or to discuss the exact language of the motion.

Mr. Clinton said, if he was not mistaken, Small Boards really did not need a second. He noted that that was the way this Board used to operate when he was a previous member.

Mr. Lockaby responded that this Board has operated with requiring seconds on motions for at least the past three years; however, if the Board wanted to dispense with seconds, then the Board needed to vote on that change to their bylaws.

Mr. Clinton replied that he believed that this was something the Board should do and he did not think they were working under Small Board procedural rules. Mr. Clinton further responded that he had made his point, as he respectfully asked in his own interests, and the interests of the electorate, why the Board needed someone else on the Budget Committee.

As Mr. Leffel began to speak, Mr. Lockaby stated that, to follow the exact rules, failure of a second meant the motion did not move to discussion, although members could discuss the issue one-on-one after the meeting. He further stated that, if a motion failed due to the want of the second, the motion was dead.

Mr. Leffel thanked Mr. Lockaby for his clarification.

Mr. Clinton requested that Mr. Lockaby conduct further research as to whether his interpretation was correct about needing a second, for future use.

Mr. Lockaby stated that, under typical Small Board rules, a second was not needed; however, he was taking the common usage of Botetourt County that a second was necessary as it had been handled that way in previous motions for the past three years. Mr. Lockaby further stated that he would not second-guess the Chairman, and previously Dr. Scothorn.

Mr. Clinton said he was asking for future clarification, "...not for Small Board Rules, since we are not under that, your point that in order to eliminate the need for a second because there was not sufficient discussion between members, I'm not so sure about it" and he did not know and would appreciate if Mr. Lockaby would let them know.

Dr. Scothorn then referenced a recent survey of millennials which questioned what they wanted in Botetourt County. He noted that their responses were housing, greenways with inter-connection, and broadband service.

Dr. Scothorn stressed the need to bring broadband into Botetourt as a utility because many County residents do not have broadband or, if they do, it is an expensive service. He suggested that broadband should be treated as a standard utility and the County needs to take it to next level to provide better service.

After discussion, Dr. Scothorn made a motion that he would chair a new committee for the purpose of studying the development of broadband service in the County, with its membership to consist of both Board and non-Board members that could help with the situation and find the best interconnectivity options for the County's residents and businesses

After a brief discussion, Mr. Lockaby noted a motion had been made and a second was needed.

Mr. Leffel seconded the motion and asked for any comments before the vote. Mr. Martin stated it was important to stay involved and stay aware and anything they could do to keep prices down for residents would be a good idea.

Dr. Scothorn then noted Mr. Clinton's expertise on the Roanoke Valley Broadband Authority.

After further discussion, Dr. Scothorn's motion was approved by the following recorded vote. (Resolution Number 18-01-21)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A public hearing was then held on a request in the Fincastle Magisterial District from Garnett Newcombe to vacate a portion of a 16 foot alley as recorded in the Circuit Court Clerk's Office of Botetourt County in Plat Book 59, Page 43, off of Mount Beulah Road (Route 719) in Glen Wilton. The portion of alley requested to be vacated lies between Lots 9, 10, & 14, and measures 16 feet in width by 169.53 feet in length. The 16-foot alleyway is located approximately 450 feet northwest of the intersection of Mount Beulah Road (Route 719) in Glen Wilton, Virginia, and is identified on the Real Property Identification Maps of Botetourt County as Section 4A, Parcels 9 and 14.

Mr. Drew Pearson, County Planner, stated that Mr. Newcombe would like to vacate a sixteen (16) foot alleyway off Mt. Beulah Road (Route 719) in Glen Wilton. Mr. Pearson stated the subject properties were located in the Agricultural A-1 Use District and contained a system of 25-foot and 16-foot platted alleys that provided access to existing tax parcels. He noted that no construction of improved streets nor utilities would be located within the alley system.

Mr. Pearson noted that the applicant owns the vacant properties on either side of the portion of the 16-foot alley proposed to be vacated. He further stated that, at the time of dedication of this easement, there was no Botetourt County Subdivision Ordinance in place and the County would either have accepted this by resolution or by dominion or control over the alley.

By an abundance of caution, Mr. Pearson said the Board was being requested to vacate this sixteen (16) foot alleyway for the purpose of building a single family dwelling. He stated that the Agricultural A-1 provisions in the Zoning Ordinance require the septic system and the single family dwelling to be located on the same lot. He further stated the vacation would allow for the combination of the four lots, incorporating the vacated alleyway to meet the Agricultural A-1

requirements. Mr. Pearson noted that the applicant was represented at this meeting by his surveyor, Mr. Chris McMurry, L.S.

Mr. McMurry stated there is an existing septic system and drainfield on other side of alley from the residence and current County regulations require that a residence be on the same lot as the septic system. He noted that the alleyways were developed post-Civil war and the property owner would like to put a new house where the original house stood on this property.

Mr. McMurry further stated that the property owners were the only individuals that use the alley.

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

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the following resolution approving a request from Garnett Newcombe to vacate a portion of an unopened sixteen (16) foot alleyway off of Mt. Beulah Road (Route 719) in Glen Wilton, on the basis that the proposed vacation will have little to no adverse effect upon the community or other properties in the vicinity.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 18-01-22

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia of 1950, as amended, public notice was posted announcing a public hearing to receive comments concerning the vacation of a portion of a 16' alley described below; and,

WHEREAS, the portion of alley to be vacated is described as a 16' wide alley, which lies between Lots 9, 10, and 14, and measures 16' in width by 169.53' in length. The 16' alley is located approximately 450' northwest of the intersection of Mount Beulah Road (Route 719) in Glen Wilton, Virginia, and is identified on the Real Property Identification Maps of Botetourt County between Section 4A, Parcels 9, 10, and 14; and,

WHEREAS, the portion of alley to be vacated is further shown upon a plat of the property of Joyce M. Keener and Marion Vaughn Howard, recorded in the Clerk's Office for the Circuit Court of Botetourt County, Virginia, in Plat Book 59, Page 43; and,

WHEREAS, the Board has been unable to determine whether it has ever accepted the alley as a public thoroughfare, but in the event it has, it wishes to vacate it; and,

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the portion of alley, and hereby finds that no "owner of any lot shown on the plat will be irreparably damaged" by the vacation of the alley and that no inconvenience will result to any individual or to the public from the permanently vacating, discontinuing, and closing of said alley;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors abandons any interest in the above described section of alley, pursuant to Section 15.2-2006 of the Code of Virginia 1950, as amended.

BE IT FURTHER RESOLVED, that the County Attorney shall cause a certified copy of this Ordinance to be recorded in the Botetourt County Clerk's Office indexed as required by law.

Mr. Lockaby stated that he and Mr. Larowe would ensure this vacated alleyway's plat would be duly recorded in the Circuit Court Clerk's Office.

At 3:19 P.M., Chairman Leffel announced a short break.

At 3:32 P.M., Chairman Leffel called the meeting back to order.

A public hearing was then held on a proposed boundary line adjustment by the Town of Fincastle. Mr. David Tickner, Fincastle Town Manager was present to speak to this request, along with Mrs. Mary Bess Smith, Mayor of Fincastle, and Ms. Kathleen Wright, Town Attorney.

As Mr. Tickner gave a PowerPoint presentation, Mayor Smith stated that the Town of Fincastle was chartered in 1772 and is a unique locality; however, potential development surrounding the Town could threaten its uniqueness. She stated reasons for the proposed boundary line adjustment were to better manage growth and revitalization; to better plan, manage, and coordinate water and sewer; and to provide a broader scope of input into commercial and residential development in and around the Town's existing boundary.

Mrs. Smith said the Town had posted information on their website and articles on the proposed boundary adjustment were published in the Roanoke Times and Fincastle Herald. Mrs. Smith stated the Town has increased their focus on historic preservation after experiencing substantial growth in past 12 years, especially in wastewater, and had hired a town manager. Mayor Smith stated that she understood many were confused about the size of the town and confirmed the town currently contains 190 acres with 350 residents.

Mayor Smith mentioned critical water capacity outside the current town limits and noted the new boundary was based on the town's already-defined water and sewer service area and existing service agreements. Mrs. Smith estimated that the Town's total new population to be 570 citizens and cover an area of approximately 1,318 acres. Mrs. Smith calculated that approximately 60% of the town currently consists of properties owned by the county, churches or graveyards and the proposed boundary line adjustment will include room for population growth. Mayor Smith further said that the proposed town boundaries would include critical water and sewer infrastructure components, along with additional new utility customers.

Mrs. Smith stated that, because changes could cause concerns, the town had developed a document of what would and would not change. She further stated the town would not add property taxes, nor would they assess a non-user fee. Mrs. Smith indicated the new town properties would keep the same zoning they have in the County; there would be no changes in building code regulations; businesses would pay taxes at a slightly lower rate; the town had adopted a subdivision ordinance modeled after Botetourt County; and the new citizens would have an ability to participate in town government. Mrs. Smith noted that town ordinances and town services might be changed by future town councils only after the proposed laws and regulations were communicated to the citizens and advertised for public hearings.

After discussion, Mayor Smith stated that over 60 people attended the community meeting and, during the town's public hearing, one person spoke in favor and one individual spoke against the boundary line adjustment with no specific objection. She further stated that while current zoning designations would remain in effect, certain taxes would be remitted to the town, not the county, and the new citizens would be considered for appointment to vacancies on the Town Council or Planning Commission.

After further discussion, she said that, within the first six months of the boundary adjustment's approval, the Town would seek citizen input for updates to the Comprehensive Plan and, within one year, mayor and town council seats would be available. Mrs. Smith further stated that, within five years, the availability of water and sewer in the expanded Town area would promote development opportunities, allowing the Town to proactively plan for growth instead of reactively on an ad hoc basis. Mrs. Smith stated that currently the town has few developable lots and many vacant storefronts; however, the spirit of Fincastle remained, with a large concentration of artists and artisans. Mrs. Smith then asked those in the audience who supported the

boundary line adjustment to stand. Many people stood.

After questioning by Mr. Martin, Mayor Smith stated that 30 people attended the boundary adjustment public hearing.

Dr. Scothorn complimented the Town on the fantastic job on this process and today's presentation and thanked them for their information and hard work.

Mr. Clinton agreed with Dr. Scothorn and said that vibrant towns were good for the county. He also noted that strengthening the Town's economy would help support the town, especially considering that 60% of the Town's current properties are nonrevenue producing.

After questioning by Mr. Clinton, Mayor Smith acknowledged that the Town would be much more vulnerable if County government offices left and noted that any "trickle out" of citizens or businesses would be bad for the town.

Mr. Leffel then opened the public hearing.

Mr. Linnie Gregory of Blacksburg Road stated he wanted to speak on Agenda Item 14 instead of the proposed boundary adjustment but noted that he was in favor of the boundary adjustment at this time.

There being no one else to speak, Mr. Leffel closed the public hearing.

Mr. Leffel stated that Mrs. Smith had done an amazing amount of work and background research on the boundary adjustment proposal.

Mrs. Smith thanked everyone who had worked and supported this proposal; commenting that everyone had worked hard.

Dr. Scothorn discussed the survey that would be appropriated at some time, noting the Town had done their due diligence.

On motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board approved a boundary line adjustment as presented by the Town of Fincastle as per the attached map and authorized the Chairman to sign the Boundary Line Adjustment Agreement on the County's behalf. (Resolution Number 18-01-23)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Regarding Committee Reports, Mr. Martin indicated that everything was fine with Fire and EMS.

At 3:56 P. M., Mr. Leffel called for a break until 6:00 P.M.

At 6:00 P. M., Mr. Leffel called the meeting back to order.

Consideration was then held on a request in the Amsterdam District from Botetourt Warehouse Associates, LLC, and the Estate of Barbara H. Goad to rezone a combined total of 0.82 acres from the Industrial (M-2) Use District to the Business (B-2) Use District, with possible proffered conditions. In addition to the rezoning, the above listed property owners are requesting a Special Exception Permit for a car wash and a Special Exception Permit for a convenience store, both with possible conditions, in accordance with Section 25- 243. Uses permissible by special exception of the Botetourt County Zoning Ordinance. The properties are located on and between 39 and 61 Catawba Road (Route 779), approximately 0.03 miles west of the Catawba Road (State Route 779) and Roanoke Road (US Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcels 12A (0.24 acres), 11

(0.05 acres), and 10 (0.53 acres). The request from Botetourt Warehouse Associates LLC and the Estate of Barbara H. Goad is part of the request to develop a proposed convenience store and car wash on five (5) parcels. The other two parcels which are a part of this request are owned by R&R Holdings Inc. and the Bradberry Company who request a Special Exception Permit for a car wash and a Special Exception Permit for a convenience store, both with possible conditions, in accordance with Section 25-243 Uses Permissible by Special Exception of the Botetourt County Zoning Ordinance. These two parcels total 1.66 acres and are located in the Business (B-2) Use District at 1701, 1721, 1723, 1725, 1727, 1729, and 1731 Roanoke Road, Daleville, at the Catawba Road (State Route 779) and Roanoke Road (U. S. Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcels 15A and 13.

Mr. Drew Pearson, County Planner, noted that the Planning Commission had recommended denial of these requests at their November 2017 meeting and the Board of Supervisors had tabled these requests at their November meeting to allow staff to evaluate the new site plan proposal and new proffered condition and to consider the impacts of all new turning lane options.

Mr. Pearson summarized the proposal by stating that there were a total of five parcels involved with the project that would require four different actions by the Board, if approved. He noted that one parcel is proposed to be rezoned from Industrial M-1 to Business B-2. Mr. Pearson stated that, as a result of the proffered condition submitted at the November 28, 2017 meeting, there will need to be a separate vote on the two parcels (Tax Map 101, Parcels 10 and 11) proposed to be rezoned from Industrial M-1 to Business B-2 with a proffered condition. He noted that the proffered condition was introduced right before the November Board meeting in the form of a site plan and, during the meeting, a new proffer to construct additional road improvements for a turn lane from Catawba Road and an extension of a turn lane on U. S. Route 220, was proposed. Mr. Pearson noted that the proffered condition would be subject only to the rezoning of these two parcels. He stated that Tax Map Section 101, Parcels 10 and 11 were proposed to be rezoned with the proffered condition voluntarily submitted by the property owner.

Mr. Pearson further stated that the application also included suggested conditions associated with the Special Exception Permits for both the convenience store and car wash. He noted that there were four additional conditions from the Planning Commission that were incorporated into the request. Mr. Pearson further noted that the Planning Commission had voted 4:1 to recommend denial of the rezoning. He stated that the proffered condition was not available for consideration at the Planning Commission hearing, as it was only introduced at the November Board meeting. He further noted that the Planning Commission had voted 5:0 against both of the proposed Special Exception Permits.

After discussion, Mr. Pearson noted that, at the November 28 public hearing, the Board of Supervisors had closed the public hearing and tabled this request with direction for the staff to take a closer look at the additional site plan with the road improvements and report back to the Board at their January meeting if there was any conflict about what was being proposed at that meeting and with all of the other site plans that had been introduced as part of the conditions associated with the Special Exception Permits. Mr. Pearson stated that staff had reviewed the additional submittals and determined there would not be any conflicts between what had been introduced at the Board's hearing and what had already been included in the application itself. Mr. Pearson stated there were now four draft motions included in the package tonight and,

due to the proffered condition that had been introduced, two motions were now needed pertaining to the proposed rezoning requests.

Mr. Leffel then asked if any Board members had questions for Mr. Pearson.

Mr. Clinton said he did not hear staff's review of recent proffered conditions and the turn lane.

Mr. Pearson responded that, as per the Supervisors' November minutes, part of the Board's motion to table this decision was based on the fact that the site plan associated with the proffered condition to the rezoning, which involved the building of the right-hand turn lane on Catawba Road as well as the extension of the left-hand turning lane from U.S. 220, had been submitted just prior to the meeting with the written, proffered condition being submitted during the meeting. Mr. Pearson said that, during the hearing itself, staff was directed to look at the site plan and report if there were any conflicts. He also said that what was being proposed was what was already in the agenda packet in the application.

Mr. Clinton questioned that it was not conflict being looked at--it was improvement, and the only conflict would be the utility pole along Catawba Road.

Mr. Pearson responded it was staff's understanding that that the Board wanted staff to take a closer look at the last-minute submittals to ensure there was nothing from the last-minute submitted site plan that would conflict with anything shown on the previous site plan or the conditions suggested for the Special Exceptions Permits. He further responded that staff did go back and look at the site plans to ensure that anything shown on that particular plan did not conflict with what had already been shown.

Mr. Clinton said that obviously the membership of the Board had changed since the November Supervisors meeting and he did not know what the dynamics were but, it seemed to him, the issue should have been that the purpose of proffers was to improve traffic and he would have thought that Staff would have verified that would improve things as the report claimed it improved things. Mr. Clinton stated he was asking for clarification on conflict versus improvement.

Mr. Pearson stated that it was his understanding that staff's task was to evaluate whether there would be any conflicts with what would be proposed and what had been proposed at the November meeting.

Dr. Scothorn asked if the telephone pole at the U.S. Route 220/Catawba Road intersection would remain.

Mr. Pearson responded that he could not say at this time whether the telephone pole would stay or have to be relocated. He recalled that, during previous testimony, the turn lane could occur without the relocation of the pole. Mr. Pearson further responded that, while complete construction drawings had not yet been submitted to the County, VDOT had been involved in discussions with the applicant's engineer.

After questioning by Dr. Scothorn as to whether there was a proposal to remove the telephone pole, Mr. Jay Clapp, Professional Engineer with Ramey Kemp & Associates in Winston-Salem, North Carolina, responded that, while looking at existing pavement and the 11' wide travel lanes, he thought they could avoid moving the telephone pole, although that was not a 100% guarantee. Mr. Clapp stated that they were coordinating with Mr. Brian Blevins, VDOT's Resident Engineer, on this matter. He mentioned that, without doing the actual design, they were hopeful about keeping the curve line at the current location and they felt they could accommodate what was being proposed, which would allow the pole to stay in place.

After questioning by Dr. Scothorn about the proposed first entrance into the Sheetz property for driver's on Catawba Road driving toward Route 220 and the possibility of a small decel lane being included, Mr. Clapp replied that VDoT had certain warrants and the traffic study showed that this use did not meet VDoT's warrants for a right turn lane based on the amount of traffic and the anticipated right turn volume. He noted that VDoT had concurred with their study. He further replied that a follow-up analysis had been completed showing the proposed improvements, which had been submitted to the County and VDoT, who agreed with their findings that this would improve operations.

Mr. Clinton stated that he felt the information received was very general; that Mr. Clapp and VDOT said it would improve conditions and, although it had all the back-up data, he did not see any quantitative conclusions.

Mr. Clapp said that their proposed improvements would reduce traffic queues, allowing the intersection to operate better because of Catawba Road being at capacity; the splitting up left and right lanes and, with the additional lanes, they were adding capacity while not taking as much time to process the eastbound approach because the traffic flow was spread over two lanes instead of one. He also said that, by allowing for some of that time to allow more traffic to get through onto U.S. Route 220, it would also help disburse the queue and reduce the traffic backups on Catawba Road; it would allow the right-turn movement which generates the heaviest volume at the intersection, where now it was very short or channelized there. He further noted that, if left-turns were waiting for the signal to turn green, once so many vehicles were backed up, then the right-turn volumes currently could not get around that backup. With the increased right-turn movement, Mr. Clapp said that vehicles would be able to continue onto U. S. Route 220 which would improve operations.

Mr. Clinton said he understood that, and it stood to reason, but this issue is so critical to the County and safety is a large concern that he had hoped for a quantifiable expression.

Mr. Clapp responded that they had provided backup data analysis with a brief summary which both VDOT and the County had reviewed and, with their experience and expertise, VDoT had concurred with the findings.

Mr. Leffel announced that the public hearing portion had been held and completed at the November Board meeting. He noted that citizen who wanted to speak on this proposal had spoken at that time.

Mr. Clinton stated that, for the record, he objected in the most strenuous terms.

Mr. Leffel stated that Mr. Clinton had his opinion; however, the public hearing had been duly advertised and conducted. He noted that many citizens spoke that night and all who wished to talk did so, and he disagreed with Mr. Clinton's statement. Mr. Leffel further stated that the Board could not legally have a public hearing tonight unless it had been advertised; noting there had been no time to do that.

Mr. Clinton responded that he knew that the public hearing had to be advertised; they did not have time, but they should have had time. Mr. Clinton said this issue had absolutely dominated public discussion on both sides of the issue in the Amsterdam District and in Daleville since May. As a new member, Mr. Clinton said he did not know everything that had taken place and, in his opinion, it would be nice to go over it again, and that a public hearing and public comments did not have to be taken again, although it was unfortunate.

Mr. Leffel stated that the public hearing had been held. He further stated he appreciated everyone's caring and passion on this issue but noted that there were two sides to this matter—some citizens want it and others do not. Mr. Leffel reiterated that the request had been through

the Planning Commission's public hearing process, which had a full house, and through the Board of Supervisors' and now he believes it is time to move on.

Mr. Leffel then made a motion, seconded by Mr. Martin, to approve the request to rezone Tax Map Section 101, Parcels 10, 11, and 12A from an Industrial M-2 Use District to a Business B-2 Use District.

Mr. Clinton stated, "Privileged motion", and moved to table.

Mr. Martin again seconded Mr. Leffel's motion.

Mr. Clinton restated his motion to table.

Mr. Leffel stated there was a motion on the floor with a second.

Mr. Lockaby concurred that there was already a motion on the floor that was seconded.

Mr. Clinton said the request to table was a privileged motion.

Mr. Lockaby requested a few moments from the Chairman to research this issue, to which Mr. Leffel agreed.

Mr. Clinton said he wasn't sure there was a second before he (Mr. Clinton) made his motion.

Mr. Leffel confirmed with Mr. Martin that he seconded prior to Mr. Clinton's motion to table. Mr. Martin commented that he said "Second" twice.

Mr. Lockaby advised, on request of the Chair, that the motion to table was a subsidiary motion, meaning it did not take precedence over a main motion that had already been put on the floor but could be made as a subsidiary motion on the main motion.

Mrs. Nicole Pendleton, Planning Manager, then addressed the Chairman. She stated there were two rezoning motions before the Board for consideration--one with a proffered condition tied to two parcels; and a separate motion to rezone from Industrial M-2 to Business B-2 without a proffered condition for Tax Map Section 101, Parcel 12A.

Mr. Lockaby advised that, procedurally speaking, in order for a main motion to be laid on the table, the main motion needed to be stated clearly by the Chairman and the motion needed to be seconded. He further advised that a motion to lay on the table would be an order subsequent to the second and that would be voted on before returning to debate on the main motion. Mr. Lockaby stated that, as a subsidiary motion, it would be a motion to lay the main motion on the table.

Mr. Clinton again made a motion to lay this issue on the table.

Mr. Lockaby said he presumed Mr. Leffel to make a motion to approve one of the two rezoning requests, noting it would need a second, at which point the motion to table by Mr. Clinton would be in order.

Mr. Leffel restated his motion to approve the rezoning request from Industrial M-2 to Business B-2 for Tax Map numbers 101-10 and 101-11.

Mr. Martin seconded Mr. Leffel's motion.

Mr. Clinton moved to lay it on the table.

Mr. Lockaby then advised that Mr. Clinton's motion was a subsidiary motion which took precedence over the main motion on the floor, and did not require a second, and it would come to a vote.

Mr. Clinton asked if this was the time for discussion on the subsidiary motion.

Mr. Lockaby advised that subsidiary motions were not debatable.

Mrs. Pendleton confirmed there was a proffered condition on the rezoning for Tax Map numbers 101-10 and 101-11 for clarification to the previously stated motion.

Mr. Leffel stated, "As it reads." He then called for the vote on Mr. Clinton's motion to table.

The motion by Mr. Clinton to table the main motion by Mr. Leffel to approve the rezoning from an Industrial M-2 Use District to a Business B-2 Use District, with a proffered condition, failed as per the following recorded roll call vote, (Resolution Number 18-01-24)

AYES: Mr. Clinton

NAYS: Mr. Leffel, Mr. Sloan, Mr. Martin

ABSENT: None

ABSTAINING: Dr. Scothorn

Mr. Clinton said he was not trying to muddy the waters but asked the Parliamentarian if the vote to abstain needed an explanation or certain justification.

Mr. Lockaby responded that many boards had a bylaw to that effect, however, Botetourt County does not.

Dr. Scothorn said he would clarify that situation later.

Mr. Lockaby advised that the Chairman could now proceed with debate on the main motion.

Mr. Leffel then asked if there was any discussion on the main motion, which was to approve the rezoning from an Industrial M-2 Use District to a Business B-2 Use District with a proffer for Tax Map numbers 101-10 and 101-11.

Dr. Scothorn said he wanted to take a look at the whole project but not through a piecemeal process. He stated, first and foremost, that the Board should look at the safety of the public; not becoming reactive, but proactive. Dr. Scothorn stated that his biggest angst was Valley Road and Catawba Road. He further stated that that traffic situation had been a problem ever since the Walgreen's proposal was before the Supervisors in 2008 and nothing had resulted from that site.

Dr. Scothorn stated that, whether or not Sheetz is located on this property, the County needs to look at further development in this area as well as connecting Valley Road and Catawba Road. Dr. Scothorn stated that Valley Road was an issue and it needed to be made safe for the public. Dr. Scothorn said traffic in this area would increase due to the influx of new industry and the Board needed to promise citizens that they were trying to do their best for the safety of the public.

After discussion, Dr. Scothorn said he wanted to the Board to ensure that a committee would be created to take a further look at this situation to see what could be done for the public's safety. Dr. Scothorn mentioned a previously completed traffic study for this area that he thought was a quick study and he believes that a lot more could be looked into that study to provide the Board with additional needed information. Dr. Scothorn stated he would abstain from voting on this matter because he did not have enough information to make that decision.

Mr. Clinton said he agreed with Dr. Scothorn's comments in terms of the merits of the proposal, but he did not know how Dr. Scothorn could say he did not have enough information, and needed to abstain from voting. Mr. Clinton remarked that, without enough information, the request should be denied.

Mr. Clinton further commented that this proposal was located in his district and he wanted his district to be safe, as well as accommodate growth. Mr. Clinton stated that, in the three meetings, it had not been adequately or quantitatively demonstrated to him that it does so. Mr. Clinton said that his predecessor, Mr. Todd Dodson, had correctly asked for some things to be considered, such as cut-through traffic and the left-hand turn lane, which were presumably going to be done before this meeting. Mr. Clinton stated that this had not been done to his

satisfaction or to normal engineering practice. Mr. Clinton further commented that the applicant had not looked at future traffic impacts and had not evaluated the left-hand turn lane in any quantitative manner. Mr. Clinton stated that the citizens were not NIMBYs (Not In My Back Yard), but were people concerned about unsafe conditions, and by any measure, he believes that the Board is making this traffic situation worse.

Mr. Clinton added that the Mattern and Craig traffic study pointed out a number of existing deficiencies, which, generally speaking, neither the County nor the applicant has done anything about. Mr. Clinton then brought up the letter from Roanoke Cement stating their concerns about turning traffic and the left-hand turn lane traffic into Sheetz backing up. He further brought up Valley Road traffic safety concerns including cut-throughs and traffic backups, and the inability to cross at the Route 220 median. Mr. Clinton stated that, to dismiss these issues and approve this request on the basis of some engineering reports that he thought inadequate, he could not vote to approve this request.

Dr. Scothorn then mentioned a computerized program by VDOT that had been used for Exit 150, and he remarked that would like to see a similar simulation for the traffic flow through the Catawba/Roanoke Road intersection.

Mr. Leffel commented that he believed this proposal would be an improvement as it would make the corner look better and would improve traffic rather than create hazards. Mr. Leffel stated that there were many things to consider in this request--on one hand we say we want to grow Botetourt, and on the other we say, "Yeah, but we don't want you." Mr. Leffel stated this proposal would be best for the County.

Mr. Martin then stated that he had thought about this and had friends both for and against this request, asking him to vote their way. Mr. Martin said that he looked at what has brought this about. He remarked that, about seven years ago, economic development was almost non-existent in Botetourt and he talked to the former county administrator about changing lot sizes and zoning, especially in Greenfield. After some consideration, Mr. Martin said the Board agreed to make some of these changes, which resulted in about 850 new jobs in the County. He noted that these new jobs, in turn, resulted in a housing study being conducted which indicated that the County had inadequate housing options for new residents.

Mr. Martin stated that, as a result of this study, the County had a housing summit to which over 100 individuals, including developers, contractors, and representatives from the community college system, the banking industry, builders, county staff, and the School Board "responded to the call." Mr. Martin questioned what kind of message the Board was sending these individuals if this rezoning/SEP request were to be denied.

Mr. Martin commented that, at the Planning Commission and Board of Supervisors public hearings, there were many objections as to why Sheetz should not locate in the County. He stated that there was no backup site for Sheetz and some citizens had stated that this proposal was not in conformance with the Comprehensive Plan. He stated that there were concerns raised about stormwater and these issues had been addressed by staff and the Department of Environmental Quality. Mr. Martin further stated that there were concerns about tractor-trailer fueling and Sheetz had agreed to no tractor-trailer diesel sales. He further stated the lighting plan had been reviewed by the County and appeared to meet the ordinance requirements. He also noted that the dumpster and car wash noise concerns had also been addressed, and Sheetz had dealt with the right-of-way issues and agreed to fix both roads at a cost of about \$1.5 million. Mr. Martin stated that Sheetz had also addressed concerns regarding jobs, cut-through traffic on Azalea Road, had agreed to not to put a sign on I-81, and moved the site's

entrance 275 feet further from the intersection. Mr. Martin stated that Sheetz had done everything they could possibly do to address issues brought to them by citizens and did their due diligence.

After discussion, Mr. Martin further stated that, if this request is not approved, then any other by-right business, such as a Dollar Store could locate on this property and the County could not stop them and that would still not get the roads fixed. Mr. Martin stated that Sheetz had done everything they could possibly do to act on comments made at the public hearings and he is in favor of approving their request.

In response to some of Mr. Martin's comments, Mr. Clinton said that Mr. Martin "sailed right past the crucial issue of traffic safety," and the problem had not been solved. Mr. Clinton said the issues raised by Mr. Martin were peripheral, and the recurring, quantified issue in this proposal was traffic. Mr. Clinton stated that "this idea of if we don't approve this, something else would come was the last refuge of scoundrels." Mr. Clinton said the message sent if this request was denied would be concern of future development, appearance, and citizen safety. Mr. Clinton commented that the reality was not that this was about economic development and noted that he disapproved of the motion and rejected Mr. Martin's argument.

Mr. Sloan remarked that he was at a crossroads of different opinions on this matter, as he had friends in the Amsterdam District with different slants on how to vote. With his history on fire and rescue squads, Mr. Sloan further remarked that public safety was of the utmost importance. He noted the opportunity to make this better, there was an opportunity as a Board to continue on this, even though he wasn't around for decisions regarding Walgreens. Mr. Sloan stated the, if the Board denied this request, he agreed with Mr. Martin that anything could come in and there would be no improvements to the roads. Mr. Sloan noted that this proposal was a step in the right direction. Mr. Sloan further stated that he looked toward improving the site, the roadways, working with VDOT and, as a supporter of free enterprise, Sheetz should have the ability to come in. Mr. Sloan stated that he supported the motion to approve this request.

Mr. Leffel reiterated that his motion had been seconded.

Mr. Clinton requested that the motion to be re-read.

Mrs. Goad responded the motion was to approve a rezoning request from Industrial M-2 to Business B-2 use on Tax Map parcels 101-10 and 101-11, with a proffered condition.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded roll call vote, the Botetourt County Board of Supervisors approved this rezoning request with the following condition. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other on the basis that the requirements of Section 25-581 of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare, and is good zoning practice. (Resolution Number 18-01-25)

AYES: Mr. Martin, Mr. Sloan, Mr. Leffel

NAYS: Mr. Clinton

ABSENT: None

ABSTAINING: Dr. Scothorn

BOTETOVRT WAREHOUSE ASSOCIATES, LLC

In the Amsterdam District to rezone a combined total of 0.58 acres from the Industrial (M-2) Use District to the Business (B-2) Use District on properties located on and between 39 and 61 Catawba Road (Route 779), approximately 0.03 miles west of the Catawba Road (State Route 779) and Roanoke Road

(U. S. Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcels 11 (0.05 acres) and 10 (0.53 acres).

1. The undersigned property owner voluntarily proffers that the rezoning of its property shall be conditioned upon the construction of a right turn lane on Catawba Road; and of an extension of the left turn lane at the northbound intersection of U. S. 220 and Catawba Road in substantial conformity with the site plan dated October 25, 2017 as revised and submitted to the Board of Supervisors on November 28, 2017.

Mr. Leffel stated he appreciated the citizens' passion and concern. He then banged the gavel and requested quiet.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded roll call vote, the Botetourt County Board of Supervisors approved this rezoning request as submitted. Therefore, be it ordained by the Botetourt County Board of Supervisors that the Botetourt County Zoning Ordinance and the Botetourt County Real Property Identification Maps be amended in the following respect and no other. (Resolution Number 18-01-26)

AYES: Mr. Martin, Mr. Sloan, Mr. Leffel

NAYS: Mr. Clinton

ABSENT: None

ABSTAINING: Dr. Scothorn

THE ESTATE OF BARBARA H. GOAD

In the Amsterdam District to rezone 0.24 acres from the Industrial M-2 Use District to the Business B-2 Use District on property located on and between 39 and 61 Catawba Road (Route 779), approximately 0.03 miles west of the Catawba Road (State Route 779) and Roanoke Road (U. S. Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 12A.

As the crowd became louder, Mr. Leffel again banged the gavel for order.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded roll call vote, the Board of Supervisors approved a request in the Amsterdam District from Botetourt Warehouse Associates, LLC, the Estate of Barbara H. Goad, R&R Holdings Inc., and the Bradberry Company for a Special Exception Permit for a convenience store in accordance with Section 25- 243. Uses permissible by special exception of the Botetourt County Zoning Ordinance on properties located on and between 39 and 61 Catawba Road (Route 779) and 1701, 1721, 1723, 1725, 1727, 1729, and 1731 Roanoke Road, Daleville, totaling approximately 2.48 acres, approximately 0.03 miles west of the Catawba Road (State Route 779) and Roanoke Road (U. S. Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcels 12A, 11, 10, 15A and 13, with the following conditions, on the basis that the applicant has satisfactorily demonstrated that the proposed use will have little to no adverse effects upon the community or other properties in the vicinity of the proposed use or structures according to Zoning Ordinance Section 25-583 and that the proposal would serve the public necessity, convenience, general welfare, and is good zoning practice: (Resolution Number 18-01-27)

AYES: Mr. Leffel, Mr. Sloan, Mr. Martin

NAYS: Mr. Clinton

ABSENT: None

ABSTAINING: Dr. Scothorn

1. The development shall be constructed in substantial conformance with the "Exterior Elevations, dated 10/13/17; Gas Canopy Awning Details, dated 10/17/17; Light Standard Detail, 7/13/17; Gas Price Monument Details,

dated 10/24/17; and Trash Enclosure Detail Away From Building, dated 7/13/17”, prepared by Convenience Architecture and Designs P.C. and included with the background report prepared by staff.

2. The development shall be constructed in substantial conformance with the “Preliminary Site Plan (10-25-17)”, prepared by LE&D Professionals, P.C., dated October 25, 2017, and included with the background report prepared by staff.
3. The development shall be constructed in substantial conformance with the “Rezoning Details”, prepared by LE&D Professionals, P.C., dated October 13, 2017, and included with the background report prepared by staff.
4. The development shall be constructed in substantial conformance with the “Exterior Lighting Plan”, prepared by Red Leonard Associates, dated October 11, 2017, and included with the background report prepared by staff.
5. The development shall be constructed in substantial conformance with the “Landscape Plan, Proposed Canopy Study Plan and Landscape Details”, prepared by Deborah M Brown Landscape Architecture, dated May 22, 2017 and as revised October 23, 2017, and included with the background report prepared by staff.
6. Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance.
7. No temporary window signs are permitted.
8. No outdoor vending machines or display of merchandise shall be permitted, except for that included in the application.
9. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirements, except where allowed by the Zoning Ordinance.
10. The development shall not be advertised upon Virginia’s Interstate and Controlled-access Highway Specific Travel Services (Logo) Signs.
11. Diesel fueling stations shall not be equipped with high velocity dispensers.
12. Dumpsters shall not be emptied between the hours of 9:00 p.m. and 6:00 a.m. the following day.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded roll call vote, the Board of Supervisors approved a request in the Amsterdam District from Botetourt Warehouse Associates, LLC, the Estate of Barbara H. Goad, R&R Holdings Inc., and the Bradberry Company for a Special Exception Permit for a car wash in accordance with Section 25- 243. Uses permissible by special exception of the Botetourt County Zoning Ordinance on properties located on and between 39 and 61 Catawba Road (Route 779) and at 1701, 1721, 1723, 1725, 1727, 1729, and 1731 Roanoke Road, Daleville, at the Catawba Road (State Route 779) and Roanoke Road (U. S. Route 220) intersection, totaling approximately 2.48 acres, approximately 0.03 miles west of the Catawba Road (State Route 779) and Roanoke Road (US Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcels 12A, 11, 10, 15A, and 13, with the following conditions, on the basis that the applicant has satisfactorily demonstrated that the proposed use will have little to no adverse effects upon the community or other properties in the vicinity of the proposed use or structures according to Zoning Ordinance Section 25-583 and that the proposal would serve the public necessity, convenience, general welfare and is good zoning practice: (Resolution Number 18-01-28)

AYES: Mr. Leffel, Mr. Sloan, Mr. Martin

NAYS: Mr. Clinton

ABSENT: None

ABSTAINING: Dr. Scothorn

1. The development shall be constructed in substantial conformance with the "Car Wash Exterior Elevations, dated 10/24/17, prepared by Convenience Architecture and Designs P.C. and included with the background report prepared by staff.
2. The development shall be constructed in substantial conformance with the "Preliminary Site Plan (10-25-17)", prepared by LE&D Professionals, P.C., dated October 25, 2017, and included with the background report prepared by staff.
3. The development shall be constructed in substantial conformance with the "Exterior Lighting Plan", prepared by Red Leonard Associates, dated October 11, 2017, and included with the background report prepared by staff.
4. The development shall be constructed in substantial conformance with the "Landscape Plan, Proposed Canopy Study Plan and Landscape Details", prepared by Deborah M Brown Landscape Architecture, dated May 22, 2017 and as revised October 23, 2017, and included with the background report prepared by staff.
5. Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance.
6. No temporary window signs are permitted.
7. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirements, except where allowed by the Zoning Ordinance.
8. The car wash shall not be operated between the hours of 9:00 p.m. and 6:00 a.m. the following day.

A public hearing was then held on a request in the Amsterdam Magisterial District from Timberbrook Associates LLC, Timberbrook Dialysis LLC, and GW Botetourt Commons LLC, for a Change of Proffers in the Shopping Center (SC) Use District to delete certain proffered conditions from the Timberbrook Shopping Center Design Guidelines, as well as, from other existing proffer statements associated with the Botetourt Commons Development. The properties subject to this request are located 0.12 miles west of the Commons Parkway/Kingston Drive intersection and 0.09 miles north of the Commons Parkway/Kingston Drive intersection, and identified on the Real Property Identification Maps of Botetourt County as Section 101(13), Parcels 1, 2, 3, 4, 4A, 4B & 5; Section 101, Parcels 44C, 44E, 44F, 44H, 44J, 44K, & 44N; Section 101 (14), Parcel 7 and 101(15) Parcel 1. These properties are also identified as 125, 133, 135, 137, 180, 186, 220, 228, 234, 245, 270 Commons Parkway (Route 1044) and 5, 6, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 65, 72, 100, 101, 104, 108, 112, 116, 120, 124 Kingston Drive in Daleville.

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

Mr. Drew Pearson, County Planner, stated that these properties were located in Botetourt Commons. He noted that there were two sets of design guidelines for this development which originated in 1994 that were amended in 1995 and again in 2016. He stated the current application is proposing to delete certain design guidelines as the Zoning Ordinance had changed over time and was now more comprehensive.

Mr. Pearson further stated the applicant also hoped to consolidate the proffers with all of these properties. Mr. Pearson noted that one regulation that staff observed that the Zoning Ordinance did not address was building colors. He noted that the request covered all properties

in Botetourt Commons except the property owned by the Commonwealth of Virginia and the stormwater properties, which would still be governed by previous guidelines.

He said concerns addressed during the Planning Commission meeting were related to landscaping between Botetourt Commons and the cemetery located on the north side of the Shopping Center, and as such, the applicant did modify the proffers to retain a proffer related to landscaping. Mr. Pearson further noted that the applicant was present to address questions or concerns about this proposal.

Mr. Steven Strauss, applicant, thanked the Board, as well as the Planning Commission and staff, for their consideration of this request.

Mr. Martin confirmed that Mr. Strauss wanted to bring the entire Shopping Center area into conformance and make all regulations/proffers uniform.

Dr. Scothorn stated the proposed signage regulations would be helpful.

Mr. Leffel opened public hearing.

Mr. Reid McMurry of Daleville noted that VDoT had purchased some of the properties and questioned these lots' locations.

Mr. Pearson responded there were a series of lots with frontage on Commons Parkway as well as U.S. Route 220. He further responded that VDOT still retained ownership of the parcels along Route 200. Mr. Pearson then showed the Board the GIS map for this site; noting which lots were not included in the request.

Mr. McMurry said that this information had answered his question.

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

Dr. Scothorn said he hoped the frontage area would be used for businesses/stores instead of parking along U.S. Route 220.

Mr. Strauss commented that would certainly make sense.

After questioning by Mr. Sloan as to how far back the VDoT lots extended, Mr. Pearson stated that they did not go back and connect to the lot where the Goodwill Industries facility was located but did have some frontage on Commons Parkway.

After questioning from Mr. Martin, Mr. Pearson stated that the VDoT lots were not part of this request.

There being no further discussion, on motion by Mr. Clinton, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved a request in the Amsterdam District from Timberbrook Associates LLC, Timberbrook Dialysis LLC, and GW Botetourt Commons LLC, for a Change of Proffers in the Shopping Center (SC) Use District to delete certain proffered conditions from the Timberbrook Shopping Center Design Guidelines, as well as, from other existing proffer statements associated with the Botetourt Commons Development. The properties subject to this request are located 0.12 miles west of the Commons Parkway/Kingston Drive intersection and 0.09 miles north of the Commons Parkway/Kingston Drive intersection, and identified on the Real Property Identification Maps of Botetourt County as Section 101(13), Parcels 1, 2, 3, 4, 4A, 4B & 5; Section 101, Parcels 44C, 44E, 44F, 44H, 44J, 44K, & 44N; Section 101 (14), Parcel 7 and 101(15) Parcel 1, as follows, on the basis that the requirements of Section 25-581 of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, and general welfare, and is good zoning practice: These properties are also identified as 125, 133, 135, 137, 180, 186, 220, 228, 234, 245, 270 Commons Parkway (Route 1044) and 5, 6, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 65, 72,

100, 101, 104, 108, 112, 116, 120, 124 Kingston Drive in Daleville. (Resolution Number 18-01-29)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The following proffers are herein deleted in their entirety:
 - a. The proffers referenced in the October 24, 1994 booklet.
 - b. The proffers referenced in the November 8, 1994 booklet.
 - c. The proffers enacted during the November 18, 1994 public hearing.
 - d. The proffers enacted during the April 18, 1995 public hearing.
 - e. The proffers enacted during the November 22, 2016 public hearing.

2. The following proffers are to apply:
 - a. Any storage space constructed shall not be readily visible from Commons Parkway or US 220.
 - b. Dumpsters and air conditioning units will be screened so as to not be readily visible from US 220 or Commons Parkway. Use of hedges or screen walls constructed of compatible materials and colors shall be employed.
 - c. Auxiliary structures shall be of the same material and style as the main structures.
 - d. Should the project construction pollute or cause failure to any of the adjacent property owner's existing wells, a water line will be extended to their property at no cost to the adjacent property owner.
 - e. Leyland Cypress trees will be purchased and installed 15' on center along the southern property line of the Daleville Cemetery, Rachel Hancock, and Jerry Byer properties.

3. The following proffers are to apply to signage:
 - a. All marquee/wall signage shall have individual, back-lit letters. Anchor stores, (larger than 5,000 SF gross leasable area) shall have a maximum letter height of 46". Logos or identification symbols shall have a maximum height of 68". All minor stores (G.L.A. less than 5,000 SF) shall have letters with a maximum height 38". Logos or identification symbols shall be limited to a height of 58".
 - b. Wall signage for each tenant in a multi-tenant building shall not exceed 80 SF for minor stores and 95 SF for anchor stores. Square Footage (SF) measurements shall be in accordance with the 2016 Zoning Ordinance sign standards.
 - c. If store front letters are raceway mounted, the raceway shall match the facade color it is attached to.
 - d. When regulations for certain types of signage are not addressed in the proffers for the named parcels, the regulations of the Zoning Ordinance will apply.
 - e. Monument signs with a solid base near ground level, shall not exceed seven (7) feet in height, or ten (10) feet in width. One monument sign is allotted per commercial parcel.

There being no further discussion, the meeting was adjourned at 7:08 P. M.