

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, February 28, 2017, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:45 P. M.

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

ABSENT: Members: None

Others present at the meeting:

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

The Chairman called the meeting to order at 12:59 P. M.

On motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board went into Closed Session to discuss personnel matters regarding specific individuals; the acquisition of real property for public uses or the disposition of publicly held real property where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body; discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the County; and consultation with legal counsel regarding specific legal matters as per Section 2.2-3711A (1), (3), (5), and (7) of the Code of Virginia of 1950, as amended. (Resolution Number 17-02-01)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman called the meeting back to order at 2:06 P. M.

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

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

NAYS: None

ABSENT: None

ABSTAINING: None

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

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

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

Mr. Larrowe then stated that VDoT had informed staff that the County's financial obligation for payment of \$450,000 in industrial access fund monies for the extension of International Parkway has been resolved with the location of ELDOR Corporation in Botetourt Center at Greenfield.

The Board thanked Mr. Larrowe for this good news.

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

There being no discussion, on motion by Mr. Williamson, seconded by Mr. Leffel, and carried by the following recorded vote, the following consent agenda items were approved:

(Resolution number 17-02-03)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Approval of minutes of the regular meeting held on January 24, 2017;

Approval of the following additional appropriations:

Additional appropriation in the amount of \$5,000 to Economic Development – Marketing, 100-4081500-81500-5840. These are grant funds received from the Virginia Economic Development Partnership regarding the Virginia Business Ready Sites Program which will be used to assist with the costs associated with assessment of potential industrial or commercial sites.

Additional appropriation in the amount of \$641.90 to Animal Control – Professional Services, 100-4035100-35100-3100. These are funds received from the State for the sale of Animal Friendly License Plates. The funds will be used to provide support to the spay and neuter clinic utilized by the RCACP (Regional Center for Animal Care & Protection), which meets the spending requirements of the grant.

Additional appropriation in the amount of \$91,083 to Volunteer Fire & Rescue – County Volunteer Fire Departments, 100-4032200-32200-5641. These are Fire Program Funds received from the State which will be allocated to the County's volunteer fire departments.

Additional appropriation in the amount of \$44,000 to Volunteer Fire & Rescue – Capital Outlay – Other Capital, 100-4032200-32200-8012. These are funds received from the sale of volunteer apparatus and will cover costs of the sale of the equipment.

Additional appropriation in the amount of \$4,900 to Volunteer Fire & Rescue – Volunteer Fire Departments, 100-4032200-32200-5641. This is a hardware grant received from the State for technology equipment.

Additional appropriation in the amount of \$10,000 to Fire & EMS – Refunds, 100-4035500-35500-5999. This appropriation will serve to cover refunds in excess of budget.

Additional appropriation in the amount of \$800 to Fire & EMS – Other Operating Supplies, 100-4035500-35500-6014. These are contribution funds received in memory of Kenneth Young.

Additional appropriation in the amount of \$327.35 to Fire & EMS – Subsistence & Lodging, 100-4035500-35500-5530. These are funds received from two vendors for costs associated with apparatus inspections.

Additional appropriation in the amount of \$2,235.23 to Sheriff's Department – various accounts, 100-4031200-31200. These funds are for expenditure reimbursements including security, extradition, and contract payment costs.

Additional appropriation in the amount of \$1,074.04 to Correction & Detention, various accounts, 100-4033100-33100. These funds are for medical co-payments, supplies, and contract payments;

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

Approval of the following resolution designating April 4, 2017, as National Service

Recognition Day:

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's counties and cities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 4, 2017.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Botetourt County do hereby proclaim April 4, 2017, as *National Service Recognition Day*, and encourage residents to recognize the positive impact of national service in our county; to thank those who serve; and to find ways to give back to their communities.

Mr. Tony Zerrilla, Director of Finance, then stated that he would like to request approval of a transfer in the amount of \$2,000,000 from the Undesignated Fund Balance to the Economic Development Authority. He noted that these are Commonwealth Opportunity Fund (COF) monies received in September 2016 as an incentive payment for ELDOR Corporation's location in the County.

Mr. Zerrilla stated that the County received a total of \$3.2 million from the State in COF incentives for the ELDOR project and this \$2 million is the first of three payments which was to be paid upon the company signing a construction contract. He further noted that, if approved, this payment will be added to this month's accounts payable list.

Mr. Larrowe stated this is a pass through of these grant monies from the State of Virginia.

After questioning by Mr. Williamson, Mr. Larrowe stated that ELDOR has now signed a construction contract for their new building.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved a transfer in the amount of \$2,000,000 from the General Fund-Undesignated Fund Balance to the Economic Development

Authority for grant funds received from the Commonwealth's Opportunity Fund for ELDOR Corporation, and authorized this payment to be included on this month's accounts payable list.

(Resolution Number 17-02-04)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on authorization to accept conveyance of assets of Dale Court Water Corporation and a request to hold a public hearing to convey these property/assets to the Western Virginia Water Authority (WVWA). Mr. Kevin Shearer, Director of General Services, stated that the Dale Court water system extension project has been completed, all water customers have made connections to the new line, and are now receiving water from the WVWA. He also stated that the Dale Court well has been abandoned and decertified by the Virginia Department of Health.

He noted that the next step is for the County to receive all of the Corporation's former assets including the abandoned well lot, pipes and distribution system. He noted that there is also a small checking account containing less than \$250 which will be used by the Corporation to pay any remaining legal fees for deed preparation services, electricity bills, etc.

Mr. Shearer stated that the Corporation intends to quitclaim the well lot to the adjacent landowner and convey the distribution system and main to the County along with quitclaiming any prescriptive easements the Corporation may have acquired. Mr. Shearer noted that the County will then turn over the system, including the new main line, to the WVWA. He noted that the County is required to conduct a public hearing on this disposition of public property and requests that the Board authorize advertisement of this hearing for the March regular meeting.

After questioning by Mr. Dodson, Mr. Shearer stated that this project has been underway for approximately 5 years. Mr. Dodson stated that it is great that the County is finally closing out this project. After further questioning by Mr. Dodson, Mr. Shearer stated that all of the project's invoices are in the process of being paid.

After questioning by Mr. Williamson, Mr. Shearer stated that the County is also proceeding to draw down the Health Department's grant funds for this project.

There being no further discussion, on motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board accepted the Deed of Conveyance from Dale Court Water Corporation for the water system's assets, pipes and distribution system, easements, etc., and authorized the County Administrator to sign the document on the County's behalf. (Resolution Number 17-02-05)

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

NAYS: None

ABSENT: None

ABSTAINING: None

On motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized County staff to advertise for and hold a public hearing at the March 28 Board meeting for conveyance of the Dale Court Water Corporation's assets from Botetourt County to the Western Virginia Water Authority. (Resolution Number 17-02-06)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a request to advertise for a public hearing on proposed amendments to Chapter 24. Water, Sewers, and Sewage Disposal and Chapter 21. Subdivisions of the County Code to bring these ordinances into compliance with the County joining the Western Virginia Water Authority (WVWA). Mr. Michael Lockaby, County Attorney, stated that, since the County joined the WVWA in 2015, staff and legal counsel from both organizations have been working on necessary amendments to the County's water and sewer ordinance, as well as associated bond regulations and standards for new development.

He noted that these amendments will considerably reduce the length of the ordinance as the County's water and sewer utility systems are now predominantly handled by the WVWA. He noted that the Authority does not have the police power of a local government to enforce penalties for violations so the County will retain that enforcement ability upon complaint from the Authority in the ordinance.

Mr. Lockaby stated that the Subdivision Ordinance's provisions regarding surety bonds (Section 21-106) will need to be revised to ensure that the Authority and other appropriate agencies (VDoT, Fire/EMS, E&S, etc.) review a plat or site plan for compliance with all regulations/requirements. He noted that a plat/site plan is submitted by a developer/owner to the Planning Manager, who forwards it to the WVWA and other State/local agencies for review and a determination of the project's escrow/bond amount. Mr. Lockaby stated that State law requires the developer to post a cash escrow, letter of credit, or surety bond satisfactory to the locality for the faithful performance of its obligations. He noted that the WVWA requires, as a condition of approving/accepting a system, that construction of the water and/or sewer system be constructed to the Authority's standards and that a surety bond be posted until final acceptance.

Mr. Lockaby stated that, once the project is complete and accepted as a part of the utility system, the County releases the bond. He noted that VDoT has the same system in place for road construction/acceptance projects. Mr. Lockaby further noted that the provisions allow for the periodic recalculation of the bond amounts as the project is completed/accepted, as well as the periodic release of bonds during multi-phase projects.

After discussion, Mr. Lockaby requested approval for these amendments to be advertised for public hearing at the March regular meeting.

After questioning by Mr. Williamson, Mr. David Moorman, Deputy County Administrator, stated that these proposed amendments have not been discussed with the development community as they are basically "boiler-plate" revisions to these ordinances.

Mr. Lockaby stated that Mr. Sam Darby and Mr. Gary Tegenkamp, attorneys for the WVWA, have reviewed these proposed amendments.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board authorized a public hearing on the proposed amendments to Chapter 24. Water, Sewers, and Sewage Disposal of the Botetourt County Code and referred the revision to Section 21-106. Posting of Bond in Chapter 21. Subdivisions to the Planning Commission for public hearing and recommendation to the Board of Supervisors. (Resolution Number 17-02-07)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Mr. Jason Ferguson, Deputy Fire/EMS Chief, then updated the Board on a meeting held last week regarding the Upper James River Water Trail. He noted that a mile marker system is being proposed along the river to allow Fire/EMS units to more easily identify incident locations in their emergency call response. He noted that they are working with VDOT to obtain permission to use bridge abutments spanning the river for the placement of these signs.

The Board thanked Mr. Ferguson for this report.

Consideration was then held on a citizen request for text amendments to Chapter 25. Zoning regarding the Traditional Neighborhood District (TND). Mrs. Nicole Pendleton, Planning Manager, stated that the County had received a request from Fralin and Waldron for text amendments to the Zoning Ordinance to update and clarify the TND provisions for the Daleville Town Center development.

She noted that Mr. Andy Kelderhouse, representing F&W was present to answer any questions.

Mrs. Pendleton stated that this text amendment will reduce/remove obstacles in this ordinance that are confusing, difficult to achieve, and are not responsive to market conditions so that the ordinance is viewed as a viable, progressive, and achievable development goal. She noted that the TND ordinance was approved in 2002 and modified in 2008, and staff is currently reviewing each section of the ordinance to determine which changes are needed. Mrs. Pendleton stated that the original ordinance provided for flexibility under the assumption that design guidelines and a concept plan would be adopted as a part of the rezoning request, be binding to some degree, and supersede the Zoning Ordinance. She noted, however, that interpretation of the Code has created some challenges and, as development concepts have changed over time, portions of the ordinance require updates.

She stated that staff met with Mr. Kelderhouse and agreed that amendments would result in a greater ability to work with the development community to promote, regulate, and enforce provision of the TND that are consistent with the recently amended Comprehensive Plan.

She requested that the Board authorize the advertisement of these amendments at the April Planning Commission meeting which would be heard along with a Special Exceptions Permit request from F&W to increase the height of a proposed residential structure and revise the proffered conditions on the Daleville Town Center project.

After questioning by Mr. Williamson, Mrs. Pendleton stated that these amendments would put the ordinance in alignment with the Comprehensive Plan and the Board's current strategic planning priorities.

After questioning by Mr. Dodson, Mrs. Pendleton stated that the staff is still working on drafting the proposed amendment language.

There being no further discussion, on motion by Mr. Dodson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board directed staff to advertise for a public hearing at the April regular Planning Commission meeting, and with Planning Commission action, the Board of Supervisors' April regular meeting on proposed amendments to Division 9 – Traditional Neighborhood District (TND) and other applicable sections of the Zoning Ordinance to allow residential units above commercial developments within certain zoning districts. (Resolution Number 17-02-08)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on approval of staff rankings for contract award for concept and master planning for the Greenfield historical area. Mr. Cody Sexton, Management Assistant, stated that in the current budget, the Board appropriated \$20,000 for professional services expenses by the Greenfield Preservation Advisory Commission. He noted that in November 2016, the Commission approved use of these funds to hire a consultant to provide master planning and other activities for the Greenfield historic preservation area as listed in the Supervisors' charge of duties for the Commission.

Mr. Sexton stated that the RFP for consultant services was issued in December 2016 and four proposals were received in January. He noted that representatives of the Commission and County staff reviewed and scored the proposals and interviewed the two highest ranking firms. He stated that after these interviews the review committee ranked the firms as follows: 1. Hill Studio, and 2. Designing Local, Ltd.

Mr. Sexton requested permission from the Board to allow staff to enter into contract negotiations with Hill Studio. He noted that, if these negotiations are unsuccessful, they will be terminated and initiated with the second-ranked firm.

After questioning by Mr. Williamson, Mr. Sexton stated that three of the 4 proposers indicated that they could do this planning work within the \$20,000 budgeted amount. He noted that the staff believes that both the top- and second-ranked firms "will go above and beyond" to meet the RFP's provisions.

After further questioning by Mr. Williamson, Mr. Sexton stated that the Commission members are satisfied that the historical/planning aspects of this project can be completed by Hill Studio as the company has brought on consultants to assist with the historical and tourism aspects of this project.

There being no further discussion, on motion by Mr. Leffel, seconded by Mr. Dodson, and carried by the following recorded vote, the Board accepted the staff ranking of firms to conduct master planning services for the Greenfield historical preservation area as follows: 1) Hill Studio, and 2) Designing Local, Ltd., and directed staff to begin negotiations with the top-ranked firm, and upon satisfactory completion of negotiations, authorized an award and execution of a contract not to exceed \$20,000 by the County Administrator, subject to review and approval by the County Attorney. (Resolution Number 17-02-09)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Regarding Committee reports, Mr. Williamson noted that the General Fund Budget Subcommittee will begin its work on the FY 17-18 budget in approximately 7 – 10 days.

Mr. Dodson then stated that he appreciated the recent work by the County's Fire/EMS departments in handling several fires.

Mr. Kevin Hamm, Maintenance Operations Manager with the Virginia Department of Transportation, was then present to speak to the Board.

Mr. Hamm noted that earlier today he had given the Board members copies of the updated VDoT Board of Supervisors Manual which explains the various operations and programs overseen by VDoT. Mr. Hamm stated that he had also given the Board members copies of the recent SmartScale application reviews for those projects submitted by the County. He noted that the County submitted five road improvement projects under the SmartScale program and three were submitted to VDoT and the Commonwealth Transportation Board for review. He noted that none of the projects were approved due to low scores on the funding criteria.

After questioning by Mr. Williamson, Mr. Hamm reviewed the projects and their scores as follows: Realignment of Routes 696/220--"0" ranking; Fincastle bypass—scored 336 out of 404 projects; Exit 150 Park and Ride—scored 266 out of 404 (1.3 ranking); I-81 southbound auxiliary lane—scored 243 out of 404; and I-81 improvements at mile markers 167 and 168—scored 175 out of 404.

After questioning by Mr. Williamson regarding revising and resubmitting the application for the Fincastle bypass project, Mr. Hamm stated that this project does not rank well under the SmartScale criteria. After discussion, Mr. Hamm stated that, due to the cost (\$10 million), it is not realistic to include this project in the Secondary System Six Year Plan. After further questioning by Mr. Williamson, Mr. Hamm stated that he does not know how many SmartScale projects will be funded in FY 17-18.

Mr. Hamm then reviewed VDoT's monthly report. He noted that a new project had been added—pavement repairs on I-81 from mile marker 149.5 to the Route 779 (Valley Road) overpass. Mr. Hamm noted that this project, which will be done in the Sunday through Thursday overnight hours, will begin in mid-March and completed by September 2017.

Mr. Hamm noted that the I-81 Exit 150 project is going smoothly; however, traffic coming from the interstate is causing some congestion problems including tractor trailers using Exit 150B and making a U-turn into the Pilot Station which ties up several lanes of traffic. Mr. Hamm noted that VDoT and the contractor are working together and reviewing the traffic flow to try to make it smoother.

After questioning by Mr. Dodson, Mr. Hamm stated that the contractor is currently placing fill dirt for the new I-81 northbound on-ramp. He noted that this work is being conducted at night when there is less traffic flow through this area. Mr. Hamm noted that they are monitoring the area during the 4 – 6 PM rush hour and have made several adjustments to improve the traffic flow.

After questioning by Mr. Williamson, Mr. Hamm stated that this phase of the Exit 150 project should be completed this summer.

Mr. Hamm further stated that work on the I-81 bridge rehabilitation project over the James River at Buchanan will resume in mid-March and should be completed this fall. He noted that a new project (bridge replacement on Route 11 over Beckner Branch) was added to the report. He noted that this work should begin in late March/early April and be completed by November 2018. Mr. Hamm further noted that the speed limit in the area of two bridge replacements on Route 220 north of Eagle Rock has been reduced to 45mph.

Regarding the issue of flooding along Lithia Road, Mr. Hamm stated that he met with the Army Corps of Engineers on-site last month to review this situation. He noted that there are several options for this project; however, funding is an issue. Mr. Hamm noted that VDoT applied for an emergency grant for this project; however, the request was denied.

Mr. Hamm stated that VDoT conducted a study on these flooding problems in October 2016 to determine various cost alternatives. He noted that four options were considered with

costs of up to \$1.3 million. Mr. Hamm noted that VDoT has now been able to secure funds through a pilot program to proceed with this project. He further noted that this pilot program is for projects that will reduce the maximum daily load of runoff pollution in the Chesapeake Bay and this creek is a tributary of the James River which flows into the Bay.

Mr. Hamm stated that VDoT will use these monies (\$700,000) to deepen the streambed and add some fill to raise the road level by approximately 1'. He noted that VDoT hopes this project will result in a 50 lb. reduction in the maximum daily runoff load entering the James River/Chesapeake Bay. Mr. Hamm stated that this project is currently undergoing an environmental review which will take approximately 3 months and VDoT hopes to begin work this fall and complete the project in the winter of 2017-18.

After questioning by Mr. Williamson, Mr. Hamm stated that they plan to widen and deepen the channel and raise the road's level by 1'. He noted that this improvement project is designed to handle a 10 year flooding event.

Mr. Hamm then stated that VDoT issued 5 private entrance permits and 6 utility permits in the past month. He also noted that the area headquarters' are staying busy and may be able to do more asphalt work if the good weather continues as less money than anticipated has been spent on salt or snow removal this winter. He noted that spring paving work will include the Route 606/11 intersection, certain areas in Hunter's Green, and a section on Route 640.

Mr. Hamm stated that VDoT will be replacing three bridges in the next month which will necessitate two-day road closures on Goode Lane, Grove Hill Road, and Haymakertown Road.

He further noted that a traffic engineering study has been submitted for the underpass on Route 807 (Healing Springs Road) to install Stop signs at this intersection. Mr. Hamm noted that there is a new business in this area which has increased traffic on this roadway. He stated that there is limited site distance at the underpass which necessitates the installation of Stop signs.

Mr. Hamm further noted that VDoT has submitted a traffic engineering study request for the British Woods/Summerfield Court/Alternate Route 220 intersection. He noted that VDoT has received several complaints about this intersection and will review the area to see if there is a need for the installation of a traffic signal at this intersection.

After discussion, Mr. Hamm further noted that the Route 220 corridor study is under review for funding. He noted that the Roanoke Valley Transportation Planning Organization is also capable of conducting these types of studies and Mr. Brian Blevins, VDoT's Assistant Resident Engineer, recommends that the County consider a request to the TPO to conduct this study.

After questioning by Mr. Dodson, Mr. Cody Sexton, Management Assistant, stated that the TPO is currently reviewing their work program applications for the new fiscal year; therefore, if the Board wishes this project to be considered, then they will need to submit this application quickly.

Mr. Dodson stated that he believes that VDoT will be the best vehicle to conduct this type of traffic study for the County.

After questioning by Dr. Scothorn, Mr. Hamm stated that he is unsure whether VDoT and the TPO could conduct a joint traffic study on Route 220. Mr. Hamm stated that VDoT will either conduct this study or hire a contractor to do so, which is expensive.

Mr. Dodson stated that "with what is being added to the Route 220 corridor" developmentally, a study is needed now before these projects "get ahead of us."

Mr. Martin then stated that he has received some complaints regarding the short green light at the Alternate 220/Gateway Crossing intersection and asked if this situation can be studied to see if the signal length can be adjusted. He noted that in one instance only three vehicles were able to go through the light before it turned yellow and then red.

After questioning by Mr. Hamm, Mr. Martin stated that the traffic signal on Alternate 220 westbound toward I-81 is the light on which he has received complaints. Mr. Hamm stated that this green signal was given a short duration to ensure that interstate-related traffic is kept moving.

After questioning by Mr. Dodson, Mr. Hamm stated that he is not sure if the Hollymeade Lane complaint has been addressed but he will check.

Mr. Leffel then asked Mr. Hamm to inform the Board of a citizen's call regarding paving of Clyde's Run (Route 697).

Mr. Hamm stated that Clyde's Run is located off of Buhrman Road which is scheduled for surface treatment in the next month or so. He noted that Clyde's Run is of similar length to Buhrman Road and has almost the same number of houses and the citizens are requesting that Clyde's Run be paved at the same time as Buhrman Road. Mr. Hamm stated that under the Rural Rustic Road program, VDoT usually paves only single roads; however, "it comes down to the dollars." Mr. Hamm stated that he does not believe that it would be expensive to pave Clyde's Run; however, this roadway is not included on the Rural Rustic Road (RRR) list at this time.

Mr. Hamm stated that after Buhrman Road is completed, McFall's Road, White Church Road, and Stone Coal Road are next to be surface treated. Mr. Hamm noted that he will provide the Board with information on the length, right-of-way width, number of houses, cost estimate, etc., for Clyde's Run. Mr. Hamm noted that he believes that Clyde's Run would be a good candidate for RRR funding.

Mr. Leffel thanked Mr. Hamm for this report and asked that he provide the Board members with the mentioned information on Clyde's Run.

Mr. Hamm noted that there may be a possible right-of-way issue on Clyde's Run which could stop this project from proceeding but he will research this matter further.

Mr. Larrowe then thanked Mr. Hamm for VDoT's quick response to a recent call from Altec Industries regarding potholes on South Center Drive in Greenfield.

Mr. Hamm noted that there are several depressions in the roadway's pavement which may necessitate contact with the various utility companies to make repairs. Mr. Hamm further noted that International Parkway is scheduled for paving in 2018.

Consideration was then held on a resolution declaring Stone Coal Road (Route 748) as a Rural Rustic Road.

There being no discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board adopted the following resolution declaring Stone Coal Road (Route 748) as a Rural Rustic Road.

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

NAYS: None

ABSENT: None

ABSTAINING: None

Resolution Number 17-02-10

WHEREAS, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, as set forth in Section 33.2-332 of the *Code of Virginia*, any unpaved secondary highway that carries at least 50 but no more than 750 vehicles per day may be paved or improved and paved within its existing right-of-way or within a wider right-of-way that is less than 40' wide; and

WHEREAS, the Board of Supervisors of Botetourt County, Virginia ("Board") desires to consider whether **State Route 748 (Stone Coal Road)**, from State Route 600 (Haymakertown Road) to the end of the roadway's State Maintenance, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Mr. Hamm then left the meeting at this time.

The Chairman then called for a 5 minute break.

The Chairman called the meeting back to order at 3:10 P. M.

Mr. Corbin Stone with Robinson, Farmer, Cox Associates was then present to provide a report on the County's FY 15-16 audit. Mr. Stone stated that the audit went very well and the County received an unmodified, clean opinion from his firm for compliance with State and federal program reporting requirements.

Mr. Stone stated that this is the twelfth year that the County has applied for the Government Finance Officers of America award of excellence for the audit and he believes that the County will again receive this award. He noted that the staff, including schools, County, and Social Services, does a good job in preparing data each year for these required financial statements.

Mr. Stone then reviewed some details of the audit. He noted that the County's unassigned/assigned fund balance for FY 16 was \$21.8 million which is approximately \$2 million less than in FY 15. He noted that these are monies that may have been specifically designated by the Board for some reason.

After questioning by Mr. Williamson, Mr. Tony Zerrilla, Director of Finance, stated that the \$2 million transfer approved by the Board earlier today to the Economic Development

Authority will be included in the FY 17 audit report. He noted that these funds were received from the State in September 2016.

Mr. Stone noted that the County's long term debt for FY 16 was \$40 million which decreased \$2 million from FY 15. He noted that this figure does not include the County's pension liability. He further noted that, if the pension liability was included, the long-term debt would be approximately \$50 million. Mr. Stone stated that the County's net investment in capital assets was \$38.2 million and our long-term debt obligations per capita was \$1,195 compared to \$1,262 in FY 15. He noted that the State's average per capita debt is between \$2,000 (unweighted average) and \$2,700 (weighted average).

Mr. Stone then reviewed charts showing the County's fund balance and long-term debt over the past 8 years. He noted that the County's pension liability was required to be included in FY 14 which decreased the unrestricted debt to \$8 million

He noted that the chart on page 4 of his presentation shows the County's major revenue sources by fiscal year. He noted that the County's main source of revenues are general property taxes; however, other local tax revenues have increased slightly since 2008. Mr. Stone stated that the chart on page 5 shows the expenditures by function over the past 13 years. He noted that education expenses have increased from \$16 million to \$24 million in that time, the County's jail costs have increased by approximately \$2.3 million since 2007, and the Fire/EMS expenditures have increased by \$2.4 million since 2009.

Mr. Stone noted that pages 6 and 7 of the report show a comparison of the County's revenue sources in 2016 and 2005. He noted that in 2005 the County's general property taxes amounted to 52.8% of the revenues received while in 2016 they were 60.7% of the total revenues received. Mr. Stone further noted that in 2005 the State revenues received by the County were 21.7% versus 17.4% in 2016.

He then stated that page 8 of the report shows original tax assessments from FY 05 to FY 16. He noted that the personal property assessments have increased since 2011 and it is believed that this is due to an increase in the value of used vehicles. Mr. Stone stated that page 9 shows the school system's revenue sources. He noted that the County's revenues budgeted to the schools have increased since 2011 to offset a decrease in State funds. Mr. Stone stated that there continues to be little growth in federal funding for schools.

Mr. Stone stated that page 10 of his report provides summary information on the County's implementation of the Governmental Accounting Standards Board (GASB) Statement Numbers 68 and 71 regarding pension liability reporting requirements. Mr. Stone discussed various discount rates for the County/School pension plans and their impact on the County's liability. Mr. Stone stated that the Virginia Retirement System's (VRS) pension plan's projected earnings rate is 7%; however, he believes that 6% or less is a more realistic rate of return.

Mr. Williamson then questioned whether the school system would have some legal liability for the teachers' pension plan amount of \$44 million at a 7% discount rate or is this the County's responsibility. Mr. Stone stated that the State legislature could decide that they wanted to help the localities fund in this expense and there has been some discussion on State contributions to this plan.

Mr. Stone stated that pages 11 and 12 contain the auditor's Management Comments letter. He noted that there were four minor items recommended to be addressed in the school system's and Social Services' internal financial control structures. He noted that during their preliminary audit work, they noted that Social Services was not reconciling their State-reported expenditures to what was reported by the Treasurer's Office by approximately \$1,000 - \$1,500

per month. He noted that, when the auditors returned for the final fieldwork review near the end of the fiscal year, this issue had been rectified.

After questioning by Mr. Williamson on the Management Comment regarding the school system's need for a separation of duties, Mr. Stone stated that he does not know if the audit staff discussed this issue with the Superintendent of Schools; however, this matter was discussed with the School's Office Manager.

Mr. Williamson suggested that Mr. Stone discuss these issues with Mr. James Lyon, the School's Director of Administration and Finance.

Mr. Stone then stated that pages 13 – 15 of his report include a copy of the audit findings letter which his firm is required to provide to the Board each year. He noted that they found no problems during their audit preparation work.

Mr. Williamson congratulated Mr. Zerrilla on his work on the audit report.

Mr. Zerrilla stated that it is a collaborative effort of County staff, constitutional offices, Social Services, and the School system.

Mr. Stone stated that, if the Board had any questions regarding the audit, to please contact him.

There being no further discussion, the Board thanked Mr. Stone for his report.

The Board was then given a presentation on an energy performance contract project.

Mr. Jim Farmer, Director of Parks and Recreation, stated that in December the County entered into a contract with Johnson Controls, Inc., to complete an energy and water savings audit of seven County buildings--the Public Safety Building, Greenfield Education and Training Center, General District Court, Circuit Courthouse, Blue Ridge Library, Health Department, and Fincastle Library.

He noted that the purpose of this audit is to determine the feasibility of entering into an Energy Performance Contract to provide installation and implementation of energy and water saving measures at these facilities. Mr. Farmer stated that Mr. Whit Blake, Account Executive with Johnson Controls, was present to speak on this process.

Mr. Blake stated that his firm conducted an investment grade audit of these seven County buildings as well as some school facilities. He noted that this process takes existing energy dollars and reallocates them into facility improvements to modernize systems and improve infrastructure. Mr. Blake stated that his firm will install new infrastructure such as lighting, heating/AC system upgrades, etc., and the budget savings from these new systems is used to pay for improvements.

Mr. Blake stated that the General Assembly approved legislation for energy performance contract projects in 2001 and \$697 million in performance-based contracting has been implemented in the State since that time. He noted that this program is administered by the Virginia Department of Mines, Minerals and Energy.

Mr. Blake stated that his firm reviews lighting systems, heating and air conditioning systems, etc., in buildings and recommends new technology such as LED lights which save money. He noted that water conservation systems are also considered.

After discussion, Mr. Blake stated that financing solutions for these improvements can be by general obligation bonds, through the Virginia Public School Authority, issuance of revenue bonds, tax-exempt lease-purchase agreements, or through Johnson Controls' Contingent Payment Program.

After questioning by Mr. Williamson, Mr. Blake stated that their Contingent Payment Program involves Johnson Controls' financing the project and the County would then pay the company the amount equal to their calculated guaranteed energy savings. He noted that, with any project financing scenario, the company will provide quarterly reports to the County validating the savings. Mr. Blake further noted that, if the project does not achieve the savings guarantee, the company will pay the difference to the County.

Mr. Blake stated that the program's benefits include addressing deferred maintenance needs and "getting a head start" on facility improvements. He noted that their contract with Page County Schools has resulted in the school system receiving approximately \$200,000 in additional savings to date than originally estimated.

Mr. Blake stated that his firm has completed their audit of the County's seven buildings and will meet with County staff later this week to review the results. He noted that, if staff is agreeable to the recommended improvements, then some of these energy upgrade projects can begin this summer.

After questioning by Mr. Leffel, Mr. Blake stated that his firm also worked with the County's school system last year on the same type of energy audit project.

After questioning by Mr. Williamson, Mr. Blake stated that this project began with the school system and the County was added to the development agreement.

Mr. Farmer noted that the purpose of today's presentation is to provide the Board with an update and obtain their concurrence on proceeding with this energy audit performance contract. Mr. Farmer stated that, if the staff agrees with Johnson Controls' findings, he will come back before the Board in the next few months for authorization to enter into an Energy Performance Contract for these energy upgrades. Mr. Farmer estimated that these energy savings could allow the County to make payments on a loan amount between \$700,000 and \$1.1 million for energy-related improvements.

After questioning by Mr. Martin, Mr. Farmer stated that Johnson Controls' staff inspected seven County facilities that they thought could achieve enough energy savings to pay for these improvement projects. After further questioning by Mr. Martin, Mr. Farmer stated that Johnson Controls audit research included a review of the County's energy-related invoices for a three year period. He further stated that the company is guaranteeing these savings and they have indicated that these are conservative numbers. Mr. Farmer noted that any additional savings would be allocated into the County's General Fund to pay for the improvements.

After questioning by Mr. Martin, Mr. Blake stated that their previous energy audits have typically resulted in savings of approximately 20% - 25%. He stated that these infrastructure improvements result in permanent reductions in energy costs for their clients. After discussion, Mr. Blake stated that "if we know what the County is currently spending" on lighting, for example, the company can calculate the savings that a new LED lighting system will provide, and know what the cost of new equipment will be, they "can guarantee the savings amount."

After questioning by Mr. Williamson, Mr. Tony Zerrilla, Director of Finance, stated that these expenses would be financed through a lease/purchase agreement, not through the issuance of bonds. It was noted that the County could consider various banking institutions to finance these improvements. Mr. Zerrilla stated that the financing calculations would also include coverage of the interest payments. He stated that a decision would be needed on whether to replace the current energy-related equipment with new or refurbish the existing equipment/fixtures.

There being no further discussion, the Board expressed no objections to this project and thanked Mr. Blake and Mr. Farmer for their report.

Consideration was then held on the approval of a third lease amendment to the Tank and Ground Space Lease Agreement with New Cingular Wireless (AT&T) on the Greenfield water tank. Mr. Jason Ferguson, Deputy Fire/EMS Chief, stated that AT&T currently has a lease agreement in place for ground space and cellular communications equipment on the superstructure of the Greenfield water tank. He noted that the company is requesting a third amendment to this agreement to add three additional antennas to the water tank in order to extend 4G cell phone coverage to this area of the County.

Mr. Ferguson stated that since the water tank is now owned by the Western Virginia Water Authority, County staff reviewed AT&T's proposal with the Authority's staff. He noted that the Authority considered this an amendment to an existing lease with Botetourt County and; therefore, the Authority did not need to be involved in this negotiation process.

Mr. Ferguson stated that County staff negotiated an additional \$350 per month lease payment for the addition of these three new antennas. He noted that the County currently receives \$40,000 per year from AT&T for this tower's lease.

Mr. Ferguson stated that a structural analysis of the water tank was conducted which confirmed that these three antennas can be installed without compromising the structure's integrity.

Mr. Lockaby, County Attorney, stated that the details of this lease amendment will require some additional legal review but he has no problems with the agreement's substantive terms at this time.

After questioning by Mr. Williamson, Mr. Ferguson stated that there were no concerns in the structural analysis regarding the addition of these antennas/equipment on the water tank.

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Dodson, and carried by the following recorded vote, the Board authorized County staff to enter into and execute a Third Lease Amendment to the Tank and Ground Space Agreement between the County and New Cingular Wireless PCS, LLC, (AT&T) for the Greenfield water tank in substantial conformance with the document presented today, subject to final review and approval by the County Attorney. (Resolution Number 17-02-11)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on a resolution authorizing the Treasurer to issue refunds for corrected assessments of amounts less than \$2,500 effective January 1, 2017, and consideration of a public hearing on amendments to Chapter 23. Taxation of the County Code. Mr. Michael Lockaby, County Attorney, stated that the Code of Virginia provides for the Commissioner of Revenue to conduct administrative reviews of property assessments for correctness. He noted that, when the Commissioner certifies that an assessment error has been made, the Code lists several steps to follow for the issuance of a refund exceeding \$2,500.

Mr. Lockaby stated that these steps include an application by the taxpayer to the Commissioner for correction and presentation of evidence, decision by the Commissioner that a mistake was made, consent by the County Attorney as to the legality of the refund, action by the Board of Supervisors directing the Treasurer to make the refund, and issuance of a check to the

taxpayer by the Treasurer. Mr. Lockaby stated that, for refunds less than \$2,500, the Board could resolve to dispense with steps 3 and 4 regarding review of the request by the County Attorney and approval by the Supervisors which would allow the Treasurer to more quickly issue the refund check administratively.

Mr. Lockaby stated that under this process the Commissioner can review tax refund requests for the prior three years.

Mr. Bill Arney, County Treasurer, stated that the majority of these refund requests are due to proration of taxes and not an assessment error by the Commissioner. Mr. Arney noted that with the implementation of the County's new financial software, it was determined that this refund process needed to be updated to allow for quicker refunds when appropriate.

Mr. Lockaby stated that the Board is being requested to authorize the Treasurer to issue refunds up to \$2,500, upon certification by the Commissioner of Revenue, and to direct staff to advertise for a public hearing to add Section 23-7. Administrative correction of erroneous assessments to the Taxation Ordinance for inclusion of these refund procedures in the Botetourt County Code.

There being no discussion, on motion by Mr. Williamson, seconded by Dr. Scothorn, and carried by the following recorded vote, the Board authorized the Treasurer to issue refunds of up to \$2,500, upon certification by the Commissioner of the Revenue, for all tax assessments effective January 1, 2017, and for tax assessments for previous years that remain within the statute of limitations and directed County staff to advertise for a public hearing at the March regular meeting to consider the addition of Section 23-7. Administrative correction of erroneous assessments to Chapter 23. Taxation to the Botetourt County Code. (Resolution Number 17-02-12)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on ratification of the First Amendment to the ELDOR Performance Agreement. Mr. Michael Lockaby, County Attorney, stated that the closing on the purchase of 55.6 acres in Greenfield by ELDOR Corporation is scheduled in the next two weeks; however, there are a couple of matters remaining to be resolved.

Mr. Lockaby stated that, during the title search of this property, it was discovered that there are general utility easements owned by Appalachian Power, Roanoke Gas and Lumos Communications remaining on this property. He noted that one of these easements dates to 1929. Mr. Lockaby stated that these easements are shown as "title exceptions" on the title insurance and ELDOR would prefer that these easements be removed.

Mr. Lockaby stated that ELDOR has also indicated that they may have architectural design elements in their new building's design which may not comply with the Greenfield protective covenants. He noted that ELDOR is requesting the County's cooperation in obtaining waivers to these covenants from the other landowners in the industrial park if they are necessary to accommodate ELDOR's building design.

Mr. Lockaby stated that the third issue is that ELDOR's contractor may need temporary, off-site construction, utility, or stormwater easements on adjacent land controlled by either the County or the Economic Development Authority (EDA) during the building's construction process.

He noted that the County has agreed to assist ELDOR in these issues which are contained in an amendment to the Performance Agreement which was provided to the Board members for their review.

Mr. Williamson stated that he is still Chairman of Roanoke Gas Company and questioned whether he should abstain from voting on this matter due to a possible conflict of interest.

Mr. Lockaby stated that as long as Mr. Williamson declares his interest in this issue and that his participation in this decision has been made fairly and objectively, he (Mr. Lockaby) sees no conflict of interest in Mr. Williamson voting on this matter.

It was noted that the Economic Development Authority had approved this Performance Agreement amendment earlier today.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Dodson, and carried by the following recorded vote, the Board approved the First Amendment to the Performance Agreement with ELDOR Corporation regarding the County's cooperation in the removal of utility easements from the ELDOR property, in the obtaining of waivers from the other property owners to the Greenfield protective covenants, if necessary, and for the provision of temporary construction, utility, or stormwater easements on adjacent land controlled by the County or the Economic Development Authority, and authorized the County Administrator to sign the document on the County's behalf. (Resolution Number 17-02-13)

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

NAYS: None

ABSENT: None

ABSTAINING: None

Consideration was then held on various appointments.

Mr. Leffel noted that Mr. John Ruth's and Mr. Sonny Spickard's terms on the Building Code Board of Appeals expire on March 17. He noted that both individuals were contacted and neither wishes to be reappointed.

On motion by Dr. Scothorn, seconded by Mr. Leffel, and carried by the following recorded vote, the Board appointed Mr. Sean Goldsmith and Mr. Richard Clark to the Building Code Board of Appeals for four year terms to expire on March 17, 2021; appointed Ms. Peggy Dall as an alternate Building Code Board of Appeals member for a four year term to expire on March 17, 2021; and directed staff to send letters of appreciation to Mr. Sonny Spickard and Mr. John Ruth thanking them for their previous years of service on the BCBoA. (Resolution Number 17-02-14)

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 reappointed Mr. Ken McFayden and Mr. Kevin Shearer (alternate) as County representatives on the Western Virginia Regional Industrial Facility Authority for terms to expire on February 4, 2020. (Resolution Number 17-02-15)

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

NAYS: None

ABSENT: None

ABSTAINING: None

The Chairman then adjourned the meeting at 4:02 P. M. until 6:00 P. M.

The Chairman called the meeting back to order at 6:03 P. M.

It was noted that the request in the Buchanan District from Nancy B. Burley for a Special Exception Permit, with possible conditions, for a private dog kennel for up to eleven (11) dogs in the Agricultural (A-1) Use District on a 4.241-acre lot at 180 Little Paws Lane, Buchanan, approximately 0.20 miles southeast of the intersection of Springwood Road (Route 630) and Little Paws Lane, identified on the Real Property Identification Maps of Botetourt County as Section 62, Parcel 74B, had been tabled by the Planning Commission at the property owner's request to allow staff additional time to work with the applicant.

A public hearing was then held on a request in the Buchanan District from Michael D. and Billie Jean Graham for a Special Exception Permit, with possible conditions, for a private dog kennel for up to six (6) dogs in the Agricultural Residential (AR) Use District on a 2.035-acre lot at 332 Gravel Hill Road, Troutville, approximately 0.15 miles northeast of the intersection of Parsons Road (Route 676) and Gravel Hill Road (Route 796 & 676), identified on the Real Property Identification Maps of Botetourt County as Section 89 (1), Parcel 4A.

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

Mr. Jerod Myers, Long-Range Planner, stated that the applicants are requesting a SEP for a private dog kennel to house up to six dogs on their 2 acre parcel. He noted that the dogs are housed indoors with access to fenced yards, will not be permitted to run loose, and will not be used for breeding purposes.

Mr. Myers noted that one area property owner submitted a comment in favor of this request but no objections had been received by the staff. Mr. Myers then read the conditions recommended for this request: the private kennel shall be limited to six (6) dogs; and noise generated by the dogs shall not violate provisions of the Botetourt County Noise Ordinance.

After discussion, Mr. Myers noted that the applicants were present at the meeting to answer any questions.

After questioning by Mr. Martin, Mr. Myers stated that the applicants have agreed to these two conditions.

After questioning by Mr. Williamson, Mr. Myers stated that the Grahams were required to obtain a SEP under the Zoning Ordinance as they own more than four dogs that are six months or greater in age.

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

There being no further discussion, on motion by Mr. Williamson, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved a request in the Buchanan District from Michael D. and Billie Jean Graham for a Special Exception Permit for a private dog kennel for up to six (6) dogs in the Agricultural Residential (AR) Use District on a 2.035-acre lot at 332 Gravel Hill Road, Troutville, approximately 0.15 miles northeast of the intersection of Parsons Road (Route 676) and Gravel Hill Road (Route 796 & 676), identified on the Real Property Identification Maps of Botetourt County as Section 89 (1), Parcel 4A, with the following conditions: (Resolution Number 17-02-16)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The private kennel shall be limited to six (6) dogs.
2. Noise generated by the dogs shall not violate provisions of the Botetourt County Noise Ordinance.

A public hearing was then held on a request in the Valley District from Quad K, LLC, for a Special Exception Permit, with possible conditions, for a "Dwelling, Mixed Use" to include up to three (3) apartments in the Business (B-2) Use District on a 0.98-acre lot at the intersection of Read Mountain Road (State Route 654) and Teresa Lane (State Route 1167), Roanoke, approximately 0.15 miles northwest of the Read Mountain Road/Cloverdale Road (U. S. Alternate Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 107 (12), Parcel A.

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

Mr. Drew Pearson, County Planner, stated that this property was originally part of a 30 acre tract that was rezoned to Business B-2 Use in 1989. He noted that some of the property was later rezoned to Residential R-3 for the Cottages at SteepleChase development; however, two parcels, including this 0.98 acre lot, remained zoned B-2.

Mr. Pearson stated that in the fall of 2016 Mr. Tim Lucas, owner of Downhome Pharmacy, requested a Zoning Ordinance text amendment to allow residential uses above B-2 zoned property with a SEP. He noted that the Supervisors approved these amendments in December 2016.

Mr. Pearson stated that Mr. Lucas, principal in Quad K, LLC, is now requesting a SEP to allow three residential units to be located above a new, two-story, 6,260 square foot pharmacy to be constructed on this property. He noted that this proposal includes one one-bedroom unit and two two-bedroom units. Mr. Pearson stated that parking for the proposed mixed use property will be calculated based on the retail and the residential uses independently.

Mr. Pearson noted that utility service to the site will be provided by the Western Virginia Water Authority (sewer) and Aqua Virginia (water). He noted that the average daily traffic count along Cloverdale Road (Alternate 220) is 9,200 vehicles per day but there is no traffic data available at this time for Teresa Lane.

Mr. Pearson stated that the County received a letter from VDoT which indicates that they have no issues with this project as proposed but will review the final site plans before considering the issuance of an entrance permit. He also noted that the County's Fire/EMS Department also reviewed the application and expressed concern that the property's entrance be a suitable width and grade for access by fire apparatus. Mr. Pearson stated that the Fire/EMS Department will review the final site plan for compliance. Mr. Pearson further noted that the School System reviewed the request and determined that it would not have any negative impacts on the school system's population.

After discussion, Mr. Pearson stated that the exterior of the two-story building is proposed to be of Hardie board with stone accents.

Mr. Pearson noted that there were questions at the Planning Commission meeting about adequate traffic circulation around the building. Mr. Pearson stated that this issue has been discussed with the applicant who is not opposed to considering having a driveway along the rear of the building. He noted that to improve traffic circulation would probably result in the building's final location being moved closer to Teresa Lane. Mr. Pearson stated that if the Board is also in concurrence with this matter, then condition number 1 (The project will be built

in substantial conformance with the concept site plan titled, "Site Plan for Downhome Pharmacy" prepared by Pierson Engineering & Surveying, dated January 2, 2017.) would have to be amended to this effect.

After discussion, Dr. Scothorn noted that Mr. Pearson has answered most of the questions he had regarding this request.

After questioning by Mr. Williamson, Mr. Pearson stated that the large tract was originally zoned B-2 and then a majority of the property was rezoned to R-3 in 1989. Mr. Williamson noted that the shifting in the alignment of Alternate 220 in the 1980s impacted the potential B-2 use of this property which was then rezoned to residential use.

Mr. Williamson noted that this request is specific to the creation of residential uses on the second floor of this commercial building.

After questioning by Mr. Dodson, Mr. Pearson stated that the Uniform Statewide Building Code requires a certain amount of fire separation between residential and commercial uses located in the same structure. He stated that the building plans submitted for review by the Building Official will have to be drawn to reflect the Building Code's requirements of the distinct uses on the upper and lower floors.

After further questioning by Mr. Dodson, Mr. Pearson stated that the Building Code sets the fire separation requirements based on the use of the lower level of the structure.

After questioning by Mr. Williamson, Mr. Pearson stated that the Building Code will dictate what the separation will be between the two uses as well as the requirements for stairs and corridors to allow the residents to safely evacuate the upper floors if there is a fire.

After questioning by Mr. Leffel, Mrs. Tim Lucas stated that she had no further comments regarding this SEP application.

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

There being no further discussion, on motion by Dr. Scothorn, seconded by Mr. Martin, and carried by the following recorded vote, the Board approved the request in the Valley District from Quad K, LLC, for a Special Exception Permit for a "Dwelling, Mixed Use" to include up to three (3) apartments in the Business (B-2) Use District on a 0.98-acre lot at the intersection of Read Mountain Road (State Route 654) and Teresa Lane (State Route 1167), Roanoke, approximately 0.15 miles northwest of the Read Mountain Road/Cloverdale Road (U. S. Alternate Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 107 (12), Parcel A, with the following revised conditions: (Resolution Number 17-02-17)

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

NAYS: None

ABSENT: None

ABSTAINING: None

1. The project will be built in substantial conformance with the concept site plan titled "Site Plan for Downhome Pharmacy" prepared by Pierson Engineering & Surveying, dated January 2, 2017, except the building may shift toward Teresa Lane and the parking and driveways may be reconfigured in order to allow traffic circulation around all sides of the building.

2. The building's size shall be no larger, shall contain external materials and have no more residential units than that shown upon the "Proposed Facility" plans prepared by Jamison Designs, LLC, dated January 1, 2017.

There being no further discussion, on motion by Mr. Martin, seconded by Mr. Leffel, and carried by the following recorded vote, the meeting was adjourned at 6:21 P. M. (Resolution Number 17-02-18)

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

NAYS: None

ABSENT: None

ABSTAINING: None