

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, January 26, 2016, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 2:00 P.M.

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

ABSENT: Members: None

Others present at the meeting:

Mr. David Moorman, Deputy County Administrator
Mr. Michael W. S. Lockaby, County Attorney
Mr. Gary Larrowe, County Administrator

Dr. Scothorn then called the meeting to order at 2:00 P. M.

He then asked for a moment of silence. Mr. Dodson then led the group in reciting the pledge of allegiance.

Dr. Scothorn then mentioned the recent snow storm and expressed his appreciation for the work done by County staff, the Sheriff's Department, and the Fire and Emergency Services personnel to ensure the safety of the County's residents. Dr. Scothorn stated that the Department of Emergency Services sent out a reverse 911 message late last week notifying the residents of the upcoming storm and providing a listing of preparation efforts.

Dr. Scothorn noted that the County declared a local emergency on January 21, 2016, due to the upcoming winter storm and the Board of Supervisors is required by the Code of Virginia to ratify this emergency declaration.

On motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board ratified the emergency declaration issued by the director of emergency services regarding the winter storm event of January 22, 2016.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 16-01-01

WHEREAS, the Board of Supervisors of the County of Botetourt, Virginia, does hereby find as follows:

1. That due to the occurrence of a severe, Countywide snow storm which commenced in the County at approximately 7:00 PM on January 21, 2016, through 10:00 AM on January 25, 2016, the County of Botetourt faced a condition of extreme peril to the lives, safety, and property of the residents of and visitors to Botetourt County;
2. That the Director of Disaster and Emergency Management deemed that a state of emergency existed at 7:00 P. M. on January 21, 2016, and through and until 10:00 A. M. on January 25, 2016;
3. That as a result of this extreme peril, the proclamation of the existence of an emergency was necessary to permit the full powers of government to deal effectively with this condition of peril;
4. That a State of Emergency was subsequently declared in accordance with Code of Virginia Section 44-146.21;
5. That a Board of Supervisors ratification of the declaration is required;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of the County of Botetourt, Virginia, that a local emergency existed throughout the County of Botetourt, and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this emergency, the powers, functions, and duties of the Director of Disaster and Emergency Management and the Emergency Services organization and functions of the County of Botetourt were/are those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the County of Botetourt were implemented in order to mitigate the effects of said emergency, and,

That the County Administrator undertake all possible efforts required in an attempt to recover any emergency-related local expenditures from the Commonwealth of Virginia, the Federal Emergency Management Agency (FEMA), or any available, non-local source.

Dr. Scothorn then noted that the Board would now consider election of a Chairman and Vice-Chairman for 2016. Mr. Gary Larrowe, County Administrator, then took over Chairmanship of the meeting.

Dr. Scothorn stated that Mr. David Moorman did a great job for the Board during his term as Interim County Administrator. He noted that Mr. Moorman worked hard and kept the Board members abreast of all ongoing issues and he thanked him for his service. Dr. Scothorn stated that he has also looked forward to Mr. Gary Larrowe's arrival as the new County Administrator and welcomed him.

Mr. Larrowe then opened the floor for nominations for Chairman of the Board of Supervisors for 2016.

Mr. Martin then nominated Mr. Jack Leffel as Chairman for 2016.

After questioning, it was noted that there were no further nominations.

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the nominations were closed and Mr. L. W. (Jack) Leffel, Jr., was elected as Chairman of the Board of Supervisors for 2016. (Resolution Number 16-01-02)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Larrowe then opened the floor for nominations for Vice-Chairman of the Board of Supervisors for 2016.

Mr. Leffel then nominated Mr. Todd Dodson as Vice-Chairman for 2016.

After questioning, it was noted that there were no further nominations.

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the nominations were closed and Mr. Todd Dodson was elected as Vice-Chairman of the Board of Supervisors for 2016. (Resolution Number 16-01-03)

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 was delighted to have Mr. Larrowe as the County Administrator and noted that he looks forward to working with him in the future. Mr. Leffel further noted that he will do his best to sustain the high standards as Chairman that were set by Dr. Scothorn over the past two years.

Chief Jeff Beckner was then present to recognize recent promotions in the Fire and Emergency Services Office. He noted that these promotions to lieutenant are for Mr. Clay Fitzgerald, Mr. Brandon Golla, and Mr. Rob Johnson.

He noted that Mr. Fitzgerald is now Lieutenant for Logistics and has been employed by the County for 11 years. Chief Beckner stated that Mr. Golla is the Lieutenant for Engine 7, began his career with the Blue Ridge Volunteer Fire and Rescue Department and has been with the County for 12 years. He also noted that Mr. Johnson began as a volunteer with the Buchanan Fire Department and has 23 years of fire/rescue experience.

The Board congratulated these three employees for their hard work and efforts in achieving these promotions. Mr. Leffel stated that it is great to see Chief Beckner back at work.

Mr. Beckner thanked Mr. Leffel for his comments and welcomed Mr. Larrowe to Botetourt County. Chief Beckner also thanked General Services Director Kevin Shearer and his staff for their assistance during the recent winter storm.

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board went into closed session at 2:12 P. M. to consult with legal counsel regarding actual or probable litigation as per Section 2.2-3711(A) (7) of the Code of Virginia of 1950, as amended. (Resolution Number 16-01-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 2:46 P. M.

On motion by Dr. Scothorn, seconded by Mr. Martin, 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 16-01-05)

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

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 the Board had received a request from two individuals to speak regarding the Greenfield historical structures issue. He noted that with the length of today's agenda, these speakers would be allowed three minutes to speak.

After questioning, it was noted that Mrs. Brenda Hale had left the meeting.

Mrs. Shirley Johnson-Lewis of Roanoke stated that she is convinced that there are human remains on the Greenfield property in the vicinity of the slave quarters structure. Mrs. Johnson-Lewis stated that the remains of her grandparents and great, great grandparents who worked for the Prestons are not located in the slave cemetery and her family's oral stories indicate that they may be buried near the slave quarters. Mrs. Johnson-Lewis stated that her relatives were born into slavery going back to 1799 and their remains are probably located on this property in unmarked graves. She further stated that it is possible that Native Americans, farmers, frontier settlers used this land and may be buried on the Greenfield property as well.

Mrs. Johnson-Lewis stated that she recently saw a documentary on the Jamestown settlement which indicated that, when those residents died, they were not buried in the cemetery so that the Indians did not know that the settlers' numbers were deteriorating and the same may have been done by the Greenfield slaves. She further noted that some family members were buried on her grandfather's property and she believes that this same situation could exist on the Greenfield property.

Mrs. Johnson-Lewis stated that she is giving the Board reasonable doubt that they are doing a wrong in this situation and asked that the Board not do something that cannot be undone as it would be an "abomination." She stated that restoration and preservation of the buildings on their original sites is preferred. She then thanked the Board for the opportunity to speak on behalf of the descendants of the slaves at Greenfield.

Mr. Leffel then read the following statement, "When the County set about to proceed with another phase of development in Greenfield, we did not anticipate the interest it would stir among some in the community. We were proceeding based upon a long-established development plan that was the result of over two years of research, public meetings and hearings and other public input. We, honestly, did not foresee this next step in development as being perceived as a surprise or something unexpected in the community.

Because of that, we did not go through a thorough process of public education and information sharing that would have been normal for new or unexpected issues for the community. In hindsight, not having that process was an unfortunate and costly omission that has led some to question not only this Board's intentions and motives but also the trust and confidence placed in us.

We regret that; however, our focus needs to be on how we move forward.

To that end, today we are releasing information that we encourage anyone interested to review and that we hope will be helpful in understanding how we have arrived at this point. Our duty as a Board is to balance conflicting and competing interests with the needs of the County as a whole. In this instance, those interests are economic development and historic preservation as well as previous boards and citizens of the last 20 years.

For your information, this packet includes the following documents:

1. A list of questions and answers providing background information for the full breadth of the project at hand: These are questions that we have heard being asked in the community and have been asked directly of us on the Board. Our goal is that the answers provided will help the public see the issues from our perspective.
2. A vision statement of the proposed historical preservation site: The vision statement provides background on our decision making process and sets a plan for the future of our historical resources.
3. A press release announcing this Board's intention to more fully partner with the community by creating the Greenfield Preservation Advisory Commission: This new commission will be made up of technical experts and community partners and will provide recommendations for the development of the preservation area and the historical resources at Greenfield.
4. Detailed environmental assessments outlining the state of the Greenfield land and mitigation recommendations for identified environmental issues.
5. Detailed archaeological inventories of both the entire Greenfield property and smaller sites as necessary identifying the existing resources."

Mr. Larowe stated that several copies of this packet of information are available today for the press and other individuals and staff can provide this information outside of the meeting if all of these copies are claimed.

Mr. Williamson stated that Mrs. Johnson-Lewis raised the potential for the existence of unmarked graves near the slave quarters structure; however, the County has not had any indication of the location of these graves in the previous tests and studies conducted on this site.

Mr. Williamson then made a motion that the issue of potential unmarked graves in the area of the two historic buildings on the Greenfield property should be further investigated and evaluated by staff. Mr. Dodson seconded this motion which was carried by the following recorded vote: (Resolution Number 16-01-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the minutes of the continued meeting held on December 15, 2015, were approved as submitted. (Resolution Number 16-01-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the minutes of the regular meeting held on December 17, 2015, were approved as submitted. (Resolution Number 16-01-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on requests for transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there were two transfers and eight pass-through appropriations for the Board's consideration this month. He noted that these were for receipt of donations, cost reimbursements, pass through of Governor's Opportunity Fund monies, and repayment of GOF funds from a company that did not meet the required economic development performance incentives.

There being no discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 16-01-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$1,559.41 to Sheriff's Department - Vehicle & Power Equipment Supplies, 100-4031200-6009, from the various departments as follows for vehicle repairs at the County Garage:

\$ 35.43	Deputy Co. Admin.–Rep. & Maint. – Vehicles, 100-4012121-3312
\$147.22	Animal Control–Veh. & Power Equip. Suppl., 100-4035100-6009
\$212.45	Fire & EMS – Repairs & Maint. – Vehicles, 100-4035500-3312
\$107.34	Comm. Devel. – Repair & Maint. – Vehicles, 100-4034000-3312
\$ 20.54	Tech. Svces. – Repair & Maint. – Vehicles, 100-4012510-3312
\$ 22.27	Waste Mgt. – Repair & Maint. – Vehicles, 100-4042400-3312
\$ 85.31	Maintenance – Repair & Maint. – Vehicles, 100-4043000-3312
\$382.51	Van Program – Repair & Maint. – Vehicles, 100-4071500-3312
\$ 75.65	Library – Repair & Maint. - Vehicles, 100-4073100-3312

\$ 20.54 Tourism – Veh. & Power Equip. Supplies, 100-4081600-6009
 \$450.15 General Svces. - Repair & Maint. – Vehicles, 100-4040000-3312

Transfer \$36,000 from Van Program Fund to General Fund – Unassigned Fund Balance. These funds are for the purchase of a 2015 Ford Transit Connect Van to be used for the County Van Program.

Additional appropriation in the amount of \$300 to Library – Books and Subscriptions, 100-4073100-6012. These are donation funds received from William Whitwell.

Additional appropriation in the amount of \$366.50 to Parks & Recreation – Education & Recreation Supplies, 100-4071000-6013. This is a cost reimbursement for field marking of the LBHS football field for a playoff game.

Additional appropriation in the amount of \$400 to Parks & Recreation – Education & Recreation Supplies, 100-4071000-6013. These are donated funds received from Dick's Sporting Goods for the purchase of youth sports equipment.

Additional appropriation in the amount of \$2,571.63 to Correction & Detention – Medical & Lab Supplies, 100-4033100-6004. These are medical co-pays received for medical services provided to inmates.

Additional appropriation in the amount of \$484.43 to the following Sheriff's Department accounts: \$450 to Ballgame Pay, 100-4031200-1500; and \$34.43 to FICA, 100-4031200-2100. These are funds received for providing security at the LBHS football playoff game.

Additional appropriation in the amount of \$100,000 to CIP – Industrial Site Development, 100-4094801. This represents a repayment of Governor's Opportunity Fund monies from Tread Corporation for not meeting economic development performance standards. These funds will be paid back to the Commonwealth of Virginia and this payment is reflected in this month's accounts payable disbursements.

Additional appropriation in the amount of \$225,000 to CIP – Industrial Site Development, 100-4094801. These are Commonwealth's Opportunity Funds to be passed through to Dynax America Corporation relating to their current economic development expansion project. The payment is included in this month's accounts payable disbursements.

Additional appropriation in the amount of \$36,000 to Van Program – Capital Outlay – Motor Vehicle/Equipment, 100-4071500-8005. This is an appropriation of transfer request # 2.

Consideration was then held on approval of the accounts payable and ratification of the Short Accounts Payable List. Mr. Tony Zerrilla, Director of Finance, stated that this month's accounts payable totaled \$984,643.61 which consisted of all General Fund expenditures. He noted that this month's Short Accounts Payable totaled \$627,775.49; \$624,720.49 in General Fund invoices; and \$3,055 in Debt Service Fund expenditures. He further noted that the Short Accounts Payable included \$270,520 in FY 16 operational support payments for the County's volunteer fire and rescue agencies.

Mr. Zerrilla then stated that this month's large expenditures included a wire transfer of \$121,965.43 to Timberworks of Interest to move two historical buildings on the Greenfield property, 100-4094733; \$25,000 payable to Slait Consulting for computer system virtualization expansion to accommodate increased capacity requirements at the Regional Jail facility; and \$36,330 to the Roanoke Regional Partnership as the second payment of their FY 16 budget allocation. Mr. Zerrilla noted that the County has received a \$150,000 E911 VITA grant for the Jail's computer expansion project.

There being no discussion, on motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the accounts payable list and ratified the Short Accounts Payable List as submitted. (Resolution Number 16-01-10)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A presentation on the FY 15 County financial report was then given by Mr. Corbin Stone of Robinson, Farmer, Cox Associates. Mr. Stone stated that the County's audit went well this year and County staff were very cooperative during the review process.

Mr. Stone then reviewed various financial charts and graphs. He stated that the County's General Fund balance as of June 30, 2014 was almost \$20 million and was \$24.8 million as of June 30, 2015. He noted that a portion of this was due to the transfer of the County's water and sewer program to the Western Virginia Water Authority (WVWA). He noted that the County's unassigned fund balance as of June 30, 2015 was almost \$24 million and this growth compared to June 30, 2014 (\$19.2 million) was due to the \$3.2 million transfer to the Water Authority.

Mr. Stone stated that the County's long-term bonded and unbonded debt as of June 30, 2015, was \$42.3 million, which, for the first time, includes the County's net pension liability as required by new Governmental Accounting Standards Board requirements. He noted that the restricted funds include the County's pension liability and the anticipated landfill closure costs. Mr. Stone noted that the County's long-term debt per capita is \$1,262 compared to \$1,395 as of June 30, 2014.

Mr. Stone then reviewed the chart showing fund balance and debt over the past seven years. He noted that the closer the unassigned/assigned fund balance is to the long-term debt figure results in a better financial position for the County. He noted that the reason for the increase in unrestricted debt as of June 30, 2015 was due to the \$3.2 million transfer to the WVWA.

Mr. Stone then reviewed the chart indicating the County's major revenue sources over the past 12 years. He noted that the County's top source of revenue is general property taxes which have increased over the years due to declining or steady levels of State, federal and other local taxes. He further noted that the increases in State revenues in 2006 and 2008 were due to reimbursements from the State for the Regional Jail's construction costs.

He stated that the County's major expenditures include education, public safety, health and welfare, and general government administration. He noted that the increases in public safety are from cost increases associated with the new Jail and from a SAFER grant used to hire additional fire/EMS personnel.

Mr. Stone then reviewed a comparison graph of the County's revenue percentages from 2015 and 2005. He stated that there has been a shift in the reliance of local dollars versus State and federal monies over this period. Mr. Stone noted that almost 61% of the County's revenues in 2015 were from property taxes compared to 54% in 2005 and State revenues in 2015 were 19.1% compared to 20% in 2005.

After questioning by Mr. Martin, Mr. Stone stated that recovered costs are from insurance recoveries and other similar items that were not included in the other categories.

Mr. Stone stated that the County's real estate and personal property tax assessments are increasing after the recession and other tax assessments are showing increases as well. Mr. Stone noted that the County's Machinery and Tools taxes have a depreciation impact after the first year of new equipment purchases.

Mr. Stone then reviewed various school revenue sources. He noted that federal revenues have decreased since the stimulus monies were made available in 2010.

On the summary page, Mr. Stone stated that as of FY 2015 the County is now required to record the liability associated with County and School employee retirement plans. He noted that the chart on page 10 of his report shows the VRS net pension (asset) future liability discount rate of 7% utilized by each (County and School) pension plan as well as what the liability would be if it is calculated using a discount rate that is one percent lower or higher than the current rate. Mr. Stone stated that the Virginia Retirement System (VRS) needs a 7% rate of return on these investments to fund their future retirement liability. After discussion, Mr. Stone stated that the teacher's pool liability is "net of expenses."

After questioning by Mr. Williamson, Mr. Stone stated that the difference between the County pension plan's 7% discount rate (\$3.9 million) versus the 6% rate (\$9.7 million) and the teacher's pool 7% discount rate (\$44 million) versus the 6% rate (\$64.6 million) depends on how close the specific group's employees are to retirement.

After discussion, Mr. Stone stated that every School Board in the State will show a "negative position" for this pension liability and ultimately the localities will have higher VRS contribution rates to increase their pension funding. He further stated that these pension liabilities will impact the County's budget for the foreseeable future.

Mr. Stone stated that their audit recommendations contained a couple of minor record-keeping issues that need to be improved upon in the future; however, the staff is doing a good job overall for the County.

Mr. Williamson encouraged those representatives of the media present at this meeting to read the summary contained on page 10 of Mr. Stone's report regarding County and School employee pension liability. Mr. Williamson noted that he met with Mr. Stone and the County's Finance Director in December to review this report in detail. He noted that it is a well done document.

Mr. Stone stated that if the Board had any additional questions about the audit report to please contact him at the number/e-mail address included in the report.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board accepted the FY 15 audit report as presented by Robinson, Farmer, Cox Associates. (Resolution Number 16-01-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to speak to the Board. Mr. Hamm then reviewed VDoT's monthly report. He noted that the current construction projects are proceeding, there were 10 land use permits issued in the past month, and VDoT personnel and their subcontractors have been pushing snow since last Friday.

Mr. Hamm stated that VDoT had 90 pieces of equipment operational in the County and 14 pieces on the interstate during this past weekend's winter storm and had 350 VDoT employees and over 100 contractors working to clear the County's roadways. He noted that VDoT received a very minimum number of complaints regarding roadways not being plowed.

Mr. Williamson noted that he received a call from a resident of Marion Oaks Drive about this roadway not being plowed but, once VDoT was notified of this oversight, the road was plowed on Sunday.

Mr. Hamm stated that this road was recently accepted into VDoT's secondary system and the road number signs have not yet been ordered and installed. He noted that, once these signs are received, they will be installed; however, VDoT personnel are aware that this is now a State-maintained roadway.

Mr. Martin stated that he only received one call from a resident of Knollwood Subdivision regarding the street not being plowed; however, he understands that this road was plowed later that same day.

Dr. Scothorn stated that VDoT's personnel and subcontractors worked hard and did a great job to clear the roads after the snow storm. He noted that the subcontractor who plowed the roads in his subdivision became stuck but was a very nice individual.

Mr. Dodson agreed that VDoT's personnel did a great job.

Mr. Hamm then reviewed several traffic engineering study results. He noted that the request for a centerline on the section of Country Club Road adjacent to the Botetourt Golf and Swim Club was not recommended because the pavement did not meet VDoT's minimum width requirement of 18'.

After questioning by Mr. Dodson, Mr. Hamm noted that the pavement has to be a minimum of 18' wide on average and according to the 19 measurements taken along this roadway, the average pavement width on this section of Country Club Road is 16.6'

After questioning by Mr. Leffel, Mr. Hamm stated that the roadway would have to be rebuilt in order for the additional width to be obtained and this would be an expensive project.

Regarding the Alternate Route 220 speed study, Mr. Hamm stated that this study was conducted as part of the Exit 150 improvement project and the roadway's speed limits are currently posted as recommended by their traffic engineering staff for the entire length from the Route 11 intersection to U. S. Route 460.

Regarding the Mountain Pass Road truck restriction, Mr. Hamm stated that VDoT's review of this request has been delayed due to the addition of Laymantown and Humbert Roads in this truck restriction designation. Mr. Hamm stated that he will contact their staff to obtain an update on when this review will be completed.

After questioning by Mr. Martin, Mr. Hamm stated that Coaling Road was not included in this truck restriction designation because, when VDoT checked the Global Positioning System (GPS) routing, Coaling Road was a longer route than using other options and trucks are usually looking for a shorter route.

Mr. Martin stated that he has been informed that tractor trailers are still using Mountain Pass Road as a shortcut between Routes 11 and 460.

Mr. Hamm stated that he will contact VDoT's traffic engineering department later today to obtain the status of this truck restriction request.

After questioning by Mr. Martin regarding a request for the installation of guardrail in the "S" curves on Mountain Pass Road, Mr. Hamm stated that VDoT's traffic study of this area indicates that it does not meet their guardrail installation criteria; however, several additional warning signs will be installed in the near future.

Mr. Martin then requested that VDoT install some type of reflectors at the Route 460 crossover west of New Hope Baptist Church so nighttime drivers will be able to see the crossover's location. Mr. Hamm stated that he would have their staff review this request.

Mr. Martin stated that he appreciated VDoT's efforts in getting the snow removed from the County's roadways.

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

Consideration was then held on adoption of Board of Supervisors' bylaws and rescheduling the December 2016 meeting.

Mr. Larrowe stated that no changes are proposed to the Board's bylaws and it is recommended that they be approved as submitted. He also stated that the County Attorney has determined that the Board needs to adopt resolutions formally designating the Deputy County Administrator, County Administrator, and Deputy Clerk to the Board of Supervisors to their respective positions and duties as required by the Code of Virginia. He noted that draft resolutions to this effect were included in the Board's information packets.

Mr. Larrowe then noted Board's December 2016 regular meeting would normally occur on Tuesday, December 27. He noted that the Board could either hold the meeting on that date or reschedule the meeting. Mr. Larrowe suggested that, if the meeting is rescheduled, it be held on Thursday, December 22.

On motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board adopted the bylaws as submitted. (Resolution Number 16-01-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board adopted the following resolutions designating the County Administrator and Deputy Clerk to the Board of Supervisors to their respective positions and duties as required by the Code of Virginia.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 16-01-13

WHEREAS, Gary Larrowe began his service to this County as County Administrator on January 15, 2016; and

WHEREAS, this Board wishes to confirm his duties as County Administrator:

NOW THEREFORE: Be it resolved that:

1. Mr. Gary Larrowe is hereby appointed as County Administrator for Botetourt County, Virginia, and shall, as of January 15, 2016, be the chief administrative officer of Botetourt County as set forth in Va. Code §15.2-1540, and carry out all those duties set forth in Va. Code § 15.2-1541, and such other and further duties as may be assigned to chief administrative officers of localities by law or resolution of this Board; and
2. Mr. Gary Larrowe is hereby appointed as Clerk to the Board of Supervisors of Botetourt County, Virginia, pursuant to Va. Code §15.2-1538, and shall carry out such duties as are set forth in Va. Code §15.2-1539, and such other and further duties as may be assigned to the clerks of localities by law or resolution of this Board; and

3. Mr. Gary Larrowe is hereby appointed as county purchasing agent for Botetourt County, Virginia, and shall carry out those duties set forth in Va. Code §15.2-1543 in the manner he thinks fit, and in accordance with law.

Resolution Number 16-01-14

WHEREAS, Mrs. Susan Fain has well and diligently served Botetourt County as Deputy Clerk to the Board of Supervisors for many years; and

WHEREAS, it is appropriate to designate the deputy clerk to the Board of Supervisors to carry out certain duties of the clerk in the event that absence of the clerk, emergency, or administrative efficiency makes such action advisable:

NOW THEREFORE: Be it resolved that Mrs. Susan Fain is hereby appointed as Deputy Clerk to the Botetourt County Board of Supervisors, in accordance with Va. Code §15.2-1502, and shall carry out those duties set forth in Va. Code §15.2-1539 and such other and further duties as may be assigned to clerks of localities by law or resolution of this Board, upon prior authorization of her principal in the event of his absence or as her principal assigns in the interest of administrative efficiency; or, in the case of emergency circumstances in which her principal may not act in a timely fashion.

After discussion, on motion by Mr. Leffel, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board rescheduled their December 2016 regular meeting from Tuesday, December 27 to Thursday, December 22, 2016. (Resolution Number 16-01-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on amendments to the Employee Personnel Policy Manual. Mr. David Moorman, Deputy County Administrator, stated that the staff annually reviews and recommends updates to the County's employee personnel policy manual based on changes in regulations, workplace conditions, and to make the policies more clear.

He noted that included in the Board's information packet was a copy of the manual with recommended amendments for consideration. Mr. Moorman stated that most of the amendments are clarifications, corrections of grammatical errors, changes/updates required under the provisions of the federal Affordable Care Act, and amendments related to employees' use of County-provided uniforms and personal safety equipment as regulated by the Internal Revenue Service. He noted that other substantive changes pertain to the Virginia Retirement System's establishment of a third compulsory retirement plan (the Hybrid Plan) applicable to non-public safety employees hired after January 1, 2014.

Mr. Moorman noted that the County Attorney has been provided with these changes but has not yet fully reviewed the amendments. He requested that the Board adopt the amendments subject to final review and approval by the County Attorney; allowing for non-substantive revisions as the County Attorney may recommend.

There being no discussion, on motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the proposed amendments to the County's employee personnel policy manual as recommended, subject to the review and approval of the County Attorney, allowing for staff to include non-substantive revisions as the Attorney may recommend. (Resolution Number 16-01-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a resolution approving the award of a contract under emergency procurement provisions for archaeological services on two sites in Greenfield. Mr. David Moorman, Deputy County Administrator, stated that in November 2015 the Board directed staff to procure archaeological investigation and building moving services for two historical structures on the Greenfield property. He stated that, given the time constraints to complete this work, staff awarded a contract On December 21, 2015, to Dovetail Cultural Resource Group of Fredericksburg to conduct these archaeological investigations.

Mr. Moorman noted that the County's Procurement Policy requires that the Board adopt a resolution documenting this procurement and the basis for the procurement on an emergency basis. He stated that a draft resolution to this effect was included in the Board's information package and the Board is being requested to adopt this resolution.

Mr. Moorman noted that Dovetail's archaeological field work has been completed on the Greenfield property and laboratory analysis of the items collected is currently underway.

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 following resolution approving the award of a contract under emergency procurement provisions to Dovetail Cultural Resource Group for archaeological services on two sites on the Greenfield property.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 16-01-17

WHEREAS, Botetourt County negotiated, committed itself to, and approved an agreement to the convey certain property within Botetourt Center at Greenfield to the Botetourt County Industrial Development Authority for the purposes of conveyance to the Greater Roanoke Valley Development Foundation and the construction, by that entity, of a speculative industrial shell building to attract manufacturing investment and employment; and,

WHEREAS, under the terms of said agreement, the County must relocate two historic structures from the property and, under terms of said agreement, time is of the essence; and,

WHEREAS, archaeological work is necessary to ascertain the potential of any historically significant artefacts on either the structures' existing locations or their new location and this investigation will require expertise and experience; and,

WHEREAS, the County solicited and received from the Virginia Department of Historic Preservation referrals of qualified and reputable contractors to perform the required work; and,

WHEREAS, upon solicitation of proposals, receipt, review and evaluation of the same, County staff selected Dovetail Cultural Resource Group as the preferred contractor based on experience, references, interviews and written proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Botetourt County Board of Supervisors, in order to fulfil its contractual obligations to the Botetourt County Industrial Development Authority and to the Greater Roanoke Valley Development Foundation, does hereby endorse and authorize the emergency procurement of services to conduct archaeological investigations of two sites on the Botetourt Center at Greenfield property as described and provided in its proposal dated and effective December 21, 2015, for a not-to-exceed price of \$65,860.

Consideration was then held of amendments to Chapter 21. Subdivisions of the Botetourt County Code regarding site plans. Mrs. Nicole Pendleton, Planning Manager, stated that these proposed amendments were reviewed with the Board at the December 2015 regular meeting. She noted that the amendments are to bring the Subdivision Ordinance into compliance with the Code of Virginia which now prohibits the submission of a preliminary plat for subdivisions of less than 50 lots and standardizes the timeline process for review of preliminary and final plats and site plans.

Mrs. Pendleton further stated that, after receipt of citizen comments on the proposed ordinance, additional procedural amendments were made by staff with the assistance of the County Attorney. She noted that a few additional typographical changes still need to be made to the draft ordinance but they are nonsubstantive in nature.

After questioning by Mr. Williamson, Mrs. Pendleton stated that a public hearing on these amendments was held at the December Board meeting.

Mr. Lockaby noted that there was some rearrangement of certain sections; however, they were not substantial in nature.

After questioning by Mr. Leffel, Mr. Reid McMurry stated that he would like to withdraw his request to speak to the Board on these proposed ordinance amendments.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the attached amendments to Chapter 21. Subdivisions of the Botetourt County Code regarding subdivision procedures and site plans. (Resolution Number 16-01-18)

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

NAYS: None

ABSENT: None

ABSTAINING: None

A staff report presentation was then given on the Vacation Rental and Homestay Advisory Committee's report. Mrs. Nicole Pendleton, Planning Manager, stated that this Committee was formed last fall to discuss better incorporating short-term rental uses in the County. She noted that the Committee consisted of Mr. Leffel and Mr. Dodson from the Board of Supervisors, Mr. Hiawatha Nicely and Mr. Sam Foster from the Planning Commission, and Mrs. Sherry Crumley, Mr. Mitch Bowman, and Ms. Teresa Hayes, citizen representatives.

Mrs. Pendleton stated that the Committee's report was provided in the Board's information packet. She noted that the report develops a framework to better regulate vacation rentals for homestay and cabin/cottage uses and updates existing Zoning Ordinance language regarding these proposed uses.

She noted that vacation rentals are currently only allowed by Special Exceptions Permit (SEP) in the A-1, FC, AR, and RR Use Districts and the Committee suggested permitting certain uses by-right in these districts and making them permitted by SEP only in predominately residential or business use districts. She noted that the Committee is also proposing that the permitting process for some types of vacation rental uses to be similar to the home occupation permit process which is handled administratively by the Community Development Office.

After discussion, Mrs. Pendleton stated that there are some issues that the Committee and staff still need to complete, e.g., draft ordinance amendments and a "short-term rental permit" form, investigate methods of enforcement, etc. She then reviewed the proposed timeline for these amendments as follows: February—draft text amendments and permit form; mid-

March—review of amendments/form by the County Attorney; March 31—Committee review; April—joint work session by the Planning Commission/Board of Supervisors and authorization to advertise the amendments for a public hearing; May—public hearings by the Commission and Board.

Mr. Dodson stated that he learned a lot about vacation rentals through this process and “it was a lot bigger animal” than he thought it would be. He noted that the Committee was charged with determining how the County can have some overnight rentals without severely restricting this type of use. He suggested that the Board allow this process to move forward by allowing the Planning Commission and staff to develop these Zoning Ordinance amendments.

Mr. Leffel thanked Mr. Dodson for his comments. He noted that the Committee tried to put some rules in place without causing too much interference with citizens who wanted to offer their properties for short-term, vacation rentals and still have some regulatory “teeth” in the process. Mr. Leffel also thanked Mrs. Pendleton for her work on this project for the Committee.

After questioning by Mr. Williamson, Mrs. Pendleton stated that the Committee will stay active during the drafting of these proposed ordinance amendments.

There being no further discussion, by consensus of the Board, staff was directed to proceed with the timeline to develop proposed Zoning Ordinance amendments as recommended by the Vacation Rental and Homestay Advisory Committee to be presented at a joint work session with the Planning Commission in April.

Consideration was then held on a resolution in opposition to the closure of Catawba Hospital. Mr. Larrowe stated that Governor Terry McAuliffe recently released his FY 2017 budget which includes \$1 million for planning expenses related to the proposed closure of Catawba Hospital in FY 2018. He noted that this facility serves the needs of the Roanoke region and a large portion of the western portion of the State for geriatric and adult patients with serious and persistent mental illness.

Mr. Larrowe stated that Catawba Hospital had an admissions increase of 41% in FY 15 which indicates a substantial need for Temporary Detention Orders (TDO) beds in this region. He noted that, if Catawba Hospital is closed, the next closest facility is located in Staunton which would increase the mileage that the Sheriff’s Department would have to travel to transport TDO patients.

Mr. Williamson stated that the study questioned the efficiency of this facility; however, we do not want to lose 110 beds that are available for mental illness patients in this part of the State or diminish the availability of mental health services in this area.

After questioning, Sheriff Ronnie Sprinkle stated that Catawba Hospital needs to be kept open as it does provide a needed service for this area. He noted that his deputies have had to transport TDO patients to facilities all across the State which impacts availability of manpower in his office.

After questioning by Mr. Williamson, Sheriff Sprinkle stated that it would be a better scenario of there were 200 beds available locally instead of only 110.

After questioning by Dr. Scothorn, Sheriff Sprinkle stated that patients are taken to Carilion Roanoke Memorial Hospital for evaluation and then after the TDO is issued, the patients can be admitted to any mental health facility in the State. After further questioning, Sheriff Sprinkle stated that his department is responsible for transporting these patients to the facility that has a treatment bed available whether it be Catawba, Staunton, eastern Virginia, etc.

After questioning by Mr. Dodson, Sheriff Sprinkle stated that he does not receive reimbursement from the State for these transport costs.

After questioning by Mr. Dodson regarding whether to include stronger language in this resolution, Mr. Larrowe stated that this draft was based on the resolution recently approved by the Roanoke County Board of Supervisors.

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board adopted the following resolution urging the Virginia General Assembly to take no action regarding Catawba Hospital that would diminish mental health services for the citizens of the Roanoke region.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 16-01-19

WHEREAS, Governor Terry McAuliffe's fiscal year 2017 budget requests \$1,000,000 for planning for the closing of Catawba Hospital in fiscal year 2018; and,

WHEREAS, Catawba Hospital serves the needs of the Roanoke region and much of Western Virginia for geriatric and adult patients with serious and persistent mental illness by providing 50 adult beds and 60 geriatric beds; and,

WHEREAS, according to a report by the Department of Behavioral health and Development Services (Study of Piedmont Geriatric and Catawba Hospitals, November 15, 2015 – pg. 21) geriatric admissions to State hospitals increased 61% in fiscal year 2015, thereby showing a need to keep these beds; and,

WHEREAS, Catawba Hospital provides beds mandated by Senate Bill 260 requiring State hospitals to provide beds for individuals on Temporary Detention Orders (TDO) when private beds are not available; and,

WHEREAS, Catawba Hospital saw an increase in admissions of 41% in fiscal year 2015 (Study of Piedmont Geriatric and Catawba Hospitals, November 15, 2015 – pg. 22) indicating a substantial need for these TDO beds in our region; and,

WHEREAS, Catawba Hospital currently serves the needs of the local and regional public safety agencies and jails effectively and efficiently by providing accessible emergency services for inmates and community members in crisis and the closest similar state facility is Western State Hospital in Staunton, nearly 100 miles away. The proposed substitute of Western State for Catawba's services would cause substantial local government cost increases for transportation of prisoners and patients to Staunton for local and regional public safety agencies; and,

WHEREAS, the impact of closing Catawba Hospital would create an undue burden on patients in crisis and their families from the Roanoke Valley and nearby areas who would have to travel nearly 100 miles to Western State Hospital; and,

WHEREAS, Catawba Hospital is a vital part of the region's continuum of care by providing in-patient services for adult and geriatric individuals with the most severe and persistent forms of mental illness and, according to Diane Kelly, Executive Director of Mental Health America of the Roanoke Valley, these patients cannot be adequately served in the less intensive community-based services available in the region; and,

WHEREAS, Catawba Hospital employs approximately 250 area residents and has a budget of approximately \$20,000,000 and the closure of this facility would cause serious negative economic impacts for the Roanoke Valley;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Botetourt County, Virginia, hereby urges the General Assembly to take no action that would move toward diminishing mental health services for the most seriously and persistently mentally ill citizens of the Roanoke region of Virginia; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors of Botetourt County directs the County Administrator to transmit this resolution to Governor McAuliffe and the Senate Finance Committee and the House of Delegates' Appropriations Committee in addition to the County's General Assembly representatives.

Consideration was then held on various appointments.

On motion by Mr. Dodson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board reappointed Mr. S. E. Cash to the Building Code Board of Appeals for a four year term to expire on March 17, 2020. (Resolution Number 16-01-20)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Dodson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board nominated Mr. Hunter Young to the Circuit Court Judge for consideration of appointment as the Amsterdam District representative on the Board of Zoning Appeals for a five year term to expire on March 31, 2021. (Resolution Number 16-01-21)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board appointed Mr. Gary Larowe as the County's representative on the Roanoke Valley Broadband Authority for a four year term to expire on December 13, 2019. (Resolution Number 16-01-22)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Mr. Williamson, and carried by the following recorded vote, the Board appointed Mr. Gary Larowe as the County's representative on the Western Virginia Regional Industrial Facility Authority for a term to expire on February 3, 2018. (Resolution Number 16-01-23)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board appointed Mr. Drew Pearson as the County's Deputy Subdivision Agent, effective January 26, 2016, to approve subdivision plats of five (5) lots or less, or any subdivisions in the extended absence of the Subdivision Agent on which immediate action is needed on subdivision-related matters upon specific prior authorization by the Subdivision Agent. (Resolution Number 16-01-24)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Mr. Williamson, and carried by the following recorded vote, the Board appointed Mr. Gary Larowe as the County's representative to the Roanoke Valley Convention and Visitors Bureau's Board of Directors for a term to expire on June 30, 2016. (Resolution Number 16-01-25)

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

NAYS: None

ABSENT: None

ABSTAINING: None

After discussion, on motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the Board approved the following committee/commission/board appointments for 2016. (Resolution Number 16-01-26)

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

NAYS: None

ABSENT: None

ABSTAINING: None

**2016 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
All Board Members	General Fund Budget Committee
Mr. Williamson/Mr. Leffel	General Fund Budget Subcommittee
Mr. Dodson/Mr. Leffel	School Budget Committee
Mr. Larrowe/Mr. Lockaby	Parliamentarians
Mr. Larrowe	Clerk to the Board
Mrs. Fain	Deputy Clerk to the Board

Mr. Martin then provided an update on the recent activities by the Board of Social Services. He noted that the Social Services staff completed 15 fraud investigations in December 2015 and two cases are scheduled to be presented to the Grand Jury in February.

He noted that several posters have been developed for placement in the Social Services Department's public areas to deter fraud. Mr. Martin noted that social service programs are for citizens that need these types of services. He noted that the Social Services Department's staff is doing a great job in reducing fraud.

Mr. Williamson then reported on the recent Western Virginia Water Authority Board meeting. He noted that Tinkerview Gardens Subdivision's water supply was recently converted to the Carvin's Cove water source. He further noted that the Authority voted last week to accept the ownership of the Eagle Rock Water Company which had been a private water system for over 40 years.

Mrs. Donna Vaughn, Botetourt County representative on the Dabney S. Lancaster Community College Educational Foundation Board of Directors, then introduced Dr. John Rainone, DSLCC President; Ms. Rachael Thompson, Educational Foundation Executive Director; and Mrs. Michelle Crook and Mrs. Lois Switzer, County representatives on the Educational Foundation's Board. She noted that there are four Botetourt County representatives on the Educational Foundation which has a goal of expanding the educational opportunities for the citizens in the college's service area.

Mrs. Vaughn stated that Botetourt County is split between the Dabney Lancaster and Virginia Western Community College service areas. She noted that they are present today to give a presentation on the DSLCC Promise Program which can encompass all of Botetourt County's citizens.

Dr. Rainone then stated that Mrs. Vaughn is the Educational Foundation Board's first Vice President and the Chairman of their Scholarship Committee.

He noted that the College has expanded their educational efforts in the northern part of Botetourt County over the years. Dr. Rainone stated that DSLCC's service area includes 1,800 square miles in Botetourt, Alleghany, Bath, and Rockbridge Counties which contains a population of 70,000. He noted that the College serves approximately 2,000 students per year and approximately 18% of those are Botetourt County residents and this number is increasing.

Dr. Rainone stated that DSLCC is one of the three smallest community colleges in the State; however, they offer personalized services for their students. He noted that their class size is approximately 15 students and in the last 2½ years they have flourished both locally and nationally with their programs.

After discussion, Dr. Rainone stated that the College is an economic driver in its service area and it is estimated that over \$15 million of the local economy is attributable to the College. He noted that for every dollar that the College received they return approximately \$2.16 in investment to the region. He stated that over 13,000 workforce training students have been educated by the College in the past 10 years and some have worked for the Bank of Botetourt, Gala Industries, Virginia Forge, and Apex Clean Energy. Dr. Rainone stated that the College can provide customized training for whatever Apex needs for their proposed wind farm in Eagle Rock.

Dr. Rainone stated that, according to a 2014 survey, the number one reason that their students drop out is finances. He noted that the College has developed a proposal (The Dabney Promise Program) which mirrors the America's College Promise Program. Dr. Rainone stated that there is an unmet financial need of approximately \$2,000 for their Botetourt County students. He noted that DSLCC serves approximately 300 students at James River High School and the Botetourt Technical Education Center including the welding lab and continuing education courses. He stated that approximately 1/3 of their students are dual-enrollment students, which has increased approximately 23% in the last three years.

Dr. Rainone stated that colleges have been impacted by declining State revenues over the past few years. He noted that in 2002, they received approximately 77% of their revenues from the State but this figure has decreased to approximately 45% in 2015. He stated that their proposal would make education available through additional training/certification.

Ms. Rachael Thompson, Foundation Executive Director, stated that the Foundation offers significant scholarship opportunities for both high school graduates and non-traditional students. She noted that the Foundation usually awards approximately 100 scholarships totaling \$100,000 each year with approximately 130 scholarships being awarded in 2015. Ms. Thompson noted that a listing of scholarships that Botetourt County residents are eligible for had been provided to the Board members. She noted that these scholarships are limited to certain requirements and are merit-based, with the average scholarship amount being \$1,000.

Ms. Thompson stated that the College has a student retention issue due to difficulties in the students maintaining their employment and managing school at the same time. She noted that the College would like to address this gap through the Promise Program which they hope

will allow them to reach a wider range of students. She noted that this program is modeled after the Community College Access Program (CCAP) offered by Virginia Western Community College.

Ms. Thompson stated that this program is open to all students, not only high school graduates, and is a tertiary-level funding source following application for scholarships and financial aid. She noted that this program would increase educational attainment in their region. Ms. Thompson then reviewed the program's requirements, e.g., a current GPA of 2.25 or higher, complete the federal student aid application and the Dabney Promise application, be enrolled in at least 9 credit hours per semester, live within Botetourt County or a jurisdiction in their service area; complete a one credit hour Student Development Course in the first semester; attend student orientation sessions; and complete four hours of community service each semester. She stated that this program will begin in the 2017 year.

Mrs. Crook then stated that she is a Botetourt County resident and serves on the Foundation's Board. Mrs. Crook stated that Botetourt County is unique in having two community college service areas. She noted that DSLCC is intertwined in the community and she hopes that they can count on the Supervisors for support of this program.

After questioning by Mr. Martin, Mrs. Crook stated that this Program is also available for home-schooled students.

Ms. Thompson stated that the Program's students are required to complete the federal student aid application form which will help the College determine their level of financial need.

After questioning by Mr. Martin, Dr. Rainone stated that the average amount of the scholarship would be approximately \$2,000. He noted that some applicants may need \$50 for books and others may need \$2,000 for tuition and other fees.

After further questioning by Mr. Martin, Dr. Rainone stated that this program would be available for all eligible students/citizens from Botetourt County and the other localities in their service area.

After questioning by Mr. Martin, Ms. Thompson stated that the scholarship funds, once approved, are placed into the student's account. She noted that, if the scholarship student quits school, the funds for the next semester could be revoked.

After questioning by Mr. Dodson, Ms. Thompson stated that the Program's students will be provided with a suggested community service project listing when they are awarded the scholarship funds. Ms. Thompson stated that she will verify the community service projects which are required to be pre-approved by her office.

After questioning by Mr. Williamson, Dr. Rainone stated that over 70% of community college students have to take at least one development class after high school and most of these are for mathematics. After further questioning by Mr. Williamson, Dr. Rainone stated that the college has approximately 800 FTE (full-time equivalent) students and approximately 40% of their students are full-time.

After questioning by Mr. Williamson, Dr. Rainone stated that the Promise Program would be available for full- and part-time students. After further questioning, Dr. Rainone stated that 51% of their classes are taught by full-time faculty and DSLCC is probably in the middle to 75th percentile of colleges with this figure; the national figure is approximately 30%.

Mrs. Vaughn stated that all four of the Botetourt County residents on the Educational Foundation Board are on the Scholarship Committee. She noted that they have seen a need over the past seven years for this type of scholarship program because many of their students

are working to make money in order to be able to attend school. Mrs. Vaughn stated that this Program can expand the educational opportunities in Botetourt County and “help the citizens see what they can do.”

Mr. Williamson stated that this program is an interesting idea. He noted that the CCAP program’s original purpose was to reduce the region’s dropout rate.

After questioning by Mr. Martin, Dr. Rainone stated that DSLCC is working with the County’s high schools to test rising juniors to ascertain their knowledge of math, English, and other courses and this data is used to offer development classes to improve their grade-level knowledge. Dr. Rainone stated that there is no cost to the County for these classes.

After questioning by Mr. Williamson, Mr. Larowe stated that background information on this program has been forwarded to the staff for consideration during the County’s FY 17 budget development process

Mr. Leffel thanked Dr. Rainone, Mrs. Vaughn, Ms. Thompson, Mrs. Crook, and Mrs. Switzer for their presentation at today’s meeting. Mr. Leffel noted that he represents the northern part of the County and this area is very important to him.

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

Consideration was then held on a request for a change in proffers in accordance with Section 15.2-2302 of the Code of Virginia and consideration of a change in proffers associated with Daleville Town Center.

Mrs. Nicole Pendleton, Planning Manager, stated that this item consists of two requests. She noted that, typically proffer amendments are submitted for public hearing by the Planning Commission and Board of Supervisors. Mrs. Pendleton noted that, in response to a staff inquiry, the County Attorney informed County Administration in November that the Supervisors may consider and act on proffer amendments that do not change the use or density for a property and may do so without a public hearing as per Section 15.2-2302 of the Code of Virginia. She noted that, if the Board elects to do so, any other eligible proffer amendment requests in the future will be considered in the same manner, unless staff is directed otherwise.

Mrs. Pendleton noted that the second request is from Fralin and Waldron, Inc., who would like to amend two of the Daleville Town Center (DTC) proffered conditions approved in 2005. She stated that the first condition amendment is to reference the correct date and concept map title to which DTC is required to substantially conform; and the second condition amendment is to adopt a document to govern signage at DTC which supersedes existing Zoning Ordinance signage regulations.

Mrs. Pendleton noted that Mr. Andy Kelderhouse, agent for F&W, was present to answer any questions.

She then reviewed the staff’s recommendations for this request.

After questioning by Mr. Dodson, Mrs. Pendleton stated that DTC’s signage proposal is different than what is provided for in the Zoning Ordinance. She noted that the Zoning Ordinance requires that any mixed-use development have a signage plan in place at the time of the rezoning is approved. Mrs. Pendleton stated that a signage plan was not directly proffered during the original 2005 rezoning request and is therefore unenforceable. She noted that currently the signage requests for DTC are considered on a sign-by-sign basis.

Mr. Williamson stated that the Board has two options—either act on F&W’s request today without a public hearing or refer the issue to the Planning Commission for public review and comment. Mrs. Pendleton stated that this was correct.

After discussion by Mr. Williamson, Mr. Moorman stated that similar proffered condition amendment issues in the past were sent to the Planning Commission for review and public hearing and a recommendation to the Board of Supervisors. Mr. Moorman stated that there was initially a timing concern regarding the DTC signage situation which resulted in the County Attorney researching the State Code’s enabling legislation and finding an opportunity for the County to expedite this condition amendment process, if they desired.

He noted that the Board of Supervisors usually prefers to involve the Planning Commission in this process.

After questioning, Mr. Kelderhouse stated that he has no objections to this request being forwarded to the Planning Commission for consideration and believes that this will be a better option for F&W, DTC, and the County.

There being no further discussion, on motion by Mr. Dodson, seconded by Mr. Williamson, and carried by the following recorded vote, the Board, to be consistent with established practice and procedure, referred the request from Fralin and Waldron, Inc., to amend certain proffered conditions regarding the Daleville Town Center property to the Botetourt County Planning Commission for a public hearing and recommendation of action by the Board of Supervisors. (Resolution Number 16-01-27)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Leffel, seconded by Mr. Williamson, and carried by the following recorded vote, the Board went into Closed Session at 4:39 P. M. to discuss personnel matters; a prospective business or industry not previously announced and the expansion of an existing business or industry not previously announced; and consultation with legal counsel regarding actual or probable litigation as per Section 2.2-3711(A) (1), (5) and (7) of the Code of Virginia of 1950, as amended. (Resolution Number 16-01-28)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

On motion by Dr. Scothorn, seconded by Mr. Dodson, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 16-01-29)

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

A public hearing was then held on a request in the Fincastle Magisterial District from Fraley Family Restated Irrevocable Dynasty and Fraley Family Irrevocable Dynasty Trust (Apex Clean Energy, Inc., lessees) for a Commission Permit in accord with §15.2-2232 of the Code of Virginia, in addition to a Special Exception Permit, with possible conditions, in the Forest Conservation (FC) Use District to construct a wind energy system, utility-scale, on two parcels; the first being 4,350.00 acres and the second being 1,520.49 acres. Approximately 200 acres located within the boundaries of these properties will be utilized for up to 25 wind turbines and ancillary equipment and the related construction, operation, and maintenance thereof. The turbines will be no greater than 550 feet in height and are proposed to be located along approximately 3.5 miles of the southernmost portion of North Mountain. The entrance will be generally located on the north side of secondary Route 622 (Dagger Spring Road), approximately 5.2 miles east of the intersection of Route 622 and secondary Route 694 (Gala Loop), to be accessed by a proposed gravel road, identified on the Real Property Identification Maps of Botetourt County as Section 13, Parcel 2 and Section 20, Parcel 3.

Mrs. Nicole Pendleton, Planning Manager noted that the Planning Commission had recommended approval of the Commission Permit and recommended conditional approval of the SEP. She noted that the application, staff background report, list of proffered conditions, and the Antares Group's (consultant's) report on this request had been provided to the Board members. Mrs. Pendleton stated that the information provided with the SEP application is substantially compliant with the Zoning Ordinance's provisions.

Mrs. Pendleton stated that the lessee (Apex Clean Energy) is proposing to construct no more than 25 utility-scale wind turbines, an operational/maintenance facility, and substation on 200 acres of two parcels owned by the Fraley family on North Mountain near Eagle Rock. She stated that the elevation of North Mountain varies between 1,200 to 3,440 feet. She noted that there is currently one single family dwelling, one residence under construction, and three temporary meteorological towers located on the property.

After discussion, Mrs. Pendleton stated that the Planning Commission recommended approval of the Commission Permit in accordance with Section 15.2-2232 of the Code of Virginia which verifies that the proposal is in accordance with the County's Comprehensive Land Use Plan.

Mrs. Pendleton stated that the Planning/Zoning staff were involved for over a year in developing Zoning Ordinance provisions regarding utility-scale wind farms which included visiting a similar facility in West Virginia, researching other localities' ordinances, and using the Virginia Department of Environmental Quality's (DEQ) model ordinance to draft the County's regulations. She stated that there were several opportunities for community input on this ordinance's provisions.

Mrs. Pendleton stated that the Board of Supervisors held a public hearing and approved the ordinance in June 2015. She noted that Apex submitted their SEP application in October 2015 and, prior to that, staff met with the company's representatives on numerous occasions to review the application and identified several areas where the application could be revised to better comply with the visual impact analysis requirement and other sections of the ordinance.

After discussion, Mrs. Pendleton stated that, in addition to development requirements for the Forest Conservation District, regulations for utility scale wind energy systems require that the project size must be at least 5 acres per turbine, each turbine will not exceed 550' in height at its highest point, setbacks will be 110% (600.6') to the nearest non-participating property line

and 150% (819') to the nearest occupied building on a non-participating landowner's property. She stated that each turbine will be of monopole design and conform to all Federal Aviation Administration (FAA) requirements, the noise levels of each turbine are limited to 60 decibels at the nearest property line, and the turbines will be accessed by a 36' wide gravel road to be located off of Dagger Spring Road. She noted that additional requirements govern ground clearance, safety measures, braking controls, and require utilities to be placed underground. Mrs. Pendleton noted that the applicant was also required to submit a detailed project description, concept plan, wind study data, an operations and maintenance plan, environmental impact statement, shadow flicker model, and a decommissioning plan.

Mrs. Pendleton stated that, after the Utility-Scale Wind Ordinance was adopted, the County issued a request for proposals (RFP) for an independent consultant familiar with wind energy facilities to review any potential applications submitted under the ordinance's provisions. She noted that three proposals were received and Antares Group, Inc., of Harrisonburg was selected. Mrs. Pendleton stated that Antares has reviewed Apex's application and found it to be substantially compliant with the ordinance's requirements.

She noted that Apex has also begun the State's permitting process for this type of facility which is overseen by DEQ. She further stated that Antares believes that the applicant will be able to supply all necessary information once the project proceeds. Mrs. Pendleton stated that County staff expressed concerns about how the concept plan would change after final siting details and site engineering were performed; however, Antares indicated that any changes in the turbines or reducing the number and height would not increase the impact of the project.

Mrs. Pendleton then reviewed the project's concept plan which included the location of the turbines, access road, substation, lay-down facility, and a visual impact analysis conducted by Hill Studios of how the facility would appear from various locations.

After discussion, Mrs. Pendleton stated that, based on the information provided by the applicant and reviewed by County and Antares staff, the requirements of the Zoning Ordinance have been met or exceeded by this SEP application and the project is not projected to exceed the ordinance's sound decibel requirements. She further stated that the County would not go forward with the issuance of any building permits for this wind energy facility unless all State/federal permits are obtained by Apex and the appropriate documentation has been submitted to the Community Development Office.

Mrs. Pendleton then reviewed the 17 proffered conditions submitted with this application, e.g., conformance with concept plan, total number of turbines; construction traffic management plan and mitigation measures, hours of construction, site plan and construction surety, emergency response plan, operations and maintenance plan, flicker model, permit-by-rule process, vegetation restoration plan, stormwater management and erosion and sedimentation control, decommissioning plan, maintenance and reporting, mitigation, and compliance with laws, and remedies.

She noted that construction sureties are required with this type of project and the conditions state that the decommissioning surety should be for "no less than 125% of the total cost estimate after salvage and shall be updated every three years." She further stated that the sound and shadow flicker studies will need to be updated once the exact location of the turbines has been determined. Mrs. Pendleton stated that an annual report on the project has to be submitted to the County and the County would be notified of any change in ownership of this facility. She further stated that the owners are required to investigate/mitigate any complaint

regarding sound/noise; TV/radio/communication device signal interference; shadow flicker; or construction or operations. Mrs. Pendleton stated that any deviation from the approved conditions would constitute a Zoning Ordinance violation.

Mrs. Pendleton then stated that between 60 and 70 individuals attended the Planning Commission's hearing on this request and approximately 14 citizens spoke. She noted that questions were raised about lighting, setbacks, noise levels, and the color of the turbines. She noted that the Planning Commission determined that Apex had met all of the Zoning Ordinance's requirements with their application.

Mrs. Pendleton stated that the County had received a letter from the Rockbridge County Board of Supervisors earlier today containing a resolution requesting that Botetourt County defer action on this request for at least 90 days to allow them (Rockbridge County) to receive more-detailed information on the project. She also noted that letters had been received from Virginia's Secretary of Natural Resources, Molly Ward, and Mr. Mark Hanson, County resident, in favor of this application, from Ms. Suzanne McTaggart of Rockbridge Baths in opposition to the request, and from Ms. Marilyn Buerkens of Natural Bridge requesting that the best management practices for federal lands be followed during seeding/planting on this property including the use of native plants.

After questioning by Mr. Williamson, Mrs. Pendleton stated that proposed conditions included in this request's staff background report had previously been sent to the Planning Commission members but, at that time, they had not yet been fully reviewed by legal counsel; however, the Planning Commission was provided an updated set of suggested conditions prior to their meeting and they were read and explained at that public hearing. She noted that the revised conditions dated January 11, 2016, and attached to the Board's packet in addition to those included in the background report, have been reviewed by the County Attorney and are to be considered by the Board during this request.

After further questioning by Mr. Williamson, Mrs. Pendleton stated that DEQ is the State regulating agency for this project; however, they also receive reviews on the proposal from the FAA, Army Corps of Engineers, Virginia Department of Game and Inland Fisheries, State Corporation Commission, Virginia Department of Conservation and Recreation, and the Federal Energy Regulatory Commission.

Mrs. Pendleton noted that Ms. Heidi Alsbrooks with Antares, and Mr. Tyson Utt, Apex's Mid-Atlantic Director of Development, Mr. Charlie Johnson, Apex's Development Manager, and Mr. Brennen Keene, Apex's attorney, were present regarding this request.

Mr. Utt stated that Apex is based in Virginia and has approximately 180 professionals on staff at this time. He noted that this is the first wind farm application to be considered for approval in the State of Virginia and Apex wants to set a good standard for this wind energy system. He noted that their construction team is very experienced in the United States and in working in various climates and environments.

Mr. Utt stated that Apex has an operations center in Charlottesville which allows them to remotely monitor their turbines. He noted that there has been growth in the wind energy market, costs have decreased which makes the market more competitive, and the technology has improved. He noted that 4.5% of the United States' energy is currently generated by wind systems. Mr. Utt stated that up to 20,000 homes could receive energy generated by this proposed wind farm and the facility will contribute to the County's and State's economy. Mr. Utt further noted that wind facilities have no exposure to fuel cost changes over time.

After discussion, Mr. Utt stated that there has been a large amount of public education and outreach for this project over the past year including newspaper articles, a website which includes information and simulations of the project, and public meetings. He noted that a few organizations have endorsed this project and Apex has made presentations to the Chamber of Commerce and the County's fire and emergency services personnel.

Regarding the permit process for this facility, Mr. Utt stated that obtaining the County's approval of this project is "step one" for Apex. He noted that the Code of Virginia requires them to first submit their proposal to the locality for consideration of approval and then their application/request is filed with the Virginia Department of Environmental Quality which has their own public comment period/public hearing process to follow. Mr. Utt further noted that several State agencies will also review the project's application as will the Army Corps of Engineers, the FAA, and the U. S. Fish and Wildlife Service at the federal level.

Mr. Johnson then stated that the Fraley property is a large remote tract of land and Apex has been able to verify the wind resources on this property through data collected by three meteorological towers (MET). He noted that their proposal includes an on-site transmission interconnection and minimizes the impact to sensitive habitat. Mr. Johnson noted that the closest residence is approximately 1.5 miles from the proposed turbine site.

Mr. Johnson stated that the data submitted with their SEP application is as required in the Zoning Ordinance, the company has obtained over two years of wind data on the site, performed a visual assessment, a decommissioning study, a shadow flicker study, pre- and post-construction sound studies, interconnection studies, preliminary engineering, historical and cultural reviews, and telecommunications studies. He further stated that Apex has exceeded the ordinance's regulations pertaining to the minimum lot size of this proposed facility, and provided a decommissioning cost update, a construction timeline, surety information, etc.

Mr. Johnson then reviewed an aerial map of the site which is located approximately five miles from Interstate 64. He noted that the proposed location is a forested area with clearings that Apex will use for its turbines. He noted that they will use the property's existing roads whenever possible to access the sites. Mr. Johnson noted that the electrical substation will be located on the southern end of the property and the construction lay-down yard for the concrete batch plant and the turbine components will be accessed off of Dagger Spring Road. He further noted that the operations and maintenance building will be approximately 100' X 65' in size and located on this same site.

Mr. Keene stated that this proposal is a conceptual plan and additional review and permitting is required to be obtained from DEQ, Fish and Wildlife, FAA, etc. He noted that if there is any conflict between the State and federal permits and if, for example, a turbine has to be relocated, Apex would have to come back to the Board of Supervisors for approval of this change. Mr. Keene stated that Apex is comfortable with the design as presented and the company has a lot of confidence in the project's engineering.

Mr. Keene noted that, in the project's conditions and in the Zoning Ordinance, there are a number of requirements that address the impacts that this project would have on the area. He noted that this property is a terrific location for a wind project and the proposal before the Supervisors for consideration is consistent with the Zoning Ordinance and in some cases is more restrictive than the County's ordinance. Mr. Keene stated that Dominion Power is the transmission provider for this project.

After discussion, Mr. Keene stated that the Board is being requested to confirm the Planning Commission's determination that this proposal is in substantial conformance with the Comprehensive Plan and approve the SEP with the conditions as submitted.

After questioning by Mr. Dodson regarding the permitting timeline for this project, Mr. Johnson stated that County, State, and federal approvals are required for wind energy facilities of this type. He noted that the State's permitting process is estimated to take approximately three months and then the federal permits would have to be obtained. Mr. Johnson stated that Apex would like to begin clearing/grading work on the site in December 2016.

After questioning by Mr. Dodson, Mr. Johnson stated that Apex's plan indicates that the power lines on the site from tower to tower and to the substation would be placed underground. After further questioning by Mr. Dodson, Mr. Johnson stated that Apex will have a point of contact on site for complaint mitigation. He noted that the Zoning Administrator can also be contacted and then work with Apex to mitigate the issue.

After questioning by Dr. Scothorn, Mr. Johnson stated that it is less than 100' from the transmission line to the proposed substation site. After further questioning by Dr. Scothorn, Mr. Johnson stated that, with the terrain, traffic along I-64 westbound may "get a glimpse" of the turbines as the interstate is within 5 miles of this project. After further questioning by Dr. Scothorn, Mr. Johnson stated that, as of the end of last year, Apex has five wind energy facilities under construction in the United States and two are completed.

After questioning by Mr. Williamson regarding a potential conflict of interest between Antares and Apex, Ms. Alsbrooks stated that she has been employed by Antares Group, which is a private consultant on wind energy facilities, for eight years. Ms. Alsbrooks stated that prior to that time she worked for Greenlight Energy which shared some employees with Apex. Ms. Alsbrooks stated that this was over 10 years ago and noted that it would be difficult to find someone in this industry that has not worked for another company in the same industry. She further stated that Antares has been in business for 20 years and have worked with federal, State, and local clients to conduct independent third-party reviews of utility requests.

Mr. Leffel then stated that he would now open the floor for public comment. He noted that each speaker would have three minutes to speak and should address their comments to the Board.

Ms. Marilyn Shaner Buerkens of Natural Bridge thanked the Board for their work in bringing us into the 21st century regarding an energy plan. She noted that, in May 2015, the U. S. Department of Agriculture and the Department of the Interior released a best management practices plan for plantings on federal property that supports beneficial insects and pollinators. She encouraged Apex to use this plan during their site restoration efforts after grading has been completed. She noted that this plan, which includes suggestions for mowing, management for pollinators, seeding, and planting of native plant species to benefit the soil and pollinators, could also be used in other areas of the County as well.

Mr. Kris Baumann of Raphine in Rockbridge County stated that he was a tax attorney and has seen instances of where corporations come into a locality with these types of projects and then sell the project to another company and "down the years" various limited liability companies obtain ownership of the project and it is difficult to contact the owner to discuss issues and concerns. He noted that this results in the localities being "worse off than when they started."

Mr. Baumann stated that the analysis that had been done on this application to date is completely inadequate and these reports will not protect the County's interest. He stated that the County needs to have a completely independent firm to review this project and asked that the Board not go forward with this project.

After discussion, Mr. Baumann noted that no discussion has been held regarding the issuance of kill permits for any eagles that may be killed by these turbines. He noted that these permits are issued for five years. Mr. Baumann stated that the County has to have someone asking these questions who has the County's best interests at heart.

Mr. Jonathan Miles of Crozet, Virginia, stated that he is a professor at James Madison University (JMU) and directs their wind energy center. Mr. Miles stated that he has over 15 years of experience in working in the wind energy field at JMU and the center assists communities like Botetourt County in these types of activities.

Mr. Miles stated that he accompanied the Supervisors members to the Beech Ridge Wind Farm in West Virginia, was involved with DEQ in the development of the State's model wind energy ordinance, and worked with Highland County in 1999 when they were considering a wind energy project application.

Mr. Miles stated that the County's review process of Apex's request "has been a thorough and sincere effort" and he does not think that the Board "has left a rock unturned." He noted that Apex has experience and success with this type of project in other states. Mr. Miles stated that the Board has treated every step of this process seriously and he believes that the Supervisors have the welfare of the community at heart.

Mr. Jerry Fraley of Eagle Rock stated that this project is proposed to be located on his property. He noted that this project has been in the process for nine years and they want to produce some electricity. Mr. Fraley stated that he has a long-term contract with Apex and feels that the company can "get the job done." He noted that this is a complicated and highly technical project and "needs to have something for everyone" to be a good project.

Mr. Fraley stated that he has been considering useful alternatives for this property for some time and believes that this project will let him keep a majority of the land in its natural state into the future. He noted that "wind power is about as natural as it gets" and noted that the MET data showed that this site was the best project in the United States.

Mr. Fraley thanked everyone for their work on this project including Delegate Terry Austin, Department of Natural Resources, the State of Virginia, the County, Apex, Appalachian Power Company, JMU, Sierra Club, the Sheets Mountain Hunt Club, the Crumleys, Gums, Clarks, and other neighbors in this area. He noted that change of any kind is scary but the public's support will allow this project to move forward. Mr. Fraley asked that the Board "see this project through."

Mr. Ed VanNess of Windmill Lane in Eagle Rock stated that he was fond of windmills long before they came to be important in the State. He thanked the Planning Commission and Board of Supervisors for the hard work that has been done on this project. Mr. VanNess stated that this is the fourth meeting that he has attended on this project and the information and planning shows how diligently that the County and Apex have worked on this request. He noted that this can be a "win/win" for both the County and its citizens.

Mr. Jon Cooper of Orlando, Florida stated that he is a member of the Fraley family and will be relocating to Botetourt County in the future. Mr. Cooper stated that he is a member of the "millennial generation" and millennials care about the future generations of this country and

the biggest issue is renewable energy, along with the economy, job growth, and State and national security. He noted that all of these issues involve the environment.

Mr. Cooper stated that this proposed wind energy facility will be a big project for this area and a big step for the County and the country. He asked that the Board approve this request and thanked them for their due diligence during this application process. Mr. Cooper noted that this facility is proposed to be in a remote location and will create jobs for this area.

Mr. Mark Hanson of Vista Lane in Fincastle stated that he teaches a wind turbine class at Dabney S. Lancaster Community College and has a small wind turbine on his property. Mr. Hanson noted that the issue of this project's visual perspective has arisen. He noted that, from a Rockbridge County perspective of two miles, the turbines would appear to be approximately ½" tall. He noted that wind turbines have a fixed cost, a five year payback, and a 25 year life-time which results in electrical rates decreasing over time. Mr. Hanson further noted that wind generation results in 27% more jobs per kilowatt hour than coal and 66% more jobs than natural gas plants.

Regarding the comments that wind turbines kill birds and bats, Mr. Hanson stated that turbines are responsible for less than 3 in 100,000 of bird deaths caused by human and feline activities. Regarding property values, Mr. Hanson stated that a 2009 study showed that neither the view nor distance from wind energy facilities had any significant effect on the sale price of nearby homes. Mr. Hanson then asked that the Board support this project for both jobs and our future.

Mr. Henry Gum of Dagger Spring Road stated that he is this project's nearest neighbor. Mr. Gum stated that he has no problem with these turbines as they generate clean energy and he "thinks that they are pretty." Mr. Gum stated that the Amish in Pennsylvania have used wind turbines for many years and he sees nothing wrong with having turbines in Botetourt County.

Mr. Matt Cooper of Timber Ridge Road stated that with this project Botetourt County will lead the charge of renewable energy in Virginia. He noted that the energy generated can be used here and will bring in revenue to the County. Mr. Cooper stated that a lot of good background work was done on this project and this proposal has been developed in full public view. Mr. Cooper stated that there is always opposition to change. He thanked those who supported this project and asked the Board to vote in favor of this request.

Dr. Charles Bartocci of Clifton Forge stated that he is the program head for advanced technology services at Dabney S. Lancaster Community College, which includes wind energy and noted that two of his current students graduated from James River High School.

Dr. Bartocci stated that what excites him about Apex's proposal is the possibility of local jobs for students obtaining their certification in the wind energy field. He noted that DSLCC is "leading the charge" in jobs in this industry and wind energy offers good paying jobs. He noted that "this gives us the ability to step forward" in this industry.

Mr. Rudy Vietmeier of Bluebell Lane in Roanoke thanked the Board for giving him the opportunity to speak and noted that he is an Executive Board member of the Roanoke Sierra Club. Mr. Vietmeier noted that efforts to convert businesses and homes from fossil fuels to clean energy options is a goal of his organization and approving this proposed facility is a major step in this direction. Mr. Vietmeier urged the Board to approve this project and commends them for the effort and professionalism that has been applied to this important project.

Mr. Dan Crawford of Kipling Street in Roanoke stated that he is the Chairman of the Roanoke Sierra Club. He noted that this is an exciting and special day. Mr. Crawford stated

that for over a year the Board of Supervisors has done the hard work in talking to engineers, citizens, and others about this proposal and tonight they will decide the County's citizens' future.

Mr. Crawford stated that the country needs to radically reduce its use of fossil fuels. He noted that several concerns have been discussed over the past few months regarding this proposed wind facility including viewshed impacts. Mr. Crawford stated that he does not understand these comments as seeing these turbines is pleasing to him. He noted that there are airplanes in the sky and cellphone towers in many locations that could also be interpreted as having viewshed impacts and comments regarding the turbine's impact on viewsheds "just doesn't hold up."

Mr. Crawford stated that the proposed location is a good site and the studies show that there is a lot of wind in this area. He noted that if the turbines are located on a ridgetop they will be seen. He stated that "it is time for Virginia to enter the modern age" and viewsheds do not weigh heavily in this decision.

Mr. Jimbo Harshfield of Robin Hood Road in Roanoke thanked the Board for their previous work in creating the wind ordinance which allowed this project to occur. Mr. Harshfield stated that he hopes that this project will be approved by the Supervisors.

Mr. Harshfield stated that every time a homeowner or businesses uses electricity the power comes from somewhere whether it be coal, natural gas or other dirty fuels. He noted that no matter what energy sources are used there are trade-offs but with wind energy the trade-offs are slim.

Mr. Eli Fishpaw of Rockbridge County stated that in the year 1420 flooding was an issue in the Netherlands and the citizens installed levies, dikes, and windmills to control the water. He noted that this was the foundation of a very prosperous European country. He noted that the citizens of that time may have thought that the windmills were not pretty but today we think that they are.

Mr. Fishpaw stated that we also face a challenge in making a transition as a result of climate change. He noted that at a recent conference 196 nations agreed with a climate policy to have a carbon-neutral emissions economy. Mr. Fishpaw further noted that the Apex project will allow new technology to be put in place to replace the burning of coal to generate electricity. He stated that this project is a trend for tremendous hope for climate change and a role model for change elsewhere. Mr. Fishpaw stated that he hopes that the Board of Supervisors will approve this project.

Mr. Lee Merrill of Lexington stated that he is an architect and a member of the Rockbridge Area Conservation Council. Mr. Merrill stated that, after listening to the presentation at last night's Rockbridge County Board of Supervisors meeting and tonight's presentation and comments, his perceptions are changing regarding this project. He then complemented the entire team for their work.

Mr. Merrill stated that he believes that some additional conditions should be included with this proposal. He noted that the State's review process does not endeavor much trust on his part. He noted that a forest ecology reclamation plan should be immediately implemented upon decommissioning of this site in order to restore the mountain to its previous condition. He stated that the applicant should do a better job in reclamation and minimize the use of pesticides and industrial chemicals on this property.

Mr. Merrill also stated that all efforts should be made to reduce night-time light pollution from this facility and County staff should be responsible for monitoring this project's compliance

with the conditions. He also stated that the County should also ensure that the developer cooperates with the scientific research community to reduce the adverse impacts of this project.

Mr. Gil Perkey of Eagle Rock stated that he owns one of the six licensed private airports in the County. Mr. Perkey stated that his concern is safety for people who fly in the area of the proposed wind farm. Mr. Perkey noted that his airport is paved and lighted at night and to protect the pilots who use these airports, the Apex facility would need to be lit up "like a Christmas tree." Mr. Perkey further noted that the military also uses this area for training flights. Mr. Perkey stated that he is not against windmills but he is concerned about the safety issues of aircraft flying in this area.

After questioning by Mr. Williamson, Mr. Perkey stated that his airport is located at a 1,200' elevation and is four miles from the turbine site. He further stated that three other private airports have the same flight path.

Mr. Robert Hundley of Eagle Rock then reviewed a brochure regarding the Natural Bridge Wildlife Corridor which is located east of the proposed wind farm facility. He noted that this corridor was established in 2013 by the Virginia Outdoors Foundation. Mr. Hundley stated that this corridor extends along I-81 from Buchanan to Lexington and allows wildlife to safely access the Blue Ridge and Allegheny mountains and prevents highway accidents.

Mr. Hundley stated that this area is a "biodiversity hot spot" and a buffer from human activities. He noted that Purgatory Mountain, the Mill Creek watershed, and North Mountain where these proposed turbines will be located, are within this corridor. Mr. Hundley stated that only traditional uses should be allowed on these easements and questioned how long it would last—perpetual.

Mrs. Sherry Smith Crumley of Trebark Road in Buchanan thanked the Board and County staff for their due diligence in addressing this project which included visiting other wind farm sites and obtaining input from experts in this field.

Mrs. Crumley requested that the Board approve this project as it is the least intrusive source of energy available at this time. She noted that "a new standard in the State" will be set by having the first commercial wind project in Botetourt County.

After questioning by Dr. Scothorn, Mrs. Crumley stated that she is a member of the Board of Directors of the National Wild Turkey Federation and a previous member of the Board of the Virginia Department of Game and Inland Fisheries.

Mrs. Denise Neas of Rockbridge County stated that a website for the Roanoke area contains a quote about Botetourt County's scenic rivers and historic sites. She noted that this wind farm will be visible for miles and the 550' turbines will be ugly. She stated that there are also concerns about lighting and shadow flicker impacts and the effects on the environment from this project would be "huge."

Mrs. Neas stated that the application indicates that 11 miles of roadways will need to be constructed for this project and stated that there will be significant erosion and sediment control issues from this clearing and grading work. Mrs. Neas stated that these turbines are detrimental to wildlife and they should not be placed in areas where wildlife is concentrated or along migratory routes.

After discussion, Mrs. Neas noted that it has been reported that 600,000 bats are killed each year by wind turbines. She noted that there are three endangered bat species in Virginia. She then referenced Apex's reported wind speeds in this area in meters per second and stated

that this does not seem to be adequate to meet the project's electrical generation needs to ensure a viable project.

Mrs. Neas further stated that these types of facilities are eligible for tax credits and she quoted a comment by financier Warren Buffet who stated that "wind farms do not make sense without tax credits." She requested that the Board "be careful" in their consideration of this request.

Mr. Stephen Neas of Rockbridge County stated that he is a licensed engineer in Virginia and North Carolina and currently works for a firm in Chantilly, Virginia. Mr. Neas stated that he has attended wind and solar conferences in the past and noted that no one would propose a solar complex in Alaska. Mr. Neas stated that at one wind energy conference it was reported that the country's best wind resources are located in an area from North Dakota to Texas and along the east coast of Virginia and North Carolina.

Mr. Neas stated that he reviewed the wind speed map contained in Apex's application. He noted that the constant wind speed varies from 7.5 meters per second (mps) to 5.5 mps at the southern end of the proposed project area and 3 mps is necessary before the turbines "cut in." Mr. Neas stated that none of the proposed area has the 11 mps wind speed needed for this project.

Mr. Neas stated that his question is how much electricity will this site produce. Mr. Neas stated that he has heard that these turbines will produce enough electricity to power 25,000 households. He encouraged the Board to look into this issue and find out exactly how much electricity these 25 turbines will produce "to determine if it is worth what we are going through."

Mr. Bill Van Velzer of Cox Road in Troutville thanked those Rockbridge County citizens who are in attendance at this meeting. He noted that "wind does not respect boundaries." Mr. Van Velzer stated that he expects that the Board "will go on record in support of this application and all we will see is a dog and pony show."

Mr. Van Velzer stated that the Board has not done their due diligence on this project and the Planning and Zoning staff "have been coaxed by Apex." He noted that there are serious issues regarding this proposal that have not received adequate attention including the minimum 60 decibels of noise generated by the wind facility at the nearest adjacent property line, the 605' setback from the property line, and the 820' setback from a neighboring residence. He noted that the ambient noise level for North Mountain is 30 decibels.

After discussion, Mr. Van Velzer also stated that the issue of infrasound (low frequency soundwaves) was not considered. He noted that the SEP application does not include this aspect because the wind industry does not recognize it. He then referenced note 19 on page 9 of the DEQ model ordinance. Mr. Van Velzer stated that infrasound "would reduce their (Apex's) profit margins."

Mr. Van Velzer stated that property values would be impacted as this project is a case of "unconstitutional taking of private property." He stated that his right to have private property cannot trump someone else's rights. He asked that the Board "do the right thing ethically and politically" and table a decision on this request for 90 days.

Mr. Matthew Ruscio of Rockbridge County stated that he was previously employed by a renewable energy company and serves as President of the Virginia Renewable Energy Alliance. Mr. Ruscio stated that this proposal would create 150 jobs during construction and 10 jobs after the project is completed. He stated that this would be the first wind farm in Virginia and would be "our tax dollars coming back to Virginia and being reinvested in Virginia."

Mr. Ruscio stated that he has been aware of this project for approximately a year and appreciates the transparency of this process by the County and Apex. Mr. Ruscio noted that he understands the beauty and history of this area and one way to address this is through renewable energy. Mr. Ruscio stated that he supports this project.

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

After questioning by Dr. Scothorn, Mrs. Pendleton stated that she cannot address the science/technology behind the wind speed data obtained during this process but Antares' study indicates that the wind speeds in Virginia are not comparable to other locations because of many factors. She noted that, according to Antares, the wind speed data submitted in the SEP application is correct.

After questioning by Mr. Williamson regarding the setbacks mentioned by Mr. Van Velzer, Mrs. Pendleton stated that the actual setbacks were shown on one of the Apex Power-Point presentation slides. She noted that the Zoning Ordinance requires a setback of 110% (600.6') of the turbines' height (549') from the nearest non-participating property line and 150% (819') to the nearest occupied building on a non-participating landowner's property. She noted that the nearest occupied building on property not owned by the Fraley family is over 6,100' away.

After questioning by Dr. Scothorn, Mr. Utt stated that the U. S. Department of Energy produces wind scale resource maps on a State and national scale. He noted that Apex used MET towers and SODAR (Sonic Detention and Ranging) units to collect data to prove the resource's (wind) availability since this is a highly expensive project. Mr. Utt noted that they also obtained data from nearby airports. Mr. Utt stated that this data shows that the wind speeds average 15 – 20 mps which is the cut-in limit for the turbines. He noted that different types of turbines are available for different wind availability circumstances. Mr. Utt stated that there is a "net capacity factor on how they operate."

After questioning by Dr. Scothorn, Mr. Utt stated that private investment will be used to develop and construct this project. Mr. Utt responded to the comments made regarding subsidies for this project by noting that "all energy sources have subsidies at some level." He further stated that the receipt of subsidies, which are only available for the first 10 years of such a project, "do not help to construct the project." Mr. Utt stated that, if subsidies are taken away from all energy sources, then wind would be cost effective.

Mr. Martin stated that there was a great crowd in attendance at this meeting and he appreciates their participation in this hearing and providing their opinions and recommendations on this request. He suggested that Mrs. Pendleton consider these recommendations as this project's approval process moves forward.

Mr. Williamson noted that he has had questions and concerns regarding the project's decommissioning process; however, he believes that the safeguards of at least 125% of the estimated cost to decommission/remove these turbines and their equipment from the site in the future "goes a long way" to alleviate his concerns. He noted that these decommissioning plans include repairs to the roadways, reforestation of the site, removal of the turbine foundations, etc.

Mr. Dodson stated that the Supervisors had received a letter and resolution from the Rockbridge County Board of Supervisors requesting that the Board delay voting on this request. Mr. Dodson stated that there is at least 11 additional months of State and federal permit processes that this request will have to go through. He requested that the staff ensure that the

Rockbridge Supervisors and its County Administrator have the information necessary to study/discuss this project's approval process.

Dr. Scothorn stated that a couple of speakers at this hearing brought up some good points about this proposal and this was a "good discussion."

Mr. Leffel stated that he would like to address the Rockbridge County citizens present at this hearing. Mr. Leffel stated that he was not able to attend last night's Rockbridge Board of Supervisors meeting. Mr. Leffel noted that this proposed project is located in his district. Mr. Leffel stated that a wind energy development project was first proposed for this property several years ago by another company and he was in opposition to that proposal.

Mr. Leffel stated that he then began to gather information on wind energy projects. Mr. Leffel noted that he is a farmer, values the environment, and has his property in a conservation easement. Mr. Leffel stated that he has asked Apex's representatives a lot of questions and has determined that they are "straight-forward people."

Mr. Leffel noted that he thought that he "would be run out of the County by being in favor of this project." Mr. Leffel stated that he understands the Rockbridge citizens' feelings on this project because he had similar feelings in the beginning. Mr. Leffel noted that he wants to be a good neighbor and hopes that the County can develop relationships with Rockbridge on other issues in the future. Mr. Leffel stated that he did not take the Rockbridge residents' comments lightly and encouraged them to visit the Rupert, West Virginia, wind farm and make their own decision about the noise/sound and other issues associated with such a facility.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Martin, and carried by the following recorded vote, the Board affirmed the Planning Commission's approval of the request in the Fincastle Magisterial District from Fraley Family Restated Irrevocable Dynasty and Fraley Family Irrevocable Dynasty Trust (Apex Clean Energy, Inc., lessees) for a Commission Permit in accord with §15.2-2232 of the Code of Virginia in the Forest Conservation (FC) Use District to construct a wind energy system, utility-scale, on two parcels; the first being 4,350.00 acres and the second being 1,520.49 acres. Approximately 200 acres located within the boundaries of these properties will be utilized for up to 25 wind turbines and ancillary equipment and the related construction, operation, and maintenance thereof. The turbines will be no greater than 550 feet in height and are proposed to be located along approximately 3.5 miles of the southernmost portion of North Mountain. The entrance will be generally located on the north side of secondary Route 622 (Dagger Spring Road), approximately 5.2 miles east of the intersection of Route 622 and secondary Route 694 (Gala Loop), to be accessed by a proposed gravel road, identified on the Real Property Identification Maps of Botetourt County as Section 13, Parcel 2 and Section 20, Parcel 3, on the basis that the proposed request is consistent with the County's Comprehensive Plan and the purposes and intent of the Zoning Ordinance. (Resolution Number 16-01-30)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved a request in the Fincastle Magisterial District from Fraley Family Restated Irrevocable Dynasty and Fraley Family Irrevocable Dynasty Trust (Apex Clean Energy, Inc., lessees) for a Special Exception Permit in the Forest Conservation (FC) Use Dis-

tract to construct a wind energy system, utility-scale, on two parcels; the first being 4,350.00 acres and the second being 1,520.49 acres. Approximately 200 acres located within the boundaries of these properties will be utilized for up to 25 wind turbines and ancillary equipment and the related construction, operation, and maintenance thereof. The turbines will be no greater than 550 feet in height and are proposed to be located along approximately 3.5 miles of the southernmost portion of North Mountain. The entrance will be generally located on the north side of secondary Route 622 (Dagger Spring Road), approximately 5.2 miles east of the intersection of Route 622 and secondary Route 694 (Gala Loop), to be accessed by a proposed gravel road, identified on the Real Property Identification Maps of Botetourt County as Section 13, Parcel 2 and Section 20, Parcel 3, with the 17 conditions as attached, and on the basis that the requirements of Section 25-583 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 16-01-31)

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

NAYS: None

ABSENT: None

ABSTAINING: None

After discussion by the County Attorney, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board authorized the advertisement of a public hearing at the February regular meeting to consider an ordinance adopting guidelines to implement the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) as per Virginia Code Section 56-575.1 et seq. (Resolution Number 16-01-31)

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

NAYS: None

ABSENT: None

ABSTAINING: None

There being no further discussion, the meeting was adjourned at 8:12 P. M.