

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, January 24, 2017, 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  
Mr. Todd L. Dodson, Vice-Chairman  
Mr. John B. Williamson, III  
Dr. Donald M. Scothorn  
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. Michael W. S. Lockaby, County Attorney

The Chairman called the meeting to order at 12:48 P. M.

On motion by Mr. Leffel, seconded by Mr. Martin, 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; and consultation with legal counsel regarding specific legal matters as per Section 2.2-3711A (1), (3), (5), and (7) of the Code of Virginia of 1950, as amended. (Resolution Number 17-01-01)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 2:05 P. M.

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 17-01-02)

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

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.

The Board's 2017 reorganizational meeting was then held.

Mr. Leffel turned Chairmanship of the meeting over to the County Administrator.

Mr. Larrowe then opened the floor for nominations for Chairman of the Board of Supervisors for 2017.

Dr. Scothorn then nominated Mr. Leffel for Chairman for 2017. Mr. Williamson seconded this nomination. There being no further discussion, nominations were closed, and on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board

appointed Mr. L. W. Leffel, Jr., as Chairman of the Board of Supervisors for 2017. (Resolution Number 17-01-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Leffel then took over Chairmanship of the meeting and stated that he appreciated the Board's trust in reelecting him as Chairman. Mr. Leffel said that he will do his best in serving as Chair.

Mr. Leffel then opened the floor for nominations for Vice-Chairman of the Board for 2017.

Dr. Scothorn then nominated Mr. Dodson for Vice-Chairman for 2017. Mr. Williamson seconded this nomination. There being no further discussion, nominations were closed, and on motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board appointed Mr. Todd Dodson as Vice-Chairman of the Board of Supervisors for 2017. (Resolution Number 17-01-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

After discussion, on motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the following committee/commission/board appointments were made for 2017, including a new Agricultural Projects Committee: (Resolution Number 17-01-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

**2017 Member  
Assignment**

**Position or Board**

Mr. Leffel	Board Chairman
Mr. Dodson	Board Vice-Chairman
Mr. Leffel	Roanoke Reg. Partnership (Chmn.)
Mr. Martin	Social Services Board
Mr. Dodson	Parks and Recreation Commission
Mr. Martin	Planning Commission
Mr. Leffel	Library Board of Trustees
Mr. Leffel	Transportation Safety Commission
Mr. Martin	TAP Board of Directors
Mr. Dodson	Economic Development Authority
Mr. Martin/Mr. Dodson	Fire and EMS Committee
Mr. Dodson	RVARC CEDS
Mr. Williamson/Mr. Leffel	Agricultural Projects Committee
All Board Members	General Fund Budget Committee
Mr. Williamson/Mr. Leffel	General Fund Budget Subcommittee
Mr. Martin/Mr. Leffel	School Budget Committee
Mr. Larrowe/Mr. Lockaby	Parliamentarians
Mr. Larrowe	Clerk to the Board
Mrs. Fain	Deputy Clerk to the Board

Mr. Leffel then stated that an amendment is being proposed to Section V. Hearings of the Board's bylaws to change the time allowed for speakers at public hearings from five minutes to three minutes.

There being no discussion, on motion by Mr. Dodson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved the bylaws with an amendment to

Section V. Hearings to change the time limit for speakers at public hearings from five minutes to three minutes. (Resolution Number 17-01-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Leffel then asked for a moment of silence.

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

Mr. Jim Farmer, Director of Parks and Recreation, then introduced Mr. Jamie Hurt as the County's new Building Maintenance Manager. He noted that Mr. Hurt has a background as a contractor and an insurance restoration specialist, as well as other experience in the maintenance/construction industry.

The Board welcomed Mr. Hurt to employment with Botetourt County.

Mr. Martin then asked Mrs. Penny Hall to come forward. He noted that Mrs. Hall has served as the County's Director of Social Services for 2½ years but was recently hired as the Virginia Department of Social Services' Piedmont Regional Director. Mr. Martin noted that she will be responsible for overseeing the work of 25 Social Services Departments in this part of Virginia.

Mr. Martin then read the following proclamation which had been signed and framed for presentation to Mrs. Hall:

**WHEREAS**, Penny C. Hall has diligently served the citizens of Botetourt County as the Director of Social Services since March 27, 2014; and,

**WHEREAS**, Mrs. Hall has spent nearly two decades in the social services profession, serving in various localities and positions prior to coming to Botetourt County; and,

**WHEREAS**, Mrs. Hall's duties have included oversight of the Department of Social Services, chairing the County's Community Policy and Management Team, serving as a liaison between the Department and the County, and promoting the work of the Department throughout the County and region; and,

**WHEREAS**, during Mrs. Hall's tenure, the Department of Social Services greatly increased its efficiency and effectiveness, implemented a successful fraud investigation program, and provided superior services to all citizens in need in Botetourt County; and,

**WHEREAS**, as of January 25, 2017, Mrs. Hall will be employed as the Regional Director for the Piedmont Region of the Virginia Department of Social Services, overseeing and coordinating the work of 25 local offices in Central, Western, and Southwest Virginia; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Botetourt County, on its own behalf and on behalf of the citizens of Botetourt County, extends its appreciation and gratitude for Mrs. Penny C. Hall's dedication and commitment over the past three years to help and support the neediest of those among us in an outstanding manner.

**FURTHER**, the Board wishes Mrs. Hall good luck in her new position as Regional Director for the Piedmont Region.

Mrs. Hall thanked the Board for this proclamation.

The Board stated that Mrs. Hall will be missed and wished her good luck in her new position.

After questioning by Mr. Leffel, it was noted that there was no one present to speak during the public comment period.

There being no discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following consent agenda items: (Resolution Number 17-01-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Approval of minutes of the continued meeting held on December 20, 2016;

Approval of minutes of the regular meeting held on December 22, 2016;

Approval of the following transfers and additional appropriations:

Transfer \$1,276.24 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:

\$ 13.87 Dep. Co. Admin.–Rep. & Maint.–Vehicles, 100-4012120-12120-3312  
 \$ 96.27 Animal Control–Veh. & Power Suppl.100-4035100-35100-6009  
 \$210.35 Fire & EMS – Rep. & Maint. – Vehicles, 100-4035500-35500-3312  
 \$106.51 Comm. Devel.–Rep. & Maint –Vehicles, 100-4081200-81200-3312  
 \$ 4.75 Techn. Svces.–Repair & Maint.–Vehicles, 100-4012510-12510-3312  
 \$ 18.27 Parks & Rec.-Veh. & Power Supplies 100-4071100-71100-6009  
 \$ 44.39 Maint.– Repair & Maint. – Vehicles, 100-4043000-43000-3312  
 \$590.71 Van Program – Rep. & Maint.–Vehicles, 100-4071500-71500-3312  
 \$ 36.95 Library – Rep. & Maint -Vehicles, 100-4073100-73100-3312  
 \$ 17.95 Econ. Dev. – Rep. & Maint. – Vehicles, 100-4081500-81500-6009  
 \$136.22 General Svces. – Repair & Maint.–Vehicles, 100-4040000-40000-3312

Transfer budgeted funds of \$12,000 from Library Department – Maintenance Service Contracts, 100-4073100-73100-3320, to Maintenance – Part-Time Wages – 100-4043000-43000-1300. This transfer of budgeted funds reflects the elimination of outside cleaning services for Eagle Rock and Blue Ridge libraries; services now performed by part-time Maintenance Department personnel at a reduced cost.

Additional appropriation in the amount of \$50 to Library – Books and Subscriptions – 100-4073100-73100-6012. These are donation funds received from Angela Caserta and Jeanne Quill.

Additional appropriation in the amount of \$366.50 to Parks & Recreation – Purchase of Gov. & Other Services, 100-4071100-71100-3800. This is a reimbursement for football officials for two games that were cancelled.

Additional appropriation in the amount of \$440 to Parks & Recreation – Instruction & Training, 100-4071100-711000-3180. These are basketball fees received directly by the County to be forwarded to the Troutville Booster Club.

Additional appropriation in then amount of \$1,225 to Sports Complex – Marketing, 100-4071300-71300-5840. These are rebate funds received from a hotel for an NCCAA tournament.

Additional appropriation in the amount of \$935.29 to Community Development – Professional Services, 100-4081200-81200-3100. These are funds received for enforcement of the County Code regarding property lawn and field maintenance.

Additional appropriation in the amount of \$463 to Fire & EMS – Purchase of Gov. & Other Services, 100-4035500-35500-3800. These are transport medical insurance funds collected by Roanoke County.

Additional appropriation in the amount of \$12,475 to Volunteer Fire & Rescue – Instruction & Training, 100-4032200-32200-3180. These are grant funds (\$10,500) and other funds (\$1,975 – seminar cost offset) received.

Additional appropriation in the amount of \$17,197.25 to Volunteer Fire & Rescue – Fire Insurance, 100-4032200-32200-5302. These are insurance claim funds received for damages to apparatus.

Additional appropriation in the amount of \$214.74 to Correction & Detention – Medical & Lab Supplies, 100-4033100-33100-6014. These are medical co-pays received for medical services provided to inmates.

Additional appropriation in the amount of \$492.92 to various Sheriff's Department accounts, 100-4031200-31200. These funds are for uniform contract payments, education-related expenses, solicitor permit fees, and the sale of brass casings from the firing range.

Additional appropriation in the amount of \$2,939.06 to Sheriff's Department – DMV Salaries, 100-4031200-31200-1800. These funds represent State DMV grant monies received; and

Approval of Accounts Payable and ratification of the Short Accounts Payable List.

Consideration was then held on implementation of an application fee for requests considered by the Building Code Board of Appeals. Mr. Jeff Scott, Building Official, stated that the BCBoA's membership consists of representatives from the building community, e.g., engineers, contractors, property management, etc. He noted that this Board hears appeals from property owners or their agent, contractors, or building designers to decisions made by the Building Official regarding application of the provisions of the Virginia Uniform Statewide Building Code.

Mr. Scott stated that there is currently no application fee charged for these types of appeals to the Building Official's decisions and staff is recommending that this fee be implemented in the amount of \$300 to help defray costs incurred during the appeal process.

After questioning by Mr. Williamson, Mr. Scott stated that since 2000 there have been only two appeals applications considered by the BCBoA—one in 2000 and another in 2015 regarding a certificate of occupancy issued by the County 12 years ago.

After further questioning by Mr. Williamson, Mr. Scott stated that staff reviewed the Board of Appeals' application fees charged by area localities. He noted that some localities do not charge a fee, while others have a fee of \$175 or \$250. Mr. Scott noted that the Board of Zoning Appeals, which hears appeals of the Zoning Administrator's decisions, has a \$250 application fee.

After discussion by Mr. Dodson, Mr. Scott noted that there is a cost to the County to conduct these reviews in staff time and administrative work.

After questioning by Mr. Williamson, Mr. Scott noted that these appeal requests do not have to be advertised but the BoA members will be compensated for their attendance at the meetings.

There being no further discussion, on motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized the implementation of a \$300 application fee for requests submitted to the Building Code Board of Appeals effective immediately. (Resolution Number 17-01-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mrs. Nicole Pendleton, Planning Manager, then provided an update on strategic land use and priorities in the Planning/Zoning Department. Mrs. Pendleton stated that the staff is

requesting input from the Board on the Department's future work priorities. She noted that over the past two years the County has been involved in new and exciting projects which have "pushed at the seams" of the County's existing regulations. Mrs. Pendleton noted that the staff realizes that these existing policies and plans regulating new development can be a barrier to securing creative, modern, and well-planned development.

She noted that projects that the County, including the Planning/Zoning Department, have worked on in the past two years include: Special Events Facilities language added to Zoning Ordinance, adoption of Utility Scale Wind Ordinance, Gateway Crossing Market Study, Agriculture Strategic Plan, Zoning Ordinance amendments regarding site plan, subdivision, and land use application process amendments and Board of Zoning Appeals procedural amendments, consideration of Shopping Center District and towing definition amendments which were eventually withdrawn, created a short-term rental ordinance, increasing the density in Residential R-3, with Special Exceptions Permit, incorporated civil penalties for zoning, created Code Enforcement Officer and Long-Range Planner positions, streamlined zoning enforcement process, amended the fee schedule, joined the Regional Greenway Commission, received technical assistance to develop Urban Development Areas (UDAs) and incorporated the Gateway Center Market Study into an amended Comprehensive Plan, incorporated mixed-use residential on second story or higher floors in commercial districts, and a Phase 1 Housing Study, among others.

Mrs. Pendleton stated that the Zoning Ordinance "needs to be aligned" with the UDA designation in the Comprehensive Plan and staff would also like to meet with developers to discuss the creation of a Residential R-4 Use District for high-density residential uses.

After questioning by Mr. Williamson, Mrs. Pendleton stated that the creation of a R-4 District will also necessitate reworking the R-3 District language but current R-3 properties will not be impacted not unless the property owner submits a rezoning request to the Zoning Department.

After further clarification by Mr. Williamson of his question, Mrs. Pendleton stated that the County currently does not have any Residential R-3 zoned properties that would be considered as "non-conforming" uses and need to be redrawn/rezoned on the zoning maps to R-4 when this new zoning district is created.

Mrs. Pendleton noted that, along with other land use activity, staff anticipates holding public hearings in April on the proposed R-4 zoning district regulations and on owner-initiated text amendments to the provisions of the Traditional Neighborhood District (TND). She stated that tentatively the staff is proposing to have hearings in May on proposed Zoning Ordinance amendments for a Gateway Center Overlay District, and will also look at general ordinance amendments as recommended by the UDA consultants, depending on the feedback received.

She noted that staff is also applying for grant funding to complete phase 2 of the Housing Study.

After questioning by Mr. Williamson, she noted that this is a \$30,000 grant.

Mrs. Pendleton stated that the staff is also proposing in May to begin work on updating the sign ordinance. She further noted that the Planning staff have been working with the Technology Services staff and the County's GIS Analyst to incorporate and manage Geographic Information Systems data for community meetings planned for this summer on housing, land use, and community facilities, as well as input on amendments to the housing and land use elements of the Comprehensive Plan. Mrs. Pendleton further noted that the Roanoke Valley/

Allegheny Regional Commission has also committed staff hours this summer to updating the Transportation section of the Comp Plan.

Mrs. Pendleton stated that staff is also requesting input from the Board on which of the following items to proceed with after the previously mentioned projects have been completed: consideration of urban agriculture in residential and/or commercial zones; potential revisions to the telecommunications ordinance; consideration of multiple agricultural districts and reintroduction of an Agricultural-Rural Residential (AR) Use District that is separate from the Rural Residential (RR) Use District; evaluation of uses and definitions and eliminating overlap, inconsistencies, and contradictions in the Zoning Ordinance; consideration of UDAs and overlay districts with the Towns, amend the Subdivision Ordinance to provide for updated development standards related to higher-density rezoning requests and small lot boundary line adjustments for minor (1 – 4) lot subdivisions; and a residential-scale wind ordinance.

After questioning by Mr. Williamson regarding whether the GIS system improves the staff's ability to monitor and map split-zoned parcels, Mrs. Pendleton stated that an intern is currently scanning all rezoning files into an electronic format and they hope with new software to be able to click on a specific parcel on the GIS maps and be able to access any zoning files regarding that property.

Mr. Dodson then questioned, with all of these work items, how it fits into getting the Comprehensive Plan updated. He noted that the County has not previously had a long-range planner on staff and this position will help us plan for the future. Mr. Dodson stated that housing and future land use development are the first projects that he believes the staff should concentrate on.

After questioning by Mr. Dodson, Mrs. Pendleton stated that the County updated the Comprehensive Plan a couple of months ago so the County is in compliance with State regulations on Plan updates.

Mr. Leffel stated that the work projects discussed by Mrs. Pendleton today are “a big basket” to fill and he commends the staff for their hard work and efforts to complete all of these projects.

There being no further discussion, the Board directed the Planning/Zoning staff to proceed with the work projects as discussed.

Mr. Brian Blevins, Assistant Resident Engineer with the Virginia Department of Transportation, was then present to speak to the Board.

Mr. Blevins then reviewed VDoT's monthly report. Mr. Blevins stated that work to replace two narrow bridges on Route 220 north of Eagle Rock is proceeding; repairs to the I-81 bridge over the James River at Buchanan have shut down for the winter; and work is proceeding on the roundabout at the Exit 150 project. Mr. Blevins noted that he was just informed that, weather permitting, some blasting work on the Exit 150 project is scheduled for tomorrow and Thursday from 10 – 11 AM.

After questioning by Mr. Dodson, Mr. Blevins stated that the contractor will be responsible for notifying the adjacent residents/businesses of the blasting schedule; however, he does not believe that this will be a “major blast” that would shake buildings to a large extent. Mr. Blevins stated that, if he receives any additional information, he will inform the Board, County staff, and the area's citizens/businesses.

Regarding land development projects and land use permits, Mr. Blevins stated that the Roanoke Gas line replacement project has been approved which will necessitate lane closures

on Route 11 over the next 6 months and the land development approval for the new El Rodeo restaurant in Daleville has been issued. Mr. Blevins further noted that there were 2 private entrance permits and three utility permits issued by VDoT in the past month.

Regarding Traffic Engineering Studies, Mr. Blevins stated that a request for review of the Route 460/Webster Road intersection for installation of a traffic signal was submitted in early January. He noted that this issue has been reviewed previously and VDoT staff found that it was not feasible to install a traffic signal at this location. He also noted that a request has been submitted for "GPS Not Recommended" signage on Catawba Road from the Roanoke County line to Little Catawba Creek Road.

Mr. Martin stated that the Route 460/Webster Road intersection is dangerous and a traffic safety issue. He noted that additional safety solutions, besides a traffic signal, are needed at this intersection.

After questioning by Mr. Williamson regarding the environmental study on Lithia Road due to flooding issues, Mr. Blevins stated that VDoT has estimated that repairs to this area to reduce the occurrences of roadway flooding would cost between \$300,000 and \$1.5 million depending on which option is chosen. He noted that there is no place in VDoT's budget to fund this project so it is on hold at this time.

After further discussion, Mr. Blevins stated that he will ask Kevin Hamm, Maintenance Operations Manager, to contact Mr. Williamson about the Lithia Road project.

Mr. Williamson then stated that the transition from the old to the new pavement on the Route 606/11 intersection project has several potholes that need to be repaired. Mr. Blevins stated that he will forward this matter to Mr. Hamm.

After questioning by Mr. Dodson on a Route 220 corridor study between Greenfield and Route 460, Mr. Blevins stated that he has talked to their Regional Traffic Engineer about this study and VDoT plans to "push this request forward" so that funding can be allocated and work begun as soon as feasible.

Dr. Scothorn then stated that there was another recent accident at the Alternate 220/Summerfield Court crossover/intersection. He noted that there have been 4 accidents in this area in recent months and, with a 74-unit apartment complex approved for construction that will use this intersection/crossover, he is concerned about the public's safety at this intersection. He requested that VDoT review this area to see if any traffic safety measures can be implemented.

Dr. Scothorn stated that this large number of apartments it will increase the traffic and accident potential in this area. He further noted that VDoT's review letter for the proposed apartment complex's rezoning application said that this intersection was "fine" and could handle this additional traffic.

Mr. Blevins stated that during the rezoning process, VDoT's purview over these projects is advisory in nature. He noted that the proposed apartment complex does not front on Alternate 220 so VDoT cannot require the developer to make road improvements. Mr. Blevins stated that VDoT can review the intersection again to see if their engineers have any other suggested traffic safety improvements.

Dr. Scothorn reminded Mr. Blevins that the pavement subsidence on certain streets in Hunter's Green Subdivision still need to be repaired. He also suggested that, in the future, a review of Valley Road between Routes 11 and 220 be conducted to see if some of the curves can be removed and the access points widened. Dr. Scothorn noted that there are several

instances of vehicles ending up in ditches and in front yards when they miscalculate the curves on this road.

Mr. Blevins stated that this project can be discussed during the next SmartScale road improvement funding application process in September 2018.

After questioning by Mr. Williamson regarding the Route 220 corridor study and the potential for stoplights at Lord Botetourt High School's entrance, Mr. Blevins stated that they have applied for funding from VDoT's Central Office to get a consultant approved for this study.

After further discussion, Mr. Blevins stated that he will add the Route 220 corridor study to the VDoT monthly report project listings so the Board can be kept up to date on its status.

Consideration was then held on gravel road improvement projects. Mr. Blevins stated that in December VDoT and four Board of Supervisors members toured several gravel roads in order to consider which unpaved roads will next be included on the Secondary System Six Year Plan for funding.

Mr. Blevins noted that work on the Buhrman Road gravel road project is scheduled to begin this spring and, depending on the completion date of that project and whether any funds remain, the McFalls Road project may begin this summer or fall. He noted that the Board is being asked to designate which gravel roads will next be scheduled for improvement/paving. Mr. Blevins noted that details on the roads' lengths, daily traffic counts, number of houses, number of school-aged children, and estimated costs were included in this agenda item.

He noted that the suggested roads, in no particular order, are: White Church Road, Stevens Road, Old Hollow Road, Back Creek Road, Short Road, Stone Coal Road, and Trevey Road. Mr. Blevins noted that most of these projects would take all of the allocated gravel road improvement funds (approximately \$414,000 per year); however, they could be "stepped in" two or three at a time. Mr. Blevins estimated that these roads should be able to be completed in the next 6 – 8 years.

Mr. Blevins noted that the roads chosen to be paved will need to be placed on the County's Secondary System Six Year Plan by the end of June.

Mr. Blevins stated that White Church Road will be the easiest project to move forward as it has been designated as a Rural Rustic Road (RRR) project by the Board of Supervisors since 2010. Mr. Blevins noted that he can move forward with this road's administrative/preparatory work tomorrow if it is approved for construction by the Board today.

After comments by Mr. Williamson regarding the high traffic count on Stone Coal Road (160 vehicles per day, 27 homes, and 11 school-aged children), Mr. Blevins stated that he believes that this road is a cut-through. He noted that this roadway is in good condition and may be completed for less than the \$590,000 estimated cost.

Mr. Williamson suggested that White Church Road and Stone Coal Road be the next gravel road projects scheduled for construction under the RRR program.

Mr. Blevins noted that, if this road is chosen as the next project to be paved, a resolution designating Stone Coal Road as a RRR will be brought before the Board for consideration in February/March.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board designated White Church Road (Route 666) and Stone Coal Road (Route 748) as the next gravel road improvement projects to be paved under the Rural Rustic Road (RRR) program. (Resolution Number 17-01-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a citizen request for a text amendment to allow beekeeping as a permitted by right use in all Residential use districts. Mrs. Nicole Pendleton, Planning Manager, stated that the Zoning Ordinance permits a landowner to file a petition "for a resolution of intent to amend the ordinance" by the Board. She noted that the Board can either adopt a resolution initiating the text amendment process or deny the request.

Mrs. Pendleton stated that the County has received a request from Mr. and Mrs. Michael Lewis, who live on Residential R-1 zoned property on Cambridge Drive in Daleville, to allow beekeeping as a permitted, by right use in residential use districts. She noted that beekeeping (apiculture) is currently only permitted in the Agricultural A-1 Use District and is "lumped in" with other defined forms of agricultural uses in the Zoning Ordinance.

Mrs. Pendleton stated that staff believes that it would be prudent to have a thorough review of the Ordinance's agricultural definition as the County needs a sound regulatory structure in place as issues such as the number of hives per parcel, appropriate setbacks from adjacent properties, the provision of flyaway barriers, adequate water sources, potential inspections, etc., would need to be determined. She estimated that this review, which should also include review of additional types of more urbanized agriculture, e.g., the use of land for raising plants and animals within the appropriate context and scale across other residentially-zoned districts, would take approximately 9 months based on the Department's current and upcoming work projects.

Mrs. Pendleton noted that Mr. Lewis was present at today's meeting to answer any questions on his request.

Mr. Lewis stated that he took classes at Virginia Tech regarding beekeeping and the first thing he was told to do was to talk to his neighbors about his proposal to have bee hives on his property.

After questioning by Mr. Williamson, Mr. Lewis stated that one of his neighbors was concerned about having bee hives in the neighborhood but the others were supportive of his idea.

Mr. Lewis stated that he conducted research on how other jurisdictions regulate keeping bees in residential areas. He noted that Charlottesville does not have a policy but they encourage the practice of beekeeping and Roanoke City's Ordinance is very detailed. He then presented a copy of the Roanoke City regulations to the Board members.

Mr. Lewis stated that he does feel that the best way for the County to approach this issue is by combining this request with the review of other forms of agriculture in residentially-zoned areas.

After questioning by Mr. Williamson, Mr. Lewis stated that he would like to have 5 hives on his property. He noted that there is a 43% attrition rate for bees each year and it costs approximately \$600-\$700 for an individual to get started in beekeeping.

Dr. Scothorn noted that he talked to the previous president of the area's beekeeping club, Mr. Mike Wolfe, about this issue. Dr. Scothorn stated that he was unaware that the flight pattern of bees could be directed.

Mr. Lewis stated that this is correct and can be done by installing a fence/barrier in the area/direction where you do not want the bees to fly.

After questioning by Mr. Martin, Mr. Lewis stated that he wants to keep bees to help the environment, for pollination, and for the honey supply. He further stated that the decline in the honey bee population over the past few years has been terrible.

Mr. Lewis stated that he is aware that County staff would like to delay their review of these regulations; however, two beekeeping classes are scheduled in this area in February and, once the classes are completed, the attendees will want to order their bees and purchase their hives for the spring flowering season. He noted that having to wait at least nine months for staff review of these regulations “will put them in a dilemma.” Mr. Lewis further noted that a package of bees costs \$135.

Mr. Lewis stated that he knows that the Planning Office staff is very busy but “the research has been done” with the well-written Roanoke City ordinance.

Mr. Williamson stated that the Roanoke City Ordinance requires that a water source for the bees be within 50’ of the hives and he does not want the County to have to be responsible for inspecting this detailed aspect of the ordinance. Mr. Williamson also stated that he can see beehives being allowed in R-1 districts but not R-3 districts and thinks that self-policing is a great idea for this type of use but believes that the County does not need to regulate how beekeepers treat their bees on a daily basis.

Mr. Dodson stated that the County “needs to take a good look at this” proposed text amendment. He noted that the County needs to think this through and have the appropriate procedures in place to regulate this activity.

After questioning by Mr. Martin, Mr. Lewis stated that, if a hive gets too big, the bees will swarm and take the queen bee with them. He noted that the old hive will then make a new queen so that colony will continue to survive.

After questioning by Mr. Williamson, Mrs. Pendleton stated that a zoning-related complaint was received in the Planning Office regarding Mr. Lewis having beehives on his residential property which resulted in Mr. Lewis submitting a text amendment request.

After discussion by Mr. Williamson, Mr. Lewis stated that bees are classified as livestock in the County’s ordinance.

After questioning by Mr. Williamson, Mrs. Pendleton stated that, as long as the County staff are working with the violator in question to find a solution to the non-compliance issue, the County will not issue a formal violation notice, unless it is causing a life safety issue.

Mr. Leffel stated that the bee/human safety issue needs to be addressed and the County should to conduct a further review of these potential regulations as they would not affect only Mr. Lewis.

After further discussion, on motion by Mr. Dodson, seconded by Mr. Martin, and carried by the following recorded vote, the Board directed staff to conduct a review of proposed amendments to Chapter 25. Zoning of the Botetourt County Code to permit beekeeping, and possibly additional forms of urban agriculture as appropriate, in residential use districts, and provide an update at a joint work session with the Planning Commission by October. (Resolution Number 17-01-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on revisions to the County Personnel Policy Manual. Mr. David Moorman, Deputy County Administrator, stated that a draft of the amended Personnel

Policy Manual had been included in the Board's information packets. He thanked the County's department heads and directors, as well as Mike Lockaby, County Attorney, and Mary Blackburn, Human Resources Manager, for their review and assistance during this update process.

Mr. Moorman noted that many of the revisions are clerical and clarifying in nature but some of the amendments are substantive. He further noted that some Fire/EMS operational policies were included in the updated language and staff will continue to work will Fire/EMS to complete consolidation of their personnel policies and procedures into the County Personnel Policy Manual.

After questioning by Mr. Williamson whether or not language regarding "at will" employment is a change of employee status, Mr. Moorman stated, and the County Attorney concurred, that this does not change the employer/employee relationship and is a clarification only.

Mr. Moorman further noted that constitutional officers and their employees are not required to comply with the Manual's regulations unless they have "opted in."

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted the amendments to the County's Manual of Personnel Policies as presented. (Resolution Number 17-01-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a Marketplace Fairness Act resolution. Mr. Larrowe stated that there has been some discussion on this issue for several years by Congress; however, no final solution has been approved. He stated that this Act is proposed to allow State and local governments to collect sales taxes on Internet sales from businesses that do not have a "brick and mortar" presence in their jurisdictions.

Mr. Larrowe noted that several Roanoke Valley jurisdictions have recently approved resolutions asking Congress for action on this Act so that taxes on Internet sales can be assessed and returned to the localities. Mr. Larrowe noted that Roanoke City recently adopted a resolution to this effect; however, he believes that a more general resolution would be preferable. He noted that a substitute resolution was drafted and presented to the Board members earlier today.

Mr. Larrowe noted that it has been estimated that, based on data included in a [Richmond Times-Dispatch](#) article in April 2013, Botetourt County is losing more than \$300,000 in e-commerce revenues each year from untaxed Internet sales.

Mr. Williamson stated that the original legislation was considered by Congress in 2013. Mr. Williamson noted that he has concerns about the original Act's language as small businesses in Botetourt County, for example, could be audited by tax collectors from other states or cities such as Los Angeles, California.

Mr. Dodson stated that he is also concerned about the "mechanics" of this proposed legislation and the potential for small businesses to be audited by other cities/states.

Mr. Williamson noted that the original Act included language that provided for a clearinghouse for businesses to access during the collection of taxes and the submittal of those revenues to the appropriate jurisdiction. He noted that "we do not have an answer today" to these questions.

It was also noted that the State could say that they are keeping the revenues instead of forwarding them to the specific locality.

Mr. Martin stated that he sees this as another tax increase on citizens and it is a compliance issue as well.

Mr. Williamson stated that this legislation would allow the collection of existing taxes.

There being no further discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the following resolution urging the United States Congress to enact legislation that will enable State and Local governments to collect Internet sales taxes that are already owed and that are essential to the expansion of our local and regional economy, creation of thousands of new jobs, enhancement of the quality of life within our communities, and preservation of limited State and Local revenue sources.

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

NAYS: Mr. Dodson, Mr. Martin

ABSENT: None

ABSTAINING: None

Resolution Number 17-01-12

**WHEREAS**, many State and local governments rely on the collection of sales and use taxes to support funding to improve needed infrastructure improvements, strengthen local small businesses, create jobs for their citizens, and fund essential services; and

**WHEREAS**, local small businesses that collect sales tax confront expanded competition from the explosion of Internet sales by remote sellers who under longstanding law cannot be required to act as tax collection agents by a customer's state; and,

**WHEREAS**, national studies reveal that State and local governments lose approximately \$30 Billion each year from uncollected sales taxes from transactions involving remote Internet retailers; and,

**WHEREAS**, it is projected that Botetourt County is currently losing more than \$300,000 dollars annually from uncollected sales and use taxes from remote online sales; and,

**WHEREAS**, State and local associations, including the Government Finance Officers Association, the National League of Cities, the National Association of Counties, the United States Conference of Mayors, and the National Governors Association, along with partners in the retail community, worked together for years to change the law; and,

**WHEREAS**, to eliminate the competitive disadvantage faced by local small business retailers and to recover sales tax revenue for the states, in 2013 the United States Senate passed the Marketplace Fairness Act which would have permitted states to require remote sellers to act as their collection agents; and,

**WHEREAS**, the 114<sup>th</sup> Congress did not vote on the Marketplace Fairness Act because of concerns about the compliance burden on remote sellers as well as with letting states regulate beyond their borders; and,

**WHEREAS**, the market disadvantage for brick and mortar stores and the lost sales tax revenue to states and localities persists which has led some jurisdictions to raise other taxes; and,

**WHEREAS**, alternative solutions have recently been circulated which level the playing field and return revenue to the states without imposing significant burdens or permitting regulation without representation;

**NOW, THEREFORE**, be it resolved by the Board of Supervisors of the County of Botetourt, Virginia that:

1. The Board urges Congress to enact compromise legislation during the 2017 session that will level the playing field for retailers and recover lost revenue for states while keeping compliance simple for sellers and not letting states tax and regulate beyond their borders.

2. The Board urges the United States Congress to fashion a compromise during the 2017 session to send a clear and unequivocal message that the United States Con-

gress supports small business women and men who create jobs, produce revenues to support essential infrastructure improvements, and create a stronger and more resilient economy for the benefit of all Americans.

3. The Board directs the County Administrator to provide attested copies of this Resolution to The Honorable Paul Ryan, Speaker of the United States House of Representatives; The Honorable Bob Goodlatte, Chairman of the House Judiciary Committee; The Honorable Mitch McConnell, Senate Majority Leader of the United States Senate; The Honorable Mark Warner, United States Senator; and The Honorable Tim Kaine, United States Senator.

Regarding Committee Reports, Mr. Williamson noted that he recently talked to Steve Clinton, the County's representative on the Western Virginia Water Authority Board of Directors, and Mr. Clinton is willing to give the Board an update in the spring on the Authority's activities over the past year.

Mr. Dodson then noted that a Captains and Chiefs meeting was recently held. He noted that this group works hard and praised them for their dedication and effort. Mr. Dodson also noted that Chief Tommy Fuqua has been a great asset in his work for the County since Chief Jeff Beckner's passing last summer.

Mr. Larrowe then stated that, as part of the reorganizational meeting agenda item, the Board was asked to consider rescheduling their December 2017 meeting due to the Christmas holiday. He noted that the fourth Tuesday in December is the 26<sup>th</sup> and the Board was given the option of rescheduling the meeting to either Thursday, December 21<sup>st</sup> or Wednesday, December 27<sup>th</sup>.

After discussion, on motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board rescheduled their December 2017 regular meeting from Tuesday, December 26 to Thursday, December 21, 2017. (Resolution Number 17-01-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on various appointments.

Mr. Leffel asked that the consideration of appointments to the Building Code Board of Appeals be tabled until the Board's February meeting.

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board nominated Mr. J. Scott Caldwell to the Circuit Court Judge for reappointment as the Valley District representative on the Board of Zoning Appeals for a five year term to expire on March 31, 2022. (Resolution Number 17-01-14)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a request for a variance to the Noise Ordinance by Hollins University for an event at Fincastle Vineyard on April 29. Mr. David Moorman, Deputy County Administrator, stated that Hollins University is proposing to hold an event at Fincastle Vineyard on April 29 and is requesting permission to have music played until midnight. He

noted that the County's Noise Ordinance prohibits music after 10PM unless the Board approves a variance. Mr. Moorman noted that Mr. Doug Smith with Hollins University was present to speak regarding this request.

Mr. Smith, Director of Student Activities at Hollins University, stated that each year the school has two formal dances for their students. He noted that for the first time one of these events is scheduled in Botetourt County at the Fincastle Vineyard. He noted that they anticipate 300-400 attendees at this event.

Mr. Smith stated that a band will be hired to perform for the first part of the evening and then a disc jockey will finish the event. Mr. Smith stated that he talked to David Sawyer, owner of Fincastle Vineyard, about this event last week and Mr. Sawyer stated that he would like to "keep the neighbors happy." Mr. Smith stated that, due to Mr. Sawyer's concerns about the impacts of music playing until midnight on the neighbors, he would like to request that the variance be until 11:00 P. M., instead of midnight.

After questioning by Mr. Martin, Mr. Smith stated that the University's average attendance at these dances over the past few years is approximately 325. After further questioning, Mr. Smith stated that alcohol will be served to those over 21 years of age and University staff members will be on site to control and police alcohol consumption by students. Mr. Smith also stated that the University will provide shuttle bus service to the Vineyard from the campus and they usually provide additional security for these types of events as well.

After further questioning by Mr. Martin, Mr. Smith stated that they have not had many problems at these types of events in the past. He noted that there was an instance each in 2014 and 2015 where a student was either sent back to the campus or was not allowed on the shuttle bus due to intoxication.

After questioning by Mr. Williamson, Mr. Smith stated that Mr. Sawyer told him last week that he would inform the Vineyard's neighbors about this event and their plans to have music beyond 10:00 P. M.

After questioning by Mr. Williamson, Sheriff Ronnie Sprinkle stated that he does not see any problems with this proposal but requests that, if the variance is approved, a copy of the County's approval letter be forwarded to him for his files.

Mr. Williamson stated that he would also like assurances that the Vineyard's neighbors are notified in writing of this event and that music will be broadcast after 10:00 P. M. After discussion, Mr. Williamson further stated that he is willing to approve the variance request with the provision that the music be shut off by 11:30 P. M.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved a variance to the provisions of Section 15-57 (6) of the Noise Ordinance for Hollins University's annual Cotillion dance event on April 29, 2017, at the Fincastle Vineyard, with the conditions that the music be shut off by 11:30 P. M., and that the applicant notify the Vineyard's neighbors in writing of the event and that the music will be playing beyond 10:00 P. M. (Resolution Number 17-01-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then called for a 10 minute break.

The Chairman called the meeting back to order at 4:01 P. M.

Mr. David Marcum, Chairman of the Greenfield Preservation Advisory Commission, was then present to provide a five-month report of the Commission's activities. Mr. Marcum stated that at their first meeting in October the Commission held general discussions, reviewed the charge of duties as assigned by the Board of Supervisors, and discussed hiring of a consultant to assist with the project. He noted that they determined that expert input was needed in order to put their ideas for the Greenfield Preservation Area into a tangible product.

At their November meeting, Mr. Marcum stated that the group met on site to allow all Commission members to view the property, reviewed their future schedule of meetings, discussed the draft request for proposals (RFP) for consultant services, and then directed staff to advertise the RFP. He noted that in December, they reviewed the proposal submissions and then decided to cancel the RFP and readvertise for new proposals. Mr. Marcum stated that at the January meeting, they reviewed the group's ideas, thoughts, and recommendations for the Preservation area and reviewed the four, new consultant proposals. He noted that the Commission wants to preserve the existing historical buildings on this site at this time, refine the site's historical scope, and streamline some of the consultant's work.

At the February meeting, Mr. Marcum stated that they will discuss the preservation area and ideas on the disposition of the various historical artifacts found on the Greenfield property during the archaeological survey conducted last year. Mr. Marcum stated that "they feel that they are on track to come up with a nice plan" to add to the County's tourism resources and make this site a nice place for the community and others to have access to part of the County's history.

Mr. Williamson stated that he appreciates the amount of volunteer time that the Commission's members have put into this project over the past five months and acknowledged the controversial nature of the project's beginning. Mr. Williamson thanked Mr. Marcum for his leadership of the Commission.

Mr. Dodson stated that he agreed with Mr. Williamson's comments. He noted that the work that the Commission is doing is "spot on" in figuring out ways for citizens and visitors to view the County's history. He noted that the group has the right long-term vision for this preservation area and he looks forward to seeing the project come together in the future.

Mr. Marcum stated that they are trying to do what they think will be the best for the citizens in this situation.

Mr. Leffel also stated that he appreciated the work that the group is doing and thanked Mr. Marcum for his report.

There being no further discussion, the meeting was adjourned at 4:08 P. M. until 6:00 P. M.

The Chairman then called the meeting back to order at 6:00 P. M.

Consideration was then held on a request in the Amsterdam Magisterial District from Ashley Investments, LLC, for a Commission Permit in accord with §15.2-2232 of the Code of Virginia for the construction of a public road, in addition to a request for rezoning from an Agricultural (A-1) Use District to a Residential (R-1) Use District, with possible proffered conditions, on 32.081 acres of a 35.154-acre parcel for residential use at 2763 Trinity Road, Troutville. The development is proposed to be accessed via Scarlet Drive (Route 1129). This parcel is located approximately 0.45 miles south of the Roanoke Road (U.S. Route 220)/Trinity Road (State

Route 670) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 82F.

It was noted that the Planning Commission had recommended denial of this request at their November 2016 meeting and the Board tabled this request at their November 2016 meeting to allow the revised plat and issues regarding stormwater management and access to be reviewed by staff.

Mrs. Nicole Pendleton, Planning Manager, stated that several different design proposals for this development were submitted to the Planning Department over the past 6+ months. She noted that the owner/developer has submitted a revised concept plan dated January 16, 2017, to create a 28 lot residential subdivision on 32 acres which will be accessed off of Scarlet Drive in Ashley Plantation Subdivision, Section 4. She noted that the access to these lots will be by a 40' State maintained right-of-way with one 40' wide access stub-out onto property that fronts on Trinity Road.

Mrs. Pendleton noted that staff has met several times with Sam Camp, developer/owner, regarding this proposal since it was brought before the Planning Commission and Board of Supervisors in November. She noted that the most recent concept plan is similar to what was presented in November; however, Mr. Camp is proffering a new condition that the public road will be constructed with curb and gutter.

After questioning by Mr. Williamson, Mrs. Pendleton stated that the proffer regarding the covenants and restrictions, which are the identical to those recorded for Ashley Plantation, Section 4, being recorded in the Circuit Court Clerk's Office prior to subdivision approval is the same language as was submitted by Mr. Camp at the November public hearings.

Mr. Leffel then stated that tonight's discussion on this request is not a formal public hearing; however, he has received a few requests from citizens to speak. Mr. Leffel stated that he would allow citizens to speak as long as they contain their comments to three minutes.

Mrs. Carol West Zielinski of Manassas Circle noted that she previously worked for a developer and is familiar with the design/development process. Mrs. Zielinski questioned who would be responsible for funding a traffic light, if one is needed, at the Trinity Road or Scarlett Drive intersections with Route 220 due to the increase in traffic from this development. She also stated that it is almost impossible to drive out of Ashley Plantation in snowy conditions.

Mrs. Zielinski stated that there have been a number of serious accidents at the Scarlett Drive/Route 220 intersection and there have been instances of school buses and logging trucks stuck on Route 220 impeding traffic and questioned how these problems will be addressed.

Mrs. Zielinski stated that, if there is no traffic signal on Route 220, how will the residents of this new development going to safely get out onto Route 220.

Mr. Dan Weber of Stonewall Drive then stated that he is still concerned about the erosion and stormwater runoff from this development and its impact on the neighborhood. He noted that the original sections of Ashley Plantation were developed 15 years ago and questioned if those same water/erosion runoff guidelines/tables were still being used today. Mr. Weber questioned why their homes have had water damage that they have had to pay to repair/correct.

Mrs. Amy Wilson of Scarlett Drive then stated that the covenants and restrictions for this new development, which are the same as those for Section 4 of Ashley Plantation, were not submitted by an attorney and questioned if they are legal. She noted that Mrs. Riley Overbay, the wife of Ashley's former developer, copied these new covenants and restrictions onto the new development's covenants/restrictions.

Mr. Sam Camp, applicant, stated that he believes that the citizens' concerns have been addressed by this new concept plan. Regarding comments about a traffic signal, Mr. Camp stated that VDOT is working on a Route 220 corridor study to ascertain future needs along this route. Regarding comments regarding water runoff concerns, Mr. Camp stated that the revised concept plan submitted to the Board for this meeting shows topographical lines for the new development. He noted that the only surface water from this property comes from the 3.073 acre lot between the development and Trinity Road. Mr. Camp stated that there are no plans to disturb this lot at this time.

Regarding the covenants and restrictions concerns, Mr. Camp stated that Mr. Malfourd (Bo) Trumbo, former attorney and now Circuit Court Judge, drafted the Ashley Plantation covenants and restrictions 15+ years ago. He noted that Mrs. Overbay only copied that same language onto the referenced development's covenants and restrictions document.

After questioning by Mr. Dodson, Mr. Camp stated that the covenants and restrictions are considered mandatory as each property owner will be required to be a member of the development's homeowner's association (HOA). Mr. Camp noted that Hall and Associates will be responsible for handling oversight of the development and its infrastructure until the homeowner's association takes over these duties.

After questioning by Mr. Williamson, Mr. Camp stated that, if the covenants are recorded in the Clerk's Office, then they are "bound with the property," however, this does not prevent civil action by a homeowner on any aspect of these restrictions.

After further questioning by Mr. Williamson, Mr. Camp stated that the 2.7 acre parcel, adjacent to lot 12, is reserved for the stormwater management pond/infrastructure, if it is needed. Mr. Camp further stated that the size of the stormwater management area will be determined by the engineer's design for this development.

After questioning by Mr. Williamson, Mr. Camp stated that the proposed stormwater management area, which will be owned by the homeowner's association, is currently a wooded area. After further questioning by Mr. Williamson, Mr. Camp stated that he is willing to include language in the covenants and restrictions and proffered condition #3 that the stormwater management parcel will be owned by the HOA.

Dr. Scothorn then stated that he had talked to a homeowner in the adjacent Meadows of Ashley development who says that water runoff from this property drains into their backyard.

Mr. Camp stated that according to the topo maps most of the runoff drains away from that individual's property as there is a natural buffer area between the proposed new lots 22-24 and this individual's property.

Mr. Camp noted that, if necessary due to topographical issues, he could combine lots 23 and 24 into one lot in order to create a good building site.

After questioning by Mr. Williamson, Mrs. Pendleton stated that the proposed new access road is 1,200' in length from its intersection with Scarlet Drive.

After questioning by a lady in the audience, Mr. Camp stated that he has no plans to sell any of these lots to a developer but they may do so in order for the developer to construct a dwelling on the parcel. After further questioning by this same lady, Mr. Camp stated that the County adopted new, more stringent stormwater management regulations in 2014 that all developers are required to comply with.

After discussion, Mr. Camp stated that Ashley Investments and Hall and Associates will manage the HOA until 100% of the lots have been built out and then the HOA will be turned over to the development's residents to manage/administer.

After questioning by Mrs. Amy Wilson, Mr. Camp stated that the maintenance of the stormwater management area will be handled by Ashley Investments until 100% of the lots have been built out. After further questioning by Mrs. Wilson, Mr. Camp estimated that it would take three years for homes to be constructed on all of the lots unless there are unforeseen problems with the economy.

After questioning by Mrs. Zielinski, Mr. Camp stated that the County will not allow subdivision lots to be divided after the subdivision plat is approved and recorded in the Circuit Clerk's Office.

After further questioning by Mrs. Zielinski regarding subdivision of individual lots, Mrs. Pendleton stated that the applicant has proffered that this subdivision would be developed in substantial compliance with the concept plan. She further stated that the developer could request a plat amendment if he wants to divide a lot; however, this would have to go through the same public hearing process before the Planning Commission and Board of Supervisors as the rezoning request.

Mrs. Zielinski stated that "we do not know what the next 15 years will bring" and she is concerned about high-density development and the possibility of subdividing these lots before construction begins on any homes.

Mr. Mike Dixon of Alabama Court noted that his property is located behind the proposed stormwater management pond parcel and questioned how this infrastructure will operate. He noted that there is a 20' drainage easement on his property and questioned if there were an underground conduit to help the stormwater flow out of the pond. He noted that this parcel has a higher elevation at the top and then slopes down to his property line.

Mr. Dixon noted that he understands the regulations state that no more water can be generated from an adjacent property than currently flows from that area. He also questioned if the stormwater management pond has a "pumping operation."

Mr. Camp stated that there are new methods of managing stormwater runoff currently in effect. He noted that the old regulations would allow a detention pond with an orifice to allow the water to seep through at a slow rate which allows silt to stay in the pond instead of flowing onto downstream properties. Mr. Camp stated that they would pipe the runoff across Mr. Dixon's yard through the existing drainage easement.

After questioning by Mr. Williamson, Mr. Camp stated that this existing 20' drainage easement was recorded with the Ashley Plantation, Section 4, plat.

A lady in the audience stated that Mr. Camp has said that he estimates it will take three years to sell all of these lots. She noted that there are many unsold lots currently located in Ashley Plantation and questioned when Mr. Camp would begin developing the land if this rezoning request is approved.

Mr. Camp stated that it will take approximately one year to obtain all of the erosion and sediment control and engineering approvals for this development before ground will be broken. Mr. Camp further stated that he and Mr. Mason have plans for developing this property and they cannot predict the future economy; however, it looks good now.

A lady in the audience stated that it is a "perceived negative" to the subdivision when lots are not sold.

Mrs. Audrey Stone of Stonewall Drive noted that she took a video of water running through her property from this proposed subdivision area during last week's heavy rain and would like to make it available to the County to view.

Mr. Williamson stated that this development will go through an erosion and sediment control review process and he asked that Mrs. Stone provide the staff with a copy of this video for their information.

After questioning by Mr. Williamson regarding the 40' right-of-way (RoW) between lots 19 and 20 to the 3.07 remaining acreage that will remain zoned as Agricultural A-1, Mrs. Pendleton stated that this stub-out easement will be a dedicated, fee simple right-of-way. After further questioning about this RoW, Mrs. Pendleton stated that this easement will be dedicated to public use and its maintenance will be the responsibility of the HOA.

Mr. Dodson thanked Mr. Camp for his willingness to work with the adjacent landowners and the County on the fourth alliteration of this proposed subdivision.

Mr. Camp noted that he and Mr. Mason began work on this development proposal 1½ years ago.

Dr. Scothorn stated that he appreciated the citizens' presence at this meeting and at the public hearing in November.

Mr. Leffel stated that he also appreciated the comments made by those individuals at this meeting. He noted that there will be additional questions on this project as it still has a long approval process to go through. Mr. Leffel stated that he appreciates how Mr. Camp has tried to work with the County on this project.

Mr. Martin stated that there have been a lot of changes to this request since the first design was submitted and he is aware that some residents would like the property to remain undeveloped. Mr. Martin further stated that Mr. Camp has a right to build homes on this property; however, the County needs to accommodate the citizens that currently live in this development.

Mr. Martin further stated that the County currently requires strict compliance with all stormwater management regulations. Mr. Martin noted that he has no problem with proceeding with this project as presented.

Mr. Williamson noted that a future Board of Supervisors can do other things but this Board has been through a process that started with 160 residential units and has now been reduced to be compatible with the existing subdivision's design. He further noted that, if this request is denied, the applicant would have a one year delay before any rezoning request could be resubmitted. Mr. Williamson stated that, "if we let it lie, there is increased pressure for development" in the future.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved a request in the Amsterdam Magisterial District from Ashley Investments, LLC, for a Commission Permit in accord with §15.2-2232 of the Code of Virginia for the construction of a public road, and approved this rezoning request with the following conditions. 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 17-01-16)

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

NAYS: Mr. Dodson

ABSENT: None

ABSTAINING: None

**ASHLEY INVESTMENTS, LLC**

In the Amsterdam Magisterial District to rezone from an Agricultural (A-1) Use District to a Residential (R-1) Use District on 32.081 acres of a 35.154-acre parcel for residential use at 2763 Trinity Road, Troutville. The development is proposed to be accessed via Scarlet Drive (Route 1129). This parcel is located approximately 0.45 miles south of the Roanoke Road (U. S. Route 220)/Trinity Road (State Route 670) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 82F.

1. This property will be developed in substantial conformance titled "Proposed Concept Plan" included with this application, prepared by McMurry Surveyors, Inc., dated August 18, 2016, and revised January 16, 2017.
2. The public road will be constructed with curb and gutter.
3. Prior to subdivision approval, a declaration of covenants, conditions and restrictions will be recorded in the Office of the Circuit Court Clerk of Botetourt County. These covenants, conditions and restrictions will be identical to those recorded via Instrument #0309463 in the Office of the Circuit Court Clerk of Botetourt County on October 9, 2003 for Ashley Plantation Section IV, Articles I and II.

After questioning by Mrs. Zielinski, it was stated that any traffic signals required on Route 220 for this development will be funded with Virginia Department of Transportation monies.

There being no further discussion, the Chairman adjourned the meeting at 6:45 P. M.