

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, January 26, 2021, at the Botetourt County Administration Center in Daleville, Virginia, beginning at 2:00 P.M.

PRESENT: Members: Mr. Billy W. Martin, Sr., Chairman  
Dr. Donald M. Scothorn, Vice-Chairman  
Mr. Steve Clinton  
Mrs. Amy S. White  
Dr. Richard G. Bailey

ABSENT: Members: None

Others present at the meeting:

Mr. Michael Lockaby, County Attorney (left at 5:30 P. M.)  
Mr. Christopher Dadak, County Attorney (arrived at 5:45 P M)  
Mr. David Moorman, Deputy County Administrator  
Mr. Gary Larrowe, County Administrator

The Chairman called the meeting to order at 12:32 P.M.

On motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board went into Closed Session pursuant to the Code of Virginia, 1950, as amended, to discuss the following: Section 2.2-3711.A. 1, Discussion regarding personnel matters pertaining to reorganization of County departments; Section 2.2-3711.A. 3, Acquisition or disposition of real property for economic development purposes where discussion in open session would adversely affect the County's bargaining position or negotiating strategy namely concerning the Amsterdam (Greenfield) and Blue Ridge districts; Section 2.2-3711.A. 5, Discussion on prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of their interest in locating or expanding facilities in the community in the Amsterdam (Greenfield) and Fincastle Districts; and Section 2.2-3711.A. 8, Consultation with legal counsel regarding specific matters requiring legal advice pertaining to prospective litigation regarding personnel matters. (Resolution Number 21-01-01)

AYES: Mr. Martin, Dr. Scothorn, Dr. Bailey, Mrs. White, Mr. Clinton

NAYS: None

ABSENT: None ABSTAINING: None

The Chairman called the meeting back to order at 2:01 P.M.

On motion by Mr. Martin, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board returned to regular session from Closed Session and adopted the following resolution by roll-call vote. (Resolution Number 21-01-02)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None ABSTAINING: None

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

Mr. Martin welcomed those present including Mrs. Amy White who is the new Buchanan District representative on the Board of Supervisors.

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

Mr. Martin then asked for a moment of silence.

The Board of Supervisors then held their 2021 reorganizational meeting.

Mr. Martin then turned Chairmanship of the meeting over to Mr. Gary Larrowe, County Administrator. Mr. Larrowe then opened the floor for nominations for Chairman of the Board of Supervisors for 2021.

Dr. Bailey then nominated Dr. Scothorn as Chairman of the Board of Supervisors for 2021. Mr. Clinton seconded this nomination.

After questioning by Mr. Larrowe, it was noted that there were no further nominations for Chairman.

On motion by Mr. Martin, seconded by Mrs. White, and carried by the following vote, nominations for Chairman of the Board of Supervisors were closed and Dr. Donald Scothorn was appointed as Chairman for calendar year 2021. (Resolution Number 21-01-03)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Dr. Scothorn thanked the Board for this appointment. He noted that the County is going through difficult times and had a difficult year in 2020 in dealing with the pandemic. Dr. Scothorn noted that the Board members are wonderful to work with and he considers all the Board members as co-chairs. Dr. Scothorn then asked that Mr. Martin continue providing video updates to the public.

Dr. Scothorn then opened the floor for nominations for Vice-Chairman of the Board for 2020.

Dr. Scothorn then nominated Dr. Bailey for Vice-Chairman of the Board for 2021. Mr. Clinton seconded this nomination.

After questioning, it was noted that there were no further nominations for Vice-Chairman.

On motion by Mr. Martin, seconded by Mrs. White, and carried by the following vote, nominations for Vice-Chairman of the Board of Supervisors were closed and Dr. Richard Bailey, was appointed as Vice-Chairman for calendar year 2021. (Resolution Number 21-01-04)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Discussion was then held on various committee/commission/board appointments for 2021 and approval of the Board's bylaws.

After discussion, on motion by Dr. Bailey, seconded by Mr. Martin, and carried by the following recorded vote, various committee/commission/board appointments for 2021 were approved as follows and the Board of Supervisors' bylaws were approved as submitted. (Resolution Number 21-01-05)

AYES: Mrs. White, Mr. Clinton, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

2021 Member  
Assignment

Position or Board

Dr. Scothorn  
Dr. Bailey  
Dr. Scothorn  
Mr. Martin

Board Chairman  
Board Vice-Chairman  
Roanoke Reg. Partnership  
Social Services Board

Mr. Clinton	Parks and Recreation Commission
Mr. Martin	Planning Commission
Mr. Clinton	Library Board of Trustees
Mrs. White	Transportation Safety Commission
Mr. Martin	TAP Board of Directors
Dr. Bailey	Economic Development Authority
Mr. Martin/Mrs. White	Fire & EMS Committee
Mr. Clinton	RVARC CEDS
Mr. Martin	RVARC Transportation Planning Org.
Dr. Bailey/Mrs. White	Agricultural Projects Committee
Mr. Clinton	Historic Greenfield Committee
All Board Members	General Fund Budget Committee
Dr. Bailey/Mr. Clinton	
Dr. Scothorn, alternate	General Fund Budget Subcommittee
Mr. Martin/Mrs. White	School Budget Committee
Mr. Larrowe/Mr. Lockaby	Parliamentarians
Mr. Larrowe	Clerk to the Board
Mrs. Fain	Deputy Clerk to the Board

Recognition was then held on the completion of Colonial Elementary School. Dr. Scothorn stated that he and the Board would like to take this time to acknowledge those individuals who have been important to the planning, design, and construction of the new Colonial Elementary School.

Dr. Scothorn noted that he believes that in 2007 Mr. Martin first requested that a new elementary school be constructed in Blue Ridge and, after many years of work, the new school opened yesterday. He noted that the School Board requested the new facility, the Board of Supervisors approved its construction and borrowed funds from the Virginia Public School Authority for the project, and the Economic Development Authority (EDA) administered and provided oversight of the facility's construction.

Dr. Scothorn stated that, under the leadership of John Kilby, the EDA appointed a Colonial Building Team consisting of John Alderson and John Williamson, who began negotiations for the architectural/engineering work with Granville Grant and his team from Spectrum Design. He further stated that, after appropriate bidding, both gentlemen conducted negotiations with G&H Contracting on the actual construction of the school. He noted that, in the midst of the project, John Griffin, another member of the EDA, was added to the official Building Committee who also worked with Engineering Concepts, Inc., on civil plans for the school.

After discussion, Dr. Scothorn stated that, at the same time, the County was very fortunate to be able to attract Mr. Jim Whitten who started work as the Capital Projects Manager and Clerk of the Works for the school on June 18, 2018. He stated that Mr. Whitten worked with Plecker Construction to do the site's grading work and arranged for the final grading to be conducted during the mass grading aspect of the project which resulted in a huge cost and time savings on the project.

He further stated that, after construction began, Mr. Whitten worked exceptionally well with Donald Gibson and Troy Henderson of G&H Contracting. Dr. Scothorn noted that Mr. Whitten has been on site almost every day since June 2018 and saved the County millions of dollars in project overruns and change orders. He noted that the largest change order on the project was one that Mr. Whitten initiated by adding in a Code-required sprinkler system for \$175,000 that had been overlooked in the design. He further noted that there were additional change orders, however, they were mostly for credits back to the project because of the close working relationship of Mr. Whitten and Mr. Gibson. He noted that there were lots of examples of additional savings that Mr. Whitten was able to implement during the school's construction.

Dr. Scothorn then presented Mr. Whitten with a framed “No Change Orders” sign to thank him for all his hard work on this project.

Dr. Scothorn further stated that Mr. Whitten was named Master Building Official for the County as of January 1, 2021, which resulted in Mr. Whitten issuing and signing the County’s Certificate of Occupancy on the project he worked so hard to complete.

After discussion, Dr. Scothorn noted that VDOT has also been a key element and Ray Varney and Ashley Smith have done amazing things to have Murray Drive reconstructed to handle the additional traffic. He noted that this road improvement project will be completed in the near future.

Dr. Scothorn further noted that various utility companies assisted in this project as well. He noted that AquaVA is supplying water to the school and Mr. John Aulbach, company President and Jay Divers, Regional Area Supervisor, are in attendance at today’s meeting. He stated that Mr. C. J. Boothe, Roanoke Gas Company’s Blue Ridge Project Manager, is also present and noted that Roanoke Gas is supplying natural gas to the project and will start connecting homes along the length of this new gas line as well.

Dr. Scothorn stated that Mr. Anthony Smith with Blue Ridge Towers is also present at the meeting. He noted that Mr. Smith and his company stepped in to assist in solving an issue regarding broadband internet access to the school. Dr. Scothorn stated that, until the incumbent provider can install the permanent broadband infrastructure, the EDA has purchased a 150 foot “portable” tower to provide a signal from the School to the Blue Ridge Park grain silo tower as a temporary fix.

After discussion, Dr. Scothorn stated that there are many others who have assisted with the project including Tammy Riggs, Principal at Colonial Elementary School; School Superintendent John Russ; School personnel Ben Irvin, Scott Hamilton, Beth Allen; and the teachers, parents, and students who made this project work. Dr. Scothorn stated that the Board of Supervisors also wish to thank the entire EDA (John Kilby, John Griffin, John Alderson, Lyn Hayth, and Jeff Emry) and the School Board (Anna Weddle, Michelle Crook, Matt East, Dana McCaleb, and Tim Davidick) for “trusting the process” and for all of their help in the total construction of the most modern school in the region.

Dr. Scothorn then stated that the public should not miss the fact that the school was built against all odds of success--in the middle of a pandemic, through three years of record rainfall in the area, and the list goes on. He also expressed the Board’s thanks to County Treasurer Bill Arney and Director of Finance Tony Zerrilla for “writing the checks” to pay for this project.

He noted that the school is located on a 26 acre site, has a capacity of 600 students, and will cost approximately \$26,000,000 at completion. He further noted that \$22,500,000 was borrowed to construct this project, \$2,500,000 in cash was allocated by the Board of Supervisors, \$1,000,000 in interest earnings resulted from the borrowing, which resulted in a total project cost of \$26,000,000+/- with some final invoices remaining to be paid.

Mr. Martin stated that this project was one of his campaign issues when he ran for office in 2007. Mr. Martin further stated that he would like to thank one other person for their assistance and encouragement for this project. He noted that the late Jack Leffel, former School Board and Board of Supervisors member, was very passionate about this project and they both worked together to make this happen. Mr. Martin noted that Mr. Leffel is missed.

Dr. Scothorn then thanked all those who attended today’s recognition of the completion of Colonial Elementary. He noted that a formal dedication and ribbon cutting ceremony will be scheduled at a later date.

Mrs. Nicole Pendleton, Director of Community Development, then introduced Mr. Andrew Minnix to the Board. She noted that Mr. Minnix began work as a County Building Inspector on January 4, 2021. She noted that he previously worked for JES Foundation Repair in Roanoke.

Dr. Scothorn welcomed Mr. Minnix to employment with Botetourt County.

Dr. Scothorn then opened the public comment period.

Mrs. Harriett Francis of Springwood Road stated that she represents the United Daughters of the Confederacy and is speaking regarding the Confederate monument in front of the Circuit Courthouse. Mrs. Francis stated that this monument was erected in 1904. She noted that it should be used to teach people the inspiring story of those Botetourt residents who fought in the Civil War. She noted that education is necessary to achieve goals and this monument should be protected.

Dr. Scothorn thanked Mrs. Francis for her comments.

Dr. Scothorn then stated that earlier in the meeting he forgot to introduce the new Board of Supervisors member. He welcomed Mrs. Amy White to the Board as the Buchanan District representative.

The public comment period then continued.

Ms. Keri Martell of Pinehaven Road then stated that she had some questions for Mrs. White: What would she say to the Botetourt residents who are the descendants of those individuals referenced on the Confederate monument? Botetourt is in the 19<sup>th</sup> General Assembly District along with Bedford County. Botetourt's population is approximately 2½ times smaller than Bedford and their gross domestic product is about \$1 billion higher than Botetourt's and their real estate taxes are 50¢/\$100 valuation compared to 79¢/\$100 in Botetourt. She questioned how Ms. White feels about these tax rates.

Ms. Martel asked that Mrs. White fight for the Buchanan residents to have a lower tax rate. She stated that her real estate taxes fund the schools and questioned how many genders do Mrs. White believe exist. Ms. Martell then recommended Ms. Terri Brockly be appointed to fill one of the vacancies on the Economic Development Authority.

Dr. Scothorn stated that this is not a question and answer session but he would defer to Mrs. White as to whether she would prefer to answer these questions now or at a later time.

Mrs. White stated that she is willing to talk with anyone from the Buchanan area after the meeting to answer their questions. Mrs. White noted, however, that she had ancestors who fought for the Confederacy and has concerns about the monument relocation project. Mrs. White stated that she has discussed the issue with Mr. Clinton, who is Chair of the Monuments and Memorials Committee.

Mrs. White stated that she is not familiar with Bedford and its tax rates but will conduct some research and she is interested in how tax dollars are spent. Mrs. White stated that she wants to help the County succeed. Mrs. White further stated that she is a biologist and believes that there are two genders.

Mr. Eric Claunch of Mt. Moriah Road in Eagle Rock stated that he is present to keep the Board informed of the Rocky Forge wind farm project. He noted that on December 14, 2020, the non-profit organization, Virginians for Responsible Energy, filed an appeal against the Vir-

ginia Department of Environmental Quality's declaration of Apex Clean Energy's modified Permit by Rule as being "complete."

Mr. Claunch stated that there is still no declaration by Apex of the specific turbine make and model to be placed on the Rocky Forge site and questioned how the County can make a decision on this project's permits until this information is known. Mr. Claunch noted that he read Mrs. Nicole Pendleton's, Director of Community Development, report to the Board scheduled to be heard later today. He noted that Mrs. Pendleton mentioned geotechnical studies on the site but there is no mention of boring being conducted on Dagger Spring Road, clear cutting of trees/brush, or the grading of a new roadway near where the turbines will be built. Mr. Claunch questioned if this work is being conducted improperly prior to County permit approval.

Mr. Claunch further stated that VDoT's report to the Board to be heard later today does not mention this work either. Mr. Claunch stated that there has been no formal submission of any site plan documents and questioned if Apex has paid any required County fees as this was not mentioned in Mrs. Pendleton's report. He stated that the Board should insist on a formal response from Apex regarding their delay and ask for a realistic project schedule.

Mr. Claunch stated that the tower quantity and locations as approved by the Federal Aviation Administration are different than what was submitted by Apex in December. He further stated that the Timmons Group document from December shows the turbine locations in Northing/Easting coordinates instead of converting them into latitude/longitude coordinates and he questioned if this was a "harmless oversight."

After discussion, Mr. Claunch urged the Board to refrain from spending County time and resources on this project's site plan review until all critical issues are resolved as doing so would be legally and financially irresponsible by the Board.

Mr. Larrowe then introduced new Recreation Department employees. He noted that Ms. Mandy Adkins, began work on January 4 as the County's Recreation Director, and Mr. Chris McDonald began work on December 14, 2020, and Ms. Shontae Wade began work on January 4, as Recreation Managers. He noted that all three were participating in today's meeting virtually.

Mr. Larrowe stated that it is a positive thing to have these three individuals working for the County's Recreation Department and he believes that they will be a great team who will work together for the County's citizens.

Dr. Scothorn welcomed them to employment with Botetourt County and noted that he looks forward to meeting with them to discuss future recreational programs and activities.

Mr. Larrowe further noted that Mr. Preston Krisha and Mr. Ryan Newton had also recently been hired in the County's Maintenance Department.

The Board welcomed Mr. Krisha and Mr. Newton to employment with Botetourt County.

In continuing with the public comment period, Mr. Jerry Jacobsen of Hardbarger Road in Buchanan stated that he is Commander of VFW Lodge 1841 located in Botetourt County. Mr. Jacobsen stated that he is against moving the Confederate monument from in front of the Circuit Courthouse.

Mr. Jacobsen stated that he has relatives who fought for the Confederacy. Mr. Jacobsen then questioned that, from what he has read and heard, how much it will cost the taxpayers to move this monument. Mr. Jacobsen stated that, instead of the Board "making an executive decision," this issue should be placed on a referendum so the public will make the decision for

the Board. He stated that, if a majority of voters want to relocate the monument, then it will be their money that is used to pay for the move. Mr. Jacobsen stated that this issue should be decided through an election.

Mr. Dan Phelps of Blake Road in Buchanan then thanked the Monuments and Memorials Committee for allowing him to call into one of their meetings over the past 6 months. Mr. Phelps stated that this monument represents, among others, various Botetourt Artillery units including one that served in Vicksburg, Mississippi, during the Civil War.

He then gave a brief overview of that battle. Mr. Phelps noted that monuments at Vicksburg have QR codes that visitors can scan with their smart phones to receive details about the history of the monument. Mr. Phelps stated that the Fincastle monument is not just a piece of granite—it is a memorial and many of the Botetourt soldiers who fought in that war battle are still buried in Mississippi.

Ms. Terri Brockly of Catawba Road then welcomed Mrs. White to the Board. She noted that it is nice to have a female member on the Board.

Ms. Brockly then questioned if a timeframe has been set as to when the County's libraries will reopen. Ms. Brockly stated that she does not feel it is appropriate to have make an appointment to go into the County's buildings. Ms. Brockly further noted that she is excited to see the County's recreation positions filled so that activities can be held that the taxpayers pay for. Ms. Brockly then stated that the Sports Complex is a beautiful facility and questioned if the County is now going to have our Recreation Department manage and control everything that is going to happen at that facility or are we going to let organizations from Roanoke run it for us.

Mr. Clinton stated that the Sports Complex is the County's responsibility.

Ms. Brockly stated that various tournaments have been held at the Complex that are handled/managed by a third party.

Mr. Clinton stated that the County owns and operates this facility.

Ms. Brockly stated that a couple of months ago she requested that a map showing availability of the new broadband infrastructure in the County be made available to the public. She stated that no map has yet been provided and "transparency is needed" on this matter.

Mr. Chris McCloud of Tinkerview Drive in Cloverdale stated that he opposes any action regarding the Confederate monument in Fincastle. He stated that we have a Marxist government in Richmond trying to destroy the history and past of the County and this is not acceptable. Mr. McCloud stated that this memorial is a "headstone to those in Botetourt County who did not come home." He stated that this is their lasting monument and to relocate it is "grave desecration."

Mr. McCloud stated that the monument issue should be put to the citizens for a public referendum. He noted that moving the monument is unacceptable.

Ms. April Brown of Murray Drive in Troutville then questioned why the County is purchasing a temporary internet tower for Colonial Elementary School instead of connecting to the two existing internet facilities in this area to provide this service. She stated that this seems like a waste of money.

Dr. Scothorn stated that this item will be addressed during his Broadband Committee report later in the meeting.

Mr. Richard Donnelly of Manassas Circle then stated that most of his comments regarding the Confederate monument issue have been mentioned by previous speakers. Mr. Donnelly stated that he thinks that the matter should be put to a referendum for the voters to decide.

There being no further discussion, Dr. Scothorn thanked those citizens for their comments.

Consideration was then held on the consent agenda items.

Mr. Clinton noted that, as he was not in attendance at the December 8, 2020, Board meeting, he would abstain from voting on approval of those minutes.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Clinton, and carried by the following recorded vote, the Board approved the following consent agenda items: (Resolution Number 21-01-06)

AYES: Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: Mrs. White (December 8 and 22, 2020 minutes only), Mr. Clinton (December 8, 2020 minutes only)

Approval of minutes of the budget amendment public hearing held on December 8, 2020;

Approval of minutes of the regular meeting held on December 22, 2020;

Approval of the following proclamation declaring February 23, 2021, as Rockingham Cooperative Day:

**WHEREAS**, in early 1921 over 1,000 farmers in Rockingham County, Virginia, gathered to come to a resolution for unfair and unprofitable prices on fertilizer and vowed to cooperatively purchase fertilizer at affordable prices from area suppliers; and from that meeting an organization formed in Rockingham County consisting of 268 original members; and,

**WHEREAS**, the Rockingham Cooperative acted as a guide and example for other area cooperatives in and around Rockingham County, and across the country, on how to empower and excite an agricultural community; and,

**WHEREAS**, the presence of Rockingham Cooperative in its communities since 1921 shows the importance of agriculture in the areas it serves and the value of a cooperative to local residents; and,

**WHEREAS**, Rockingham Cooperative has provided farm supplies, feed, fertilizer, and all supplies needed for agricultural pursuits over its history in business with the intent to make a meaningful impact on the operations, and member-owners, that work with the cooperative; and,

**WHEREAS**, locally, the Roanoke Farmers Cooperative was formed in 1935 to serve area dairy producers and other farmers with farm supplies, feed, fertilizer, and petroleum and expanded to a Mountain Avenue location in Troutville in the mid-1950's in a building that was originally built in the 1860's; and

**WHEREAS**, the Southern States Cooperative, as it was then known, expanded again to a new facility on Cloverdale Road in 2011 and was acquired by Rockingham Cooperative on July 1, 2015;

**WHEREAS**, Rockingham Cooperative has proven its benefit and stood the test of time by providing a valued service to its member-owners and customers for the past 100 years;

**NOW, THEREFORE**, as Chairman of the Botetourt County Board of Supervisors, I do proclaim February 23, 2021, the day of that original meeting of area farmers in Rockingham County that started the cooperative movement, as **Rockingham Cooperative Day** in honor of the 100<sup>th</sup> anniversary of the Cooperative.

Consideration was then held on approval of transfers and additional appropriations. Mr. Tony Zerrilla, Director of Finance, stated that there was one transfer, 4 pass-through appropria-

tions, and 3 regular appropriations for the Board's consideration. He noted that these are for expenditure reimbursements, receipt of State grant funds, donations, funding for phase 2 of renovations to the Registrar's Office, funds to pay for a portable communications tower to temporarily provide broadband service to Colonial Elementary School, and payment for a Roanoke Valley Broadband Authority fiber infrastructure study.

There being no discussion, on motion by Dr. Bailey, seconded by Mrs. White, and carried by the following recorded vote, the Board approved the following transfers and additional appropriations. (Resolution Number 21-01-07)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Transfer \$16,930.32 from General Fund – Fund 100 – Undesignated Fund Balance to Greenfield Preservation Area Fund – Fund 240. This provides a match of recent private donations received into the Preservation Fund.

Additional appropriation in the amount of \$4,711.92 to Sheriff's Department – DMV Salaries, 100-4031200-31200-1800. These are grant funds received for enforcement of alcohol and speed violations.

Additional appropriation in the amount of \$7,393.97 to the following Correction & Detention accounts: \$6,612.31 to Medical and Lab Supplies, 100-4033100-33100-6004; and \$781.66 to Uniforms, 100-4033100-33100-6011. The former is for reimbursement of medical costs for Craig County inmates and the latter is for contract payments.

Additional appropriation in the amount of \$203.26 to the following Sheriff's Department accounts: \$3.26 to Uniforms, 100-4031200-31200-6011; and \$203.26 to Firing Range Expenses, 100-4031200-31200-6015. These are funds received for contract payments and for the use of the firing range, respectively.

Additional appropriation in the amount of \$349.50 to the following Sheriff's Department accounts: \$329.50 to Subsistence and Lodging, 100-4031200-31200-5530; and \$20.00 to Anti-Drug Education, 100-4031200-31200-5860. These are reimbursements and donations received, respectively.

Additional appropriation in the amount of \$40,000.00 to CIP – Voter Registration Expansion, 100-4094000-13300-8012-418. This appropriation is for Phase II of the expansion project for renovation work in the Registrar's office.

Additional appropriation in the amount of \$124,375.00 to Transfers to EDA, 100-4091800-91800-3800. This is to cover the payment made by the EDA to Landa Mobile Systems for the purchase of a portable communications tower to be initially used to assist in providing broadband service for the new Colonial Elementary School.

Additional appropriation in the amount of \$41,000.00 to CIP – Broadband Community Assessment, 100-4094000-12110-3100-103. This is to cover an invoice for the Roanoke Valley Broadband Authority for a study to build out last mile of fiber infrastructure that will support multiple services.

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 \$3,881,662.31. He noted that approximately 70% of these expenditures are for CARES Act-related expenses.

Mr. Zerrilla stated that this month's large expenditures include \$82,816 to the Botetourt County Health Department for a quarterly FY 21 budget allocation; \$40,000 to Blue Ridge Behavioral Healthcare for a FY 21 budget allocation; \$33,978 to Intrado Life and Safety Solutions Corporation for a maintenance service contract equipment in the Dispatch office; \$46,973 to VFIS for vehicle and property insurance coverage for Fire and EMS; and \$38,300 to Visit Virginia's Blue Ridge for the third of four FY 21 budget allocation payments.

There being no discussion, on motion by Dr. Bailey, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the accounts payable and ratified the Short Accounts Payable List as submitted. (Resolution Number 21-01-08)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on various committee reports.

Regarding the Monuments & Memorials Committee, Dr. Scothorn noted that Mr. Clinton has done a great job in providing information and notes in this report which was included in the Board's meeting information packet.

Mr. Clinton noted that Dr. Beth Leffel, the Committee's Secretary, will give this report's PowerPoint presentation.

Dr. Leffel then displayed a listing of the Committee's members and their sponsoring organizations and asked that those members present at the meeting please stand.

She stated that the Committee has worked hard over the past 6 months and, as noted, their final report has been included in the Board's meeting information. Dr. Leffel stated that the Committee's recommendations regarding the Confederate monument in front of the Circuit Courthouse are as follows: The Committee unanimously recommends that the Confederate monument in front of the Botetourt County Courthouse be moved "as-is" without modifications to the physical structure; relocation should include the cannons and other ancillary pieces associated with the monument; The Committee recommends by an 8 – 2 vote that the monument be relocated within the grounds of the Botetourt County Courthouse Square (County-owned property within the bounds of Main Street, Back Street, Roanoke Street, and Botetourt Road). General consensus was that a potentially appropriate placement of the monument be near the Botetourt County History Museum and a plaque installed to provide historical context to the monument. The dissenting Committee members favor a specific site next to the Old Jail; There was Committee agreement for support of the statement on racial harmony adopted by the Board of Supervisors in June 2020.

Dr. Leffel stated that another suggested site to relocate the monument was near the old Jail. She noted that the Committee asked Architectural Partners, who is working on the renovation design of the Circuit Courthouse, to assess these three potential sites on County property for the potential relocation of the Confederate monument.

After discussion, she noted that the Committee appreciated the opportunity to serve the community in this matter and she is proud of how the Committee came together. Dr. Leffel stated that they are aware that there is some discussion about putting the matter to a referendum but the Committee agreed that having this issue handled by the Committee was the best solution.

She noted that the Committee recognized the historical value of the monument and its recognition of veterans who served Botetourt County in the Civil War but others see that their ancestors were not treated fairly during this time. Dr. Leffel stated that the Courthouse is the County's hall of justice and all citizens and visitors go to the building to attend court or conduct historical research in the Clerk's Office.

After discussion, Dr. Leffel stated that the Committee established three working groups: Education which was chaired by Chester Adams; History of the Monument which was chaired by Ed McCoy; and Veterans and Slave Descendants which was chaired by Greg Reiley.

She stated that the Committee agrees that it is the right thing to relocate the monument from in front of the Circuit Courthouse as its current location is a reminder of discrimination and unfair treatment of the ancestors of some County residents. She noted that the Committee's recommendations are not intended to disparage veterans of the conflict as the right or wrong of the Civil War was not up to the Committee to determine.

Dr. Leffel stated that the recommendation to move the monument away from the Courthouse's main entrance is so that all Botetourt County citizens can be treated fairly as they enter the building.

After discussion, Dr. Leffel requested that the Board allow the Committee to reconvene when a new site for the monument is chosen.

Mr. Clinton then made a motion, seconded by Mr. Martin, for the Board to approve the Committee's report as presented. (Resolution Number 21-01-09)

Dr. Bailey then asked for clarification of the motion as to whether it is to "approve the Committee's findings."

Mr. Clinton stated that the motion is to approve the Committee's recommendations which includes relocating the Confederate monument intact to another site within Courthouse Square.

After questioning by Mr. Clinton, Mr. Lockaby, County Attorney, stated that the Board can accept the Committee's recommendations; however, the State Code requires that a public hearing on relocating such monuments be held after a 30 day waiting period. He noted that the earliest that a public hearing on the matter could be held would be the Board's February or March meetings.

Dr. Bailey questioned whether there was merit to a better understanding of how the Courthouse Square site will look once the Circuit Courthouse renovations are done before a decision on the location of the monument is made. Dr. Bailey stated that are many issues being considered regarding the Courthouse renovation project and it is early in the design process for the building and he would like to know more about what the site will look like before deciding where the monument should be located. Dr. Bailey stated that it is his intention that the monument be well respected and well visualized and put in its proper place.

Dr. Scothorn noted that at this time, the County has no idea where the monument will be placed in the new Courthouse design.

Dr. Bailey stated that the Board needs to understand what the geography of the site will be before too many decisions are made.

After questioning by Mr. Martin, Dr. Bailey stated that the concept/design for the Courthouse site has not yet been completed by the architect so there are few details available.

After questioning by Mrs. White, Dr. Bailey stated that, as part of the Courthouse renovation project, the monument will have to be moved.

Mr. Clinton noted that moving the monument is a "fait accompli" and relocating the monument to another site will allow the County to upgrade its presence and dignity. Mr. Clinton noted that its current location is not very distinctive and wherever it is relocated will be an improvement and elevate its impact in his opinion.

After further discussion, Mr. Clinton's agreed to revise his motion for the Board to accept the Monuments and Memorials Committee report as submitted. The motion was carried by the following recorded vote:

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Clinton then stated that he would like to recognize the Committee members by presenting them with a Challenge Coin. He noted that this was a very challenging assignment and the Committee's membership was a great representation of the County and its residents.

Mr. Clinton then reviewed the Committee's guiding principles: Arrive at a recommendation that is...Equitable...Time Independent...Representative...and...Documented, Traceable, Lasting, and Durable; Deliberate in a Fashion that is...Respectful...In Good Faith...Open-Minded...Goal-Oriented.

Mr. Clinton encouraged everyone to read the Committee's full report and noted that their recommendations were based on history. He noted that this has been a contentious issue since 1865 and the Committee members handled their discussions during this project in good faith and spent a lot of time and emotion on this project.

Mr. Clinton then noted that he had a Challenge Coin minted as a memento to thank the Committee members for their work. He noted that the purpose of this keepsake is identity, unit morale, and recognition of achievement. Mr. Clinton noted that these are embossed, silver-plated coins with laurel leaves, a United States flag and the Committee's name, with the obverse containing an outline of the County and the Confederate monument with "From the past a better future" in Latin.

Mr. Clinton then asked Mr. Larrowe to assist with handing out the Challenge Coins to the Committee members who were present at the meeting (Pam Binns, Harriett Francis, Bernard Haynes, Ed McCoy, Beth Leffel, Lewis Sifford, Bill Tanger, and Cody Sexton).

Mr. Clinton noted that the high school student members of the Committee worked hard and offered a 21<sup>st</sup> century perspective on the monument.

The Board thanked Mr. Clinton and Dr. Leffel for their committee presentation.

Regarding the Broadband Committee report, Dr. Scothorn stated that the EDA has purchased a 150' portable internet/telecommunications tower for temporary use by Colonial Elementary School students and staff until the internet utility company can complete their equipment installation work on providing permanent internet service.

He noted that, in regard to the question asked by Ms. Brockly earlier today concerning a map of the broadband installation project areas, these projects have not yet been completed. Dr. Scothorn noted that CARES Act funding for completion of these projects has been extended until December 2021 and the County has requested these maps from the utility companies as soon as they are available.

Dr. Scothorn stated that discussions have been held with Delegate Terry Austin to submit a bill for consideration by the General Assembly so citizens will have access to information as to where broadband infrastructure is located in the State.

After discussion, Dr. Scothorn thanked Mr. Anthony Smith with Blue Ridge Towers for his assistance in the County's broadband expansion projects.

Ms. April Brown then stated that the County "voted down" using Verizon as an internet provider many years ago.

Dr. Scothorn noted that when the temporary tower at Colonial Elementary is no longer needed, the monopole may be relocated to the Oriskany area or some other place in the County to help residents have telecommunications access.

He further noted that Craig-Botetourt Electric Cooperative is using extra fiber optic cable from their VATI and CARES Act broadband installation projects to extend broadband to an additional 25 homes in CBEC's service area. Dr. Scothorn stated that this is great news and CBEC's work is appreciated.

Regarding the CARES Act Committee report, Dr. Bailey stated that the Committee has not had a lot of activity since the first of the year. He noted that a report was previously presented in December on how the CARES Act funds were distributed to various projects in the County. Dr. Bailey stated that the deadline for expenditure of these funds was extended until December 31, 2021, to allow those projects which began in late 2020 to be completed.

Dr. Scothorn then noted that the County has just been notified that \$1.4 million in Virginia Telecommunications Initiative (VATI) grant funds has been approved for the County and Lumos to extend 59 miles of broadband fiber optic cable to serve 548 units including 30 businesses.

Dr. Bailey stated that this is a huge gift and the County will work with Lumos on this project.

Dr. Scothorn thanked Dr. Bailey for this report.

Mr. Ray Varney, Resident Engineer with the Virginia Department of Transportation, was then present to speak to the Board.

Mr. Varney then reviewed VDoT's monthly report. He noted that the Route 220 safety improvement project is proceeding and is still scheduled for completion this fall. He noted that Chatham Road (Route 722) is a loop road off of Route 220 and, as part of the construction project, the road's southern intersection will need to be closed in early February for several days (scheduled reopening is February 9).

Mr. Varney then congratulated Mrs. White for being appointed to the Board and stated that he will provide her with a listing of secondary roads scheduled for paving in 2021 which had been provided to the Board members late last year.

After discussion, Mr. Varney stated that VDoT is conducting several site plan reviews including County Waste's transfer station on Route 11 in Cloverdale. He noted that VDoT staff are also reviewing subdivision plans for the Orchards of Ashley, Phase 1, Section 2 project and conducting discussions on interconnectivity of existing streets into the new section of this development. He noted that an access management exception request is being considered by VDoT for the Lil Cucci's site on property located off of Read Mountain Road. He noted that there is an issue regarding the distance of the business's entrance from Read Mountain Road.

Mr. Varney noted that VDoT has issued several maintenance of traffic (MOT), utility, private entrance, and sidewalk permits over the past month.

Regarding the Murray Drive road improvement project, Mr. Varney stated that their contractor has completed as much work as can be done this winter and the buses will travel over a stone base material until the base pavement layer can be installed. He noted that VDoT continues to work with the utility companies regarding relocating their infrastructure in the road's right-of-way.

He stated that, when asphalt is available and weather allows, they will have the contractor install the base layer; however, it may be April/May before the final pavement is placed on the roadway. He noted that VDoT will maintain the gravel roadway as they can this winter until the pavement can be put in place.

Regarding the Stone Coal Road Rural Rustic project, Mr. Varney stated that VDoT is continuing to work on this project. He noted that some issues have been found on the section of the roadway that has a 30' prescriptive easement. Mr. Varney noted that VDoT will need to negotiate with approximately 5 – 6 property owners to obtain right-of-entry agreements to allow VDoT's contractor to work outside the existing 30' prescriptive easement.

Mr. Varney noted that, as reported last month, the bidder who was awarded the contract for landscape maintenance at the Exit 150 roundabout area withdrew their bid. He stated that this contract is being readvertised for bids and they hope that this contract work can move forward. He further stated that VDoT will conduct additional mowing in the roundabout area, including in the center of the roundabout, and along the sidewalks beginning this spring.

Mr. Varney stated that he has no updates to the Route 460 arterial preservation plan project and noted that a listing of various area headquarter road maintenance projects conducted in the past month was included in the report.

Dr. Bailey then thanked Mr. Varney for meeting several Board members and landowners at the Beaver Dam Road bridge a few weeks ago.

Mr. Martin then thanked Mr. Varney for all the work he had done for the citizens of the Blue Ridge District in the past year.

Mr. Varney noted that VDoT still has projects that they are working to fund, including resolving drainage issues, however, some of these projects may not be completed until after July 1, 2021. He noted that numerous flooding-related roadway repairs in the past year impacted their FY 21 budget.

After questioning by Mr. Clinton regarding the Orchards of Ashley site plan review, Mr. Varney stated that discussions between VDoT and the developer on the interconnection of streets for this project need to be held before VDoT refers the project to the County for review and consideration of approval.

There being no further discussion, the Board thanked Mr. Varney for his report. He then left the meeting at this time.

Chief of Fire and EMS Jason Ferguson then gave the Emergency Communications Committee report. Chief Ferguson stated that a Request for Proposals (RFP) was advertised late last year on proposals to analyze the current County emergency communications radio system and to propose future radio communications system options.

He noted that 13 proposals were received and ranked by the Committee members who met on Thursday, January 14th to conduct virtual interviews of the top four ranked vendors-- Morcom International, Inc., CTA Consultants, LLC, Mission Critical Partners, LLC, and Federal Engineering, Inc.

Chief Ferguson noted that each vendor was given the opportunity to speak to their firm's history in the industry, expand upon the details of their proposal, and offer insight into what they felt the opportunities and challenges may be for Botetourt's radio communications system moving forward in the process.

He noted that those Committee members who participated in the interviews included: Mr. Billy Martin, Mr. Gary Larowe, himself, Captain Jeff Boone, Lieutenant Scott Gathje, Dispatch Center Manager Nicole Manspile, and Emergency Manager Daniel Murray.

Chief Ferguson stated that the Committee is requesting authorization to conduct negotiations with the firms in the order listed. He noted that Morcom was the top-ranked firm and they had the best presentation and responses to the RFP's provisions.

There being no further discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board authorized the Emergency Communications Committee to conduct negotiations with the top-ranked firm (Morcom International, Inc.) and, if successful, to bring a proposed contract to conduct an analysis of the current County emergency communications radio system and proposal of future radio communications system options to the Board for consideration of approval. If negotiations with the top ranked firm are not successful, those negotiations would end, and negotiations would be held with the second-ranked firm, and move forward until an agreement is reached. (Resolution Number 21-01-10)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Clinton then updated the Board on the Circuit Courthouse Study Committee's recent actions. Mr. Clinton stated that the Committee is currently going through various options for the Courthouse renovation project. He noted that these options have been narrowed down to what to do with the existing facilities and what to do during the construction project.

He noted that the Committee's next meeting is scheduled for this Friday, they hope to have a concept design from Architectural Partners by mid-March, and are investigating alternate sources of financing for the renovation project.

Dr. Bailey stated that this is a large Committee with representatives from the Sheriff's Department, Town of Fincastle, Botetourt Historical Society, the Botetourt County Bar Association, and the Commonwealth Attorney's Office, among others. He noted that there are a "lot of moving parts" and a lot to consider in this large project.

Dr. Scothorn thanked Mr. Clinton and Dr. Bailey for this report.

Under Board member comments, Mrs. White stated that her appointment to the Board is a great opportunity to serve the citizens of her district and she is excited to learn about the County and its operations.

She noted that the Monuments and Memorials Committee's work was outstanding and it is a testimony to the County that we can have civil discourse about emotional and personal issues. Mrs. White stated that she looks forward to more discussions about this issue. She noted that this is a great way for her to begin her tenure on the Board and a great model to follow.

Dr. Scothorn thanked all those involved for their time and effort on this Committee.

The Chairman then called for a 10 minute break.

The Chairman called the meeting back to order at 4:03 P. M.

Mrs. Nicole Pendleton, Director of Community Development, then gave an update on the Apex Rocky Forge project. She noted that County staff continues to communicate with Apex via telephone regarding plan submittals for this project; however, they still have not received any formal resubmittals. Mrs. Pendleton noted that she talked to Charlie Johnson with Apex earlier today and he indicated that Apex hopes to have the resubmittals forwarded to the Planning Department staff by the end of February.

She noted that the road construction plans will be via separate submittal from Apex in the forthcoming weeks.

After questioning by Mr. Martin regarding the next steps, Mrs. Pendleton stated that her staff is awaiting receipt of the on-site construction plans, drawings for the site work, and additional information as required in the Zoning Ordinance and the conditions included with the Board's approval of the Special Exceptions Permit to begin their review. She noted that the road construction plans and subdivision work will need to be submitted for approval/review as well.

After questioning by Dr. Scothorn regarding the additional rights-of-way needed to access the wind farm site, Mrs. Pendleton stated that Apex has not provided the County with any information about their acquisition of additional rights-of-way as of this time.

After questioning by Mr. Dave Condon of McKinney Hollow Road, Mrs. Pendleton stated that her office has received one set of plans from Apex which were ruled incomplete; however, Apex has not yet resubmitted these plans for review by her staff.

The Board thanked Mrs. Pendleton for this report.

Consideration was then held on a request for authorization to advertise for a public hearing by the Planning Commission on proposed text amendments to Chapter 25. Zoning from Mr. Jonathan Young.

Mr. Drew Pearson, County Planner, stated that Mr. Young, on behalf of Yelhas Properties, LLC, is requesting text amendments to Section 25-242 Permitted Uses so that the listed use for "Hardware/Lumber" be renamed to "Hardware Store," Section 25-243 Uses Permitted by Special Exception to add "Lumber and Building Supplies Sales" in the Business B-2 Use District, and amend Section 25-601 Definitions to add definitions for "Hardware Store" and "Lumber and Building Supplies."

Mr. Pearson stated that Mr. Young would like to operate a business (Advanced Racking, LLC) in the former Nannie's Market building on Catawba Road which is currently zoned as a B-2 use. Mr. Pearson noted that Mr. Young is present at the meeting to answer any questions.

After questioning by Dr. Bailey for a further explanation of this request, Mr. Pearson stated that Mr. Young came to the Planning Office several months ago to request the location of his business in the former Nannie's Market building, which is zoned B-2. He noted that the proposed business specializes in racking/framing materials for solar panels and this specific type of activity is not currently listed as a permitted use in the B-2 district.

Mr. Pearson for stated that staff and Mr. Young discussed the potential of rezoning the property to a B-3 use; however, the parcel is smaller than the B-3 minimum lot size of 40,000 square feet. Mr. Pearson stated that, in further discussions with Mr. Young, staff discussed amending the definition of "Hardware/Lumber" as the proposed use did not fit in any definition/use category in the Zoning Ordinance's Definitions section. He noted that staff is now proposing to add "Hardware Store" as a use permitted by Special Exception in the B-2 Use District and to add new definitions for "Hardware Store" and "Lumber and Building Supplies" in the Zoning Ordinance.

Mr. Pearson stated that, if approved, the text amendments would be effective County-wide.

After questioning by Mr. Martin, Mr. Pearson stated that he is requesting the Board's permission to advertise these proposed text amendments for a public hearing by the Planning Commission and, once held, the Commission will make a recommendation to the Supervisors for consideration at a public hearing.

After questioning by Mr. Martin, Mr. Pearson stated that staff does not anticipate any negative impact from these ordinance amendments, if approved. He noted that staff would like to also conduct a review the purpose of the B-2 district, which currently focuses on businesses serving the needs of the community but also those that also serve a larger market, to see if any additional amendments are needed.

After questioning by Mrs. White, Mr. Pearson stated that any amendments to the Zoning Ordinance's B-2 use district regulations, such as those requested by Mr. Young, if approved would be applicable to any property zoned B-2 in the County. He noted that Mr. Young is proposing to put his business in the former Nannie's Market site on Catawba Road near the Roanoke Cement plant.

Mr. Clinton stated that he discussed this matter with Mr. Pearson and Mr. Young. He noted that Mr. Young is "caught" between the provisions of the B-2 and B-3 sections of the Zoning Ordinance pertaining to his proposed use. He noted that the proposed business which provides racking/framing materials for solar panels is closer in nature to a B-2 type of use; however, this specific language is not currently in the B-2 provisions.

Mr. Clinton stated that he thinks that Mr. Young's business will be a good use of this property and it looks like a good business opportunity. He noted that Mr. Young is requesting these ordinance amendments to "take it to the next step" in operating his business.

There being no further discussion, on motion by Mr. Clinton, seconded by Dr. Bailey, and carried by the following recorded vote, the Board authorized staff to advertise for a public hearing by the Planning Commission on proposed text amendments to Chapter 25. Zoning Section 25-242 Permitted Uses to rename the listed use for "Hardware/Lumber" to "Hardware Store;" in Section 25-243 Uses Permitted by Special Exception to add "Lumber and Building Supplies Sales" in the Business B-2 Use District; and amend Section 25-601 Definitions to add definitions for "Hardware Store" and "Lumber and Building Supplies," as per the request from Mr. Jonathan Young. (Resolution Number 21-01-11)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a contract for health insurance consulting services. Mr. David Moorman, Deputy County Administrator, stated that the County previously issued a Request for Proposals (RFP) for independent benefits consulting services, specifically for health insurance and wellness benefits for employee health insurance coverage. He noted that the health insurance consultant provides assistance in developing and maintaining quality cost-effective group benefits for County employees and Constitutional Offices' staff.

Mr. Moorman stated that the current consulting services contract with OneDigital is expiring and staff advertised for RFPs for new proposals. He noted that 8 proposals were received and a team consisting of Dr. Scothorn, Human Resources Director Mary Blackburn, Finance Director Tony Zerrilla, and himself reviewed and evaluated the proposals and selected three firms for interview: Gallagher Benefits Services, Mark III Employee Benefits, and OneDigital. He thanked Dr. Scothorn for his input during this process.

Mr. Moorman noted that the list of evaluation criteria for these proposals was included in the Board's information packet. He stated that staff is recommending award of this contract to OneDigital for a one year period with three optional one-year renewals at a fixed price of \$32,000 for the first three years and up to a 2% increase in the fourth year of the contract.

After questioning by Dr. Bailey, Dr. Scothorn noted that OneDigital is the County's current health insurance consultant.

Dr. Scothorn stated that all three of the firms chosen to be interviewed presented themselves well. He noted that OneDigital is familiar with the County's operations, are employee-friendly, and specialize in pharmaceutical benefits coverage. He noted that the company is working with other countries, besides China where many drug manufacturers are currently located, to provide cost-effective and safe pharmaceuticals for their clients.

There being no further discussion, on motion by Dr. Bailey, seconded by Mrs. White, and carried by the following recorded vote, the Board awarded a contract for benefit consulting services to OneDigital effective February 1, 2021, for a term of one year with three optional one-year renewals, and authorized staff to execute all necessary documents upon review and approval by the County Attorney. (Resolution Number 21-01-12)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Michael Lockaby, County Attorney, then conducted a training session on the Freedom of Information Act (FOIA) and the Conflicts of Interest Act (COIA) for Board members.

Mr. Lockaby stated that the Board is required to have COIA training every year and FOIA training every other year. He noted that COIA is the main Code of Virginia statute that covers issues regarding gifts, bribery, etc., regarding members of the Board of Supervisors, Planning Commission, Board of Zoning Appeals, Economic Development Authority, constitutional officers, and School Board members. He noted that these regulations try to ensure the public that there is a baseline level of honesty in government affairs and minimum standards of transparency.

Mr. Lockaby stated that the COIA pre-empts the County's local ordinances and ethics policies, violations of COIA are a class 1 misdemeanor, and there are 3 main categories of violations: per se prohibitions, personal interest in contracts, and personal interests in transactions. He then discussed prohibited conduct—cannot accept money or gift such as a \$200 dinner or speaker's fees, cannot offer money, cannot benefit from insider information, cannot accept a business/professional opportunity when it is given to influence a County/Board activity, cannot accept any business/professional opportunity when there is a reasonable likelihood that the opportunity will impact the member's impartiality, a member cannot use their public office for private gain, and cannot use their public position to retaliate/threaten any person expressing views or matters of public concern. Mr. Lockaby stated that there are exemptions to the Act for receipt of campaign contributions.

Mr. Lockaby noted that prohibited contracts are defined as no person elected to the governing body shall have a personal interest in any contract with his governing body, or any agency that is a component of the governing body and subject to the ultimate control of the governing body, or any contract other than an employment contract with any other governmental agency if such person's governing body appoints a majority of the members of the governing body of the second governmental agency. He noted, for example, that a Supervisors member could have a contract with the School Board since the Supervisors members and the School Board members are elected.

Mr. Lockaby stated that these prohibited contract provisions do not apply to employment contracts where employment began prior to becoming a member of the governing body, con-

tracts for the sale of services/goods at uniform prices available to the public, or contracts awarded through competitive sealed bidding as long as the member has no involvement in the preparation of the contract's specifications and the remaining members of the Board, by resolution, state that it is in the public interest for the member to bid on the contract.

Mr. Lockaby noted that the Code of Virginia provides a list of exceptions to prohibited contracts including the sale/lease/exchange of real property between an officer or employee and a government agency provided the individual does not participate in any way and this fact is stated in the public record through the member's recusal from the discussion/action on the property matter, publication of official newspaper notices if a Board member worked/owned the newspaper, an interest of a relation, including a child, who is an independent adult living apart, etc.

Mr. Lockaby stated that prohibited transactions are much more complicated. He noted that each officer/employee of any State or local government or advisory agency who has a personal interest in a transaction generally, with exceptions, must disqualify himself from participating in the transaction. He stated that any time the government is conferring/receiving a benefit relating to a Board member, the member must disqualify themselves from the matter's discussion/action upon disclosing their personal involvement.

He gave an example of a Board member who is a member of a volunteer fire department and the Board is discussing issues regarding that department and when it would be a prohibited personal interest, versus a permitted personal interest. Mr. Lockaby further noted, by way of example, that Board members can vote on the setting of tax rates even if they are property owners.

Mr. Lockaby asked that any Board member who disqualifies themselves from voting pertaining to any COIA provisions inform the Deputy Clerk so such notification can be included in the minutes. He noted that a disqualified member cannot participate in the discussion/issue in question with any other government officials or County employees, such in as the rezoning of a Board member-owned parcel. He further noted that there are, however, situations in which a member may make the disclosure and vote anyway if they believe they can vote objectively and in the public interest. Mr. Lockaby encouraged the Board members to reach out to him early on when they see a potential issue for counsel.

Mr. Lockaby stated that the individuals mentioned earlier in his presentation (Supervisors, Planning Commission, etc.) of localities that have a population greater than 3,500 are required to complete various financial disclosure forms by February 1 of each year which are provided by the Virginia Conflict of Interest and Ethics Advisory Council. He noted that assistance in completing these forms can be obtained from the County Attorney, the Commonwealth's Attorney, or from the Ethics Advisory Council. Mr. Lockaby further noted that these forms are filed with the Board's Clerk who is required to maintain them for 5 years.

After questioning by Mr. Lockaby, there were no questions by the Board members on this COIA presentation.

Mr. Lockaby then gave a presentation on the Virginia Freedom of Information Act.

He noted that FOIA is the basic statute for transparency in government. He noted that a public record is considered anything written or recorded in any way (e-mails, databases, etc.) that relates to the transaction of public business. He further noted that a FOIA request is any instance in which someone asks a government official for information. He noted that the request doesn't have to be in writing or the word "FOIA" used; however, the County can require

the person to give their name/address and can request that the person write down the request for clarity of the requested information.

He noted that only Virginia citizens are able to take advantage of the FOIA guidelines to request information unless they are employees of a media outlet broadcasting in the State. Mr. Lockaby stated that web media personnel are not included in this provision. After discussion, Mr. Lockaby stated that there is some discretion involved in this provision as a large law firm could be based out-of-state but have a branch office located in Virginia.

Regarding whether the County has to respond to a FOIA request, Mr. Lockaby stated that the answer is "yes" even if it has no responsive documents or all known documents are exempt from disclosure. He stated that a response is due within 5 days with day 1 being the day after the request is received by the County. Mr. Lockaby noted that, if the response is large/difficult to pull together, the County can request an additional 7 days from the requester. He noted that, if the request still cannot be completed, the County can try to reach an agreement with the requester on a further extension; however, if the requester does not agree, the County can then ask the courts to approve an extension.

Mr. Lockaby stated that the County can charge the actual cost or a reasonable approximation of fulfilling the FOIA request pertaining to copying, staff time spent searching for the information, and the cost of materials and salaries of the people who did the work (overhead, benefits cannot be included in the charged amount), as well as legal fees.

Mr. Lockaby stated that, if a requester has not paid the fee(s) for a previous FOIA request within 30 days, the County does not have to fulfill the current request until the previous cost(s) have been paid.

Mr. Lockaby noted that the State of Virginia requires the County to designate a FOIA Officer who is responsible for responding to these requests. He noted that Mr. Cody Sexton, Assistant to the County Administrator, and Mrs. Susan Fain, Secretary to the County Administrator, are the County's FOIA officers; however, the constitutional officers and Voter Registrar have their own FOIA officers. He noted that the names of various governmental entity FOIA officers are listed on the FOIA website.

Mr. Lockaby stated that there are over 100 types of records that are excluded from FOIA provisions but only a very small number regularly are used, including personnel records, work product or memoranda of legal counsel, proprietary information or trade secrets provided by an economic development prospect under a non-disclosure agreement, public contracts which contain confidential information, executive working papers, memos prepared only for use in closed session, etc.

After discussion, Mr. Lockaby stated that a public meeting is defined as any time three or more members of a public body, or a quorum, if less, discuss public business simultaneously. He noted that public bodies consisting of only 3 members can have meetings of two members without it being considered a public meeting. He noted that notices of public meetings must be posted in the County Administrator's Office, on the County website, and in a "prominent location," which is usually at the front of the Courthouse at least 3 days before the meeting, and public meeting notices, along with meeting information packets, must be given to the media simultaneously with the members of the public body. Mr. Lockaby noted that minutes, and in some cases an audio tape of the meetings, must be taken and the meeting held in an Americans with Disabilities Act-accessible space.

Mr. Lockaby then stated that the Supervisors adopted an electronic meeting policy last year due to the pandemic. He noted that this policy allows one or two Supervisors members to

call into a meeting under certain circumstances, e.g., a quorum of the Board is physically present, that quorum of members votes on allowing the non-present member(s) to call into the meeting, the person is medically incapable or on personal business out of town and cannot attend the meeting, etc. Mr. Lockaby further noted that during the Governor's pandemic health emergency, electronic meetings are allowed if there is a declared public health emergency, the meeting is advertised as an electronic meeting, it is broadcast to the public by electronic means, and the public has opportunities to comment via e-mail, telephone, etc.

He stated that some types of actions require more than three days' and up to two weeks' public notice and require a public hearing to be advertised in a local newspaper. He noted that these include hearings on tax rates, text amendments to County ordinances, sale of real estate, the new State legislation regarding a 30 day waiting period after advertisement of a public hearing notice to remove a historical monument, etc.

Mr. Lockaby stated that a public meeting is a "limited public forum," which means that the public gets to speak but only at designated times and places and subject to certain rules, and at the discretion of the Chair. He stated that the Board has set a limit of three minutes for public comments either during the designated 'public comment period' or during advertised public hearings.

He noted that public comment sessions and public hearings are about the public presenting information and their views of certain topics to the Board. Mr. Lockaby stated that, if a speaker gets openly abusive during their public comment opportunity, the Board can let them talk unless they get physically aggressive. He stated that "when in doubt, let it ride."

Mr. Lockaby stated that "closed sessions" are the exception to the rule of public meetings; however, closed session discussion items are limited by the Code of Virginia and the specific item of discussion must be mentioned in the motion. He noted that the most common reasons for a Board to conduct a close session are personnel-related, consultation with legal counsel, previously unannounced economic development prospects, public contracts or PPEA proposals, and the acquisition or sale of real estate where discussion in open session would compromise the County's negotiating strategy.

Mr. Lockaby stated that after every closed session the Board members must certify by a roll call vote that only public business matters lawfully exempt from open meeting requirements, and only those matters identified in the motion to go into closed session, were discussed/considered in the closed session.

After discussion, Mr. Lockaby stated that enforcement of the FOIA provisions is by citizen lawsuit brought in either General District or Circuit Court. He noted that the only relief available to a petitioner is an injunction or mandamus or, if successful, payment of his/her attorney's fees. Mr. Lockaby stated that Board members and County staff should not destroy documents to avoid responding to a FOIA request. He noted that this would result in a personal civil penalty of \$100 per page being assessed.

He stated that FOIA Officers are required to have annual training by their legal counsel or the FOIA Advisory Council and Board members are required to have FOIA training every two years.

Mr. Lockaby thanked the Board for the opportunity to give this presentation and noted that he is available to answer any questions about either COIA or FOIA.

There being no questions, Dr. Scothorn thanked Mr. Lockaby for these presentations.

Regarding the appointment of 2 members to the Economic Development Authority, Dr. Scothorn noted that this item would be tabled until a later meeting.

Dr. Scothorn then adjourned the meeting at 5:15 P. M. until 6:00 P. M.

The Chairman called the meeting back to order at 6:02 P. M.

It was noted that Mr. Christopher Dadak was serving as County Attorney for the Board's evening session.

A public hearing was then held on a request in the Blue Ridge Magisterial District from Rainbow Forest Baptist Church for a Special Exception Permit, with possible conditions, in the Residential (R-1) Use District in accordance with Section 25-583 Special Exceptions and Section 25-462(e)(3) Electronic message board/L.E.D. of the Botetourt County Code to construct and maintain an electronic message board located at the corner of Laymantown Road (Route 658) and Rainbow Forest Drive (Route 657). The two proposed combined parcels total 3.048 acres, are located at 1338 and 1314 Rainbow Forest Drive, and are identified on the Real Property Identification Maps of Botetourt County as Section 108A, Parcel (1)O and Section 108A(1)BK24-26.

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

Mr. Drew Pearson, County Planner, then displayed a zoning map and aerial photograph of the immediate area and noted that the Church's property is zoned Residential R-1. He noted that the Church does not have a freestanding sign at the current time and is requesting a SEP to install an electronic message board on their property at the Laymantown Road/Rainbow Forest Drive intersection.

Mr. Pearson noted that the Zoning Ordinance's provisions for electronic/LED signs do not allow a flashing message/image or animation, each image is required to remain static for 8 seconds, a working dimmer device which reduces the sign's brightness between sunset and sunrise is required, and the sign must be turned off from 10 PM to 6AM.

Mr. Pearson then displayed a rendering of the proposed sign which will be approximately 7' tall, 18" wide, and about 10½' long, with the base of the sign to be made of stone or stone-like material. He noted that the electronic screen portion of the sign will be 7' 7" by 3' 5" in size.

After discussion, Mr. Pearson stated that, in previous LED sign requests considered by the Planning Commission and Board, conditions were included that the sign would have a dark background with lettering to be in color. He noted that this condition was also included in this request ("The sign shall utilize a dark background.")

Mr. Pearson stated that his office has not received any public comments/concerns about this request. He then noted that a representative of Rainbow Forest Baptist Church and the sign company were present at the meeting to answer any questions.

Mrs. White noted that she attended the Planning Commission meeting and this request had relatively little discussion before the Commission voted to recommend conditional approval.

After questioning by Dr. Scothorn, it was noted that there was no one present at the meeting or on the telephone who wished to speak regarding this request. The public hearing was then closed.

On motion by Mr. Martin, seconded by Dr. Bailey, and carried by the following recorded vote, the Board approved a request in the Blue Ridge Magisterial District from Rainbow Forest Baptist Church for a Special Exception Permit in the Residential (R-1) Use District in accord-

ance with Section 25-583 Special Exceptions and Section 25-462(e)(3) Electronic message board/L.E.D. of the Botetourt County Code to construct and maintain an electronic message board located at the corner of Laymantown Road (Route 658) and Rainbow Forest Drive (Route 657); the two proposed combined parcels total 3.048 acres, are located at 1338 and 1314 Rainbow Forest Drive, and are identified on the Real Property Identification Maps of Botetourt County as Section 108A, Parcel (1)O and Section 108A(1)BK24-26, with the following condition: (Resolution Number 21-01-13)

AYES: Mr. Clinton, Mrs. White, Mr. Martin, Dr. Bailey, Dr. Scothorn

NAYS: None

ABSENT: None

ABSTAINING: None

1. The sign shall utilize a dark background.

There being no further discussion, the meeting was adjourned at 6:10 P. M.